

CHAPTER.....

AN ACT relating to manufactured housing; providing for the licensure of distributors of manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing for resale; providing for the regulation of dealers, manufacturers, salesmen, general servicemen and specialty servicemen with respect to manufactured buildings and factory-built housing; authorizing the auditing of the financial accounts of dealers and distributors; requiring the adoption of regulations concerning continuing education requirements for dealers and distributors; revising the procedure for determining the fair market value of manufactured homes under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2, 29-32 and 37-40 of this bill provide for the licensure of distributors of manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing by the Manufactured Housing Division of the Department of Business and Industry.

Section 12 of this bill authorizes the Division to audit the financial accounts of a dealer or distributor of manufactured housing to investigate insolvency or to administer or enforce any law.

Sections 16-23, 35, 36 and 55-57 of this bill provide for the regulation of dealers, manufacturers, salesmen, general servicemen and specialty servicemen with respect to manufactured buildings and factory-built housing.

Section 28 of this bill requires the Division to adopt regulations concerning continuing education requirements for dealers and distributors.

Sections 41-43 of this bill expand the grounds for disciplinary actions against persons licensed by the Division.

Section 46 of this bill requires the Division to adopt regulations establishing a fee for the issuance of a license as a distributor. **Section 47** of this bill requires a distributor to pay an additional fee upon the issuance or renewal of his license. This additional fee is currently imposed on dealers and manufacturers and is required to be deposited in the Account for Education and Recovery Relating to Manufactured Housing in the Fund for Manufactured Housing and to be used to satisfy the claims of purchasers of manufactured housing against licensees for fraud, misrepresentation or deceit.

Sections 59-62 of this bill revise provisions governing the financial and fiduciary duties of dealers.

Sections 63, 75 and 82 of this bill provide limitations on actions against the Division and its officers and employees.

Section 70 of this bill provides that a dealer is guilty of a gross misdemeanor if: (1) he fails to cooperate or comply with or knowingly impedes or interferes with an investigation or audit conducted by the Division; or (2) he acts as a dealer while insolvent or engages in any financial practice which creates a substantial risk of insolvency.



Sections 72-74.5 and 78-81 of this bill revise the procedure for determining the fair market value of manufactured homes under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 489 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *“Distributor” means any person who engages in the sale and distribution of manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing for resale.*

Secs. 3-5. (Deleted by amendment.)

Sec. 6. *“Factory-built housing” has the meaning ascribed to it in NRS 461.080.*

Sec. 7. *“Franchise” means a written agreement between a franchisor and franchisee which establishes that the franchisee will sell or distribute new or used manufactured homes, mobile homes, manufactured buildings, commercial coaches, factory-built housing or related goods or services under, or operate using, the systems, trademark, service mark, trade name, logo or other commercial symbol of the franchisor.*

Sec. 8. *“Franchisee” means any natural person or entity that, pursuant to a franchise, sells or distributes new or used manufactured homes, mobile homes, manufactured buildings, commercial coaches, factory-built housing or related goods or services under, or operates using, the systems, trademark, service mark, trade name, logo or other commercial symbol of the franchisor.*

Sec. 9. *“Franchisor” means any natural person or entity that owns the overall rights to the systems, trademark, service mark, trade name, logo or other commercial symbol of the franchisor and grants a franchise for their use by a franchisee.*

Sec. 10. *“Manufactured building” has the meaning ascribed to it in NRS 461.132.*

Sec. 10.5. *“Modular component” has the meaning ascribed to it in NRS 461.145.*

Sec. 11. (Deleted by amendment.)

Sec. 12. *1. The Division may investigate and audit any financial account, including, without limitation, any trust account, related to the business of a dealer or distributor if:*



(a) *The Division has reasonable cause to believe that the dealer or distributor is using or has used the account to carry on the business of the dealer or distributor; and*

(b) *The Division:*

(1) *Has reasonable cause to believe or has received a credible complaint that the dealer or distributor is insolvent or is in a financial condition, or has engaged in a financial practice, which creates a substantial risk of insolvency; or*

(2) *Determines that the investigation and audit are reasonably necessary to assist the Division in administering or enforcing any provision of law.*

2. *The Administrator shall adopt regulations prescribing the scope of an audit conducted pursuant to this section.*

3. *As used in this section, “insolvency” or “insolvent” means a condition under which a dealer or distributor is unable to meet the liabilities of his business as they become due in the regular course of business and which creates a substantial risk of harm to the public or a consumer.*

Sec. 13. *As used in this section and NRS 489.4971 to 489.4989, inclusive, “Account” means the Account for Education and Recovery Relating to Manufactured Housing created by NRS 489.4971.*

Sec. 14. NRS 489.021 is hereby amended to read as follows:

489.021 1. The Legislature finds that the construction, assembly and use of manufactured homes, mobile homes, travel trailers ~~{and}~~, *manufactured buildings*, commercial coaches *and factory-built housing* and their systems, components and appliances, and the alteration, transportation and installation of manufactured homes, mobile homes ~~{and}~~, *manufactured buildings*, commercial coaches ~~{}~~ *and factory-built housing*, like other products having concealed vital parts, may present hazards to the health, life and safety of persons and the safety of property unless they are properly manufactured, altered, transported and installed.

