

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/7/23

A Bill

SENATE BILL 318

5 By: Senator Irvin
6 By: Representatives Gramlich, L. Johnson, Wardlaw
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE ARKANSAS
10 MANUFACTURED HOME COMMISSION; TO REQUIRE CIVIL
11 PENALTIES ASSESSED BY THE ARKANSAS MANUFACTURED HOME
12 COMMISSION TO BE ESTABLISHED BY RULE; AND FOR OTHER
13 PURPOSES.
14
15
16

Subtitle

18 TO AMEND THE LAW CONCERNING THE ARKANSAS
19 MANUFACTURED HOME COMMISSION; AND TO
20 REQUIRE CIVIL PENALTIES ASSESSED BY THE
21 ARKANSAS MANUFACTURED HOME COMMISSION TO
22 BE ESTABLISHED BY RULE.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 20-25-104(c), concerning penalties
28 for a violation concerning a manufacturer or retailer of manufactured homes,
29 is amended to read as follows:

30 (c)(1)(A) Whoever violates any provision of Section 610 of Title VI of
31 Pub. L. No. 93-383 or any regulation or final order issued pursuant to it
32 shall be liable to the State of Arkansas for a civil penalty ~~not to exceed~~
33 ~~one thousand dollars (\$1,000) for each violation~~ established by the rules
34 promulgated by the Arkansas Manufactured Home Commission and approved by the
35 General Assembly.

36 (B) Each violation of a provision of Section 610 of Title



1 VI of Pub. L. No. 93-383 or any regulation or order issued pursuant to it
 2 shall constitute a separate violation with respect to each manufactured home
 3 or with respect to each failure or refusal to allow or perform an act
 4 required thereby.

5 ~~(C) However, the~~ The maximum civil penalty shall not
 6 exceed ~~one million dollars (\$1,000,000)~~ the amount established under
 7 subdivision (c)(1)(A) of this section for any related series of violations
 8 occurring within one (1) year from the date of the first violation.

9 (2) Any individual or a director, officer, or agent of a
 10 corporation who knowingly violates Section 610 of Title VI of Pub. L. No. 93-
 11 383 in a manner that threatens the health or safety of any purchaser shall be
 12 fined not more than one thousand dollars (\$1,000) or imprisoned not more than
 13 one (1) year, or both.

14
 15 *SECTION 2. Arkansas Code § 20-25-105(a)(1), concerning the creation*
 16 *and members of the Arkansas Manufactured Home Commission, is amended to read*
 17 *as follows:*

18 (a)(1) *There is created the Arkansas Manufactured Home Commission*
 19 *consisting of ~~ten (10)~~ eight (8) members. Members shall be appointed by the*
 20 *Governor, ~~to be~~ and confirmed by the Senate, ~~and appointments shall be made~~*
 21 *~~in such a manner as to result in at least one (1) member residing in each~~*
 22 *~~congressional district as the congressional districts now and hereafter~~*
 23 *~~exist.~~ The members shall be representative of the following interests:*

24 (A) *Four (4) members shall be active in the manufactured*
 25 *home industry and licensed or certified under this chapter at the time of*
 26 *their appointment; and*

27 (B) *~~Five (5)~~ Four (4) members shall be from the public at*
 28 *large and shall not be employed by or retired from an entity licensed or*
 29 *certified under this chapter at the time of their appointment; and*

30 (C) *~~One (1) member shall be sixty (60) years of age or~~*
 31 *~~older and represent the elderly. He or she shall not be actively engaged in~~*
 32 *~~or retired from the manufactured home industry.~~*

33
 34 *SECTION 3. Arkansas Code § 20-25-106(g), concerning the authority of*
 35 *the Arkansas Manufactured Home Commission to impose a monetary penalty in*
 36 *lieu of other disciplinary action, is amended to read as follows:*

1 (g)(1) In lieu of suspension, revocation, or refusal to renew a
2 license certification, the commission shall have the authority to impose a
3 monetary penalty and may suspend, refuse to renew, or revoke the license or
4 certification until the penalty is paid to the commission.

5 (2) The penalty shall:

6 (A) ~~be~~ Be imposed only if the commission formally finds
7 that:

8 (i) ~~the~~ The public welfare would not be impaired by
9 the imposition of a monetary penalty rather than suspension, refusal to
10 renew, or revocation of a license or certification; and

11 (ii) ~~that payment~~ Payment of the monetary penalty
12 should achieve the desired disciplinary purpose~~;~~ and

13 (B) Not be abated by a subsequent surrender, suspension,
14 failure or refusal to renew a license, or revocation of the license or
15 certification.

16 ~~(2)(3)(A)~~ No monetary penalty imposed by the commission shall
17 exceed ~~one thousand dollars (\$1,000) per violation~~ the penalty established by
18 the rules promulgated by the commission and approved by the General Assembly.

19 (B) Each separate transaction shall constitute a separate
20 violation.

21 ~~(3)(4)~~ The Except as provided under subdivision (g)(1) of this
22 section, the commission shall not impose a civil penalty upon any person
23 whose license or certification is surrendered, suspended, revoked, or not
24 renewed under this section.

25
26 /s/Irvin

27
28
29 **APPROVED: 3/30/23**
30
31
32
33
34
35
36