

random basis and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who wilfully gives advance knowledge of information contained on a pilot examination (~~shall be~~) is guilty of a gross misdemeanor.

(6) All pilots and applicants (~~shall be~~) are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties.

(7) The board shall prescribe, pursuant to chapter 34.04 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

Passed the Senate April 25, 1981.

Passed the House April 15, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

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## CHAPTER 304

[Substitute House Bill No. 397]

MOBILE HOMES—LANDLORDS, TENANTS—WARRANTIES—  
 CONDOMINIUMS, BOAT, PLANE STORAGE—MANUFACTURED HOUSING—  
 APPROPRIATION

AN ACT Relating to property; amending section 2409, Code of 1881 as amended by section 3, chapter 108, Laws of 1972 ex. sess. and RCW 26.16.030; amending section 14, chapter 231, Laws of 1971 ex. sess. as amended by section 137, chapter 158, Laws of 1979 and RCW 46.12.290; amending section 2, chapter 22, Laws of 1977 ex. sess. as amended by

section 1, chapter 152, Laws of 1980 and RCW 46.44.170; amending section 3, chapter 279, Laws of 1977 ex. sess. as last amended by section 3, chapter 152, Laws of 1980 and RCW 59.20.030; amending section 4, chapter 279, Laws of 1977 ex. sess. as amended by section 2, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.040; amending section 5, chapter 64, Laws of 1895 as amended by section 1, chapter 44, Laws of 1909 and RCW 6.12.100; amending section 5, chapter 279, Laws of 1977 ex. sess. as last amended by section 4, chapter 152, Laws of 1980 and RCW 59.20.050; amending section 6, chapter 279, Laws of 1977 ex. sess. as amended by section 4, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.060; amending section 7, chapter 279, Laws of 1977 ex. sess. as last amended by section 5, chapter 152, Laws of 1980 and RCW 59.20.070; amending section 8, chapter 279, Laws of 1977 ex. sess. as amended by section 6, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.080; amending section 55, chapter 299, Laws of 1971 ex. sess. as last amended by section 1, chapter 123, Laws of 1979 and RCW 82.50.400; amending section 56, chapter 299, Laws of 1971 ex. sess. as last amended by section 2, chapter 123, Laws of 1979 and RCW 82.50.410; amending section 61, chapter 299, Laws of 1971 ex. sess. as last amended by section 3, chapter 123, Laws of 1979 and RCW 82.50.460; amending section 67, chapter 299, Laws of 1971 ex. sess. as amended by section 4, chapter 123, Laws of 1979 and RCW 82.50.520; amending section 68, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.530; amending section 1, chapter 156, Laws of 1963 as amended by section 1, chapter 11, Laws of 1965 ex. sess. and RCW 64.32.010; adding a new section to chapter 46.70 RCW; adding new sections to chapter 59.20 RCW; adding new sections to chapter 82.50 RCW; adding new sections to chapter 43.63A RCW; creating new sections; making an appropriation; providing expiration dates; prescribing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2409, Code of 1881 as amended by section 3, chapter 108, Laws of 1972 ex. sess. and RCW 26.16.030 are each amended to read as follows:

Property not acquired or owned, as prescribed in RCW 26.16.010 and 26.16.020, acquired after marriage by either husband or wife or both, is community property. Either spouse, acting alone, may manage and control community property, with a like power of disposition as the acting spouse has over his or her separate property, except:

(1) Neither spouse shall devise or bequeath by will more than one-half of the community property.

(2) Neither spouse shall give community property without the express or implied consent of the other.

(3) Neither spouse shall sell, convey, or encumber the community real property without the other spouse joining in the execution of the deed or other instrument by which the real estate is sold, conveyed, or encumbered, and such deed or other instrument must be acknowledged by both spouses.

(4) Neither spouse shall purchase or contract to purchase community real property without the other spouse joining in the transaction of purchase or in the execution of the contract to purchase.

(5) Neither spouse shall create a security interest other than a purchase money security interest as defined in RCW 62A.9-107 in, or sell, community household goods, furnishings, or appliances, or a community mobile home unless the other spouse joins in executing the security agreement or bill of sale, if any.

(6) Neither spouse shall acquire, purchase, sell, convey, or encumber the assets, including real estate, or the good will of a business where both spouses participate in its management without the consent of the other: **PROVIDED**, That where only one spouse participates in such management the participating spouse may, in the ordinary course of such business, acquire, purchase, sell, convey or encumber the assets, including real estate, or the good will of the business without the consent of the nonparticipating spouse.

Sec. 2. Section 14, chapter 231, Laws of 1971 ex. sess. as amended by section 137, chapter 158, Laws of 1979 and RCW 46.12.290 are each amended to read as follows:

The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of this 1971 amendatory act shall apply to mobile homes regulated by this 1971 amendatory act: **PROVIDED**, That RCW 46.12.080(~~(, 46.12.090,)~~) and 46.12.250 through 46.12.270 shall not apply to mobile homes: **PROVIDED FURTHER**, That in order to lawfully transfer ownership of a community mobile home, both spouses must sign the title certificate. In addition, the director of licensing shall have the power to adopt such rules and regulations as he deems necessary to implement the provisions of chapter 46.12 RCW as they relate to mobile homes.

**\*Sec. 3. Section 2, chapter 22, Laws of 1977 ex. sess. as amended by section 1, chapter 152, Laws of 1980 and RCW 46.44.170 are each amended to read as follows:**

**(1) Any person moving a mobile home as defined in RCW 46.04.302 upon public highways of the state must obtain a special permit from the department of transportation and local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.0941 and 46.44.096.**

**(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home shall not be valid until the county treasurer of the county in which the mobile home is located shall endorse or attach thereto his certificate that all property taxes due upon the mobile home being moved have been satisfied: **PROVIDED**, That endorsement or certification by the county treasurer is not required when a mobile home is to enter the state, is being moved to safe storage under the provisions of section 7 of this 1981 act, or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets. It shall be the responsibility of the owner of the mobile home or his agent to obtain such endorsement from the county treasurer.**

**(3) Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home, but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid.**

**(4) The department of transportation and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section.**

\*Sec. 3. was vetoed, see message at end of chapter.

