HLS 17RS-799 ENGROSSED

2017 Regular Session

HOUSE BILL NO. 471

BY REPRESENTATIVE FOIL

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

HOUSING/MANUFACTURED: Provides relative to manufactured and modular housing

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 paragraph) and (7), 912.5(A), 912.21(introductory paragraph), (1), (2), (4), (6), and 6 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), 911.26(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

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

HB NO. 471

1	obsolete provisions relative to the commission; to provide for technical corrections;
2	and to provide for related matters.
3	Be it enacted by the Legislature of Louisiana:
4	Section 1. R.S. 51:911.21, 911.22(5), (7), (8.1), (10)(introductory paragraph), (11),
5	and (12), 911.24(A)(1) through (3) and (6), (B)(introductory paragraph) and (L),
6	911.26(A)(1), (D)(1) through (3), (F)(1) through (4) and (10), 911.29, 911.30, 911.32(E),
7	911.36, 911.38, 911.39, 911.41, 911.43, 911.46, 912.3(introductory paragraph) and (7),
8	912.5(A), 912.21(introductory paragraph), (1), (2), (4), (6), and (9) through (12),
9	912.22(introductory paragraph), (1), and (7), 912.25(2) and (3), 912.26, 912.27(A)(1) and
10	(B) through (D), 912.28(A), and 912.52(B)(5) are hereby amended and reenacted and R.S.
11	51:911.22(13), 911.24(C)(3), 911.26(F)(11), and 912.21(13) are hereby enacted to read as
12	follows:
13	PART XIV. MANUFACTURED AND MODULAR HOUSING
14	§911.21. Short title
15	This Part shall be known and may be cited as "Uniform Standards Code for
16	Manufactured and Modular Housing".
17	§911.22. Definitions
18	As used in this Part, unless the context requires a different definition:
19	* * *
20	(5) "Manufactured home" and "manufactured housing" means mean a
21	factory-built, residential dwelling unit constructed to standards and codes, as
22	promulgated by the United States Department of Housing and Urban Development
23	(HUD), under the National Manufactured Housing Construction and Safety
24	Standards Act of 1974, 42 U.S.C. §5401 et seq., as amended. Further, the terms
25	"manufactured home" and "manufactured housing" may be used interchangeably and
26	apply to structures bearing the permanently affixed seal of the United States
27	Department of Housing and Urban Development or to factory-built, residential
28	dwellings that are mounted on a chassis.
29	* * *

1	(7) Manufacturer means any person who manufactures manufactured of
2	modular housing.
3	* * *
4	(8.1) "Modular home" and "modular housing" means mean a factory-built,
5	residential dwelling unit built to the International Residential Code as adopted by the
6	Louisiana State Uniform Construction Code Council.
7	* * *
8	(10) "Retailer" means any person who is engaged wholly or in part in the
9	business of buying, selling, distributing, brokering, or exchanging an interest in a
10	manufactured or modular home with the intent to make a profit, monetary gain, or
11	any thing of economic value. Any person who buys, sells, distributes, brokers, or
12	exchanges an interest in more than one such manufactured or modular home in any
13	twelve-month period shall be presumed to be a retailer. "Retailer" shall not include
14	any of the following:
15	* * *
16	(11) "Salesman" means any person employed by a retailer or developer for
17	purposes of selling manufactured or modular housing to the public.
18	(12) "Seal" or "label" means the permanently affixed device or insignia
19	issued by the United States Department of Housing and Urban Development (HUD)
20	or other authority having jurisdiction that is displayed on the exterior of a factory-
21	built manufactured or modular home, certifying that the home is in compliance with
22	the <u>applicable</u> Code.
23	(13) "Transporter" means an individual who transports a manufactured or
24	modular home to a site of installation but does not perform any blocking or
25	anchoring of the home, except a transporter is allowed to put blocks under the hitch
26	on the tongue of the frame.
2.7	* * *

