

CERTIFICATION OF ENROLLMENT

SENATE BILL 5089

Chapter 34, Laws of 2023

68th Legislature
2023 Regular Session

FACTORY ASSEMBLED STRUCTURES—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023

Passed by the Senate January 25, 2023
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Passed by the House March 24, 2023
Yeas 96 Nays 0

LURIE JINKINS

**Speaker of the House of
Representatives**

Approved April 6, 2023 9:40 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5089** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

April 6, 2023

**Secretary of State
State of Washington**

SENATE BILL 5089

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senators King, Rolfes, and J. Wilson; by request of Department of Labor & Industries

Prefiled 12/22/22. Read first time 01/09/23. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to making changes to factory assembled
2 structures, manufactured or mobile homes, commercial coaches,
3 conversion vending units, medical units, recreational vehicles, and
4 park trailers requirements, including adding board members to the
5 factory assembled structures advisory committee; amending RCW
6 43.22.420, 43.22A.010, 43.22A.020, 43.22A.080, 43.22A.110,
7 43.22A.120, 43.22A.140, and 43.22.495; and reenacting and amending
8 RCW 43.22A.005.

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

10 **Sec. 1.** RCW 43.22.420 and 2001 c 335 s 2 are each amended to
11 read as follows:

12 There is hereby created a factory assembled structures advisory
13 board consisting of (~~nine~~) at least 11 members to be appointed by
14 the director of labor and industries. It shall be the purpose and
15 function of the board to advise the director on all matters
16 pertaining to the enforcement of this chapter including but not
17 limited to standards of body and frame design, construction and
18 plumbing, heating and electrical installations, minimum inspection
19 procedures, the adoption of rules pertaining to the manufacture of
20 factory assembled structures, manufactured homes, commercial coaches,
21 conversion vending units, medical units, recreational vehicles, and

1 park trailers. The advisory board shall periodically review the rules
2 adopted under RCW 43.22.450 through 43.22.490 and shall recommend
3 changes of such rules to the department if it deems changes
4 advisable.

5 The members of the advisory board shall be representative of
6 consumers, the regulated industries, and allied trades and
7 professionals. When appointing members, the director must consider
8 the gender, racial, ethnic, and geographic diversity of the state,
9 including the interests of persons with disabilities. The term of
10 each member shall be four years and members must apply for
11 reappointment if terms would be consecutive. However, the director
12 may appoint the initial members of the advisory board to staggered
13 terms not exceeding four years.

14 The chief inspector or any person acting as chief inspector for
15 the factory assembled structures, manufactured or mobile home,
16 commercial coach, conversion vending units, medical units,
17 recreational vehicle, and park trailer section shall serve as
18 secretary of the board during his tenure as chief. Meetings of the
19 board shall be called at the discretion of the director of labor and
20 industries, but at least quarterly. Each member of the board shall be
21 paid travel expenses in accordance with RCW 43.03.050 and 43.03.060
22 which shall be paid out of the appropriation to the department of
23 labor and industries, upon vouchers approved by the director of labor
24 and industries or his or her designee.

25 **Sec. 2.** RCW 43.22A.005 and 1994 c 284 s 14 are each reenacted
26 and amended to read as follows:

27 The purpose of this chapter is to ensure that all ((~~mobile and~~))
28 manufactured and mobile homes are installed by a certified
29 manufactured home installer in accordance with the state installation
30 ((~~code~~)) requirements, chapter ((~~296-150B~~)) 296-150I WAC, in order to
31 provide greater protections to consumers and make the warranty
32 requirement of RCW 46.70.134 easier to achieve.

33 **Sec. 3.** RCW 43.22A.010 and 2007 c 432 s 3 are each amended to
34 read as follows:

35 Unless the context clearly requires otherwise, the definitions in
36 this section apply throughout this chapter.

37 (1) "Authorized representative" means an employee of a state
38 agency, city, or county acting on behalf of the department.

