



# PROPOSED RULE MAKING

**CR-102 (August 2017)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: August 22, 2017

TIME: 10:08 AM

**WSR 17-17-132**

**Agency:** Department of Labor and Industries

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 17-13-106 ; or**

**Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

**Proposal is exempt under RCW \_\_\_\_\_.**

**Title of rule and other identifying information:** (describe subject) Amendments to the Factory Assembled Structures (FAS) Rules, Chapter 296-150I WAC, Manufactured Home Installer Training and Certification Program.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
October 16, 2017	9:00 a.m.	Dept. of Labor and Industries 7273 Linderson Way Southwest Tumwater, Washington 98501	For directions to the L&I Office: <a href="http://www.lni.wa.gov/Main/ContactInfo/OfficeLocations">http://www.lni.wa.gov/Main/ContactInfo/OfficeLocations</a>

**Date of intended adoption:** November 21, 2017 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Alicia Curry, Management Analyst  
Address: Post Office Box 44400, Olympia, Washington 98504-4400  
Email: [Alicia.Curry@lni.wa.gov](mailto:Alicia.Curry@lni.wa.gov)  
Fax: 360-902-5292  
Other:  
By (date) 5:00 p.m. on October 16, 2017

**Assistance for persons with disabilities:**

Contact Alicia Curry, Management Analyst  
Phone: 360-902-6244  
Fax: 360-902-5292  
TTY:  
Email: [Alicia.Curry@lni.wa.gov](mailto:Alicia.Curry@lni.wa.gov)  
Other:  
By (date) October 1, 2017

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this rulemaking is to propose amendments to the Factory Assembled Structures, Chapter 296-150I WAC, Manufactured Home Installer Training and Certification Program as a result of House Bill (HB) 1329 (Chapter 10, Laws of 2017) which passed the legislature in 2017. This bill replaces the mandatory penalty of \$1,000 for each infraction of manufactured home installation requirements with discretionary authority to issue warnings, and a monetary penalty of no more than \$250 for a first infraction and no more than \$1,000 for a second or subsequent infraction. The proposed amendments to this chapter will establish a penalty schedule for infractions for manufactured home installations as required by the bill and modify the existing rules to comply with the new statutory requirements.

**Reasons supporting proposal:** Rule changes are required to implement Chapter 10, Laws of 2017 (HB 1329).

**Statutory authority for adoption:** Chapter 43.22A RCW, Mobile and Manufactured Home Installation

**Statute being implemented:** Chapter 43.22A RCW, Mobile and Manufactured Home Installation and Chapter 10, Laws of 2017 (HB1329)

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None.

**Name of proponent:** (person or organization) Department of Labor and Industries

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Craig Sedlacek, Program Mgr.	Tumwater, Washington	360-902-5218
Implementation:	José Rodriguez, Asst. Director	Tumwater, Washington	360-902-6348
Enforcement:	José Rodriguez, Asst. Director	Tumwater, Washington	360-902-6348

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: This rule is exempt pursuant to RCW 34.05.328(5)(b)(v). Additionally, this rule does not impose new requirements or costs. The rule reduces all existing penalties as authorized by HB 1329 (Chapter 10, Laws of 2017).i

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW .

Explanation of exemptions, if necessary:


**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
 Address:  
 Phone:  
 Fax:  
 TTY:  
 Email:  
 Other:

<b>Date:</b> August 22, 2017	<b>Signature:</b>  
<b>Name:</b> Joel Sacks	
<b>Title:</b> Director	