1	§911.24. License required; qualifications; application; issuance; transfer; criminal
2	history record information
3	A.(1) No manufacturer, retailer, or salesman within or without this state shall
4	sell or offer for sale in Louisiana any mobile home, modular home, or manufactured
5	housing unless he has obtained a valid manufacturer's, retailer's, or salesman's
6	license, whichever is applicable, from the commission as provided in this Part.
7	(2) No developer shall sell or offer for sale to the public any manufactured
8	or modular home unless he has obtained a license from the commission, as provided
9	in this Part. No employee of a developer shall offer manufactured or modular
10	housing for sale to the general public without first obtaining a salesman license or
11	being a licensed real estate agent.
12	(3) No manufacturer within or without this state shall sell or offer for sale
13	to a person any manufactured or modular housing for resale to the public unless the
14	person has obtained a valid retailer's or developer's license from the commission as
15	provided in this Part.
16	* * *
17	(6) No retailers or developers shall offer for sale to the public any new
18	manufactured or modular home unless the manufacturer of the home has obtained
19	a valid manufacturer's license.
20	B. Application for a manufacturer's license shall be made upon the form
21	prescribed by the commission and shall contain all of the following:
22	* * *
23	C.
24	* * *
25	(3) All retailers and developers are required to have at least one licensed
26	salesman.
27	* * *
28	L. The commission shall require that retailers, developers, <u>transporters</u> , and
29	installers show proof of continued and ongoing general liability insurance coverage

1	of at least one hundred thousand dollars. Manufacturers shall be required to show
2	proof of continued and ongoing liability insurance coverage of at least one million
3	dollars.
4	* * *
5	§911.26. Louisiana Manufactured Housing Commission
6	A.(1) The Louisiana Manufactured Housing Commission is hereby created.
7	The commission shall be composed of seven members, with at least one member
8	appointed from each Public Service Commission district and two at-large members,
9	all appointed by the governor with the consent of the Senate as provided in this
10	Section.
11	* * *
12	D.(1) The commission shall may hire a qualified person to serve as executive
13	director who shall have had sufficient management and organizational experience to
14	direct the day-to-day operations of the commission. The commission shall fix the
15	salary and shall define and prescribe the duties of the executive director.
16	(2) The executive director shall be in charge of the commission's office and
17	shall devote such time as directed by the commission to fulfill the duties thereof, and
18	before entering upon his duties he shall take and subscribe to the oath of office.
19	(3) The commission may employ such clerical, technical, legal, and other
20	help and incur such expenses as may be necessary for the proper discharge of its
21	duties under as provided in this Part and Part XIV-B of this Chapter.
22	* * *
23	F. The powers and duties of the commission shall include but are not limited
24	to the following:
25	(1) Licensing of manufacturers, retailers, developers, salesmen, transporters,
26	and installers as provided in this Part and Part XIV-B of this Chapter.
27	(2) Inspecting a reasonable sample of installations of manufactured and
28	modular homes within this state to insure ensure compliance with state and federal
29	standards.

1	(3) Working with consumers, manufacturers, retailers, developers, salesmen,
2	transporters, and installers to hear complaints and make determinations relating to
3	construction defects, warranty issues, service complaints, and other matters which
4	are not set forth pursuant to 24 CFR Part 3280 and 24 CFR Part 3282.
5	(4) Establishing an alternative dispute resolution process for manufactured
6	and modular home consumers in Louisiana. The commission may charge a
7	reasonable fee to defray the cost of establishing the alternative dispute resolution
8	process.
9	* * *
10	(10) The authority to establish a mandatory uniform written transportation
11	and installation contract that is required to be used by all transporters and installers
12	when moving or installing a manufactured or modular home in this state.
13	Transporters and installers shall be required to give their customers a copy of the
14	contract, itemizing all services being provided and the cost associated with those
15	services, prior to beginning work or moving a home. These records shall be
16	maintained for at least three years and shall be made available to the commission for
17	inspection. Transporters who are only passing through the state or are delivering a
18	home from a manufacturer to a licensee of the commission, are not required to
19	comply with the provisions of this Paragraph. The commission shall have <u>has</u> the
20	authority to promulgate rules and regulations in accordance with the Administrative
21	Procedure Act in order to implement the provisions of this Paragraph.
22	(11) The authority to adopt rules governing the repairs or renovations of
23	manufactured homes.
24	* * *
25	§911.29. Motor vehicle inspection; exception
26	The provisions of Chapter 7 of Title 32 of the Louisiana Revised Statutes of
27	1950 relative to inspections shall not apply to manufactured or modular housing.

