

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 51:911.24(I)(1), (2), and (J)(1), 912.3(1), 912.5(A), and 912.27(A)(3)
10 are hereby amended and reenacted and R.S. 51:911.24(I)(3) is hereby enacted to read as
11 follows:

12 §911.24. License required; qualifications; application; issuance; transfer; criminal
13 history record information

14 * * *

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

16 (1) ~~Request~~ request and obtain from the Department of Public Safety and
17 Corrections, Bureau of Criminal Identification and Information, hereinafter referred
18 to as the "bureau", criminal history record information as defined in R.S.
19 51:911.22(3) and identification files of the bureau on any person applying for any

1 license which the commission is authorized by law to issue and shall pay a fee as
2 specified in R.S. 15:587.

3 (2) The applicant shall submit fingerprints and other identifying information
4 to the commission, who shall then submit such information to the bureau, and the
5 bureau shall, upon request of the commission and after receipt of the fingerprint card
6 and other identifying information from the commission, make available to the
7 commission all arrest and conviction information contained in the bureau's criminal
8 history record and identification files which pertain to the applicant.

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

14 J.(1) Prior to January 1, 2005, and each year thereafter, all retailers and
15 developers shall annually take a commission-approved continuing education course.
16 The individual required to attend the continuing education course is the individual
17 license holder; for corporations, an officer or manager; for partnerships, a partner or
18 manager. The commission shall set the educational requirements and approve
19 providers and the course materials for all continuing education classes. The
20 commission shall have the authority to suspend these continuing education
21 requirements, for one or more licensees, if the commission, in its discretion,
22 determines such action is warranted under the circumstances.

23 * * *

24 §912.3. Definitions

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

27 (1) "Builder" ~~means a person or an entity that designs, manufactures, or~~
28 ~~constructs homes, including dealers, developers, manufacturers, and installers,~~
29 ~~whether or not the consumer purchased the underlying real estate with the home or~~

1 ~~the builder initially occupied the home as his residence.~~ means the dealer who sold
 2 the home, the manufacturer who constructed the home or any section of the home if
 3 it is a multi-section home, the installer who installed the home, any person or entity
 4 that designed, manufactured, or constructed the home, whether or not the consumer
 5 purchased the underlying real estate with the home or the builder initially occupied
 6 the home as his residence, or any person or entity licensed by the commission.

7 * * *

8 §912.5. Required notice

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

20 * * *

21 §912.27. Licensure of installers and transporters; adoption of rules; compliance with
 22 installation instructions; disposition of fees

23 A.

24 * * *

25 (3) Installers shall be required to attend one continuing education course per
 26 year. The individual required to attend the continuing education course is the
 27 individual license holder. For corporations, an officer of the corporation shall attend
 28 the course. For partnerships, a partner shall attend the course. The commission shall
 29 set the educational requirements and approve educational course providers and the

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

5 * * *

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 Engrossed 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 authorizes the La. Manufactured Housing Commission to obtain criminal history record information from the Dept. of Public Safety and Corrections, Bureau of Criminal Identification and Information (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.

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.

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.

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.

(Amends 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. 51:911.24(I)(3))