
SENATE BILL 5123

State of Washington

56th Legislature

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By Senators Fairley and Oke; by request of Department of Labor & Industries

Read first time . Referred to Committee on .

1 AN ACT Relating to factory assembled structures regulated by the
2 department of labor and industries; amending RCW 43.22.335, 43.22.340,
3 43.22.350, 43.22.355, 43.22.370, 43.22.380, 43.22.390, 43.22.400,
4 43.22.410, 43.22.420, 43.22.431, 43.22.432, 43.22.434, 43.22.440,
5 43.22.442, 43.22.450, 43.22.480, and 43.22.485; reenacting and amending
6 RCW 43.22.360; adding a new section to chapter 43.22 RCW; and repealing
7 RCW 43.22.495.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 **Sec. 1.** RCW 43.22.335 and 1995 c 280 s 1 are each amended to read
10 as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout RCW 43.22.340 through 43.22.420.

13 (1) "Recreational park trailer" means a park trailer as defined in
14 the American National Standards Institute A119.5 standard for
15 recreational park trailers.

16 (2) "Recreational vehicle" means (~~a vehicular-type unit primarily~~
17 ~~designed for recreational camping or travel use that has its own motive~~
18 ~~power or is mounted on or towed by another vehicle.~~ The units include
19 ~~travel trailers, fifth-wheel trailers, folding camping trailers, truck~~

1 campers, and motor homes)) recreational vehicle as defined in the
2 American National Standards Institute A119.2 standard for recreational
3 vehicles.

4 (3) "Commercial coach" means a structure or unit that is used for
5 temporary commercial purposes. It is transportable in one or more
6 sections and the frame is an integral part of the structure.
7 Commercial coaches include, but are not limited to, structures or units
8 designed and constructed as a commercial coach, conversions of a
9 vehicle to a commercial coach, and vendor units.

10 (4)(a) "Manufactured home" means a single-family dwelling built
11 according to the department of housing and urban development
12 manufactured home construction and safety standards act, which is a
13 national, preemptive building code.

14 (b) "Mobile home" means a factory-built dwelling built prior to
15 June 15, 1976, to standards other than the national code, and
16 acceptable under applicable Washington state codes in effect at the
17 time of construction or introduction of the home into the state.

18 (c) For the purpose of applying the national building code
19 standards, unless otherwise noted, the phrases manufactured home and
20 mobile home are synonymous.

21 **Sec. 2.** RCW 43.22.340 and 1995 c 280 s 2 are each amended to read
22 as follows:

23 The director of labor and industries shall (~~prescribe~~) adopt and
24 enforce rules (~~and regulations~~) governing safety of body and frame
25 design, and the installation of plumbing, heating, and electrical
26 equipment in altered manufactured or mobile homes, commercial coaches,
27 recreational vehicles, and/or recreational park trailers: PROVIDED,
28 That the director shall not prescribe or enforce rules (~~and~~
29 ~~regulations~~) governing the body and frame design of recreational
30 vehicles and recreational park trailers until after the American
31 National Standards Institute shall have published standards and
32 specifications upon this subject. (~~Such~~) These rules (~~and~~
33 ~~regulations~~) shall be reasonably consistent with recognized and
34 accepted principles of safety for body and frame design and plumbing,
35 heating, and electrical installations, in order to protect the health
36 and safety of the people of this state from dangers inherent in the use
37 of substandard and unsafe body and frame design, construction,
38 plumbing, heating, electrical, and other equipment and systems and

1 shall correlate with and, so far as practicable, conform to the then
2 current standards and specifications of the American National Standards
3 Institute standards ((A119.1 for mobile homes and commercial coaches,))
4 A119.2 for recreational vehicles, ((and)) A119.5 for recreational park
5 trailers, and the state building codes, chapters 19.27 and 19.27A RCW,
6 and the state electrical code, chapter 19.28 RCW, for commercial
7 coaches. It shall be unlawful for any person to lease, sell or offer
8 for sale, within this state, any manufactured or mobile homes,
9 commercial coaches, recreational vehicles, and/or recreational park
10 trailers manufactured after January 1, 1968, containing plumbing,
11 heating, electrical, or other equipment or systems, and after July 1,
12 1970, body and frame design or construction unless such equipment meets
13 the requirements of the rules ((and regulations)) provided for
14 ((herein)) in this section.