28

1 §911.30. Serial numbers on manufactured and modular homes 2 On each manufactured home manufactured after January 1, 1975, a A serial number shall be stamped by the manufacturer on the <u>Header Plate or</u> front cross 3 4 member of the frame so that it can be easily read. It may not contain more than 5 fifteen digits. Any multiple units shall contain the same serial number with letters 6 of the alphabet designating that each is a different separate unit. Starting with the 7 letter "A", each unit addition shall be in alphabetical order. The letter shall be 8 stamped at the end of the serial number. 9 §911.32. Administration and enforcement of Part; powers of commission; cease and 10 desist orders; applicability of Administrative Procedure Act 11 12 E. The commission or its authorized representatives may enter any place, 13 establishment, or location where manufactured or modular homes are manufactured, 14 sold, offered for sale, transported, or installed, for the purpose of ascertaining 15 whether the requirements of the Code and of this Part and Part XIV-B of this 16 Chapter, and the rules and regulations of the commission, have been or are being 17 complied with. 18 19 §911.36. Hearings to investigate and determine violations; orders prohibiting 20 violations and requiring compliance 21 A. Whenever in the opinion of the commission the Code or the requirements 22 of this Part or Part XIV-B of this Chapter are being violated, it may conduct hearings 23 to investigate and determine whether the violation has occurred or is occurring and 24 may issue orders prohibiting such violation and requiring compliance with the Code and the provisions of this Part or Part XIV-B of this Chapter. 25 26 B. All costs incurred by the commission, including reasonable attorney fees,

may be borne by the person or licensee who has been found in violation of the

provisions of the Code, or any provision of this Part or Part XIV-B of this Chapter,

or any rule or regulation adopted and promulgated by the commission in accordance
with the Administrative Procedure Act.

§911.38. Suspension or revocation of licenses for violation

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

#### §911.39. Penalties for violations

A. Whoever is found guilty of violating the Code or any manufactured or modular housing provision of this Part, Part XIV-B of this Chapter, any rule, or any regulation or final order issued thereunder shall be liable to the state of Louisiana through the commission for a civil penalty not in excess of one two thousand five hundred dollars for each violation. If the commission determines a violation was intentional or the violator is a habitual offender, the commission may double the civil penalty up to five thousand dollars for each violation. Each violation shall constitute constitutes a separate violation with respect to each manufactured or modular home, or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may shall not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation.

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

29 \* \* \*

§911.41. Supremacy of the Part

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

#### §911.43. Maintenance of records; reports required

Each manufactured home licensee shall establish and maintain such records, make such reports, and provide such information as the commission may reasonably require in order to be able to determine whether such licensee has acted or is acting in compliance with the Code and the manufactured or modular housing provisions of this Part, Part XIV-B of this Chapter, or any rule or regulation adopted by the commission. Upon request of the commission, each manufacturer, distributor, and dealer licensee shall permit the commission or its representative to inspect appropriate books, papers, records, and documents relevant to determining whether the licensee has acted or is acting in compliance with the provisions of this Part, Part XIV-B of this Chapter, or any rule, as well as any regulation or order issued thereunder.

# §911.46. Down payments, sale of manufactured housing

It is unlawful for a retailer <u>or developer</u> to set forth in any retail installment sales contract, chattel mortgage, or security agreement any down payment unless all of the down payment has actually been received by the retailer <u>or developer</u> at the time of execution of such document. If any part of the down payment is represented by a loan, trade-in, or any consideration other than cash, this fact shall be expressly set forth on the retail installment sales contract, chattel mortgage, or security agreement. No amount of the cash down payment shall be from any rebate or other

consideration received by or to be given to the consumer from the retailer or developer, or his agents respective agent.

