

Draft Rule Language - Version 2

Chapter 296-49A WAC

~~DIRECTOR'S~~ THE FACTORY ASSEMBLED STRUCTURES ADVISORY BOARD

NOTE: This document contains only those rules with draft changes and not the complete chapter.

Last Update: 7/31/97

WAC

- 296-49A-010 ~~What are~~ Definitions that apply to this chapter?
- 296-49A-020 ~~What is~~ The purpose of these rules?
- 296-49A-030 ~~What is~~ The purpose of the board?
- 296-49A-040 ~~Who are~~ The members and officers of the board?
- 296-49A-050 ~~When does the board meet?~~ Board meeting dates.
- 296-49A-060 ~~How are~~ Conduct of board meetings ~~conducted?~~
- 296-49A-070 ~~What are the~~ Duties of the board?
- 296-49A-080 Who can speak at board meetings?
- 296-49A-090 ~~Can a person appearing before the board~~ Soliciting
business?

Commented [SCL(1)]: All section titles changed from question format to statement format.

296-49A-100 ~~What s~~Standards of ethical conduct ~~are~~
~~expected~~required of board members ~~and persons~~
~~appearing before the board?.~~

~~296-49A-110~~ What statute governs the adoption of FAS rules and
~~regulations?~~

WAC 296-49A-010 ~~What definitions~~ Definitions that apply to
this chapter?—. "Board" is the ~~director's~~ factory assembled
structures advisory board.

"Department" is the Washington state department of labor
and industries.

"Director" is the director of the department of labor and
industries.

"SectionProgram" is the ~~factory~~ Factory assembled ~~Assembled~~
~~structures~~ Structures (FAS) ~~section~~ Program -of the department.

[Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-
043, § 296-49A-010, filed 7/31/97, effective 12/1/97.]

WAC 296-49A-020 ~~What is the~~ The purpose of these rules?—.

The primary purpose of these rules is to establish an advisory
board to provide a ~~uniform~~ formal means of communication between

Commented [SCL(2): All references to "section" have been changed to "program" in accordance with general usage within the agency and on the web.

the Factory Assembled Structures Program ~~the department~~ and |
~~persons, firms or corporations engaged in the manufacture of~~
~~factory assembled structures~~ stakeholders. Generally, the topics

Commented [SCL(3): Clarifies the primary purpose of these rules is to establish the FAS board.

Commented [SCL(4): Section reworded for clarity

Commented [SCL(5): Not all program stakeholders are manufacturers.

of this communication will involve either ~~proposed~~ WAC rule revisions or the operation of the ~~section~~ program.

[Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-49A-020, filed 7/31/97, effective 12/1/97.]

WAC 296-49A-030 ~~What is the~~ The purpose of the board? ~~..~~

The purpose of the board, as authorized by RCW 43.22.420, is to advise the director on all matters pertaining to the enforcement of chapter 43.22 RCW including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures and the adoption of rules and regulations pertaining to the manufacture of factory ~~assembled~~ structures, manufactured (mobile) homes, commercial coaches, conversion vendor units, medical units, |
recreational vehicles, and recreational park trailers (park
model recreational vehicles).

Commented [SCL(6): These two types were added to the RCW when the VEN rules were created.

Commented [SCL(7): Reworded to match RCW 43.22.420

Commented [SCL(8): "Recreational park trailers" is the old industry terminology. PMRV's is the current industry term.

[Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-49A-030, filed 7/31/97, effective 12/1/97.]

WAC 296-49A-040 ~~Who are the~~The members and officers of the

~~board?~~. (1) The board has ~~nine~~at least eleven members. Each

is appointed by the director to a four-year term and board

members must apply for reappointment if terms would be

consecutive. The members must represent consumer interests,

regulated industries, allied trades and allied professionals.

Consequently, the composition of the board will be:

- Two members representing consumers;
- Two members representing manufactured housing;
- Two members representing ~~factory~~factory-built structures;
- One member representing recreational vehicles and recreational park trailers (park model recreational vehicles);
- One member representing building officials; ~~and~~
- One member who will either be an architect or an engineer-~~i~~
- One member representing conversion vendor units; and
- One member representing the allied trades.
- Additional board members may be appointed at the discretion of
the director.

Commented [SCL(9): Matches change in RCW 43.22.420 per SB 5089.

Commented [SCL(10): Matches change in RCW 43.22.420 per SB 5089.

Commented [SCL(11): Matches change in RCW 43.22.420 per SB 5089.