Sec. 4. Section 3, chapter 279, Laws of 1977 ex. sess. as last amended by section 3, chapter 152, Laws of 1980 and RCW 59.20.030 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" as it relates to a mobile home owned by a tenant in a mobile home park, mobile home park cooperative, or mobile home park subdivision or tenancy in a mobile home lot means the tenant has defaulted in rent and by absence and by words or actions reasonably indicates the intention not to continue tenancy;

(2) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

~~((2))~~ (3) "Mobile home lot" means a portion of a mobile home park designated as the location of one mobile home and its accessory buildings, and intended for the exclusive use as a primary residence by the occupants of that mobile home;

~~((3))~~ (4) "Mobile home park" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy;

(5) "Mobile home park cooperative" means real property consisting of common areas and two or more lots held out for placement of mobile homes in which both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members;

(6) "Mobile home park subdivision" means real property, whether it is called a subdivision, condominium, or planned unit development, consisting of common areas and two or more lots held for placement of mobile homes in which there is private ownership of the individual lots and common, undivided ownership of the common areas by owners of the individual lots;

~~((4))~~ (7) "Tenant" means any person, except a transient, who rents a mobile home lot; and

~~((5))~~ (8) "Transient" means a person who rents a mobile home lot for a period of less than one month for purposes other than as a primary residence.

Sec. 5. Section 4, chapter 279, Laws of 1977 ex. sess. as amended by section 2, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.040 are each amended to read as follows:

This chapter shall regulate and determine legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot and including specified amenities within

the mobile home park, mobile home park cooperative, or mobile home park subdivision, where the tenant has no ownership interest in the property or in the association which owns the property, whose uses are referred to as a part of the rent structure paid by the tenant. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW shall be applicable only in implementation of the provisions of this chapter and not as an alternative remedy to this chapter which shall be exclusive where applicable: PROVIDED, That the provision of RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply to any rental agreement included under the provisions of this chapter. RCW 59.18.370 through 59.18.410 shall be applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under the provisions of this chapter, except when a mobile home or a tenancy in a mobile home lot is abandoned. Rentals of mobile homes themselves are governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW.

**\*NEW SECTION. Sec. 6. There is added to chapter 59.20 RCW a new section to read as follows:**

**SAFE ASSUMPTION OF ABANDONMENT. (1) If a tenant defaults in rent but the landlord is not certain whether the tenant intends to continue tenancy, the landlord may safely assume the tenancy is abandoned if both of the following are done subsequent to default:**

**(a) The landlord gives written notice to a law enforcement officer that the landlord believes a mobile home is abandoned, stating the reasons for that belief. The law enforcement officer shall obtain the last known names and addresses of registered and legal owners of the mobile home as the names and addresses appear on the records of the department of licensing, and shall supply the information to the landlord without charge; and**

**(b) The landlord sends by first class and certified mail, return receipt requested, a notice of intent to declare the abandonment to the last known address of the tenant, and registered owner of the mobile home, if different, and no reply is received within four weeks of the mailing of the notice. This notice shall state that if no reply is received within four weeks that the landlord shall determine the tenancy, mobile home, or any other property of the tenant abandoned and subject to sale.**

**(2) Removal of the mobile home by the tenant, along with default in rent, shall be sufficient to indicate a tenant's intention not to continue tenancy, unless the landlord has actual knowledge of the tenant's contrary intention.**

**(3) This section is intended to provide landlords assurance that a determination of abandonment is proper in the circumstances, and is not intended to be exclusive or in any way limit the circumstances which may reasonably indicate a tenant's intention not to continue tenancy.**

\*Sec. 6. was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 7. There is added to chapter 59.20 RCW a new section to read as follows:**

**TAKING POSSESSION.** Upon abandonment, the landlord may immediately enter and take possession of any property of the tenant found on the premises and remove the same to and store the same in a reasonably secure place.

\*Sec. 7. was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 8.** There is added to chapter 59.20 RCW a new section to read as follows:

**LABOR AND MATERIALMAN'S LIEN GRANTED.** Every person performing labor, furnishing material, or renting, leasing, or otherwise supplying equipment to take possession of, move, store and safeguard property which has been abandoned by a tenant has a lien upon the same for the labor performed, material furnished, or equipment furnished. No notice of such lien is required. Foreclosure shall be by the sale provisions of sections 9 through 13 of this act.

\*Sec. 8. was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 9.** There is added to chapter 59.20 RCW a new section to read as follows:

**NOTICE.** (1) A notice must be mailed by the landlord by first class and certified mail, return receipt requested, within three days after taking possession of the tenant's property to the last known address of the tenant and to the last known addresses of the registered and legal owners supplied to the landlord by the law enforcement officer, if different.

(2) The notice shall state:

- (a) The tenant's name and owner's name if different;
- (b) That the landlord is holding in safe storage property of the tenant;
- (c) A description of the property;
- (d) The location of the property;
- (e) The name and address of the landlord;

(f) That, if the tenant does not reclaim the tenant's property within sixty days after the specified date of default in rent or thirty days after the date this notice is sent, whichever is later, the landlord intends to sell the property stored and apply the proceeds as specified in section 11 of this act; and

(g) The conditions on which the tenant or secured party could reclaim the property as specified in section 13 of this act, with the amounts set out as much as is reasonably practical.