3 \* \* \*

# §912.3. Definitions

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

7 \* \* \*

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

\* \* \*

# §912.5. Required notice

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

28 \* \* \*

1	PART XIV-B. MINIMUM STANDARDS FOR INSTALLATION
2	OF MANUFACTURED <u>AND MODULAR</u> HOMES <u>AND</u>
3	TRANSPORTATION REQUIREMENTS
4	§912.21. Definitions
5	For the purposes of this Part, the following words shall have the following
6	meanings:
7	(1) "Frame tie" or "tie down" means any device approved and used for the
8	purpose of securing manufactured or modular homes to ground anchors in order to
9	resist wind forces.
10	(2) "Ground anchor" means any device approved and used for the purpose
1	of securing manufactured or modular homes to the ground in order to resist wind
12	forces.
13	* * *
14	(4) "Installation permit" means a permit issued by the commission to a
15	licensed installer or the homeowner who must shall certify that the home is in
16	compliance with this Part.
17	* * *
18	(6) "Installer" means a person licensed by the commission to install a
19	manufactured or modular home.
20	* * *
21	(9) "Modular home" and "modular housing" mean a factory-built, residential
22	dwelling unit built to the International Residential Code as adopted by the Louisiana
23	State Uniform Construction Code Council.
24	(9)(10) "Over-roof tie" means a certain device approved by the manufactured
25	homes manufacturer and used for the purpose of securing the manufactured homes
26	systems to ground anchors in order to resist wind forces. Ties may be installed only
27	under roof material.
28	(10)(11) "Setup" or "installation" means the operations performed at the
29	occupancy site which render manufactured and modular homes fit for habitation.

29

1	Such operations include but are not limited to transporting, positioning, blocking,
2	leveling, supporting, tying down, making minor adjustments and trim out, and
3	assembling multiple or expandable units in the final construction process.
4	(11)(12) "Stabilizer device" means an approved device or method that is
5	used to resist lateral movement of manufactured homes and anchors.
6	(12)(13) "Transporter" means an individual who transports a manufactured
7	or modular home to the site of installation but does not perform the any blocking or
8	anchoring of the home, except a transporter is allowed to put blocks under the hitch
9	on the tongue of the frame.
10	§912.22. Installation standards for manufactured and modular homes
11	All manufactured and modular homes shall be installed to meet the following
12	standards, unless otherwise specified in this Part:
13	(1) Installation standards for the setup of new or used manufactured homes
14	shall be in compliance with the manufacturer's installation instructions, if available.
15	Installation for the setup of new or used modular homes shall be in compliance with
16	the International Residential Code enforced by the local authority having
17	jurisdiction.
18	* * *
19	(7) Piers or load-bearing supports or devices shall be installed and
20	constructed to evenly distribute the loads. Steel piers with mechanical adjustments
21	shall be securely attached to the frame of all manufactured homes and mobile homes.
22	Manufactured load-bearing supports or devices shall be listed and approved for the
23	use intended, or piers shall be constructed as outlined in this Part. Concrete products
24	shall comply with the minimum dimensional and structural requirements for load-
25	bearing. Solid and cell concrete blocks shall be to the standard specification for
26	load-bearing concrete masonry units, ASTM C-90, 1993 Edition. Poured concrete
27	shall be a minimum of FCL = 2500 PSI. All plastic products shall be conditioned

at ASTM D 618-61, reapproved 1990, standard practice for conditioning plastics and

electrical insulating materials for testing. Plastics shall be tested to the ASTM D