Commented [SCL(12): Matches change in RCW 43.22.420 per SB 5089.

(2) When appointing board members, consideration will be given to the gender, racial, ethnic and geographic diversity of the state, including the interests of person with disabilities.

Commented [SCL(13): Matches change in RCW 43.22.420 per SB 5089.

(3) Board members serve at the discretion of the director and may be removed from the board for cause.

Commented [SCL(14): Board members may be removed in accordance with the board by-laws. Causes for removal include no longer representing your stakeholder group, failure to attend board meeting, failure to participate in bard activities and unethical behavior.

(4) The board will elect a chairperson and vice chairperson. The department's ~~chief prefab building specialist~~ FAS Program Mmanager shall serve as secretary of the board.

Commented [SCL(15): Revised to current title for this position.

(5) ~~According to~~ In accordance with RCW 43.03.050 and 43.03.060, each board member shall be paid travel expenses. Those expenses will be paid out of department appropriations upon the presentation of a voucher approved by the ~~director or the director's designee.~~ department.

[Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-49A-040, filed 7/31/97, effective 12/1/97.]

WAC 296-49A-050 ~~When does the board~~ Board meeting dates?.

The board holds regular quarterly meetings on the third Thursday of February, May, August and November. If needed, the ~~director~~

board chair may call special meetings with the approval of the director. Regular and special meetings are open to the public, as consistent with Chapter 42.30 RCW (the open public meetings act).

Commented [SCL(16): Per RCW 43.22.420 it is the director that is authorized to call meetings of the board. Meetings must be at least quarterly.

[Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-49A-050, filed 7/31/97, effective 12/1/97.]

WAC 296-49A-060 ~~How are~~ Conduct of board meetings

~~conducted?.~~ The board must adopt written ~~rules of procedure~~ bylaws governing its internal management. These ~~rules~~ bylaws must include *Roberts' Rules of Order, Revised*. ~~Upon written request, copies of these rules of procedure must be provided to all interested persons.~~ The Bylaws must be posted on the departments' website.

[Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-49A-060, filed 7/31/97, effective 12/1/97.]

WAC 296-49A-070 ~~What are the duties~~ Duties of the board?

~~.(1) Every three years the~~ The board must review any new rules and regulations proposed by the program and make recommendations regarding their adoption. ~~must review existing FAS rules and~~

~~recommend revisions if needed.~~ Also, the board may review existing FAS rules and recommend revisions.~~must review any new rules and regulations proposed by the director and make recommendations regarding their adoption.~~

(2) The board may ~~periodically develop~~ advise the program on administrative procedures, organizational plans and rules for improving the operation of the ~~section program and submit them to the director for consideration.~~

Commented [SCL(17): Align with the description of advisory board duties on page 5 of the Governors "Boards and Commissions Membership Handbook".

(3) ~~Upon the request of the director, the board will assist in the administrative interpretation of national codes and Washington state rules and regulations regarding all matters pertaining to the enforcement of chapter 43.22 RCW and the manufacture of factory assembled structures, manufactured (mobile) homes, commercial coaches, recreational vehicles, and recreational park trailers. This interpretative assistance will include but will not be limited to standards of body and frame design, construction and plumbing, heating and electrical installations, and minimum inspection procedures.~~ Board members should provide their respective stakeholder groups with information about program proposals, issues, and changes.

Members should also provide the program with feedback from stakeholders and provide insight as to their opinions, attitudes and needs.

Commented [SCL(18): Paraphrased from the Governors "Boards and Commissions Membership Handbook". Page 6.

~~However, the~~ (4) The board will neither function as a board of appeals nor will it render decisions regarding the application or interpretation of any adopted rule or regulation ~~to any person, firm or corporation engaged in the business of manufacturing factory assembled structures.~~

(45) At any board meeting, the board must consider any written proposals made by any person, ~~firm or corporation~~ regarding new rules and regulations or changes in administrative procedures related to the ~~section~~program.

~~However, these~~ These written proposals must be submitted to the board's secretary at least fifteen days prior to the meeting so that they can be included on the meeting agenda and in the meeting packet distributed to board members. If the parties submitting these proposals wish to address them at that meeting, their proposals must be accompanied by a written request to address the board.

[Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-49A-070, filed 7/31/97, effective 12/1/97.]

WAC 296-49A-080 Who can speak at board meetings? ~~Any~~ Any person, ~~firm or corporation~~ can speak at board meetings.

