

2021 Regular Session

HOUSE BILL NO. 450

BY REPRESENTATIVE COX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HOUSING/MANUFACTURED: Provides relative to the Louisiana Manufactured Housing Commission

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

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

14 * * *

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

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

26 §911.22. Definitions

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

28 * * *

1 providers and the course materials for all continuing education classes. The
 2 commission shall have the authority to suspend these continuing education
 3 requirements, for one or more licensees, if the commission, in its discretion,
 4 determines such action is warranted due to extraordinary circumstances.

5 * * *

6 §912.3. Definitions

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

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

18 * * *

19 §912.5. Required notice

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

1 home reinspected to determine if the repairs have been made in compliance with the
2 building standards.

3 * * *

4 §912.21. Definitions

5 For the purposes of this Part, the following words have the following
6 meanings:

7 * * *

8 (14) "Extraordinary circumstances" means a federally declared disaster, a
9 gubernatorially declared disaster or emergency, a pandemic, or an illness or
10 emergency medical condition.

11 * * *

12 §912.27. Licensure of installers and transporters; adoption of rules; compliance with
13 installation instructions; disposition of fees

14 A.

15 * * *

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

25 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 450 Reengrossed

2021 Regular Session

Cox

Abstract: Provides for the procedure for obtaining criminal history record information, changes the definition of builder, and gives the commission authority to suspend continuing education requirements.

Present law requires the Dept. of Public Safety and Corrections, Bureau of Criminal Identification and Information (bureau) to provide certain agencies with requested criminal history information.

Proposed law retains present law and adds the Louisiana Manufactured Housing Commission to the list of agencies when the commission is reviewing applications for licensure.

Proposed law requires the commission to submit necessary information about licensure applicants to the bureau in order for the bureau to make the bureau's criminal history record pertaining to the applicant available to the commission.

Present law authorizes the La. Manufactured Housing Commission to obtain criminal history record information from the bureau on applicants for any license issued by the commission. Further, present law authorizes the commission to charge and collect a fee from an applicant to cover the cost of obtaining the applicant's criminal history record information.

Proposed law retains present law and requires the applicant to submit fingerprints and necessary information to the commission, who shall submit the information to the bureau, and requires the bureau to provide the commission with the applicant's criminal history record information.

Proposed law defines "extraordinary circumstances".

Present law requires the commission to set continuing education requirements and approve providers and materials for continuing education courses.

Proposed law retains present law and authorizes the commission to suspend the continuing education requirements under extraordinary circumstances.

Present law defines a builder to mean a person or an entity that designs, manufactures, or constructs homes, including dealers, developers, manufacturers, and installers, whether or not the consumer purchased the underlying real estate with the home or the builder initially occupied the home as his residence.

Proposed law repeals present law and defines a builder as the dealer who sold the home, the manufacturer who constructed the home or any section of the home if it is a multi-section home, the installer who installed the home, any person or an entity that designed, manufactured, or constructed the home, whether or not the consumer purchased the underlying real estate with the home or the builder initially occupied the home as his residence, or any person or entity licensed by the commission.

Present law requires the owner to give written notice of defects to the commission by following certain procedures, and requires the commission to give the appropriate builder a reasonable opportunity to comply with present law.

Proposed law retains present law and adds that notice shall be required for each individual home that is defective.

Proposed law defines "extraordinary circumstances".

Present law requires installers to attend one continuing education course per year and requires the commission to set continuing education requirements and approve providers and materials for continuing education courses.

Proposed law retains present law and authorizes the commission to suspend the continuing education requirements under extraordinary circumstances.

(Amends R.S. 15:587(A)(1)(a), R.S. 51:911.24(I)(1), (2), and (J)(1), 912.3(1), 912.5(A), and 912.27(A)(3); Adds R.S. 15:587(A)(1)(k), R.S. 51:911.22(14), 911.24(I)(3), and 912.21(14))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Add a provision requiring the Dept. of Public Safety and Corrections, Bureau of Criminal Identification and Information to make criminal record information available to the commission upon request.
3. Add a provision requiring the commission to submit necessary information about an applicant for licensure to the bureau in order for the bureau to make criminal record information about the applicant available to the bureau.
4. Define "extraordinary circumstances".
5. Add a provision which limits the scope of the commission's authority to suspend continuing education requirements authorized pursuant to proposed law to authorize the commission to suspend such requirements due to extraordinary circumstances.