1 (2) "Certified manufactured home installer" means a person who is
2 in the business of installing (~~mobile or~~) manufactured or mobile
3 homes and who has been issued a certificate by the department as
4 provided in this chapter.

5 (3) "Department" means the department of labor and industries.

6 (4) "Director" means the director of labor and industries.

7 (5) "Manufactured home" means a single-family dwelling built in
8 accordance with the department of housing and urban development
9 manufactured home construction and safety standards act, which is a
10 national, preemptive building code.

11 (6) "~~(Mobile or manufactured)~~ Manufactured or mobile home
12 installation" means all on-site work necessary for the
13 (~~installation~~) setting up and completion of a manufactured or
14 mobile home, (~~including:~~

15 ~~(a) Construction of the foundation system;~~

16 ~~(b) Installation of the support piers and earthquake resistant~~
17 ~~bracing system;~~

18 ~~(c) Required connection to foundation system and support piers;~~

19 ~~(d) Skirting;~~

20 ~~(e) Connections to the on-site water and sewer systems that are~~
21 ~~necessary for the normal operation of the home; and~~

22 ~~(f) Extension of the pressure relief valve for the water heater))~~
23 starting with the preparation of the building site through the final
24 permit approval.

25 (7) "Manufactured home standards" means the manufactured home
26 construction and safety standards as promulgated by the United States
27 department of housing and urban development (HUD).

28 (8) "Mobile home" means a factory-built dwelling built prior to
29 June 15, 1976, to standards other than the HUD code, and acceptable
30 under applicable state codes in effect at the time of construction or
31 introduction of the home into the state. Mobile homes have not been
32 built since introduction of the HUD manufactured home construction
33 and safety standards act.

34 (9) "Training course" means the education program administered by
35 the department, or the education course administered by an approved
36 educational provider, as a prerequisite to taking the examination for
37 certification.

38 (10) "Approved educational provider" means an organization
39 approved by the department to provide education and training of
40 manufactured home installers and local inspectors.

1 **Sec. 4.** RCW 43.22A.020 and 2007 c 432 s 1 are each amended to
2 read as follows:

3 Beginning on July 1, 2007, the department shall perform all the
4 consumer complaint and related functions of the state administrative
5 agency that are required for purposes of complying with the
6 regulations established by the federal department of housing and
7 urban development for manufactured housing, including the preparation
8 and submission of the state administrative plan.

9 The department may enter into state or local interagency
10 agreements to coordinate site inspection activities with record
11 monitoring and complaint handling. The interagency agreement may also
12 provide for the reimbursement for cost of work that an agency
13 performs. The department may include other related areas in any
14 interagency agreements which are necessary for the efficient
15 provision of services.

16 ~~((The department of community, trade, and economic development
17 shall transfer all records, files, books, and documents necessary for
18 the department to assume these new functions.~~

19 ~~The directors of community, trade, and economic development and
20 of labor and industries shall immediately take such steps as are
21 necessary to ensure that chapter 432, Laws of 2007 is implemented on
22 July 1, 2007.)~~

23 **Sec. 5.** RCW 43.22A.080 and 2011 c 301 s 11 are each amended to
24 read as follows:

25 (1) The department may revoke a certificate of manufactured home
26 installation upon the following grounds:

27 (a) The certificate was obtained through error or fraud;

28 (b) The holder of the certificate is judged to be incompetent as
29 a result of multiple infractions of the state installation ~~((code))~~
30 requirements, WAC ((296-150B-200 through 296-150B-255)) 296-150I-0300
31 through 296-150I-0410; or

32 (c) The holder has violated a provision of this chapter or a rule
33 adopted to implement this chapter.

34 (2) Before a certificate of manufactured home installation is
35 revoked, the holder must be given written notice of the department's
36 intention to revoke the certificate, sent using a method by which the
37 mailing can be tracked or the delivery can be confirmed to the
38 holder's last known address. The notice shall enumerate the
39 allegations against the holder, and shall give the holder the

1 opportunity to request a hearing. At the hearing, the department and
2 the holder may produce witnesses and give testimony. The hearing
3 shall be conducted in accordance with the provisions of chapter 34.05
4 RCW.

