

2017 Regular Session

HOUSE BILL NO. 471

BY REPRESENTATIVE FOIL

1 AN ACT

2 To amend and reenact R.S. 51:911.21, 911.22(5), (7), (8.1), (10)(introductory paragraph),
3 (11), and (12), 911.24(A)(1) through (3) and (6), (B)(introductory paragraph) and
4 (L), 911.26(A)(1), (D)(1) through (3), (F)(1) through (4) and (10), 911.29, 911.30,
5 911.32(E), 911.36, 911.38, 911.39, 911.41, 911.43, 911.46, 912.3(introductory
6 paragraph) and (7), 912.5(A), 912.21(introductory paragraph), (1), (2), (4), (6), and
7 (9) through (12), 912.22(introductory paragraph), (1), and (7), 912.25(2) and (3),
8 912.26, 912.27(A)(1) and (B) through (D), 912.28(A), and 912.52(B)(5), to enact
9 R.S. 51:911.22(13), 911.24(C)(3), 911.26(F)(11), and 912.21(13), and to repeal R.S.
10 51:911.24(K), 911.26(A)(3), and (J), and 911.28(A)(10); relative to provisions
11 applicable to manufactured and modular housing; to expand Parts XIV, XIV-A, and
12 XIV-B of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950 with
13 respect to greater inclusion of and applicability to modular housing; to modify and
14 create definitions; to provide with respect to requirements of retailers, developers,
15 and transporters; to provide with respect to members at large and authority of the
16 Louisiana Manufactured Housing Commission; to require consumers to provide
17 certain written notice to the commission with respect to defects; to modify certain
18 installation standards; to provide with respect to licensure of installers and
19 transporters; to increase certain civil penalties for violations; to repeal certain
20 licensing requirements and fees applicable to manufactured home brokers; to repeal
21 obsolete provisions relative to the commission; to provide for technical corrections;
22 and to provide for related matters.

23 Be it enacted by the Legislature of Louisiana:

24 Section 1. R.S. 51:911.21, 911.22(5), (7), (8.1), (10)(introductory paragraph), (11),
25 and (12), 911.24(A)(1) through (3) and (6), (B)(introductory paragraph) and (L),
26 911.26(A)(1), (D)(1) through (3), (F)(1) through (4) and (10), 911.29, 911.30, 911.32(E),

1 911.36, 911.38, 911.39, 911.41, 911.43, 911.46, 912.3(introductory paragraph) and (7),
2 912.5(A), 912.21(introductory paragraph), (1), (2), (4), (6), and (9) through (12),
3 912.22(introductory paragraph), (1), and (7), 912.25(2) and (3), 912.26, 912.27(A)(1) and
4 (B) through (D), 912.28(A), and 912.52(B)(5) are hereby amended and reenacted and R.S.
5 51:911.22(13), 911.24(C)(3), 911.26(F)(11), and 912.21(13) are hereby enacted to read as
6 follows:

7 PART XIV. MANUFACTURED AND MODULAR HOUSING

8 §911.21. Short title

9 This Part shall be known and may be cited as "Uniform Standards Code for
10 Manufactured and Modular Housing".

11 §911.22. Definitions

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

13 * * *

14 (5) "Manufactured home" and "manufactured housing" ~~means~~ mean a
15 factory-built, residential dwelling unit constructed to standards and codes, as
16 promulgated by the United States Department of Housing and Urban Development
17 (HUD), under the National Manufactured Housing Construction and Safety
18 Standards Act of 1974, 42 U.S.C. §5401 et seq., as amended. Further, the terms
19 "manufactured home" and "manufactured housing" may be used interchangeably and
20 apply to structures bearing the permanently affixed seal of the United States
21 Department of Housing and Urban Development ~~or to factory-built, residential~~
22 ~~dwellings that are mounted on a chassis.~~

23 * * *

24 (7) "Manufacturer" means any person who manufactures manufactured or
25 modular housing.

26 * * *

27 (8.1) "Modular home" and "modular housing" ~~means~~ mean a factory-built,
28 residential dwelling unit built to the International Residential Code as adopted by the
29 Louisiana State Uniform Construction Code Council.

