

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

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26 /s/Irvin
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