\*Sec. 9. was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 10.** There is added to chapter 59.20 RCW a new section to read as follows:

**SALE.** (1) The landlord may sell or otherwise dispose of any or all of the property taken possession of and stored by the landlord after the latest of the following:

- (a) Sixty days from the default in rent;

*(b) Thirty days after mailing of the notice prescribed in section 14 of this act;*

*(c) After reasonable efforts to locate the absent tenants; and*

*(d) Ten days' notice to any secured creditors of the tenant known to the landlord to have security interests in the tenant's property stored by the landlord or discoverable by an information request under RCW 62A.9-407 sent to the department of licensing.*

*(2) Reasonable efforts to locate the tenants may include, but are not required to include nor limited to including, requesting the whereabouts of the tenants from the tenant's neighbors, known friends, known relatives, and secured creditors known to the landlord or discoverable by an information request under RCW 62A.9-407 sent to the department of licensing.*

*(3) The property may be sold in its condition "as is" or following any commercially reasonable preparation for sale. Disposition of the property may be by public or private proceedings and may be as a unit or in parcels and at any time and place and on any terms, but every aspect of the disposition including the method, manner, time, place and terms must be commercially reasonable. Unless the property is a type customarily sold in a recognized market, reasonable notification of the time and place of any public sale or of the time after which any private sale or other intended disposition is to be made shall be sent by the landlord to the tenant if the tenant has replied to the notice sent required in section 6 of this act, and to any person who has a security interest in the property and who has duly filed a financial statement indexed in the name of the tenant in this state, or who is known by the landlord to have a security interest in the tenant's property stored by the landlord. The landlord may buy at any public sale and, if the property is of a type customarily sold in a recognized market or is of a type which is the subject of widely distributed standard price quotations, he may buy at private sale.*

*(4) The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the landlord is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the landlord either sells the property in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with reasonable commercial practices among dealers in the type of property sold, he has sold in a commercially reasonable manner. The principles stated in the two preceding sentences with respect to sales also apply as may be appropriate to other types of disposition.*

*\*Sec. 10. was vetoed, see message at end of chapter.*

*\*NEW SECTION. Sec. 11. There is added to chapter 59.20 RCW a new section to read as follows:*

*APPLICATION OF PROCEEDS. Any proceeds from the sale may be applied in the following order:*

(1) To any reasonable costs of moving, storing, safeguarding, and selling the property;

(2) Any taxes due on the sale of the mobile home under chapter 28A.45 RCW, or the successor thereto, and any other taxes due under chapter 84.52 RCW;

(3) To any secured creditors of the tenant of which the landlord has notice or is discoverable by an information request under RCW 62A.9-407 sent to the department of licensing; and

(4) To any moneys due the landlord as specified in section 14 of this act.

Any excess proceeds from the sale of the property shall be paid to the county treasurer of the county in which the property was abandoned to be credited to the county current expense fund, subject to a claim by the tenant within one year of sale.

\*Sec. 11. was vetoed, see message at end of chapter.

**\*NEW SECTION.** Sec. 12. There is added to chapter 59.20 RCW a new section to read as follows:

**EFFECT OF SALE.** When property is disposed of by a landlord under this chapter, the disposition transfers to a purchaser for value all of the tenant's rights therein and discharges any security interest in or lien upon the property. The purchaser takes free of any such rights and interests even if the landlord fails to comply with the requirements of this chapter or of any judicial proceedings (1) in the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he does not buy in collusion with the landlord, other bidders, or the person conducting the sale; or (2) in any other case, if the purchaser acts in good faith as defined in RCW 62A.1-201(19).

The director of licensing shall promulgate rules pursuant to chapter 34.04 RCW for the application for and the reissuance of the certificate of title showing ownership of any mobile home sold or otherwise disposed of under the provisions of this chapter.

\*Sec. 12. was vetoed, see message at end of chapter.

**\*NEW SECTION.** Sec. 13. There is added to chapter 59.20 RCW a new section to read as follows:

**REDEMPTION.** (1) At any time before the landlord has disposed of property or entered into a contract for its disposition under this chapter, the tenant, unless otherwise agreed in writing, may redeem the property by tendering to the landlord fulfillment of all obligations owed by the tenant to the landlord as set out in section 14 of this act which have accrued up to the date of redemption.

(2) At any time before the landlord has disposed of property or entered into a contract for disposition under this chapter, any person who has a security interest in the property may, unless otherwise agreed in writing, redeem the property by tendering to the landlord:



(a) Any unpaid rent or charges specified in the rental agreement accrued up to the date of redemption, and

(b) The reasonable costs of taking possession, moving, storing, safeguarding, preparing the property for sale, the costs of arranging the sale and selling the tenant's property plus reasonable attorneys' fees and legal expenses incurred taking such actions.

\*Sec. 13. was vetoed, see message at end of chapter.

**\*NEW SECTION.** Sec. 14. There is added to chapter 59.20 RCW a new section to read as follows:

**TENANT'S LIABILITY TO LANDLORD UPON ABANDONMENT.**

If a tenant abandons a tenancy, the landlord shall make a reasonable effort to mitigate the damages resulting from the abandonment and if such reasonable effort is made, is entitled to the following from the tenant:

(1) When the tenancy is month-to-month, the rent for the thirty days following the earlier of the date the landlord learns of the abandonment or the date the regular monthly rental payment was due, but was unpaid;

(2) When the tenancy is for a term longer than month-to-month, the rent for the remainder of the term, minus all rent received from the re-rental of the lot at a fair rental if there were no other comparable lots vacant elsewhere in the mobile home park, plus all actual costs reasonably incurred by the landlord in re-renting the premises;

(3) For any length term, the reasonable costs of taking possession, moving, storing, safeguarding, preparing the property for sale, the costs of arranging the sale, plus reasonable attorneys' fees and legal expenses incurred taking such actions if not otherwise reimbursed by the provisions of section 11 of this act;

(4) Any other unpaid rent or charges specified in the rental agreement; and

(5) Any damages to the landlord's property caused by the tenant.

\*Sec. 14. was vetoed, see message at end of chapter.

**\*NEW SECTION.** Sec. 15. There is added to chapter 59.20 RCW a new section to read as follows:

**REMEDIES NOT EXCLUSIVE.** The remedies specified in sections 6 through 14 of this act are not exclusive and the parties retain the rights to all other actions or remedies otherwise specified in this chapter. If a mobile home park landlord sells a tenant's property as permitted by this chapter and the proceeds from the sale of those goods are insufficient to pay the landlord all that the tenant owes to the landlord, the tenant shall remain liable for the remainder owed.