~~However, those~~ Those persons, ~~firms and corporations~~ wishing to formally address the board regarding specific proposals relating to ~~any~~ FAS rule adoptions, amendments or repeals or changes in the ~~section's~~ program's administrative procedures must identify themselves and any firm or corporation they are representing. ~~be in good ethical standing with the board. (See WAC 296-49A-100.)~~

[Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-49A-080, filed 7/31/97, effective 12/1/97.]

WAC 296-49A-090 Can a person appearing before the board solicit business? ~~Solicit~~ Soliciting business? ~~The board considers it unethical for anyone appearing before the board to use any kind of solicitor to solicit business directly or indirectly, or to solicit business through circulars, advertisements or by personal communications or interviews unwarranted by personal~~

relations. It is permissible to publish or circulate business cards.

[Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-49A-090, filed 7/31/97, effective 12/1/97.]

WAC 296-49A-100 ~~What standards~~ Standards of ethical conduct ~~are expected~~ required of board members ~~and persons appearing before the board?~~ . Anyone serving on the board ~~or appearing before it~~ must adhere to Chapter 42.52 RCW (Ethics in Public Service Act) and the standards described in ~~"Ethics and the Appearance of Fairness," State of Washington Boards and Commissions Membership Handbook~~ "Boards and Commissions Membership Handbook" (issued by the office of the governor). Failure to conform to these standards may result in ~~forfeiting the opportunity to either appear before the board or serve~~ removal as a board member.

[Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-49A-100, filed 7/31/97, effective 12/1/97.]

WAC 296-49A-110 ~~What statute governs the adoption of FAS rules and regulations?~~ All FAS rules and regulations will be

Commented [SCL(19): Paraphrased from page 11 of the Governors "Boards and Commissions Membership Handbook".

~~adopted according to chapter 34.05 RCW, the Administrative
Procedure Act.~~

~~[Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-
043, § 296-49A-110, filed 7/31/97, effective 12/1/97.]~~

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Chapter 296-150P WAC

RECREATIONAL PARK TRAILERS

Last Update: 4/11/23

WAC 296-150P-0020 What definitions apply to this chapter?

"State-plan insignia" is an insignia which is obtained under the state design-plan approval process.

"Submitted design plan" is a plan that:

1. Has been received by the department for review; and
2. The plan approval fee is paid; and
3. Is awaiting an initial design plan review.

Commented [SCL(1)]: Added a new definition of "submitted plan" to simplify the new rule language being added.

[Statutory Authority: Chapter 43.22 RCW. WSR 23-09-024, § 296-150P-0020, filed 4/11/23, effective 4/11/23; WSR 12-15-061, § 296-150P-0020, filed 7/17/12, effective 9/1/12. Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. WSR 03-12-044, § 296-150P-0020, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.340 and 43.22.480. WSR 99-13-010, § 296-150P-0020, filed 6/4/99, effective 7/5/99. Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-150P-0020, filed 7/31/97, effective 12/1/97.]

WAC 296-150P-0220 How do I obtain insignia based on state-

plan approval? (1) If you are approved to purchase insignia based on state-plan approval, you may purchase the insignia by submitting the insignia application with the required fees. (See WAC 296-150P-3000.)

(2) The application must be on the departments approved "application for insignia" form F622-021-000 and include:

~~(a) A~~ signed statement from you certifying that you are manufacturing your units according to your approved and/or submitted design plans and your quality control program. ~~;~~ ~~and~~

~~(b) A list of the approved design plans against which you will apply the insignia.~~

(3) Insignia may not be purchased for or applied to units for which:

1. The plans are using a licensed professional for approval in accordance with WAC 296-150P-0315 and have not been assigned a plan approval number by the department; or

2. The submitted design plans have been at the department less than 10 working days; or

Commented [SCL(2): Clarifies that the application must be on the approved form. Including the name. The approved form would be the current form.

Commented [SCL(3): This statement is located on the insignia application - form F622-021-000.

Commented [SCL(4): Revised to align with HB 1514

Commented [SCL(5): Revised to align with HB 1514

Commented [SCL(6): The list is part of the form and does not need to be specified here.

Commented [SCL(7): New section with restrictions added based on questions received by staff from manufacturers.

Commented [SCL(8): HB 1414 says specifically it applies to plans that are submitted to the department. We would have no knowledge of plans submitted to an LP for review or control over the time the LP takes to review a plan.

Commented [SCL(9): This restriction was added so that manufacturers cannot wait to submit a plan, then immediately ask for insignia, thus not giving FAS the minimum 10 days to review the plan. Since 1997 the FAS program, as agreed to with stakeholders has always used 10 days as a reasonable time frame to start plan reviews. In the case of RV plans this would be to start and finish the review.