30 * * *

1 (10) "Retailer" means any person who is engaged wholly or in part in the
 2 business of buying, selling, distributing, brokering, or exchanging an interest in a
 3 manufactured or modular home with the intent to make a profit, monetary gain, or
 4 any thing of economic value. Any person who buys, sells, distributes, brokers, or
 5 exchanges an interest in more than one such manufactured or modular home in any
 6 twelve-month period shall be presumed to be a retailer. "Retailer" shall not include
 7 any of the following:

8 * * *

9 (11) "Salesman" means any person employed by a retailer or developer for
 10 purposes of selling manufactured or modular housing to the public.

11 (12) "Seal" or "label" means the permanently affixed device or insignia
 12 issued by the United States Department of Housing and Urban Development (HUD)
 13 or other authority having jurisdiction that is displayed on the exterior of a factory-
 14 built manufactured or modular home, certifying that the home is in compliance with
 15 the applicable Code.

16 (13) "Transporter" means an individual who transports a manufactured or
 17 modular home to a site of installation but does not perform any blocking or
 18 anchoring of the home, except a transporter is allowed to put blocks under the hitch
 19 on the tongue of the frame.

20 * * *

21 §911.24. License required; qualifications; application; issuance; transfer; criminal
 22 history record information

23 A.(1) No manufacturer, retailer, or salesman within or without this state shall
 24 sell or offer for sale in Louisiana any mobile home, modular home, or manufactured
 25 housing unless he has obtained a valid manufacturer's, retailer's, or salesman's
 26 license, whichever is applicable, from the commission as provided in this Part.

27 (2) No developer shall sell or offer for sale to the public any manufactured
 28 or modular home unless he has obtained a license from the commission, as provided
 29 in this Part. No employee of a developer shall offer manufactured or modular

1 housing for sale to the general public without first obtaining a salesman license or
2 being a licensed real estate agent.

3 (3) No manufacturer within or without this state shall sell or offer for sale
4 to a person any manufactured or modular housing for resale to the public unless the
5 person has obtained a valid retailer's or developer's license from the commission as
6 provided in this Part.

7 * * *

8 (6) No retailers or developers shall offer for sale to the public any new
9 manufactured or modular home unless the manufacturer of the home has obtained
10 a valid manufacturer's license.

11 B. Application for a manufacturer's license shall be made upon the form
12 prescribed by the commission and shall contain all of the following:

13 * * *

14 C.

15 * * *

16 (3) All retailers and developers are required to have at least one licensed
17 salesman.

18 * * *

19 L. The commission shall require that retailers, developers, transporters, and
20 installers show proof of continued and ongoing general liability insurance coverage
21 of at least one hundred thousand dollars. Manufacturers shall be required to show
22 proof of continued and ongoing liability insurance coverage of at least one million
23 dollars.

24 * * *

25 §911.26. Louisiana Manufactured Housing Commission

26 A.(1) The Louisiana Manufactured Housing Commission is hereby created.
27 The commission shall be composed of seven members, with at least one member
28 appointed from each Public Service Commission district and two at-large members,

1 all appointed by the governor with the consent of the Senate as provided in this
2 Section.

3 * * *

4 D.(1) The commission ~~shall~~ may hire a qualified person to serve as executive
5 director who shall have had sufficient management and organizational experience to
6 direct the day-to-day operations of the commission. The commission shall fix the
7 salary and shall define and prescribe the duties of the executive director.

8 (2) The executive director shall be in charge of the commission's office and
9 shall devote such time as directed by the commission to fulfill the duties thereof, ~~and~~
10 ~~before entering upon his duties he shall take and subscribe to the oath of office.~~

11 (3) The commission may employ such clerical, technical, legal, and other
12 help and incur such expenses as may be necessary for the proper discharge of its
13 duties ~~under~~ as provided in this Part and Part XIV-B of this Chapter.

