

2021 Regular Session

HOUSE BILL NO. 450

BY REPRESENTATIVE COX

1 AN ACT

2 To amend and reenact R.S. 15:587(A)(1)(a), R.S. 51:911.24(I)(1), (2), and (J)(1), 912.3(1),
3 912.5(A), and 912.27(A)(3) and to enact R.S. 15:587(A)(1)(k), R.S. 51:911.22(14),
4 911.24(I)(3), and 912.21(14), relative to the Louisiana Manufactured Housing
5 Commission; to provide for the collection of criminal history record information on
6 applicants for licensure; to provide for the suspension of continuing education
7 requirements; to provide for definitions; to provide for technical changes; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:587(A)(1)(a) is hereby amended and reenacted and R.S.
11 15:587(A)(1)(k) is hereby enacted to read as follows:

12 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal
13 Identification and Information

14 A.(1)(a) The bureau shall make available upon request, or at such other times
15 as the deputy secretary shall designate, to any eligible criminal justice agency and
16 the Louisiana Department of Education, the Louisiana Department of Health, the
17 state fire marshal when reviewing applications for licensure, the Louisiana
18 Manufactured Housing Commission when reviewing applications for licensure, the
19 Department of Children and Family Services, the Department of Insurance, the
20 Louisiana State Racing Commission, the Senate and Governmental Affairs
21 Committee, the House and Governmental Affairs Committee, the secretary of the
22 Louisiana Workforce Commission or his designee, the Board of River Port Pilot
23 Commissioners, the Office of Financial Institutions in the office of the governor, the

1 office of the disciplinary counsel of the Louisiana Attorney Disciplinary Board of the
 2 Louisiana State Bar Association; however, as to any licensed attorney such
 3 information shall be provided only after the issuance of a formal charge against the
 4 attorney, the Louisiana Supreme Court Committee on Bar Admissions, the municipal
 5 or parish department or personnel responsible for reviewing applications for
 6 alcoholic beverage outlet permits, and the legislative auditor any information
 7 contained in the criminal history record and identification files of the bureau. The
 8 Department of Children and Family Services may provide information secured
 9 pursuant to this Subsection to all federal and state agencies providing child support
 10 enforcement services.

11 * * *

12 (k) The Louisiana Manufactured Housing Commission shall submit
 13 fingerprint cards and other identifying information of persons seeking licensure
 14 pursuant to R.S. 51:911.21 et seq. to the bureau. The bureau shall, upon request and
 15 after receipt of fingerprint cards and other identifying information from the
 16 Louisiana Manufactured Housing Commission, make available to the Louisiana
 17 Manufactured Housing Commission all arrest and conviction information contained
 18 in the bureau's criminal history record and identification files which pertain to the
 19 person seeking licensure with the Louisiana Manufactured Housing Commission.

20 Section 2. R.S. 51:911.24(I)(1), (2), and (J)(1), 912.3(1), 912.5(A), and 912.27(A)(3)
 21 are hereby amended and reenacted and R.S. 51:911.22(14), 911.24(I)(3), and 912.21(14) are
 22 hereby enacted to read as follows:

23 §911.22. Definitions

24 As used in this Part, unless the context requires a different definition:

25 * * *

26 (14) "Extraordinary circumstances" means a federally declared disaster, a
 27 gubernatorially declared disaster or emergency, a pandemic, or an illness or
 28 emergency medical condition.

29 * * *

1 §911.24. License required; qualifications; application; issuance; transfer; criminal
2 history record information

3 * * *

4 I.(1) The commission shall have the authority to:

5 ~~(1) Request request~~ and obtain from the Department of Public Safety and
6 Corrections, Bureau of Criminal Identification and Information, hereinafter referred
7 to as the "bureau", criminal history record information as defined in R.S.
8 51:911.22(3) on any person applying for any license which the commission is
9 authorized by law to issue and shall pay a fee as specified in R.S. 15:587.

10 (2) The applicant shall submit fingerprints and other identifying information
11 to the commission, which shall then submit such information to the bureau, and the
12 bureau shall, upon request of the commission and after receipt of the fingerprint card
13 and other identifying information from the commission, make available to the
14 commission all arrest and conviction information contained in the bureau's criminal
15 history record and identification files which pertain to the applicant.

16 ~~Charge~~ (3) The commission shall have the authority to charge and collect
17 from an applicant for any license which the board is authorized to issue, in addition
18 to all other applicable fees and costs, such amount as may be incurred by the
19 commission in requesting and obtaining criminal history record information on the
20 applicant.

21 J.(1) ~~Prior to January 1, 2005, and each year thereafter, all~~ All retailers and
22 developers shall annually take a commission-approved continuing education course.
23 The individual required to attend the continuing education course is the individual
24 license holder; for corporations, an officer or manager; for partnerships, a partner or
25 manager. The commission shall set the educational requirements and approve
26 providers and the course materials for all continuing education classes. The
27 commission shall have the authority to suspend these continuing education
28 requirements, for one or more licensees, if the commission, in its discretion,
29 determines such action is warranted due to extraordinary circumstances.

30 * * *

1 §912.3. Definitions

2 For purposes of this Part, the following words, phrases, and terms are defined
3 and construed as follows:

4 (1) "Builder" ~~means a person or an entity that designs, manufactures, or~~
5 ~~constructs homes, including dealers, developers, manufacturers, and installers,~~
6 ~~whether or not the consumer purchased the underlying real estate with the home or~~
7 ~~the builder initially occupied the home as his residence.~~ means the dealer who sold
8 the home, the manufacturer who constructed the home or any section of the home if
9 it is a multi-section home, the installer who installed the home, any person or entity
10 that designed, manufactured, or constructed the home, whether or not the consumer
11 purchased the underlying real estate with the home or the builder initially occupied
12 the home as his residence, or any person or entity licensed by the commission.

13 * * *

14 §912.5. Required notice

15 A. Before undertaking any repair himself or instituting any action for breach
16 of warranty, the owner shall give the commission written notice on each individual
17 home that is defective by filling out the consumer complaint form provided by the
18 commission and submitting it by registered or certified mail within one year after
19 knowledge of the defect, advising the commission of all defects in the individual
20 home. The commission shall then have the individual home inspected and a
21 determination made on all defects listed by the owner. Thereafter, the commission
22 shall give the appropriate builder a reasonable opportunity to comply with the
23 provisions of this Part. Once the repairs are made, the commission shall have the
24 home reinspected to determine if the repairs have been made in compliance with the
25 building standards.

26 * * *

27 §912.21. Definitions

28 For the purposes of this Part, the following words have the following
29 meanings:

30 * * *

1 (14) "Extraordinary circumstances" means a federally declared disaster, a
2 gubernatorially declared disaster or emergency, a pandemic, or an illness or
3 emergency medical condition.

4 * * *

5 §912.27. Licensure of installers and transporters; adoption of rules; compliance with
6 installation instructions; disposition of fees

7 A.

8 * * *

9 (3) Installers shall be required to attend one continuing education course per
10 year. The individual required to attend the continuing education course is the
11 individual license holder. For corporations, an officer of the corporation shall attend
12 the course. For partnerships, a partner shall attend the course. The commission shall
13 set the educational requirements and approve educational course providers and the
14 course materials for all continuing education classes. The commission shall have the
15 authority to suspend these continuing education requirements, for one or more
16 licenses, if the commission, in its discretion, determines such action is warranted due
17 to extraordinary circumstances.

18 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____