

**Chapter 43.22A RCW**  
**MANUFACTURED AND MOBILE HOME INSTALLATION**

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**RCW 43.22A.005 Purpose.** The purpose of this chapter is to ensure that all manufactured and mobile homes are installed by a certified manufactured home installer in accordance with the state installation requirements, chapter 296-150I WAC, in order to provide greater protections to consumers and make the warranty requirement of \*RCW 46.70.134 easier to achieve. [2023 c 36 s 2. Prior: 1994 c 284 s 14. Formerly RCW 43.63B.005.]

**\*Reviser's note:** The reference in 1994 c 284 s 14 to "section 2 of this act" was erroneous. Section 10 of that act, codified as RCW 46.70.134, was apparently intended.

*Dispute mediation: RCW 43.22A.210.*

**RCW 43.22A.010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

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

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

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

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

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

(6) "Manufactured or mobile home installation" means all on-site work necessary for the setting up and completion of a manufactured or mobile home, starting with the preparation of the building site through the final permit approval.

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

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

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

(10) "Approved educational provider" means an organization approved by the department to provide education and training of manufactured home installers and local inspectors. [2023 c 36 s 3; 2007 c 432 s 3; 1998 c 124 s 6; 1994 c 284 s 15. Formerly RCW 43.63B.010.]

#### **RCW 43.22A.020 Manufactured housing—Department duties.**

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

The department may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services. [2023 c 36 s 4; 2007 c 432 s 1; 1993 c 280 s 76; 1990 c 176 s 2. Formerly RCW 43.63A.460.]

**Effective date—1993 c 280:** See RCW 43.330.902.

**RCW 43.22A.030 Manufactured housing—Federal standards—Enforcement. (Contingent expiration date.)** The director shall enforce manufactured housing safety and construction standards adopted by the secretary of housing and urban development under the national manufactured housing construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may make agreements with the United States government, state agencies, or private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the national manufactured housing construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) regarding the state administrative agency program. [2007 c 432 s 2; 1995 c 399 s 74; 1993 c 124 s 1. Formerly RCW 43.63A.465.]

**Contingent expiration date—2007 c 432 s 2:** "Section 2 of this act expires if the contingency in RCW 43.63A.490 occurs." [2007 c 432 s 15.]

**Contingent expiration date—RCW 43.22A.030 and 43.63A.470 through 43.63A.490:** See RCW 43.63A.490.

**Contingent expiration date—1995 c 399 s 74:** "The 1995 amendments to RCW 43.63A.465 shall expire and be of no force and effect on January 1 in any year following the failure of the United States department of housing and urban development to reimburse the state for the duties described in chapter 124, Laws of 1993." [1995 c 399 s 219. Formerly RCW 43.63A.4651.]

**RCW 43.22A.040 Installer certification—Application—Training.** A person desiring to be issued a certificate of manufactured home installation as provided in this chapter shall make application to the department, in such a form as required by the department.

Upon receipt of the application and evidence required in this chapter, the director shall review the information and make a determination as to whether the applicant is eligible to take the training course and examination for the certificate of manufactured home installation. An applicant must furnish written evidence of six months of experience under the direct supervision of a certified manufactured home installer, or other equivalent experience, in order to be eligible to take the training course and examination. The director shall establish reasonable rules for the training course and examinations to be given to applicants for certificates of manufactured home installation. Upon determining that the applicant is eligible to take the training course and examination, the director shall notify the applicant, indicating the time and place for taking the training course and examination.

The requirement that an applicant must be under the direct supervision of a certified manufactured home installer for six months only applies to applications made on or after July 1, 1996. For applications made before July 1, 1996, the department shall require evidence of experience to satisfy this requirement.

The director may allow other persons to take the training course and examination on manufactured home installation, without certification. [1994 c 284 s 17. Formerly RCW 43.63B.020.]

**RCW 43.22A.050 Installer certification—Training course—**

**Examination.** The department shall prepare a written training course and examination to be administered to applicants for manufactured home installer certification. The examination shall be constructed to determine whether the applicant:

(1) Possesses general knowledge of the technical information and practical procedures that are necessary for manufactured home installation;

(2) Is familiar with the federal and state codes and administrative rules pertaining to manufactured homes; and

(3) Is familiar with the local government regulations as related to manufactured home installations.

The department shall certify the results of the examination and shall notify the applicant in writing whether the applicant has passed or failed the examination. An applicant who failed the examination may retake the training course and examination. The director may not limit the number of times that a person may take the training course and examination. [1994 c 284 s 18. Formerly RCW 43.63B.030.]

**RCW 43.22A.060 Installer certification—Alternative to**

**department training course—Rules.** The department shall adopt rules to establish and administer a process of approving educational providers as an alternative to the department training course for installers and local inspectors. [1998 c 124 s 7. Formerly RCW 43.63B.035.]