14 * * *

15 F. The powers and duties of the commission shall include but are not limited
16 to the following:

17 (1) Licensing of manufacturers, retailers, developers, salesmen, transporters,
18 and installers as provided in this Part and Part XIV-B of this Chapter.

19 (2) Inspecting a reasonable sample of installations of manufactured and
20 modular homes within this state to ~~insure~~ ensure compliance with state and federal
21 standards.

22 (3) Working with consumers, manufacturers, retailers, developers, salesmen,
23 transporters, and installers to hear complaints and make determinations relating to
24 construction defects, warranty issues, service complaints, and other matters which
25 are not set forth pursuant to 24 CFR Part 3280 and 24 CFR Part 3282.

26 (4) Establishing an alternative dispute resolution process for manufactured
27 and modular home consumers in Louisiana. The commission may charge a
28 reasonable fee to defray the cost of establishing the alternative dispute resolution
29 process.

30 * * *

1 (10) The authority to establish a mandatory uniform written transportation
 2 and installation contract that is required to be used by all transporters and installers
 3 when moving or installing a manufactured or modular home in this state.
 4 Transporters and installers shall be required to give their customers a copy of the
 5 contract, itemizing all services being provided and the cost associated with those
 6 services, prior to beginning work or moving a home. These records shall be
 7 maintained for at least three years and shall be made available to the commission for
 8 inspection. Transporters who are only passing through the state or are delivering a
 9 home from a manufacturer to a licensee of the commission; are not required to
 10 comply with the provisions of this Paragraph. The commission ~~shall have~~ has the
 11 authority to promulgate rules and regulations in accordance with the Administrative
 12 Procedure Act in order to implement the provisions of this Paragraph.

13 (11) The authority to adopt rules governing the repairs or renovations of
 14 manufactured homes.

15 * * *

16 §911.29. Motor vehicle inspection; exception

17 The provisions of Chapter 7 of Title 32 of the Louisiana Revised Statutes of
 18 1950 relative to inspections shall not apply to manufactured or modular housing.

19 §911.30. Serial numbers on manufactured and modular homes

20 ~~On each manufactured home manufactured after January 1, 1975, a~~ A serial
 21 number shall be stamped by the manufacturer on the header plate or front cross
 22 member of the frame so that it can be easily read. It may not contain more than
 23 fifteen digits. Any multiple units shall contain the same serial number with letters
 24 of the alphabet designating that each is a different separate unit. Starting with the
 25 letter "A", each unit addition shall be in alphabetical order. The letter shall be
 26 stamped at the end of the serial number.

27 §911.32. Administration and enforcement of Part; powers of commission; cease and
 28 desist orders; applicability of Administrative Procedure Act

29 * * *

1 E. The commission or its authorized representatives may enter any place,
 2 establishment, or location where manufactured or modular homes are manufactured,
 3 sold, offered for sale, transported, or installed; for the purpose of ascertaining
 4 whether the requirements of the Code and of this Part and Part XIV-B of this
 5 Chapter, and the rules and regulations of the commission, have been or are being
 6 complied with.

7 * * *

8 §911.36. Hearings to investigate and determine violations; orders prohibiting
 9 violations and requiring compliance

10 A. Whenever in the opinion of the commission the Code or the requirements
 11 of this Part or Part XIV-B of this Chapter are being violated, it may conduct hearings
 12 to investigate and determine whether the violation has occurred or is occurring and
 13 may issue orders prohibiting such violation and requiring compliance with the Code
 14 and the provisions of this Part or Part XIV-B of this Chapter.

15 B. All costs incurred by the commission, including reasonable attorney fees,
 16 may be borne by the person or licensee who has been found in violation of the
 17 provisions of the Code, or any provision of this Part or Part XIV-B of this Chapter,
 18 or any rule or regulation adopted and promulgated by the commission in accordance
 19 with the Administrative Procedure Act.