2. In the sale of manufactured homes, mobile homes, travel trailers ~~{and}~~, *manufactured buildings*, commercial coaches ~~{}~~ *and factory-built housing*, there is also the possibility of unascertained defects in them even though they are inspected by purchasers.

3. It is the policy and purpose of this State to protect the public against these hazards and to prohibit the manufacture, sale, *distribution*, alteration, transportation and installation in this State of manufactured homes, mobile homes, travel trailers ~~{and}~~, *manufactured buildings*, commercial coaches *and factory-built*



housing which are not constructed in a manner which provides reasonable safety and protection to owners and users.

4. The Legislature further intends to provide a procedure to ~~{assure}~~ *ensure* that this State assumes the fullest responsibility for the administration and enforcement of federal safety and construction standards for manufactured homes in Nevada in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, ~~{42 U.S.C. §§ 5401 et seq. }~~

Sec. 15. NRS 489.031 is hereby amended to read as follows:

489.031 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 489.036 to 489.155, inclusive, *and sections 2 to 10.5, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 16. NRS 489.043 is hereby amended to read as follows:

489.043 “Brokerage agreement” means a contract between a dealer and a client in which the dealer agrees to accept compensation to:

1. Assist, solicit or negotiate the sale or exchange of an interest in a manufactured home, mobile home, *manufactured building* or commercial coach ~~{ }~~ *or factory-built housing*; or

2. Induce any person to buy or exchange an interest in a manufactured home, mobile home, *manufactured building* or commercial coach ~~{ }~~ *or factory-built housing*.

Sec. 17. NRS 489.076 is hereby amended to read as follows:

489.076 1. “Dealer” means any person who:

(a) For compensation, money or any other thing of value, sells, exchanges, buys or offers for sale, negotiates or attempts to negotiate a sale or exchange of an interest in a manufactured home, mobile home, *manufactured building* or commercial coach *or factory-built housing* subject to the requirements of this chapter, or induces or attempts to induce any person to buy or exchange an interest in a manufactured home, mobile home, *manufactured building* or commercial coach ~~{ }~~ *or factory-built housing*;

(b) For compensation, money or any other thing of value, leases or rents, offers for lease or rental, negotiates or attempts to negotiate the lease or rental of an interest in a manufactured home, mobile home, *manufactured building* or commercial coach *or factory-built housing* subject to the requirements of this chapter, or induces or attempts to induce any person to lease or rent an interest in a manufactured home, mobile home, *manufactured building* or commercial coach ~~{ }~~ *or factory-built housing*;

(c) Receives or expects to receive a commission, money, brokerage fees, profit or any other thing of value from either the



seller or purchaser of any manufactured home, mobile home ~~{}{}~~, *manufactured building*, commercial coach ~~{}{}~~ *or factory-built housing*;

(d) Is engaged wholly or in part in the business of:

(1) Selling, renting or leasing manufactured homes, mobile homes ~~{}{}~~, *manufactured buildings*, commercial coaches ~~{}{}~~ *or factory-built housing*;

(2) Buying or taking manufactured homes, mobile homes ~~{}{}~~, *manufactured buildings*, commercial coaches *or factory-built housing* in trade for the purpose of resale, selling ~~{}{}~~ or offering them for sale or consignment to be sold;

(3) Buying or taking manufactured homes, mobile homes ~~{}{}~~, *manufactured buildings*, commercial coaches *or factory-built housing* in trade to rent, lease or offer them for rent or lease; or

(4) Otherwise dealing in manufactured homes, mobile homes ~~{}{}~~, *manufactured buildings*, commercial coaches ~~{}{}~~ *or factory-built housing*; or

(e) Acts as a repossessor or liquidator concerning manufactured homes, mobile homes ~~{}{}~~, *manufactured buildings*, commercial coaches ~~{}{}~~ *or factory-built housing*,

↳ whether or not they are owned by such persons.

2. The term does not include:

(a) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the order of any court;

(b) Public officers while performing their official duties;

(c) Banks, savings and loan associations, credit unions, thrift companies or other financial institutions proceeding as repossessors or liquidators of their own security;

(d) A person who rents or leases his manufactured home, mobile home ~~{}{}~~, *manufactured building*, commercial coach ~~{}{}~~ *or factory-built housing*;

(e) An owner selling his private residence; or

(f) A real estate broker, real estate broker-salesman or real estate salesman who is licensed pursuant to chapter 645 of NRS and who, for another and for compensation or with the intention or expectation of receiving compensation, sells, exchanges, options, purchases, rents or leases, or negotiates or offers, attempts or agrees to negotiate the sale, exchange, option, purchase, rental or lease of, or lists or solicits prospective purchasers, lessees or renters of, used manufactured homes or used mobile homes in connection with the sale of a fee simple interest in real property and the used manufactured home or used mobile home is situated on the real property sold.