1	790-92 standard test methods for flexural properties or unreinforced and reinforced
2	plastics and electrical insulating materials, ASTM D 732-85 standard test method for
3	shear strength or plastics by punch tool, and ASTM G 53-88 standard practice for
4	operating light and water exposure apparatus for exposure of nonmetallic materials.
5	* * *
6	§912.25. Installation standards for used manufactured homes in hurricane zones
7	When the manufacturer's printed setup requirements are not available for the
8	applicable wind zone, the following guidelines are to be used:
9	* * *
10	(2) Diagonal Longitudinal ties only are required at each end of each unit.
11	The minimum number of ties at a minimum angle of forty-five degrees from vertical
12	is three each for Zone II and four each for Zone III.
13	(3) All designated tie points on the perimeter side walls shall be equipped
14	with vertical and diagonal ties with stabilizer devices. When tie points are not
15	designated on the side walls, vertical and diagonal ties with stabilizer devices shall
16	be spaced a maximum of twelve ten feet for Zone I, eight feet for Zone II, and six
17	feet six inches for Zone III.
18	* * *
19	§912.26. Local installation standards preempted
20	The manufactured and modular home installation standards provided for in
21	this Part shall preempt all local installation standards.
22	§912.27. Licensure of installers and transporters; adoption of rules; compliance with
23	installation instructions; disposition of fees
24	A.(1) The commission shall, by rule adopted in accordance with the
25	Administrative Procedure Act, provide for the licensure of installers and transporters
26	of manufactured and modular homes and the implementation and collection of an
27	annual license fee and an installation permit sticker fee. The installer's and
28	transporter's license fee shall be one hundred twenty-five dollars per license, and the
29	installation permit sticker fee shall be twenty dollars. Further, a licensed installer

1	shall be allowed to perform the functions of a transporter without having to obtain
2	that license.
3	* * *
4	B. It shall be unlawful for any person, other than the homeowner or a
5	licensed installer, to perform an installation of a manufactured or modular home,
6	whether or not such person receives compensation for such action. For the purposes
7	of this Subsection, community owners or park operators of manufactured or modular
8	homes shall not be considered homeowners if the home in question is or will be
9	leased at any time.
10	C. Any installer or homeowner installing a manufactured or modular home
11	in this state shall first obtain an installation permit sticker from the commission
12	which shall be affixed to the side of the home at the point where electrical power is
13	connected to the home. All installation permit stickers shall be affixed within ten
14	days of delivery of the manufactured or modular home, unless extenuating
15	circumstances are shown.
16	D. Any installation of a manufactured or modular home in this state shall be
17	performed in strict compliance with this Part.
18	* * *
19	§912.28. Violations; penalties
20	A. Any installer, transporter, or other person who performs any service under
21	work covered as described in this Part without the appropriate license or who installs
22	a manufactured or modular home in a manner contrary to the requirements of this
23	Part shall be in violation of the provisions of this Part. All such violators shall be
24	subject to the penalty of revocation or suspension of their license or a civil fine of
25	up to one two thousand five hundred dollars, or both, for each violation. If the
26	commission determines a violation was intentional or the violator is a habitual

offender, then the commission may double the civil penalty up to five thousand

1 dollars for each violation. Violators shall also be subject to any measures prescribed by any other applicable rule, regulation, or law. 2 3 4 §912.52. Louisiana state administrative agent 5 B. The power and authority of the agent shall include but not be limited to 6 7 the following: 8 9 (5) Providing oversight as prescribed by law of remedial actions carried out 10 by manufacturers and a manufacturer's handling of consumer complaints as to plants 11 located within the state. 12 Section 2. R.S. 51:911.24(K), 911.26(A)(3), 911.26(J), and 911.28(A)(10) are 13 14 hereby repealed in their entirety.

### **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 471 Engrossed

2017 Regular Session

Foil

**Abstract:** Modifies law applicable to manufactured and modular homes.

<u>Present law</u> (Parts XIV, XIV-A, and XIV-B of Chapter 2 of Title 51 of the La. Revised Statutes of 1950, cited as R.S. 51:911.21 et seq.) provides for law applicable to manufactured and modular housing.

<u>Proposed law</u> retains <u>present law</u> and generally expands <u>present law</u> with respect to greater inclusion of and applicability to modular housing.