20 §911.38. Suspension or revocation of licenses for violation

21 After prior notice and hearing, the commission may suspend or revoke the
 22 license of any manufactured or modular home licensee licensed ~~under~~ pursuant to the
 23 provisions of this Part or Part XIV-B of this Chapter for violations of the Code or the
 24 manufactured or modular home provisions of this Part or Part XIV-B of this Chapter.
 25 The notice, hearing, and actions ~~under~~ as prescribed in this Section shall be governed
 26 by the provisions of Chapter 13 of Title 49 of the Louisiana Revised Statutes of
 27 1950, and particularly R.S. 49:961(C) relative to emergency action.

28 §911.39. Penalties for violations

29 A. Whoever is found guilty of violating the Code or any manufactured or
 30 modular housing provision of this Part, Part XIV-B of this Chapter, any rule, or any

1 regulation or final order issued thereunder shall be liable to the state of Louisiana
 2 through the commission for a civil penalty not in excess of ~~one~~ two thousand five
 3 hundred dollars for each violation. If the commission determines a violation was
 4 intentional or the violator is a habitual offender, the commission may double the civil
 5 penalty up to five thousand dollars for each violation. Each violation ~~shall constitute~~
 6 constitutes a separate violation with respect to each manufactured or modular home,
 7 or with respect to each failure or refusal to allow or perform an act required thereby,
 8 except that the maximum civil penalty ~~may~~ shall not exceed one million dollars for
 9 any related series of violations occurring within one year from the date of the first
 10 violation.

11 B. Any individual or director, officer, or agent of a corporation who
 12 knowingly and willingly violates any provision of the Code or of this Part, Part XIV-
 13 B of this Chapter, or any applicable rule or regulation issued thereunder in a manner
 14 which threatens the health and safety of any purchaser shall be fined not more than
 15 one thousand dollars or imprisoned not more than one year, or both.

16 * * *

17 §911.41. Supremacy of the Part

18 Notwithstanding any provision of law to the contrary, the codes and standards
 19 referenced in R.S. 51:911.21 et seq. and R.S. 51:912.21 et seq. and those adopted by
 20 the commission shall be the only construction and installation standards used for
 21 manufactured or modular housing in Louisiana, and these standards shall preempt
 22 all local standards as they relate to the construction and installation of manufactured
 23 ~~housing and manufactured~~ or modular homes in Louisiana.

24 §911.43. Maintenance of records; reports required

25 Each ~~manufactured home~~ licensee shall establish and maintain such records,
 26 make such reports, and provide such information as the commission may reasonably
 27 require in order to be able to determine whether such licensee has acted or is acting
 28 in compliance with the Code and the manufactured or modular housing provisions
 29 of this Part, Part XIV-B of this Chapter, or any rule or regulation adopted by the
 30 commission. Upon request of the commission, each ~~manufacturer, distributor, and~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 ~~dealer~~ licensee shall permit the commission or its representative to inspect
2 appropriate books, papers, records, and documents relevant to determining whether
3 the licensee has acted or is acting in compliance with the provisions of this Part, Part
4 XIV-B of this Chapter, or any rule, as well as any regulation or order issued
5 thereunder.

6 §911.46. Down payments, sale of manufactured housing

7 It is unlawful for a retailer or developer to set forth in any retail installment
8 sales contract, chattel mortgage, or security agreement any down payment unless all
9 of the down payment has actually been received by the retailer or developer at the
10 time of execution of such document. If any part of the down payment is represented
11 by a loan, trade-in, or any consideration other than cash, this fact shall be expressly
12 set forth on the retail installment sales contract, chattel mortgage, or security
13 agreement. No amount of the cash down payment shall be from any rebate or other
14 consideration received by or to be given to the consumer from the retailer or
15 developer, or his agents respective agent.