**RCW 43.22A.070 Installer certification—Issuance of certificate—**

**Renewal—Suspension of license or certificate for noncompliance with support order.** (1) The department shall issue a certificate of manufactured home installation to an applicant who has taken the training course, passed the examination, paid the fees, and in all other respects meets the qualifications. The certificate shall bear the date of issuance, a certification identification number, and is renewable every three years upon application and completion of a continuing education program as determined by the department. A renewal fee shall be assessed for each certificate. If a person fails to renew a certificate by the renewal date, the person must retake the examination and pay the examination fee.

(2) The certificate of manufactured home installation provided for in this chapter grants the holder the right to engage in manufactured home installation throughout the state, without any other installer certification.

(3) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a \*residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order. [1997 c 58 s 874; 1994 c 284 s 19. Formerly RCW 43.63B.040.]

**\*Reviser's note:** 1997 c 58 s 886 requiring a court to order certification of noncompliance with residential provisions of a court-

ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

**Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58:** See RCW 74.08A.900 through 74.08A.904.

**Effective dates—Intent—1997 c 58:** See notes following RCW 74.20A.320.

**RCW 43.22A.080 Installer certification—Revocation.** (1) The department may revoke a certificate of manufactured home installation upon the following grounds:

- (a) The certificate was obtained through error or fraud;
- (b) The holder of the certificate is judged to be incompetent as a result of multiple infractions of the state installation requirements, WAC 296-150I-0300 through 296-150I-0410; or
- (c) The holder has violated a provision of this chapter or a rule adopted to implement this chapter.

(2) Before a certificate of manufactured home installation is revoked, the holder must be given written notice of the department's intention to revoke the certificate, sent using a method by which the mailing can be tracked or the delivery can be confirmed to the holder's last known address. The notice shall enumerate the allegations against the holder, and shall give the holder the opportunity to request a hearing. At the hearing, the department and the holder may produce witnesses and give testimony. The hearing shall be conducted in accordance with the provisions of chapter 34.05 RCW. [2023 c 36 s 5; 2011 c 301 s 11; 1994 c 284 s 21. Formerly RCW 43.63B.050.]

**RCW 43.22A.090 Certification program fees.** (1) The department shall charge reasonable fees to cover the costs to administer the certification program which shall include but not be limited to the issuance, renewal, and reinstatement of all certificates, training courses, and examinations required under this chapter. All fees collected under this chapter shall be deposited in the manufactured home installation training account created in RCW 43.22A.100 and used only for the purposes specified in this chapter.

The fees shall be limited to covering the direct cost of issuing the certificates, administering the examinations, and administering and enforcing this chapter. The costs shall include only essential travel, per diem, and administrative support costs.

(2) For the purposes of implementing chapter 432, Laws of 2007, until July 1, 2008, the department may increase fees for the certification program in excess of the fiscal growth factor under chapter 43.135 RCW. [2007 c 432 s 11; 1994 c 284 s 22. Formerly RCW 43.63B.070.]

**RCW 43.22A.100 Manufactured home installation training account.**

The manufactured home installation training account is created in the state treasury. All receipts collected under this chapter and RCW 46.17.150 and any legislative appropriations for manufactured home installation training shall be deposited into the account. Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used for the purposes of this chapter. Unexpended and unencumbered moneys that remain in the account at the end of the fiscal year do not revert to the state general fund but remain in the account, separately accounted for, as a contingency reserve. [2011 c 158 s 3; 1994 c 284 s 23. Formerly RCW 43.63B.080.]

**Transfer of residual funds to manufactured home installation training account—2011 c 158:** "Any residual balance of funds remaining in the manufactured housing account must be transferred to the manufactured home installation training account created in RCW 43.22A.100. The treasurer shall make the transfer after being notified by the office of financial management that it has completed the financial statement for fiscal year 2011, and no later than December 31, 2011." [2011 c 158 s 8.]

**RCW 43.22A.110 Local government installation application and permit requirements.** Any local government manufactured or mobile home installation application and permit shall state either the name and registration number of the contractor or licensed manufactured home dealer or the certification identification number of the certified manufactured home installer supervising such installation. A local government may not issue final approval for the installation of a manufactured home unless the certified installer or the installer's agent has posted at the set-up site the manufactured home installer's certification number and has identified the work being performed on the manufactured home installation on a form prescribed by the department. [2023 c 36 s 6; 1998 c 124 s 8; 1994 c 284 s 20. Formerly RCW 43.63B.060.]

**RCW 43.22A.120 Certified installer required on-site—Infraction—Exceptions.** After July 1, 1995, a manufactured or mobile home may not be installed without a certified manufactured home installer providing on-site supervision whenever installation work is being performed. The certified manufactured home installer is responsible for the reading, understanding, and following of the manufacturer's installation instructions and performance of noncertified workers engaged in the installation of the home. There shall be at least one certified manufactured home installer on the installation site whenever installation work is being performed.

A manufactured home installer certification shall not be required for:

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

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

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

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

Violation of this section is an infraction. [2023 c 36 s 7; 1994 c 284 s 16. Formerly RCW 43.63B.090.]