3. The submitted design plans have been reviewed by the department, and are not approved.

Commented [SCL(10): This restrictions was added so that manufacturers are not applying labels to units with code deficient designs.

[Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-150P-0220, filed 7/31/97, effective 12/1/97.]

STATE PLAN

WAC 296-150P-0300 ~~What is required to obtain~~ Obtaining

~~insignia based on approval as a state-plan approval~~ manufacturer?

Commented [SCL(11): Title revised to clarify purpose of section. "Obtaining insignia" is already in section 0230

~~If you want to~~ Before you can obtain insignia based on state-plan

Commented [SCL(12): Reworded to clarify how this section (how to obtain approval to purchase insignia) works with section 0220 (the process to purchase insignia). A manufacturer could purchase the insignia by sending us the form and fees, however they would not obtain them until the listed requirements are met.

approval, you must:

(1) Have your ~~design plan and~~ quality control manual

approved by us; and

Commented [SCL(13): Design plans are covered in new subsection (2) below

(2) Have your design plan(s) approved in accordance with

WAC 296-150P-0315 (see WAC 296-150P-0220); and

Commented [SCL(14): Revised to align with HB 1514. Manufacturers will need to have some plans that are approved, not just submitted otherwise they cannot pass the QC program audit in (3).

~~(3)~~ Pass a quality control program audit which includes a

random inspection of your recreational park trailers.

[Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-150P-0300, filed 7/31/97, effective 12/1/97.]

Chapter 296-150R WAC

RECREATIONAL VEHICLES

Last Update: 4/11/23

WAC 296-150R-0020 What definitions apply to this chapter?

"State-plan insignia" is an insignia which is obtained under the state design-plan approval process.

"Submitted design plan" is a plan that:

1. Has been received by the department for review; and
2. The plan approval fee is paid; and
3. Is awaiting an initial design plan review.

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[Statutory Authority: Chapter 43.22 RCW. WSR 12-15-061, § 296-150R-0020, filed 7/17/12, effective 9/1/12; WSR 08-10-075, § 296-150R-0020, filed 5/6/08, effective 6/6/08. Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. WSR 03-12-044, § 296-150R-0020, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.340 and 43.22.480. WSR 99-13-010, § 296-150R-0020, filed 6/4/99, effective 7/5/99. Statutory Authority: RCW 43.22.340 and 43.22.420. WSR 97-16-043, § 296-150R-0020, filed 7/31/97, effective 12/1/97. Statutory Authority: RCW 43.22.340,

[43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150R-0020, filed 10/23/96, effective 11/25/96.]

AC 296-150R-0220 How do I obtain insignia based on state-plan approval? (1) If you are approved to purchase insignia based on state-plan approval, you may purchase the insignia by submitting the insignia application with the required fees. (See WAC 296-150R-3000.)

(2) The application must be on the departments approved "application for insignia" form F622-021-000 and include+

~~(a) A a signed statement from you certifying that you are manufacturing your units according to your approved and/or "submitted design plans" and your quality control program; and.~~

~~(b) A list of the approved design plans against which you will apply the insignia.~~

(3) Insignia may not be purchased for or applied to units for which:

1. The plans are using a licensed professional for approval in accordance with WAC 296-150R-0315 and have not been assigned a plan approval number by the department; or

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2. The submitted design plans have been at the department less than 10 working days; or

~~1-3.~~ The submitted design plans have been reviewed by the department, and are not approved.

[Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. WSR 96-21-146, § 296-150R-0220, filed 10/23/96, effective 11/25/96.]

STATE PLAN

WAC 296-150R-0300 ~~What is required to obtain~~ Obtaining

~~insignia based on approval as a state-plan approval manufacturer?~~

~~If you want to~~ Before you can obtain insignia based on state-plan approval, you must:

(1) Have your ~~design plan and~~ quality control manual

approved by us; and

(2) Have your design plan(s) approved in accordance with

WAC 296-150R-0315 (see WAC 296-150R-0220); and

(3) Pass a quality control program comprehensive audit

which includes a random inspection of your vehicles.

Commented [SCL(9): This restriction was added so that manufacturers cannot wait to submit a plan, then immediately ask for insignia, thus not giving FAS the minimum 10 days to review the plan. Since 1997 the FAS program, as agreed to with stakeholders has always used 10 days as a reasonable time frame to start plan reviews. In the case of RV plans this would be to start and finish the review.

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