

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/10/05

A Bill

HOUSE BILL 2556

5 By: Representative J. Johnson
6
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For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE
10 ARKANSAS MANUFACTURED HOMES STANDARDS ACT
11 ADMINISTERED BY THE ARKANSAS MANUFACTURED HOME
12 COMMISSION; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO MAKE TECHNICAL AMENDMENTS TO
15 THE ARKANSAS MANUFACTURED HOMES
16 STANDARDS ACT ADMINISTERED BY THE
17 ARKANSAS MANUFACTURED HOME COMMISSION.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 20-25-102 is amended to read as follows:
24 20-25-102. Definitions.

25 As used in this chapter, unless the context otherwise requires:

26 (1) "Authorized representative" means any person or employee
27 approved or hired by the Director of the Arkansas Manufactured Home
28 Commission to perform inspection services;

29 (2) "Code" means standards adopted by the Arkansas Manufactured
30 Home Commission;

31 (3) "Commission" means the Arkansas Manufactured Home
32 Commission;

33 (4) "Director" means the Director of the Arkansas Manufactured
34 Home Commission;

35 (5) "Installer" means a person, firm, or corporation not
36 otherwise certified who is engaged in the business of installing manufactured



1 homes for himself or herself or on behalf of any other person not certified
2 under this chapter;

3 (6) "Label" means a label issued by the United States Department
4 of Housing and Urban Development or its contract agency to be affixed onto
5 the exterior of the manufactured home to assure compliance with the federal
6 standards;

7 (7) "Manufacturer" means any person, firm, or corporation who
8 manufactures manufactured or modular homes;

9 (8) "Manufactured home" means a structure, transportable in one
10 (1) or more sections, which in the traveling mode is eight (8) body feet or
11 more in width or forty (40) body feet or more in length or, when erected on
12 site, is three hundred twenty (320) or more square feet and which is built on
13 a permanent chassis and designed to be used as a dwelling with or without a
14 permanent foundation when connected to the required utilities. The term
15 "manufactured home" includes the plumbing, heating, air conditioning, and
16 electrical systems contained therein. This term shall include any structure
17 which meets all the requirements of this subdivision (8) except the size
18 requirements and with respect to which the manufacturer voluntarily files a
19 certification required by the Secretary of the Department of Housing and
20 Urban Development and complies with the federal standards;

21 (9) "Modular home" means a factory-built structure:

22 (A) Produced in accordance with state or local
23 construction codes and standards; and

24 (B) Designed to be used as a dwelling unit with a
25 foundation when connected to the required utilities;

26 ~~(9)~~(10) "Person" means an individual, partnership, corporation,
27 or other legal entity; and

28 ~~(10)~~(11) "Retailer" means any person in the business of
29 accepting on consignment, buying for resale, selling, or exchanging
30 manufactured or modular homes or offering them to the public for sale,
31 exchange, or lease-purchase, whether for himself or herself or on behalf of
32 any other person not certified as a ~~dealer~~ retailer under this chapter.

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34 SECTION 2. Arkansas Code § 20-25-106(a), concerning the powers and
35 duties of the Arkansas Manufactured Home Commission, is amended to read as
36 follows:

1 (a)(1) The Arkansas Manufactured Home Commission shall by regulation
2 set uniform reasonable standards for the proper installation of manufactured
3 homes, including, but not limited to, foundation, supports, anchoring, and
4 underpinning of manufactured homes installed in this state.

5 (2) The commission shall by regulation set requirements for and
6 require licensing and certification of manufacturers of manufactured or
7 modular homes in this state and manufacturers of manufactured or modular
8 homes in other states selling them in this state.

9 (3) The commission by regulation shall set the requirements and
10 require licensing and certification of any retailer, ~~manufactured home~~
11 ~~salesman~~ salesperson, and others engaged in the sale, installation, anchoring,
12 and servicing of manufactured or modular homes for sale in this state.

13
14 SECTION 3. Arkansas Code § 20-25-106(f), concerning the suspension,
15 revocation, or failure to renew a license issued by the Arkansas Manufactured
16 Home Commission, is amended to read as follows:

17 (f) The commission shall have the power to suspend, revoke, or refuse
18 to renew the license or certification under this chapter of any person who is
19 found to have been guilty of:

20 (1) Fraud, misrepresentation, or deception in obtaining a
21 license or certification;

22 (2) Accepting a manufactured or modular home, directly or
23 indirectly, from a manufacturer not certified by the state pursuant to this
24 chapter;

25 (3) Selling or delivering, directly or indirectly, a
26 manufactured or modular home to a retailer not certified by the state
27 pursuant to this chapter; or

28 (4) Violating any provision of this chapter or rules or
29 regulations promulgated thereunder+.

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31 SECTION 4. Arkansas Code § 20-25-107 is amended to read as follows:
32 20-25-107. Administration by director.

33 (a) The Director of the Arkansas Manufactured Home Commission shall be
34 appointed by the Arkansas Manufactured Home Commission.

35 (b) The director shall administer the code for manufactured homes.

36 (c)(1) The director shall establish an inspection system sufficient to

1 ensure compliance with the provisions of the code by providing for
2 inspections by members of his own inspection staff.

3 (2) The director and his staff shall have the right to enter and
4 inspect all factories, warehouses, or establishments in which manufactured or
5 modular homes are manufactured.

6 (d) The director, with the approval of the commission, shall establish
7 reasonable fees for certification, including licensing of manufactured or
8 modular home ~~salesmen~~ salespersons and setting up, installing, and anchoring
9 of manufactured homes.

10 (e) The director may, within the limits of appropriation, appoint such
11 employees as he may deem necessary for the administration of this chapter.

12 (f) The director, with the approval of the commission, shall establish
13 monitoring inspection fees in accordance with the guidelines established by
14 the Secretary of Housing and Urban Development and provide for participation
15 in the fee distribution system set out in 24 C.F.R. 3282.307.

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/s/ J. Johnson