\*Sec. 15. was vetoed, see message at end of chapter.

**\*NEW SECTION.** Sec. 16. There is added to chapter 59.20 RCW a new section to read as follows:

**REMEDIES FOR NONCOMPLIANCE.** *If it is established that the landlord is not proceeding in accordance with the provisions of sections 7 through 13 of this act, disposition may be ordered or restrained on appropriate terms and conditions. If the disposition has occurred in violation of this chapter, the tenant or any person entitled to notice has a right to recover from the landlord any loss caused by a failure to comply with the provisions of this chapter.*

\*Sec. 16. was vetoed, see message at end of chapter.

Sec. 17. Section 5, chapter 64, Laws of 1895 as amended by section 1, chapter 44, Laws of 1909 and RCW 6.12.100 are each amended to read as follows:

The homestead is subject to execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, materialmen's or vendor's liens upon the premises((-));

(2) On debts secured by purchase money security agreements describing as collateral a mobile home located on the premises or mortgages on the premises, executed and acknowledged by the husband and wife or by any unmarried claimant.

Sec. 18. Section 6, chapter 279, Laws of 1977 ex. sess. as amended by section 4, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.060 are each amended to read as follows:

(1) Any mobile home lot tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state where the mobile home park is located there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;

(e) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

(f) A listing of those utilities and services which will be provided at the time the rental agreement is executed and will continue to be offered for the term of tenancy and the nature of the fees, if any, to be charged; and

(g) A description of the boundaries of a mobile home lot sufficient to inform the tenant of the exact location of his lot in relation to other tenants' lots.

(2) Any rental agreement executed between the landlord and tenant shall not contain:

(a) Any provision which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: **PROVIDED**, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Any provision which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of said vehicle;

(c) Any provision which allows the landlord to ~~((increase the rent or))~~ alter the due date for rent payment or increase the rent (i) during the term of the rental agreement if the term is less than one year, or (ii) more frequently than annually if the term is for one year or more: **PROVIDED**, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year: **PROVIDED FURTHER**, That a rental agreement for a term exceeding one year may provide for annual increases in rent in specified amounts or by a formula specified in such agreement;

(d) Any provision by which the tenant agrees to waive or forego rights or remedies under this chapter;

(e) Any provision allowing the landlord to charge an "entrance fee" or an "exit fee"; ~~((or))~~

(f) Any provision which allows the landlord to charge a fee for guests: **PROVIDED**, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period; or

(g) Any provision by which the tenant agrees to waive or forego home-stead rights provided by chapter 6.12 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not to terminate the tenancy.

Sec. 19. Section 7, chapter 279, Laws of 1977 ex. sess. as last amended by section 5, chapter 152, Laws of 1980 and RCW 59.20.070 are each amended to read as follows:

A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home within a park or require the removal of the mobile home from the park (~~solo~~) because of the sale thereof(~~(:PROVIDED, That:~~

~~(a) Any rental agreement shall be assignable by the tenant to any person to whom he sells or transfers title to the mobile home, subject to the approval of the landlord after fifteen days' written notice of such intended assignment;~~

~~(b) The assignee of the rental agreement shall assume all the duties and obligations of his assignor for the remainder of the term of the rental agreement unless, by mutual agreement, a new rental agreement is entered into with the landlord; and~~

~~(c) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant)). Requirements for the transfer of the rental agreement are in section 20 of this 1981 act;~~

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home lot: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement;

(3) Prohibit meetings by tenants of the mobile home park to discuss mobile home living and affairs, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

(a) Filing a complaint with any state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

(b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;

(c) Filing suit against the landlord for any reason;

(d) Participation or membership in any homeowners association or group; or

(5) Charge to any tenant a utility fee in excess of actual utility costs.

NEW SECTION. Sec. 20. There is added to chapter 59.20 RCW a new section to read as follows:

**TRANSFER OF RENTAL AGREEMENTS.** (1) Any rental agreement shall be assignable by the tenant to any person to whom he sells or transfers title to the mobile home.

(2) A tenant who sells a mobile home within a park shall notify the landlord of the intended sale and transfer of the rental agreement at least fifteen days in advance of such intended transfer and shall notify the buyer of the provisions of this section.

(3) The landlord shall notify the selling tenant of a refusal to permit transfer of the rental agreement at least seven days in advance of such intended transfer.

(4) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant, and any disapproval shall be in writing. Consent to an assignment shall not be unreasonably withheld.

(5) Failure to notify the landlord of the intended sale and transfer of the rental agreement or failure of the new tenant to make a good faith attempt to arrange an interview with the landlord to discuss assignment of the rental agreement shall be grounds for disapproval of such transfer.

Sec. 21. Section 8, chapter 279, Laws of 1977 ex. sess. as amended by section 6, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.080 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the landlord shall not terminate a tenancy, of whatever duration, except for one or more of the following reasons:

(a) Substantial or repeated violation of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140 as now or hereafter amended. The tenant shall be given written notice of a fifteen day period in which to comply or vacate: PROVIDED, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice of a six month period in which to comply or vacate. In the case of periodic rather than continuous violation, said notice shall specify that the same violation repeated shall result in termination;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes or mobile home living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the proposed effective date of such change.

(2) A landlord may terminate any tenancy without cause. Such termination shall be effective six months from the date the landlord serves notice of termination upon the tenant or at the end of the current tenancy, whichever is later: PROVIDED, That a landlord may not terminate a tenancy for any reason or basis which is prohibited under RCW 59.20.070 (3) or (4), as now or hereafter amended, or is intended to circumvent the provisions of (1)(e) of this section.

**NEW SECTION.** Sec. 22. There is added to chapter 59.20 RCW a new section to read as follows:

**HEALTH AND SANITATION STANDARDS.** The state board of health shall adopt rules on or before January 1, 1982, setting health and sanitation standards for mobile home parks. Such rules shall be enforced by the city, county, city-county, or district health officer of the jurisdiction in which the mobile home park is located, upon notice of a violation to such health officer.