5 **Sec. 6.** RCW 43.22A.110 and 1998 c 124 s 8 are each amended to
6 read as follows:

7 Any local government (~~(mobile or)~~) manufactured or mobile home
8 installation application and permit shall state either the name and
9 registration number of the contractor or licensed manufactured home
10 dealer or the certification identification number of the certified
11 manufactured home installer supervising such installation. A local
12 government may not issue final approval for the installation of a
13 manufactured home unless the certified installer or the installer's
14 agent has posted at the set-up site the manufactured home installer's
15 certification number and has identified the work being performed on
16 the manufactured home installation on a form prescribed by the
17 department.

18 **Sec. 7.** RCW 43.22A.120 and 1994 c 284 s 16 are each amended to
19 read as follows:

20 After July 1, 1995, a (~~(mobile or)~~) manufactured or mobile home
21 may not be installed without a certified manufactured home installer
22 providing on-site supervision whenever installation work is being
23 performed. The certified manufactured home installer is responsible
24 for the reading, understanding, and following (~~(to of))~~ of the
25 manufacturer's installation instructions and performance of
26 noncertified workers engaged in the installation of the home. There
27 shall be at least one certified manufactured home installer on the
28 installation site whenever installation work is being performed.

29 A manufactured home installer certification shall not be required
30 for:

- 31 (1) Site preparation;
- 32 (2) Sewer and water connections outside of the building site;
- 33 (3) Specialty trades that are responsible for constructing
34 accessory structures such as garages, carports, and decks;
- 35 (4) Pouring concrete into forms;
- 36 (5) Painting and dry wall finishing;
- 37 (6) Carpet installation;

1 (7) Specialty work performed within the scope of their license by
2 licensed plumbers or electricians. This provision does not waive or
3 lessen any state regulations related to licensing or permits required
4 for electricians or plumbers;

5 (8) A (~~mobile-or~~) manufactured or mobile homeowner performing
6 installation work on their own home; and

7 (9) A manufacturer's (~~mobile~~) home installation crew installing
8 a (~~mobile-or~~) manufactured or mobile home sold by the manufacturer
9 except for the on-site supervisor.

10 Violation of this section is an infraction.

11 **Sec. 8.** RCW 43.22A.140 and 1994 c 284 s 24 are each amended to
12 read as follows:

13 An authorized representative may investigate alleged or apparent
14 violations of this chapter. Upon presentation of credentials, an
15 authorized representative, including a local government building
16 official, may inspect sites at which manufactured home installation
17 work is undertaken to determine whether such work is being done under
18 the supervision of a certified manufactured home installer and
19 conforms with the state installation requirements. Upon request of
20 the authorized representative, a person performing manufactured home
21 installation work shall identify the person holding the certificate
22 issued by the department in accordance with this chapter.

23 **Sec. 9.** RCW 43.22.495 and 2007 c 432 s 7 are each amended to
24 read as follows:

25 Beginning on July 1, 2007, the department of labor and industries
26 shall perform all the consumer complaint and related functions of the
27 state administrative agency that are required for purposes of
28 complying with the regulations established by the federal department
29 of housing and urban development for manufactured housing, including
30 the preparation and submission of the state administrative plan.

31 The department of labor and industries may enter into state or
32 local interagency agreements to coordinate site inspection activities
33 with record monitoring and complaint handling. The interagency
34 agreement may also provide for the reimbursement for cost of work
35 that an agency performs. The department may include other related
36 areas in any interagency agreements which are necessary for the
37 efficient provision of services.

1 (~~The directors of the department of community, trade, and~~
2 ~~economic development and the department of labor and industries shall~~
3 ~~immediately take such steps as are necessary to ensure that chapter~~
4 ~~432, Laws of 2007 is implemented on July 1, 2007.~~)

Passed by the Senate January 25, 2023.

Passed by the House March 24, 2023.

Approved by the Governor April 6, 2023.

Filed in Office of Secretary of State April 6, 2023.

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