15 **Sec. 3.** RCW 43.22.350 and 1995 c 280 s 4 are each amended to read
16 as follows:

17 (1) In compliance with any applicable provisions of this chapter,
18 the director of the department of labor and industries shall establish
19 a schedule of fees, whether on the basis of plan approval and/or
20 inspection, for the issuance of an insigne which indicates that the
21 altered manufactured or mobile home, commercial coach, recreational
22 vehicle, and/or recreational park trailer complies with the provisions
23 of RCW 43.22.340 through 43.22.410 or for any other purpose
24 specifically authorized by any applicable provision of this chapter.

25 (2) Insignia are not required on ((mobile homes,)) commercial
26 coaches, recreational vehicles, and/or recreational park trailers
27 manufactured within this state for sale outside this state which are
28 sold to persons outside this state.

29 **Sec. 4.** RCW 43.22.355 and 1995 c 280 s 6 are each amended to read
30 as follows:

31 The director or the director's authorized representative may allow
32 qualifying recreational vehicle and/or recreational park trailer
33 manufacturers to be self-certified as to compliance with the American
34 National Standards Institute A119.2 standard for recreational vehicles
35 and the American National Standards Institute A119.5 standard for
36 recreational park trailers. Except as provided in subsection (4) of
37 this section, a manufacturer approved for the department's self-

1 certification is exempt from the requirements under RCW 43.22.434 and
2 43.22.360. The director shall adopt rules to implement the self-
3 certification program. The director may establish fees at a sufficient
4 level to cover the costs of administering this program.

5 (1) Before a manufacturer becomes self-certified, the department
6 shall make an initial audit of the manufacturer making self-
7 certification application. The audit must review and report on the
8 following:

9 (a) The manufacturer's quality control program;

10 (b) The manufacturer's demonstrated ability to manufacture products
11 in conformance with either or both of the American National Standards
12 Institute standards A119.2 and A119.5; and

13 (c) The availability on site of comprehensive plans for each model
14 being manufactured.

15 (2) At the sole discretion of the director, a manufacturer
16 currently being audited by the department that is deemed to meet the
17 criteria for an initial self-certification audit may become a self-
18 certified manufacturer without an additional self-certification audit.

19 (3) If the department denies an application to allow a manufacturer
20 to be self-certified, the manufacturer shall be notified in writing
21 including the reasons for denial. A copy of the initial self-
22 certification audit shall be provided to the manufacturer. A
23 manufacturer who is denied self-certification may appeal the denial
24 under chapter 34.05 RCW.

25 (4) If the department has reason to believe that the manufacturer
26 is no longer meeting the criteria established in subsection (1) of this
27 section, the department may make an audit of the manufacturer. For
28 purposes of enforcement of this subsection, the department retains
29 inspection and investigation authority under RCW 43.22.434. At the
30 conclusion of this audit, the director or the director's authorized
31 representative may continue the manufacturer's self-certification or
32 require the manufacturer to meet all of the requirements of this
33 chapter from which the manufacturer was once exempted.

34 (5) The manufacturer to whom the authorization is given shall pay
35 all of the costs of the initial self-certification audit and any
36 subsequent audit that the department has the authority to perform.

37 (6) The department shall conduct a performance audit of additional
38 industry association quality control programs utilized by self-
39 certified manufacturers at least once every two years.