*\*Sec. 23. Section 55, chapter 299, Laws of 1971 ex. sess. as last amended by section 1, chapter 123, Laws of 1979 and RCW 82.50.400 are each amended to read as follows:*

*An annual excise tax is imposed on the owner of ~~((any))~~ every travel trailer or camper for the privilege of using such travel trailer or camper in this state, unless the travel trailer or camper is exempt under this chapter. The excise tax hereby imposed shall be due and payable to the department of licensing or its agents ~~((at the time of registration of a travel trailer or camper))~~:*

*(1) On the first day of the registration year, for travel trailers or campers which have been previously licensed by this state, unless an exemption is claimed under RCW 82.50.520(5);*

*(2) On the first day the travel trailer or camper is used on the highways of this state, if an exemption has been claimed under RCW 82.50.520(5) for the registration year, or*

*(3) On the day the travel trailer or camper is first purchased or brought into the state.*

*Whenever an application is made to the department of licensing or its agents for a license for a travel trailer or camper there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter prorated to comply with the effective date of the annual schedule prepared pursuant to RCW 82.44.040, and no dealer's license or license plates, and no license or license plates for a*

*travel trailer or camper may be issued unless such tax is paid in full. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the registration year or fractional part thereof in which such transfer occurs.*

\*Sec. 23. was vetoed, see message at end of chapter.

*\*Sec. 24. Section 56, chapter 299, Laws of 1971 ex. sess. as last amended by section 2, chapter 123, Laws of 1979 and RCW 82.50.410 are each amended to read as follows:*

*The rate and measure of tax imposed by this chapter for each registration year shall be one percent of the fair market value of the travel trailer or camper, as determined in the manner provided in this chapter: PROVIDED, That ~~((the excise tax upon a travel trailer or camper licensed for the first time in this state after the last day of any registration month may only be levied for the remaining months of the registration year including the month in which the travel trailer or camper is first licensed: PROVIDED FURTHER, That))~~ the minimum amount of tax payable shall be two dollars: PROVIDED FURTHER, That every dealer in mobile homes or travel trailers, for the privilege of using any mobile home or travel trailer eligible to be used under a dealer's license plate, shall pay an excise tax of two dollars, and such tax shall be collected upon the issuance of each original dealer's license plate, and also a similar tax shall be collected upon the issuance of each dealer's duplicate license plate, which taxes shall be in addition to any tax otherwise payable under this chapter.*

*~~((A travel trailer or camper shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year or any part thereof immediately preceding the registration year in which application for license is made or when it has been registered in another jurisdiction subsequent to any prior registration in this state.))~~*

\*Sec. 24. was vetoed, see message at end of chapter.

*\*Sec. 25. Section 61, chapter 299, Laws of 1971 ex. sess. as last amended by section 3, chapter 123, Laws of 1979 and RCW 82.50.460 are each amended to read as follows:*

*Prior to the end of any registration year of a vehicle, the director shall cause to be mailed to the owners of travel trailers or campers, of record, notice of the amount of tax payable during the succeeding registration year. The notice shall contain a legal description of the travel trailer or camper, prominent notice of due dates, and such other information as may be required by the director. The notice shall include an affidavit of exemption to be signed by a person claiming exemption under RCW 82.50.520(5). If tax is due and payment is not made before the registration year, the director may forward a notification of delinquency to the county sheriff of the county in*

**which the travel trailer or camper is located, requesting distraint of the travel trailer or camper.**

\*Sec. 25. was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 26. There is added to chapter 82.50 RCW a new section to read as follows:**

***The director or his authorized representative may enter at reasonable times all mobile home parks and any other areas where travel trailers or campers are parked for the purpose of determining whether or not the tax prescribed in this chapter has been paid. The records required to be kept under RCW 19.48.020 shall be open to inspection by the director or his representatives.***

\*Sec. 26. was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 27. There is added to chapter 82.50 RCW a new section to read as follows:**

***If any excise tax due under this chapter is not paid when due and payable, the unpaid tax shall bear interest at the rate of twelve percent per annum from the time the tax is due and payable. The interest charge on the unpaid excise tax is waived when the interest is less than five dollars. The director may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the department of licensing determines that the cost of processing the collection of the interest exceeds the amount of interest due.***

***The tax and all charges authorized under this chapter are a specific lien on the travel trailer or camper from the date it first becomes due under this chapter and shall have priority to and be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the travel trailer or camper may become charged or liable after the effective date of this act. No sale or transfer of any travel trailer or camper in any way affects the lien upon the travel trailer or camper.***

\*Sec. 27. was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 28. There is added to chapter 82.50 RCW a new section to read as follows:**

***It is unlawful for any owner or other person to remove a travel trailer or camper from the real property on which it is situated after the tax under this chapter becomes due and payable without payment of the excise tax under this chapter or under RCW 82.44.020.***

\*Sec. 28. was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 29. There is added to chapter 82.50 RCW a new section to read as follows:**

***When notified by the director that the excise tax is delinquent on any travel trailer or camper, the sheriff shall personally serve the owner in the manner provided for service of summons in civil actions or post on the travel trailer or camper in a conspicuous place, a notice of delinquency, supplied by***



*the director, which shall contain a description of the travel trailer or camper, the amount of excise tax due, together with accrued interest, the penalty, and the sheriff shall add thereto his fee for service or posting of the notice, which shall be the same as for the service of summons in a civil action, with fees for mileage based on the number of miles from the county seat of the county to the location of the travel trailer or camper, and the name of the owner or reputed owner, if known. Thereafter, the sheriff may, without further demand or notice, distraint the travel trailer or camper for the payment of tax, together with the penalty and accrued interest, and the costs and fees.*

*If he determines that it is reasonably impracticable to take manual possession of the trailer or camper, it shall be deemed to have been distrained and taken into possession when the sheriff posts thereon in a conspicuous place, a notice in writing reciting that he has distrained the travel trailer or camper, describing it and giving the name of the owner or reputed owner, if known, the amount of the tax due, together with the penalty, accrued interest, costs and fees, and the time when and the place where the sale shall be made.*

*The director shall forward by registered or certified mail a copy of the notice of delinquency to the legal owner recorded with the director under chapter 46.12 RCW.*

\*Sec. 29. was vetoed, see message at end of chapter.