Present law provides for certain definitions.

<u>Proposed law</u> retains <u>present law</u> and modifies the following definitions: "manufactured home"and "manufactured housing", "manufacturer", "retailer", "salesman", "seal" or "label", "frame tie" or "tie down", "ground anchor", "installer", "setup" or "installation", and "transporter". Adds the definition of "modular home".

<u>Proposed law</u> requires all retailers and developers to have at least one licensed salesman.

<u>Present law permits the La. Manufactured Housing Commission (hereinafter "commission")</u> to require retailers, developers, and installers to show proof of continued and ongoing

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general liability insurance coverage of at least \$100,000. Requires manufacturers to show proof of continued and ongoing liability insurance coverage of at least \$1,000,000.

<u>Proposed law</u> retains <u>present law</u> and adds transporters as persons required to show proof of \$100,000 in continued and ongoing general liability coverage.

<u>Present law</u> requires the commission to be comprised of seven members with at least one member appointed from each Public Service Commission district and all appointed by the governor with the consent of the Senate. Requires three of the seven members to be appointed by the governor from a list of six individuals submitted by the La. Manufactured Housing Association or its successor. <u>Proposed law</u> retains <u>present law</u>.

<u>Proposed law</u> repeals the <u>present law</u> provision (R.S. 911.26(A)(3)) requiring the remaining four members of the commission to be members at large, appointed by the governor, further requiring at least one of the four to be an individual residing during the term of his appointment in a manufactured home.

Proposed law requires two of the seven members to be members at large.

<u>Present law</u> requires the commission to hire a qualified person with certain credentials to serve as executive director as prescribed by the commission.

<u>Proposed law</u> modifies <u>present law</u> to make the commission's hiring of an executive director permissive.

<u>Present law</u> requires the executive director to take and subscribe to the oath of office prior to engaging in duties. <u>Proposed law</u> repeals present law.

<u>Present law</u> establishes the commission's right to exercise certain powers and duties with respect to manufacturers, retailers, developers, salesmen, and installers.

<u>Proposed law</u> retains <u>present law</u> and adds transporters as persons under the commission's authority with respect to powers and duties exercised by the commission, including requirements for licensure, payment of associated fees, and the commission's assessments of penalties.

<u>Present law</u> requires a transporter and installer to provide his respective customer with a copy of the uniform written transportation and installation contract as prescribed by the commission. Requires the contract to be provided to a customer prior to the transporter's or installer's work on the customer's home.

<u>Proposed law retains present law and requires presentation of the contract to a customer prior to moving a customer's home. Further provides that present law does not apply to transporters who are only passing through the state or delivering a home from a manufacturer to a licensee of the commission.</u>

<u>Proposed law</u> authorizes the commission to adopt rules governing the repairs or renovations of manufactured homes.

<u>Present law</u> requires a serial number to be stamped by the manufacturer on the front cross member of the frame of a manufactured home. <u>Proposed law</u> modifies <u>present law</u> to require the serial number to be stamped on the Header Plate or front cross member of the frame of a manufactured or modular home.

<u>Present law</u> authorizes the commission to hold hearings to investigate and determine violations.

<u>Proposed law</u> retains <u>present law</u> and further provides that all costs incurred by the commission, including reasonable attorney fees, may be borne by the person or licensee found in violation of the provisions of present law and proposed law.

<u>Present law</u> provides that persons found guilty of violations of <u>present law</u> are liable for a civil penalty not to exceed \$1,000 for each violation. <u>Proposed law</u> modifies <u>present law</u> to provide for a civil penalty not to exceed \$2,500 for each violation of a provision applicable to manufactured and modular housing as provided in <u>present law</u> and <u>proposed law</u>.

<u>Proposed law</u> authorizes the commission to double the civil penalty up to \$5,000 for each violation, if the commission determines a violation was intentional or the violator is a habitual offender.