1 **Sec. 5.** RCW 43.22.360 and 1995 c 289 s 1 and 1995 c 280 s 7 are
2 each reenacted and amended to read as follows:

3 (1) Plans and specifications of each model or production prototype
4 of a (~~mobile home,~~) commercial coach, recreational vehicle, and/or
5 recreational park trailer showing body and frame design, construction,
6 plumbing, heating and electrical specifications and data shall be
7 submitted to the department of labor and industries for approval and
8 recommendations with respect to compliance with the (~~regulations~~)
9 rules and standards of (~~each of such agencies~~) the department. When
10 plans have been submitted and approved as (~~aforesaid~~) required, no
11 changes or alterations shall be made to body and frame design,
12 construction, plumbing, heating, or electrical installations or
13 specifications shown thereon in any manufactured or mobile home,
14 commercial coach, recreational vehicle, or recreational park trailer
15 without prior written approval of the department of labor and
16 industries.

17 (2) The director may adopt rules that provide for approval of a
18 plan that is certified as meeting state requirements or the equivalent
19 by a professional who is licensed or certified in a state whose
20 licensure or certification requirements meet or exceed Washington
21 requirements.

22 **Sec. 6.** RCW 43.22.370 and 1995 c 280 s 8 are each amended to read
23 as follows:

24 Any manufactured or mobile home, commercial coach, recreational
25 vehicle, and/or recreational park trailer leased or sold in Washington
26 and manufactured prior to July 1, 1968, which has not been inspected
27 prior to its sale and which does not meet the requirements prescribed
28 will not be required to comply with (~~said~~) those requirements except
29 for alterations or installations referred to in RCW 43.22.360.

30 **Sec. 7.** RCW 43.22.380 and 1995 c 280 s 9 are each amended to read
31 as follows:

32 Used mobile homes, commercial coaches, recreational vehicles, and/
33 or recreational park trailers manufactured for use outside this state
34 which do not meet the requirements prescribed and have been used for
35 six months or more will not be required to comply with (~~said~~) those
36 requirements except for alterations or installations referred to in RCW
37 43.22.360.

1 **Sec. 8.** RCW 43.22.390 and 1995 c 280 s 10 are each amended to read
2 as follows:

3 Manufactured or mobile homes, commercial coaches, recreational
4 vehicles, and/or recreational park trailers subject to the provisions
5 of RCW 43.22.340 through 43.22.410, and manufactured or mobile homes,
6 commercial coaches, recreational vehicles, and/or recreational park
7 trailers upon which alterations of body and frame design, construction
8 or installations of plumbing, heating, or electrical equipment referred
9 to in RCW 43.22.360 are made after July 1, 1968, shall have affixed
10 thereto such insigne of approval.

11 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.22 RCW
12 to read as follows:

13 (1) All construction and/or installations of plumbing, heating, or
14 electrical equipment on used manufactured or mobile housing, commercial
15 coaches, recreational vehicles, and/or recreational park trailers
16 requires the obtaining of an alteration permit and insignia from the
17 department.

18 (2) An application for insignia shall specify the construction
19 and/or equipment installations planned. The department as part of the
20 approval process may inspect all construction and/or equipment
21 installations on manufactured or mobile homes, commercial coaches,
22 recreational vehicles, and/or recreational park trailers. The
23 department's approval for issuance of an alteration insignia, as
24 required by RCW 43.22.360, is limited to the scope of construction or
25 components being installed. The department may set by rule the fees
26 necessary to cover the cost of the alteration approval process.

27 (3) Alteration insignia issued by the department shall be affixed
28 to the manufactured or mobile home, commercial coach, recreational
29 vehicle, and/or recreational park trailer, as required by RCW
30 43.22.390.

31 **Sec. 10.** RCW 43.22.400 and 1995 c 280 s 11 are each amended to
32 read as follows:

33 If the director of the department of labor and industries, or his
34 or her designee, determines that the standards for body and frame
35 design, construction and the plumbing, heating and electrical equipment
36 installed in (~~mobile homes, commercial coaches,~~) recreational
37 vehicles(~~(,)~~) and/or recreational park trailers by the statutes or

1 rules and regulations of other states are at least equal to the
2 standards prescribed by this state, ((he)) the director, or his or her
3 designee, may so provide by ((regulation)) rule. Any ((mobile home,
4 ~~commercial coach,~~) recreational vehicle((~~r~~)) and/or recreational park
5 trailer which a state listed in such regulations has approved as
6 meeting its standards for body and frame design, construction and
7 plumbing, heating, and electrical equipment shall be deemed to meet the
8 standards of the director of the department of labor and industries, or
9 his or her designee, if ((he)) the director, or his or her designee,
10 determines that the standards of such state are actually being
11 enforced.

