

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Bryan**
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A BILL ACT 373 OF 1991
HOUSE BILL 1350

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8 **For An Act To Be Entitled**

9 "AN ACT TO AMEND TITLE 20, CHAPTER 29, SUBCHAPTER 1 OF THE
10 ARKANSAS CODE OF 1987, TO AUTHORIZE THE ESTABLISHMENT OF
11 TRAINING AND EDUCATIONAL PROGRAMS RELATING TO MANUFACTURED
12 HOUSING; AND FOR OTHER PURPOSES."

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
14

15 SECTION 1. Arkansas Code §20-29-104 is hereby amended to read as
16 follows:

17 "20-29-104. Assessments.

18 (a) The commission shall by regulation establish assessment fees for
19 manufacturers of manufactured homes in this state, manufacturers of
20 manufactured homes in other states selling manufactured homes in this state,
21 and installers and dealers. The commission shall collect the assessment fees
22 at the time of submission of certification or licensure applications.

23 (b) (1) If the balance of the Manufactured Housing Recovery Fund falls
24 below two hundred fifty thousand dollars (\$250,000), then the commission shall
25 determine and collect such assessment as may be necessary to restore the fund
26 to a minimum level of two hundred fifty thousand dollars (\$250,000).

27 (2) The assessments collected shall be the following:

- 28 (A) Installer \$ 500 per location
29 (B) Dealer 1,000 per location
30 (C) Manufacturer 3,000 per location

31 (3) The assessments shall be collected within thirty (30) days
32 notice to all certified manufacturers and dealers and licensed installers.

33 (c) (1) *Any participant may receive a refund of its initial assessment*
34 *after a two (2) year waiting period after it ceases operation of its business*
35 *in this state if there are no claims pending against the participant,*
36 *provided:*

1 (A) The participant shall notify the Arkansas Manufactured
2 Home Commission by certified mail within forty-five (45) days after the two
3 (2) year waiting period and request the refund or the assessment fee shall be
4 forfeited; and

5 (B) The two (2) year waiting period shall begin on the
6 participant's next certification or licensing anniversary date after the
7 participant ceases operation of its business in this state.

8 (2) If the participant fails to satisfy the provisions found in
9 (c) (1) (A) and (B), the assessment fee shall remain in the Manufactured Housing
10 Recovery Fund.

11 (3) No interest will accrue to the benefit of the participant."
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13 SECTION 2. Arkansas Code §20-29-105 is hereby amended to read as
14 follows:

15 "20-29-105. Complaints - Amount of Damages.

16 (a) All consumer, licensee, installer, dealer, or manufacturer
17 complaints shall be filed with the commission. The commission shall
18 determine, by hearing or whatever procedure it establishes, if any standard
19 adopted by the commission has been violated and, if so, the actual cost of
20 repairs to the manufactured home, if any, suffered by the aggrieved party or
21 parties.

22 (b) The amount of damages awarded by the commission shall be limited to
23 the actual cost of repairs to the manufactured home and shall not include
24 attorneys' fees. On appeal to the circuit court from an award of the
25 commission, the jurisdiction of the circuit court shall be limited to the
26 actual cost of repairs to the manufactured home. The circuit court shall not
27 have jurisdiction to award punitive or exemplary damages for claims covered by
28 the provisions of this chapter, attorneys' fees, or court costs.

29 (c) The question of what constitutes a continuing series of violations
30 shall be a matter solely within the discretion and judgement of the
31 commission."
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33 SECTION 3. Title 20, Chapter 29, Subchapter 1 of the Arkansas Code of
34 1987 is hereby amended by adding the following new sections:

35 "20-29-111. On January 1 of any year, if the fund established in this

1 chapter exceeds four hundred thousand dollars (\$400,000), the Arkansas
2 Manufactured Home Commission may utilize up to twenty-five percent (25%) of
3 the fund balance above that amount for public relations projects, training and
4 education programs, including but not limited to workshops, brochures, audio
5 and video equipment and tapes, and slide presentations.

6 20-29-112. The commission may establish regulations for implementation
7 of the Manufactured Housing Recovery Act."

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9 SECTION 4. All provisions of this act of a general and permanent nature
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
11 Revision Commission shall incorporate the same in the Code.

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13 SECTION 5. If any provision of this act or the application thereof to
14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.

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19 SECTION 6. All laws and parts of laws in conflict with this act are
20 hereby repealed.

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22 /s/L. L. Bryan

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24 APPROVED: 3-6-91

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