16 * * *

17 §912.3. Definitions

18 For purposes of this Part, the following words, phrases, and terms ~~shall be~~ are
19 defined and construed as follows:

20 * * *

21 (7) "Manufactured home" or "manufactured housing" means a factory-built,
22 residential dwelling unit constructed to standards and codes, as promulgated by the
23 United States Department of Housing and Urban Development, under the National
24 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.
25 5401 et seq., as amended. Further, the terms "manufactured home" and
26 "manufactured housing" may be used interchangeably and apply to structures bearing
27 the permanently affixed seal of the United States Department of Housing and Urban
28 Development ~~or to factory-built, residential dwellings that are mounted on a chassis.~~

29 * * *

1 §912.5. Required notice

2 A. Before undertaking any repair himself or instituting any action for breach
3 of warranty, the owner shall give the commission written notice by filling out the
4 consumer complaint form provided by the commission and submitting it; by
5 registered or certified mail; within one year after knowledge of the defect, advising
6 the commission of all defects. The commission shall then have the home inspected
7 and a determination made on all defects listed by the owner. Thereafter, the
8 commission shall give the appropriate builder a reasonable opportunity to comply
9 with the provisions of this Part. Once the repairs are made, the commission shall
10 have the home reinspected to determine if the repairs have been made in compliance
11 with the building standards.

12 * * *

13 PART XIV-B. MINIMUM STANDARDS FOR INSTALLATION
14 OF MANUFACTURED AND MODULAR HOMES AND
15 TRANSPORTATION REQUIREMENTS

16 §912.21. Definitions

17 For the purposes of this Part, the following words ~~shall~~ have the following
18 meanings:

19 (1) "Frame tie" or "tie down" means any device approved and used for the
20 purpose of securing manufactured or modular homes to ground anchors in order to
21 resist wind forces.

22 (2) "Ground anchor" means any device approved and used for the purpose
23 of securing manufactured or modular homes to the ground in order to resist wind
24 forces.

25 * * *

26 (4) "Installation permit" means a permit issued by the commission to a
27 licensed installer or the homeowner who ~~must~~ shall certify that the home is in
28 compliance with this Part.

29 * * *

1 (6) "Installer" means a person licensed by the commission to install a
2 manufactured or modular home.

3 * * *

4 (9) "Modular home" and "modular housing" mean a factory-built, residential
5 dwelling unit built to the International Residential Code as adopted by the Louisiana
6 State Uniform Construction Code Council.

7 ~~(9)~~(10) "Over-rooftie" means a certain device approved by the manufactured
8 homes manufacturer and used for the purpose of securing the manufactured homes
9 systems to ground anchors in order to resist wind forces. Ties may be installed only
10 under roof material.

11 ~~(10)~~(11) "Setup" or "installation" means the operations performed at the
12 occupancy site which render manufactured and modular homes fit for habitation.
13 Such operations include but are not limited to ~~transporting~~, positioning, blocking,
14 leveling, supporting, tying down, making minor adjustments and trim out, and
15 assembling multiple or expandable units in the final construction process.

16 ~~(11)~~(12) "Stabilizer device" means an approved device or method that is
17 used to resist lateral movement of manufactured homes and anchors.

18 ~~(12)~~(13) "Transporter" means an individual who transports a manufactured
19 or modular home to the site of installation but does not perform ~~the~~ any blocking or
20 anchoring of the home, except a transporter is allowed to put blocks under the hitch
21 on the tongue of the frame.

22 §912.22. Installation standards for manufactured and modular homes

23 All manufactured and modular homes shall be installed to meet the following
24 standards, unless otherwise specified in this Part:

25 (1) Installation standards for the setup of new ~~or used~~ manufactured homes
26 shall be in compliance with the manufacturer's installation instructions, ~~if available.~~
27 Installation for the setup of new or used modular homes shall be in compliance with
28 the International Residential Code enforced by the local authority having
29 jurisdiction.

30 * * *

1 (7) Piers or load-bearing supports or devices shall be installed and
 2 constructed to evenly distribute the loads. Steel piers with mechanical adjustments
 3 shall be securely attached to the frame of all manufactured homes ~~and mobile homes~~.
 4 Manufactured load-bearing supports or devices shall be listed and approved for the
 5 use intended, or piers shall be constructed as outlined in this Part. Concrete products
 6 shall comply with the minimum dimensional and structural requirements for load-
 7 bearing. Solid and cell concrete blocks shall be to the standard specification for
 8 load-bearing concrete masonry units, ASTM C-90, 1993 Edition. Poured concrete
 9 shall be a minimum of FCL = 2500 PSI. All plastic products shall be conditioned
 10 at ASTM D 618-61, reapproved 1990, standard practice for conditioning plastics and
 11 electrical insulating materials for testing. Plastics shall be tested to the ASTM D
 12 790-92 standard test methods for flexural properties or unreinforced and reinforced
 13 plastics and electrical insulating materials, ASTM D 732-85 standard test method for
 14 shear strength or plastics by punch tool, and ASTM G 53-88 standard practice for
 15 operating light and water exposure apparatus for exposure of nonmetallic materials.