**\*NEW SECTION. Sec. 30.** *There is added to chapter 82.50 RCW a new section to read as follows:*

*If the tax is not paid immediately after distraint, the sheriff shall advertise the sale of the travel trailer or camper by posting written notices in three public places in the county in which the travel trailer or camper is located, one of which shall be at the county court house of the county, and by posting a written notice on the travel trailer or camper in a conspicuous place, if he has not taken manual possession of it. The notices shall state the time when and the place where the travel trailer or camper will be sold. He shall tax the same fees for making the distraint and sale of the travel trailer or camper for the payment of taxes as are allowed him by law for making levy and sale of property on execution, traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which the travel trailer or camper is distrained, together with the penalty, accrued interest, and costs and fees accruing thereon, are not paid before the date appointed for the sale, which shall be not less than ten days after the distraint and taking of the travel trailer or camper and posting of the notices, the sheriff shall proceed to sell the travel trailer or camper at public auction. After deducting the costs and fees, he shall pay to the county auditor the amount to pay the taxes, the penalty, and accrued interest to the date of sale, if there is sufficient to do so, and, if there is any excess of money arising from the sale, he shall pay the excess to the owner of the travel trailer or camper so sold or*

*to his legal representative, who shall be deemed to be the county treasurer if the owner or other legal representative cannot be determined or found.*

\*Sec. 30. was vetoed, see message at end of chapter.

*\*Sec. 31. Section 67, chapter 299, Laws of 1971 ex. sess. as amended by section 4, chapter 123, Laws of 1979 and RCW 82.50.520 are each amended to read as follows:*

*The following travel trailers or campers are specifically exempted from the operation of this chapter:*

*(1) Any unoccupied travel trailer or camper when it is part of an inventory of travel trailers or campers held for sale by a manufacturer or dealer in the course of his business.*

*(2) A travel trailer or camper owned by any government or political subdivision thereof.*

*(3) A travel trailer or camper owned by a nonresident and currently licensed in another state, unless such travel trailer or camper shall remain in this state for a period of six months or more during the calendar year.*

*For the purposes of this subsection only, a camper owned by a nonresident shall be considered licensed in another state if the vehicle to which such camper is attached is currently licensed in another state.*

*(4) Travel trailers eligible to be used under a dealer's license plate, and taxed under RCW 82.44.030 while so eligible.*

*(5) A travel trailer or camper that is not used on the highways of this state and is not used for residential purposes. If a travel trailer or camper has been previously licensed by this state and is used on the highways of this state or is used for residential purposes for any part of a registration year, then exemption under this subsection shall not be allowed for that registration year.*

\*Sec. 31. was vetoed, see message at end of chapter.

Sec. 32. Section 68, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.530 are each amended to read as follows:

No mobile home, travel trailer, or camper which is a part of the inventory of mobile homes, travel trailers, or campers held for sale by a dealer in the course of his business and no travel trailer or camper (~~((with respect to which the excise tax imposed by this chapter is payable))~~) as defined in RCW 82.50.010 shall be listed and assessed for ad valorem taxation.

**NEW SECTION.** Sec. 33. Section headings as used in this act do not constitute any part of the law.

Sec. 34. Section 1, chapter 156, Laws of 1963 as amended by section 1, chapter 11, Laws of 1965 ex. sess. and RCW 64.32.010 are each amended to read as follows:

As used in this chapter unless the context otherwise requires:

(1) "Apartment" means a part of the property intended for any type of independent use, including one or more rooms or (~~((enclosed))~~) spaces located

on one or more floors (or part or parts thereof) in a building, or if not in a building, a separately delineated place of storage or moorage of a boat or plane, regardless of whether it is destined for a residence, an office, storage or moorage of a boat or plane, the operation of any industry or business, or for any other use not prohibited by law, and which has a direct exit to a public street or highway, or to a common area leading to such street or highway. The boundaries of an apartment located in a building are the interior surfaces of the perimeter walls, floors, ceilings, windows and doors thereof, and the apartment includes both the portions of the building so described and the air space so encompassed. If the apartment is a separately delineated place of storage or moorage of a boat or plane, the boundaries are those specified in the declaration. In interpreting declarations, deeds, and plans, the existing physical boundaries of the apartment as originally constructed or as reconstructed in substantial accordance with the original plans thereof shall be conclusively presumed to be its boundaries rather than the metes and bounds expressed or depicted in the declaration, deed or plan, regardless of settling or lateral movement of the building and regardless of minor variance between boundaries shown in the declaration, deed, or plan and those of apartments in the building.

(2) "Apartment owner" means the person or persons owning an apartment, as herein defined, in fee simple absolute or qualified, by way of leasehold or by way of a periodic estate, or in any other manner in which real property may be owned, leased or possessed in this state, together with an undivided interest in a like estate of the common areas and facilities in the percentage specified and established in the declaration as duly recorded or as it may be lawfully amended.

(3) "Apartment number" means the number, letter, or combination thereof, designating the apartment in the declaration as duly recorded or as it may be lawfully amended.

(4) "Association of apartment owners" means all of the apartment owners acting as a group in accordance with the bylaws and with the declaration as it is duly recorded or as they may be lawfully amended.

(5) "Building" means a building, containing two or more apartments, or two or more buildings each containing one or more apartments, and comprising a part of the property.