12 **Sec. 11.** RCW 43.22.410 and 1995 c 280 s 12 are each amended to
13 read as follows:

14 Any manufactured or mobile home, commercial coach, recreational
15 vehicle, and/or recreational park trailer that meets the requirements
16 prescribed under RCW 43.22.340 shall not be required to comply with any
17 ordinances of a city or county prescribing requirements for body and
18 frame design, construction or plumbing, heating and electrical
19 equipment installed in manufactured or mobile homes, commercial
20 coaches, recreational vehicles, and/or recreational park trailers.

21 **Sec. 12.** RCW 43.22.420 and 1995 c 280 s 13 are each amended to
22 read as follows:

23 There is hereby created a factory assembled structures advisory
24 board consisting of nine members to be appointed by the director of
25 labor and industries. It shall be the purpose and function of the
26 board to advise the director on all matters pertaining to the
27 enforcement of this chapter including but not limited to standards of
28 body and frame design, construction and plumbing, heating and
29 electrical installations, minimum inspection procedures, the adoption
30 of rules ((and regulations)) pertaining to the manufacture of factory
31 assembled structures, manufactured or mobile homes, commercial coaches,
32 recreational vehicles, and recreational park trailers and the
33 alterations of manufactured or mobile homes. The advisory board shall
34 periodically review the rules promulgated under RCW ((43.22.450))
35 43.22.335 through 43.22.490 and shall recommend changes of such rules
36 to the department if it deems changes advisable.

1 The members of the advisory board shall be representative of
2 consumers, the regulated industries, and allied professionals. The
3 term of each member shall be four years. (~~However, the director may~~
4 ~~appoint the initial members of the advisory board to staggered terms~~
5 ~~not exceeding four years.~~)

6 The chief inspector or any person acting as chief inspector for the
7 factory assembled structures, manufactured or mobile home, commercial
8 coach, recreational vehicle, and recreational park trailer section
9 shall serve as secretary of the board during his or her tenure as
10 chief. Meetings of the board shall be called at the discretion of the
11 director of labor and industries, but at least quarterly. Each member
12 of the board shall be paid travel expenses in accordance with RCW
13 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~) which
14 shall be paid out of the appropriation to the department of labor and
15 industries, upon vouchers approved by the director of labor and
16 industries or his or her designee.

17 **Sec. 13.** RCW 43.22.431 and 1977 ex.s. c 21 s 1 are each amended to
18 read as follows:

19 The director of the department of labor and industries may enforce
20 manufactured or mobile home safety and construction standards adopted
21 by the secretary of housing and urban development under the National
22 (~~Mobile~~) Manufactured Home Construction and Safety Standards Act of
23 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the
24 director may make agreements with the United States government and
25 private inspection organizations to implement the development and
26 enforcement of applicable provisions of this chapter and the National
27 (~~Mobile~~) Manufactured Home Construction and Safety Standards Act of
28 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).

29 **Sec. 14.** RCW 43.22.432 and 1977 ex.s. c 21 s 2 are each amended to
30 read as follows:

31 The department may adopt all standards and regulations adopted by
32 the secretary under the National (~~Mobile~~) Manufactured Home
33 Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C.
34 Secs. 5401-5426) for manufactured or mobile home (~~construction and~~
35 ~~safety standards~~) alterations. If any deletions or amendments to the
36 federal standards or regulations are thereafter made and notice thereof
37 is given to the department, the standards or regulations shall be

1 considered automatically adopted by the state under this chapter after
2 the expiration of thirty days from publication in the federal register
3 of a final order describing the deletions or amendments unless within
4 that thirty day period the department objects to the deletion or
5 amendment. In case of objection, the department shall proceed under
6 the rule making procedure of chapter 34.05 RCW.

