

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 632 OF 1991
HOUSE BILL 1745

4 **By: Representative McKissack**

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For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 20, CHAPTER 25, SUBCHAPTER 1 OF THE
9 ARKANSAS CODE OF 1987 TO GIVE THE ARKANSAS MANUFACTURED
10 HOME COMMISSION SUBPOENA POWERS; TO PROHIBIT THE TRANSFER
11 OF LICENSES; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Arkansas Code §20-25-106 is hereby amended to read as
16 follows:

17 "20-25-106. Arkansas Manufactured Home Commission - Powers and duties.

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19 (a) (1) The commission shall by regulation set uniform reasonable
20 standards for the proper installation of manufactured homes including, but not
21 limited to, foundation, supports, anchoring, and underpinning of manufactured
22 homes installed in this state.

23 (2) The commission shall by regulation set requirements for and
24 require licensing and certification of manufacturers of manufactured homes in
25 this state and manufacturers of manufactured homes in other states selling
26 them in this state.

27 (3) The commission by regulation shall set the requirements and
28 require licensing and certification of any dealer, manufactured home salesman,
29 and others engaged in the sale, installation, anchoring, and servicing of
30 manufactured homes for sale in this state.

31 (b) The commission shall require bonding or other reasonable methods to
32 assure that manufacturers, dealers, and others licensed or certified under
33 this chapter will be financially responsible to fully comply with the code.

34 (c) (1) The commission or subcommittee of the commission shall convene
35 hearings and issue orders in cases of violations of this chapter or of the
36 code.

1 (2) The commission or subcommittee of the commission shall
2 convene hearings and the commission shall issue orders on an appeal involving
3 differences between manufactured home manufacturers, dealers, and the director
4 and his staff.

5 (d) The commission shall delegate its authority, except the authority
6 to adopt standards, rules, and regulations, to the director.

7 (e) The commission shall have the power to suspend, revoke, or refuse
8 to renew the license or certification under this chapter of any person who is
9 found to have been guilty of:

10 (1) Fraud, misrepresentation, or deception in obtaining a license
11 or certification;

12 (2) Accepting a manufactured home, directly or indirectly, from a
13 manufacturer not certified by the state pursuant to this chapter;

14 (3) Selling or delivering, directly or indirectly, a manufactured
15 home to a dealer not certified by the state pursuant to this chapter;

16 (4) Violating any provision of this chapter or rules or
17 regulations promulgated thereunder;

18 (f)(1) In lieu of suspension, revocation, or refusal to renew a license
19 certification, the commission shall have the authority to impose a monetary
20 penalty and may suspend, refuse to renew, or revoke the license or
21 certification until the penalty is paid to the commission. The penalty shall
22 be imposed only if the commission formally finds that the public welfare would
23 not be impaired by the imposition of a monetary penalty rather than
24 suspension, refusal to renew, or a revocation and payment of same should
25 achieve the desired disciplinary purpose.

26 (2) No monetary penalty imposed by the commission shall exceed
27 one thousand dollars (\$1,000) per violation. Each separate transaction shall
28 constitute a separate violation.

29 (3) The commission shall not impose a civil penalty upon any
30 person whose license or certification is suspended, revoked, or not renewed
31 under this section.

32 (g) Regarding any violation of this chapter or A.C.A. §20-29-101 et
33 seq., the commission shall have the power to issue subpoenas and bring before
34 the commission as a witness any person in the state and may require the
35 witness to bring with him any book, writing, or other thing under his control

1 which he is bound by law to produce in evidence.

2 (h) The commission shall have the power to file suit in the Circuit
3 Court of Pulaski County to obtain a judgment for the amount of any penalty not
4 paid within thirty (30) days of service of the order assessing the monetary
5 penalty, unless a court enters a stay pursuant to the provisions of this
6 section.

7 (i) All hearings and appeals therefrom under this section shall be
8 pursuant to the Administrative Procedure Act, 25-15-201 et seq.

9 (j) The commission may require manufacturers, distributors, and dealers
10 in this state to make reports as it deems necessary. The reports shall be
11 filed with the director.

12 (k) No license or certification shall be transferred or assigned to any
13 other person."

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15 SECTION 2. All provisions of this act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 3. If any provision of this act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.

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25 SECTION 4. All laws and parts of laws in conflict with this act are
26 hereby repealed.

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APPROVED: 3-19-91

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