* * *

§912.25. Installation standards for used manufactured homes in hurricane zones

When the manufacturer's printed setup requirements are not available for the applicable wind zone, the following guidelines are to be used:

* * *

(2) ~~Diagonal~~ Longitudinal ties only are required at each end of each unit.
 The minimum number of ties at a minimum angle of forty-five degrees from vertical is three each for Zone II and four each for Zone III.

(3) All designated tie points on the perimeter side walls shall be equipped with vertical and diagonal ties with stabilizer devices. When tie points are not designated on the side walls, ~~vertical and~~ diagonal ties with stabilizer devices shall be spaced a maximum of ~~twelve~~ ten feet for Zone I, eight feet for Zone II, and six feet six inches for Zone III.

* * *

1 §912.26. Local installation standards preempted

2 The manufactured and modular home installation standards provided for in
3 this Part shall preempt all local installation standards.

4 §912.27. Licensure of installers and transporters; adoption of rules; compliance with
5 installation instructions; disposition of fees

6 A.(1) The commission shall, by rule adopted in accordance with the
7 Administrative Procedure Act, provide for the licensure of installers and transporters
8 of manufactured and modular homes and the implementation and collection of an
9 annual license fee and an installation permit sticker fee. The installer's and
10 transporter's license fee shall be one hundred twenty-five dollars per license, and the
11 installation permit sticker fee shall be twenty dollars. Further, a licensed installer
12 shall be allowed to perform the functions of a transporter without having to obtain
13 that license.

14 * * *

15 B. It shall be unlawful for any person, other than the homeowner or a
16 licensed installer, to perform an installation of a manufactured or modular home,
17 whether or not such person receives compensation for such action. For the purposes
18 of this Subsection, community owners or park operators of manufactured or modular
19 homes shall not be considered homeowners if the home in question is or will be
20 leased at any time.

21 C. Any installer or homeowner installing a manufactured or modular home
22 in this state shall first obtain an installation permit sticker from the commission
23 which shall be affixed to the side of the home at the point where electrical power is
24 connected to the home. All installation permit stickers shall be affixed within ten
25 days of delivery of the manufactured or modular home, unless extenuating
26 circumstances are shown.

27 D. Any installation of a manufactured or modular home in this state shall be
28 performed in strict compliance with this Part.

29 * * *

1 §912.28. Violations; penalties

2 A. Any installer, transporter, or other person who performs any ~~service under~~
3 work covered as described in this Part without the appropriate license or who installs
4 a manufactured or modular home in a manner contrary to the requirements of this
5 Part shall be in violation of the provisions of this Part. All such violators shall be
6 subject to the penalty of revocation or suspension of their license or a civil fine of
7 up to ~~one~~ two thousand five hundred dollars, or both, for each violation. If the
8 commission determines a violation was intentional or the violator is a habitual
9 offender, then the commission may double the civil penalty up to five thousand
10 dollars for each violation. Violators shall also be subject to any measures prescribed
11 by any other applicable rule, regulation, or law.

12 * * *

13 §912.52. Louisiana state administrative agent

14 * * *

15 B. The power and authority of the agent shall include but not be limited to
16 the following:

17 * * *

18 (5) Providing oversight as prescribed by law of remedial actions carried out
19 by manufacturers and a manufacturer's handling of consumer complaints ~~as to plants~~
20 ~~located within the state.~~

21 * * *

22 Section 2. R.S. 51:911.24(K), 911.26(A)(3), and (J), and 911.28(A)(10) are hereby
23 repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____