7 **Sec. 15.** RCW 43.22.434 and 1995 c 280 s 5 are each amended to read
8 as follows:

9 (1) The director or the director's authorized representative may
10 conduct such inspections and investigations as may be necessary to
11 ~~((promulgate))~~ adopt or enforce manufactured or mobile home, commercial
12 coach, recreational vehicle, recreational park trailer, factory built
13 housing, and factory built commercial structure rules adopted under the
14 authority of this chapter or to carry out the director's duties under
15 this chapter.

16 (2) For purposes of enforcement of this chapter, persons duly
17 designated by the director upon presenting appropriate credentials to
18 the owner, operator, or agent in charge may:

19 (a) At reasonable times and without advance notice enter any
20 factory, warehouse, or establishment in which manufactured or mobile
21 homes, commercial coaches, recreational vehicles, recreational park
22 trailers, factory built housing, and factory built commercial
23 structures are manufactured, stored, or held for sale; ((and))

24 (b) At reasonable times, within reasonable limits, and in a
25 reasonable manner inspect any factory, warehouse, or establishment as
26 required to comply with the standards adopted by the secretary of
27 housing and urban development under the National ~~((Mobile))~~
28 Manufactured Home Construction and Safety Standards Act of 1974. Each
29 inspection shall be commenced and completed with reasonable promptness;
30 and

31 (c) As requested by an owner of a manufactured or mobile home,
32 commercial coach, recreational vehicle, recreational park trailer,
33 factory built housing, or factory built commercial structure, inspect
34 an alteration.

35 (3) ~~((In carrying out the inspections authorized by this section~~
36 ~~the director may establish, by rule, and impose on mobile home~~
37 ~~manufacturers, distributors, and dealers such reasonable fees as may be~~
38 ~~necessary to offset the expenses incurred by the director in conducting~~

1 ~~the inspections.~~) The department shall set a schedule of fees by rule
2 which will cover the costs incurred by the department in the
3 administration of RCW 43.22.335 through 43.22.490.

4 **Sec. 16.** RCW 43.22.440 and 1988 c 239 s 5 are each amended to read
5 as follows:

6 (1) The legislature finds that inspections of manufactured or
7 mobile home installation are not done on a consistent basis.
8 Manufactured or mobile homes provide housing for many people in the
9 state, and improperly installed manufactured or mobile homes are a
10 serious health and safety risk. Where possible and practical,
11 manufactured or mobile homes should be treated the same as any housing
12 inhabited or to be inhabited by persons in this state, including
13 housing built according to the state building code.

14 (2) In consultation with the factory assembled structures advisory
15 board for manufactured or mobile homes, the director of labor and
16 industries shall by rule establish uniform standards for the
17 performance and workmanship of installation service and warranty
18 service by persons or entities engaged in performing the services
19 within this state for all manufactured or mobile homes, as defined in
20 RCW 46.04.302. The standards shall conform, where applicable, with
21 statutes, rules, and recommendations established under the federal
22 national ((mobile)) manufactured home construction and safety standards
23 act of 1974 (42 U.S.C. Sec. 5401 et seq.). These rules regarding the
24 installation of ((mobile)) manufactured homes shall be enforced and
25 fees charged by the counties and cities in the same manner the state
26 building code is enforced under RCW 19.27.050.

27 (3) In addition to and in conjunction with the remedies provided in
28 this chapter, failure to remedy any breach of the standards and rules
29 so established, upon adequate notice and within a reasonable time, is
30 a violation of the consumer protection act, chapter 19.86 RCW and
31 subject to the remedies provided in that chapter.

32 **Sec. 17.** RCW 43.22.442 and 1980 c 153 s 2 are each amended to read
33 as follows:

34 A manufacturer of manufactured or mobile homes who designates a
35 representative within this state to provide consumers with warranty
36 service for manufactured or mobile homes on behalf of the manufacturer

1 shall make reasonable and timely compensation to the representative for
2 performance of the warranty service.