(6) "Common areas and facilities", unless otherwise provided in the declaration as duly recorded or as it may be lawfully amended, includes: (a) The land on which the building is located;

(b) The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbys, stairs, stairways, fire escapes, and entrances and exits of the building;

(c) The basements, yards, gardens, parking areas and storage spaces;

(d) The premises for the lodging of janitors or persons in charge of the property;

(e) The installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;

(f) The elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;

(g) Such community and commercial facilities as may be provided for in the declaration as duly recorded or as it may be lawfully amended;

(h) All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

(7) "Common expenses" include: (a) All sums lawfully assessed against the apartment owners by the association of apartment owners;

(b) Expenses of administration, maintenance, repair, or replacement of the common areas and facilities;

(c) Expenses agreed upon as common expenses by the association of apartment owners;

(d) Expenses declared common expenses by the provisions of this chapter, or by the declaration as it is duly recorded, or by the bylaws, or as they may be lawfully amended.

(8) "Common profits" means the balance of all income, rents, profits and revenues from the common areas and facilities remaining after the deduction of the common expenses.

(9) "Declaration" means the instrument by which the property is submitted to provisions of this chapter, as hereinafter provided, and as it may be, from time to time, lawfully amended.

(10) "Land" means the material of the earth, whatever may be the ingredients of which it is composed, whether soil, rock, or other substance, whether or not submerged, and includes free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the use of airspace imposed, and rights in the use of the airspace granted, by the laws of this state or of the United States.

(11) "Limited common areas and facilities" includes those common areas and facilities designated in the declaration, as it is duly recorded or as it may be lawfully amended, as reserved for use of certain apartment or apartments to the exclusion of the other apartments.

(12) "Majority" or "majority of apartment owners" means the apartment owners with fifty-one percent or more of the votes in accordance with the percentages assigned in the declaration, as duly recorded or as it may be lawfully amended, to the apartments for voting purposes.

(13) "Person" includes any individual, corporation, partnership, association, trustee, or other legal entity.

(14) "Property" means the land, the building, all improvements and structures thereon, all owned in fee simple absolute or qualified, by way of leasehold or by way of a periodic estate, or in any other manner in which real property may be owned, leased or possessed in this state, and all easements, rights and appurtenances belonging thereto, none of which shall be

considered as a security or security interest, and all articles of personality intended for use in connection therewith, which have been or are intended to be submitted to the provisions of this chapter.

NEW SECTION. Sec. 35. The provisions of section 34 (1) shall not apply to moorages for houseboats without the approval of the local municipality.

NEW SECTION. Sec. 36. There is added to chapter 46.70 RCW a new section to read as follows:

**WARRANTIES AND INSPECTIONS.** Mobile home manufacturers and mobile home dealers who sell mobile homes to be assembled on site and used as residences in this state shall conform to the following requirements:

(1) No new manufactured home may be sold unless the purchaser is provided with a manufacturer's written warranty for construction of the home in compliance with the Magnuson-Moss Warranty Act (88 Stat. 2183; 15 U.S.C. Sec. 47 et seq.; 15 U.S.C. Sec. 2301 et seq.).

(2) No new manufactured home may be sold unless the purchaser is provided with a dealer's written warranty for all installation services performed by the dealer.

(3) The warranties required by subsections (1) and (2) of this section shall be valid for a minimum of one year from the date of sale and shall not be invalidated by resale by the original purchaser to a subsequent purchaser. Copies of the warranties shall be given to the purchaser upon signing a purchase agreement and shall include an explanation of remedies available to the purchaser under state and federal law for breach of warranty, the name and address of the federal department of housing and urban development and the state departments of licensing and labor and industries, and a brief description of the duties of these agencies concerning mobile homes.

(4) Warranty service shall be completed within forty-five days after the owner gives written notice of the defect unless there is a bona fide dispute between the parties. Warranty service for a defect affecting health or safety shall be completed within seventy-two hours of receipt of written notice. Warranty service shall be performed on site and a written work order describing labor performed and parts used shall be completed and signed by the service agent and the owner. If the owner's signature cannot be obtained, the reasons shall be described on the work order. Work orders shall be retained by the dealer or manufacturer for a period of three years.

(5) Before delivery of possession of the home to the purchaser, an inspection shall be performed by the dealer or his agent and by the purchaser or his agent which shall include a test of all systems of the home to insure proper operation. At the time of the inspection, the purchaser shall be given copies of all documents required by state or federal agencies to be supplied by the manufacturer with the home which have not previously been provided as required under subsection (3) of this section, and the dealer shall

complete any required purchaser information card and forward the card to the manufacturer.

(6) Manufacturer and dealer advertising which states the dimensions of a home shall not include the length of the draw bar assembly in a listed dimension, and shall state the square footage of the actual floor area.

Sec. 37. Section 5, chapter 279, Laws of 1977 ex. sess. as last amended by section 4, chapter 152, Laws of 1980 and RCW 59.20.050 are each amended to read as follows:

(1) No landlord may offer a mobile home lot for rent to anyone without offering a written rental agreement for a term of one year or more. No landlord may offer to anyone any rental agreement for a term of one year or more for which the monthly rental is greater, or the terms of payment or other material conditions more burdensome to the tenant, than any month-to-month rental agreement also offered to such tenant or prospective tenant. Anyone who desires to occupy a mobile home lot for other than a term of one year or more may have the option to be on a month-to-month basis but must waive, in writing, the right to such one year or more term: PROVIDED, That ~~((no waiver shall be valid for a period of more than one year and upon the expiration of any waiver the landlord shall again offer the tenant a term of one year or more))~~ annually, at any anniversary date of the tenancy the tenant may require that the landlord provide a written rental agreement for a term of one year. No landlord shall allow a mobile home to be moved into a mobile home park in this state until a written rental agreement has been signed by and is in the possession of the parties: PROVIDED, That if the landlord allows the tenant to move a mobile home into a mobile home park without obtaining a written rental agreement for a term of one year or more, or a written waiver of the right to a one-year term or more, the term of the tenancy shall be deemed to be for one year from the date of occupancy of the mobile home lot;

(2) The requirements of subsection (1) of this section shall not apply if:

(a) The mobile home park or part thereof has been acquired or is under imminent threat of condemnation for a public works project, or

(b) An employer-employee relationship exists between a landlord and tenant;

(3) The provisions of this section shall apply to any tenancy upon expiration of the term of any oral or written rental agreement governing such tenancy.