<u>Present law</u> prohibits a retailer from setting forth a down payment in any retail installment sales contract, chattel mortgage, or security agreement unless all of the down payment has actually been received by the retailer at the time of execution of such document. Prohibits cash down payment amounts made to a retailer from any rebate or other consideration received by or to be given to the consumer from the retailer or his agent.

<u>Proposed law</u> retains <u>present law</u> and makes <u>present law</u> applicable to a developer and his agent.

<u>Present law</u> requires homeowners to provide the commission with written notice of defects to homes by registered or certified mail within one year after knowledge of defect, prior to the homeowner making reparative or civil action.

<u>Proposed law</u> modifies <u>present law</u> to require the written notice to be provided on the consumer complaint form provided by the board. Otherwise retains present law.

<u>Proposed law</u> requires installation for the setup of new or used modular homes to be in compliance with the International Residential Code enforced by the local authority having jurisdiction.

<u>Proposed law</u> deletes mobile homes from certain installation standards as provided in <u>present law</u> and <u>proposed law</u>.

<u>Present law</u> requires diagonal ties only at each end of each manufactured home unit. <u>Proposed law</u> replaces diagonal ties in favor of longitudinal ties and otherwise retains present law.

<u>Present law</u> requires vertical and diagonal ties with stabilizer devices on the perimeter side walls of manufactured homes and requires spacing between ties to be a minimum of 12 feet for Zone I homes. <u>Proposed law</u> removes the requirement for vertical ties on perimeter side walls and shortens the distance requirement <u>from</u> 12 feet <u>to</u> 10 feet.

<u>Proposed law</u> authorizes a licensed installer to perform the functions of a transporter without obtaining a transporter license.

<u>Present law</u> provides certain authority of the fire marshal with respect to the state's administration of manufactured housing. <u>Proposed law</u> retains <u>present law</u>.

<u>Present law</u> authorizes the fire marshal to provide oversight as prescribed by law of remedial actions carried out by manufacturers and a manufacturer's handling of consumer complaints as to plants located within this state.

<u>Proposed law</u> modifies <u>present law</u> by removing the portion of <u>present law</u> applicable to plants located in the state. Proposed law otherwise retains present law

<u>Present law</u> (R.S. 51:911.24(K)) prohibits a person from acting as a manufactured home broker without first obtaining a license from the commission. <u>Proposed law</u> repeals <u>present</u> law.

<u>Present law</u> (R.S. 51:911.28(A)(10)) provides for a manufactured home broker license and an associated \$150 licensure fee. Proposed law repeals present law.

<u>Proposed law</u> repeals the obsolete <u>present law</u> provision (R.S. 51:911.26(J)) requiring the office of state fire marshal to transfer all records, assets, and equipment in use by the manufactured housing division to the commission upon establishment of the commission.

Proposed law makes technical changes.

(Amends R.S. 51:911.21, 911.22(5), (7), (8.1), (10)(intro. para.), (11), and (12), 911.24(A)(1)-(3) and (6), (B)(intro. para.) and (L), 911.26(A)(1), (D)(1)-(3), (F)(1)-(4) and (10), 911.29, 911.30, 911.32(E), 911.36, 911.38, 911.39, 911.41, 911.43, 911.46, 912.3(intro. para.) and (7), 912.5(A), 912.21(intro. para.), (1), (2), (4), (6), and (9)-(12), 912.22(intro. para.), (1), and (7), 912.25(2) and (3), 912.26, 912.27(A)(1) and (B)-(D), 912.28(A), and 912.52(B)(5); Adds R.S. 51:911.22(13), 911.24(C)(3), 911.26(F)(11), and 912.21(13); Repeals R.S. 51:911.24(K), 911.26(A)(3), 911.26(J), and 911.28(A)(10))

### Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Commerce</u> to the <u>original</u> bill:

- 1. Modify <u>present law</u> and <u>proposed law</u> (R.S. 51:912.22(1)) to require installation for the setup of new or used modular homes to be in compliance with the International Residential Code enforced by the local authority having jurisdiction.
- 2. Make technical changes.