**RCW 43.22A.130 Certified installer required on-site—Infraction—Notice.** An authorized representative of the department may issue a notice of infraction if the person supervising the manufactured home installation work fails to produce evidence of having a certificate issued by the department in accordance with this chapter. A notice of infraction issued under this chapter shall be personally served on or sent using a method by which the mailing can be tracked or the delivery can be confirmed to the person named in the notice by the authorized representative. [2011 c 301 s 12; 1994 c 284 s 25. Formerly RCW 43.63B.100.]

**RCW 43.22A.140 Violations—Investigations—Inspections.** An authorized representative may investigate alleged or apparent violations of this chapter. Upon presentation of credentials, an authorized representative, including a local government building official, may inspect sites at which manufactured home installation work is undertaken to determine whether such work is being done under the supervision of a certified manufactured home installer and conforms with the state installation requirements. Upon request of the authorized representative, a person performing manufactured home installation work shall identify the person holding the certificate issued by the department in accordance with this chapter. [2023 c 36 s 8; 1994 c 284 s 24. Formerly RCW 43.63B.110.]

**RCW 43.22A.150 Violations—Separate infraction for each day, each worksite.** Each day in which a person engages in the installation of manufactured homes in violation of this chapter is a separate infraction. Each worksite at which a person engages in the trade of manufactured home installation in violation of this chapter is a separate infraction. [1994 c 284 s 27. Formerly RCW 43.63B.120.]

**RCW 43.22A.160 Violation—Use of uncertified installer.** It is a violation of this chapter for any contractor, manufactured home dealer, manufacturer, or home dealer's or manufacturer's agent to engage any person to install a manufactured home who is not certified in accordance with this chapter. [1994 c 284 s 28. Formerly RCW 43.63B.130.]

**RCW 43.22A.170 Notice of infraction.** (1) The department shall prescribe the form of the notice of infraction issued under this chapter.

(2) The notice of infraction shall include the following:

(a) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;

(b) A statement that the infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement of a monetary penalty that has been established for the infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that, at a hearing to contest the determination, the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed, and that the person may subpoena witnesses including the authorized representative who issued and served the notice of the infraction; and

(g) A statement that failure to respond to a notice of infraction is a misdemeanor and may be punished by a fine or imprisonment in jail. [2006 c 270 s 11; 1994 c 284 s 26. Formerly RCW 43.63B.140.]

**RCW 43.22A.180 Notice as determination.** Unless contested in accordance with this chapter, the notice of infraction represents a determination that the person to whom the notice was issued committed the infraction. [1994 c 284 s 30. Formerly RCW 43.63B.160.]

**RCW 43.22A.190 Penalty.** (1) A person found to have committed an infraction under this chapter may be assessed a monetary penalty of two hundred fifty dollars for the first infraction and not more than one thousand dollars for a second or subsequent infraction. The department shall set by rule a schedule of monetary penalties for infractions imposed under this chapter.

(2) The administrative law judge may waive, reduce, or suspend the monetary penalty imposed for the infraction.

(3) Monetary penalties collected under this chapter shall be deposited into the manufactured home installation training account created in RCW 43.22A.100 for the purposes specified in this chapter. [2017 c 10 s 1; 2007 c 432 s 5; 1994 c 284 s 31. Formerly RCW 43.63B.170.]

**RCW 43.22A.200 Appeals.** If a party desires to contest a notice of infraction and civil penalty issued under this chapter, the party must file a notice of appeal with the department within twenty days of the department mailing the notice of civil penalty. An administrative law judge of the office of administrative hearings shall hear and determine the appeal. Appeal proceedings must be conducted under chapter 34.05 RCW. An appeal of the administrative law judge's determination or order must be to the superior court. The superior court's decision is subject only to discretionary review under the

rules of appellate procedure. [2007 c 432 s 4; 1994 c 284 s 29. Formerly RCW 43.63B.150.]

**RCW 43.22A.210 Manufactured homes—Warranty disputes.** The department may mediate disputes that arise regarding any warranty required in chapter 46.70 RCW pertaining to the purchase or installation of a manufactured home. The department may charge reasonable fees for this service and shall deposit the moneys collected in accordance with RCW 43.22A.100. [2007 c 432 s 8; 1994 c 284 s 12. Formerly RCW 46.70.136.]

**Effective date—1994 c 284:** See RCW 43.22A.901.

**RCW 43.22A.220 Rule adoption—Enforcement.** The director may adopt rules in accordance with chapter 34.05 RCW, make specific decisions, orders, and rulings, include demands and findings within the decisions, orders, and rulings, and take other necessary action for the implementation and enforcement of duties under this chapter. [1994 c 284 s 32. Formerly RCW 43.63B.800.]

**RCW 43.22A.901 Effective date—1994 c 284.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 1, 1994]. [1994 c 284 s 35. Formerly RCW 43.63B.901.]