NEW SECTION. Sec. 38. (1) The legislature finds that:

(a) A serious and chronic shortage exists of decent, safe and sanitary housing which can be obtained within the financial means of most moderate and low income households in the state; and

(b) A shortage of land zoned for the location of manufactured housing exists which interferes with the residential choices available to purchasers and renters of housing.

(2) The legislature recognizes that:

(a) Manufactured housing represents an economical alternative which satisfies the residential needs of a growing number of households;

(b) Manufactured housing constructed, transported, and installed in compliance with applicable government statutes, regulations, standards, and procedures can qualify as decent, safe, and sanitary housing with residential characteristics comparable with other forms of housing;

(c) Differences in appearance, size, and other aspects nevertheless remain between manufactured and site built housing; and

(d) Cities and counties have a legal role in regulating the placement of manufactured and site built housing in a manner which is in accordance with community appearance, standards, and well-being.

(3) The legislature declares that:

(a) A need exists for adequate land which is zoned for the siting of manufactured housing on individual lots and in mobile home parks and which is consistent with prevailing local market demand and sensible community standards; and

(b) It shall be the policy of the state to encourage cities and counties to meet the need for adequate land zoned within their jurisdictions for the siting of manufactured housing.

NEW SECTION. Sec. 39. Nothing in this act may be construed to inhibit a city or county from: (1) Providing reasonable requirements for regulating the characteristics and siting of manufactured homes sited on real estate within such city or county, including size, site preparation, accessory structures, siding and roofing characteristics and materials, and foundation systems, provided that such requirements are not more stringent for manufactured homes than for other single family residences; or (2) requiring that a manufactured home be placed in an approved mobile home subdivision, mobile home park, or cooperative.

NEW SECTION. Sec. 40. The planning and community affairs agency shall immediately establish an advisory task force on manufactured housing. The task force shall consist of nine members. The director of the planning and community affairs agency or the director's designee shall be a member of the task force and serve as its chairperson. The director of the planning and community affairs agency shall appoint the other members of the task force with two members representing cities, two members representing counties, and four members representing manufactured housing interests and realtors. On or before December 1, 1981, the task force shall prepare a report containing model ordinances on the siting of manufactured housing, standards for manufactured housing zoning regulations and recommendations for the characteristics and siting of manufactured homes. The planning and community affairs agency shall publish the report and distribute it to the members of the local government committees of the senate and house of representatives of the state of Washington and all cities and counties.

The planning and community affairs agency shall, upon request, assist any city or county with the development of comprehensive plans, ordinances, and standards which relate to zoning sites for manufactured housing.

NEW SECTION. Sec. 41. Before January 1, 1983, the planning and community affairs agency shall determine the extent to which cities and counties have responded to the need to provide adequate land zoned for manufactured housing and report its findings to the members of the local government committees of the senate and the house of representatives of the state of Washington.

NEW SECTION. Sec. 42. The advisory task force on manufactured housing established in section 40 of this act shall cease to exist on January 1, 1982.

NEW SECTION. Sec. 43. There is appropriated from the general fund for the biennium ending June 30, 1983, to the planning and community affairs agency the sum of ten thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 44. Sections 38 through 42 of this act are added to chapter 43.63A RCW.

NEW SECTION. Sec. 45. Sections 38 through 41 of this act shall expire on January 1, 1983.

NEW SECTION. Sec. 46. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 47. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 26, 1981.

Passed the Senate April 26, 1981.

Approved by the Governor May 19, 1981, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 19, 1981.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to part of Substitute House Bill 397 entitled:

"AN ACT Relating to property."

This is a comprehensive and laudable effort to define the relationship between landlords and mobile home tenants. There are two topics, however, that cause me some concern.

Section 3 and Sections 6 through 16 establish new and significantly different procedures for declaring mobile homes abandoned and for disposing of them.



While we may need new abandonment procedures, I feel these provisions need more study; existing law is sufficient in the meantime.

Sections 23 through 31 would require the Department of Licensing to impose and collect an annual excise tax on certain travel trailers and/or campers. This includes the collection of back taxes even if a vehicle has not been in use on the highways of the state and ownership has changed. This imposes an unfair obligation on the purchaser of such vehicle in that he/she might not be aware of such obligation until after the change in ownership had taken place. Further, the manpower required to enforce these changes exceeds the revenue gained from enforcement.

With the exceptions of Sections 3, 6 through 16, and 23 through 31, House Bill 397 is approved."

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## CHAPTER 305

[House Bill No. 734]

### REAL ESTATE BROKERS—MOBILE HOME SALES

AN ACT Relating to the purchase, sale, and exchange of mobile homes; amending section 2, chapter 252, Laws of 1941 as last amended by section 68, chapter 158, Laws of 1979 and RCW 18.85.010; and amending section 3, chapter 11, Laws of 1979 as amended by section 186, chapter 158, Laws of 1979 and RCW 46.70.011.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 252, Laws of 1941 as last amended by section 68, chapter 158, Laws of 1979 and RCW 18.85.010 are each amended to read as follows:

In this chapter words and phrases have the following meanings unless otherwise apparent from the context:

(1) "Real estate broker," or "broker," means a person, while acting for another for commissions or other compensation or the promise thereof, or a licensee under this chapter while acting in his own behalf, who:

(a) Sells or offers for sale, lists or offers to list, buys or offers to buy real estate or business opportunities, or any interest therein, for others;

(b) Negotiates or offers to negotiate, either directly or indirectly, the purchase, sale, exchange, lease, or rental of real estate or business opportunities, or any interest therein, for others;

(c) Negotiates or offers to negotiate, either directly or indirectly, the purchase, sale, or exchange of a used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used mobile home is located;

(d) Advertises or holds himself out to the public by any oral or printed solicitation or representation that he is so engaged; or

~~((d))~~ (e) Engages, directs, or assists in procuring prospects or in negotiating or closing any transaction which results or is calculated to result in any of these acts;

(2) "Real estate salesman" or "salesman" means any natural person employed, either directly or indirectly, by a real estate broker, or any person