3 **Sec. 18.** RCW 43.22.450 and 1973 1st ex.s. c 22 s 1 are each
4 amended to read as follows:

5 Whenever used in RCW 43.22.450 through 43.22.490:

6 (1) "Department" means the Washington state department of labor and
7 industries;

8 (2) "Approved" means approved by the department;

9 (3) "Factory built housing" means any structure designed primarily
10 for human occupancy other than a mobile home the structure or any room
11 of which is either entirely or substantially prefabricated or assembled
12 at a place other than a building site;

13 (4) "Install" means the assembly of factory built housing or
14 factory built commercial structures at a building site;

15 (5) "Building site" means any tract, parcel or subdivision of land
16 upon which factory built housing or a factory built commercial
17 structure is installed or is to be installed;

18 (6) "Local enforcement agency" means any agency of the governing
19 body of any city or county which enforces laws or ordinances governing
20 the construction of buildings;

21 (7) "Commercial structure" means a structure designed or used for
22 human habitation, or human occupancy for industrial, educational,
23 assembly, professional, or commercial purposes. Structures for which
24 all service, repair, or maintenance is accomplished by standing outside
25 of the structure are not commercial structures for purposes of this
26 chapter.

27 **Sec. 19.** RCW 43.22.480 and 1998 c 37 s 4 are each amended to read
28 as follows:

29 (1) The department shall adopt and enforce rules that protect the
30 health, safety, and property of the people of this state by assuring
31 that all factory built housing or factory built commercial structures
32 are structurally sound and that the plumbing, heating, electrical, and
33 other components thereof are reasonably safe. The rules shall be
34 reasonably consistent with recognized and accepted principles of safety
35 and structural soundness, and in adopting the rules the department
36 shall consider, so far as practicable, the standards and specifications
37 contained in the uniform building, plumbing, and mechanical codes,

1 including the (~~barrier-free~~) Washington state ventilation and indoor
2 air quality code as adopted by the state building code council pursuant
3 to chapter 19.27 RCW and the Washington energy code as adopted by the
4 state building code council pursuant to chapter 19.27A RCW, and the
5 (~~national~~) electrical code, including the state rules as adopted
6 pursuant to chapter 19.28 RCW (~~and published by the national fire~~
7 ~~protection association~~) or, when applicable, the temporary worker
8 building code adopted under RCW 70.114A.081.

9 (2) The department shall set a schedule of fees which will cover
10 the costs incurred by the department in the administration and
11 enforcement of RCW 43.22.450 through 43.22.490.

12 (3) The director may adopt rules that provide for approval of a
13 plan that is certified as meeting state requirements or the equivalent
14 by a professional who is licensed or certified in a state whose
15 licensure or certification requirements meet or exceed Washington
16 requirements.

17 **Sec. 20.** RCW 43.22.485 and 1973 1st ex.s. c 22 s 6 are each
18 amended to read as follows:

19 If the director of the department determines that the standards for
20 factory built housing or factory built commercial structures prescribed
21 by statute, rule, or regulation of another state are at least equal to
22 the regulations prescribed under RCW 43.22.450 through 43.22.490, and
23 that such standards are actually enforced by such other state, (~~he~~)
24 the director may provide by (~~regulation~~) rule that factory built
25 housing or factory built commercial structures approved by such other
26 state shall be deemed to have been approved by the department. The
27 department has the authority to enter into reciprocal agreements
28 delegating all or part of its inspections to another state or a local
29 enforcement agency in another state. Before entering into a reciprocal
30 agreement, the department shall determine that the standards of
31 inspection of the reciprocal state or local enforcement agency are
32 equal to or greater than the standards prescribed by this state. All
33 factory built housing and factory built commercial structures inspected
34 and approved by another state or local enforcement agency shall meet
35 the requirements in RCW 43.22.455.

1 NEW SECTION. **Sec. 21.** RCW 43.22.495 and 1995 c 399 s 69 & 1990 c
2 176 s 1 are each repealed.

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