Sec. 18. NRS 489.102 is hereby amended to read as follows:

489.102 1. "General serviceman" means a person who owns or is the responsible managing employee of a business which:

(a) Installs or repairs the awnings, roofing, skirting, plumbing, heating or electrical systems of a manufactured home, mobile home , *manufactured building* or commercial coach ~~[]~~ *or factory-built housing*;

(b) Installs, removes or ~~[tears-down]~~ *prepares for transport* a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* at the site where it will be or has been used for occupancy; or

(c) Reconstructs a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* by the alteration, addition or substitution of substantial or essential parts.

2. The term does not include:

(a) A licensed manufacturer engaged in the *installation*, repair or service of a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* that was manufactured by the licensed manufacturer;

(b) The owner or purchaser of a manufactured home , ~~[or]~~ mobile home *or manufactured building or factory-built housing* who uses the manufactured home , ~~[or]~~ mobile home *or manufactured building or factory-built housing* as his private residence; or

(c) The owner or purchaser of a commercial coach who uses the commercial coach for his own industrial, professional or commercial purposes.

Sec. 19. NRS 489.115 is hereby amended to read as follows:

489.115 "Manufacturer" means every person , *including, without limitation, a partnership, limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company, or a corporation*, engaged in the business of manufacturing manufactured homes, mobile homes, travel trailers ~~[or]~~ , *manufactured buildings*, commercial coaches ~~[]~~ *or factory-built housing*.

Sec. 20. NRS 489.125 is hereby amended to read as follows:

489.125 "New manufactured home," "new mobile home," "new travel trailer" ~~[or]~~ , "new *manufactured building*," "new commercial coach" *or "new factory-built housing"* means a manufactured home, mobile home, travel trailer , *manufactured building* or commercial coach ~~[]~~ *or factory-built housing*, respectively, which has never been sold at retail or occupied either



~~prior to~~ *before* or after sale for the purpose intended by the manufacturer and has never been registered with or been the subject of a certificate of title issued by the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or *any* foreign state, province or country.

Sec. 21. NRS 489.137 is hereby amended to read as follows:

489.137 “Salesman” means any person employed by a dealer *or distributor* under any form of contract or arrangement to sell, *distribute*, rent, lease, exchange or buy, or offer for sale, *distribution*, rental, lease or exchange, an interest in a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* to any person, and who receives or expects to receive a commission, fee or any other consideration from his employer.

Sec. 22. NRS 489.147 is hereby amended to read as follows:

489.147 1. “Specialty serviceman” means a person who owns or is the *designated* responsible managing employee of a business which is limited in the scope of the work it may perform on or in a manufactured home, mobile home , *manufactured building, modular component* or commercial coach *or factory-built housing* in accordance with NRS 489.325.

2. The term does not include:

(a) A licensed manufacturer engaged in the repair or service of a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* that was manufactured by the licensed manufacturer;

(b) The owner or purchaser of a manufactured home , ~~or~~ mobile home *or manufactured building or factory-built housing* who uses the manufactured home , ~~or~~ mobile home *or manufactured building or factory-built housing* as his private residence; or

(c) The owner or purchaser of a commercial coach who uses the commercial coach for his own industrial, professional or commercial purposes.

Sec. 23. NRS 489.155 is hereby amended to read as follows:

489.155 “Used manufactured home,” “used mobile home,” “used travel trailer” ~~or~~ , “*used manufactured building*,” “used commercial coach” *or “used factory-built housing”* means a manufactured home, mobile home, travel trailer , *manufactured building* or commercial coach ~~or~~ *or factory-built housing*, respectively, which has been:



1. Sold, rented or leased and occupied ~~[prior to]~~ *before* or after the sale, rental or lease; or

2. Registered with or been the subject of a certificate of title issued by the appropriate agency of authority of any other state, the District of Columbia, or any territory or possession of the United States or *any* foreign state, province or country.

Sec. 24. NRS 489.211 is hereby amended to read as follows:

489.211 The Administrator : ~~[shall:]~~

1. ~~[Possess]~~ *Must possess* a broad knowledge of generally accepted management practices and be reasonably well informed on laws governing manufactured homes, mobile homes, travel trailers , *manufactured buildings, factory-built housing* and commercial coaches.

2. ~~[Hold no]~~ *Shall not hold an* interest in any firm which sells, *distributes*, manufactures, rebuilds or services any manufactured home, mobile home, travel trailer ~~[or]~~ , *manufactured building*, commercial coach *or factory-built housing* or *which* installs any manufactured home, mobile home ~~[or]~~ , *manufactured building*, commercial coach ~~[, nor may he]~~ *or factory-built housing, or* act as agent for any of them.

Sec. 25. NRS 489.221 is hereby amended to read as follows:

489.221 ~~[No]~~ *An* employee of the Division ~~[may]~~ *shall not* hold an interest in any firm which sells, *distributes*, manufactures, rebuilds or services any manufactured home, mobile home, travel trailer ~~[or]~~ , *manufactured building*, commercial coach *or factory-built housing* or *which* installs any manufactured home, mobile home ~~[or]~~ , *manufactured building*, commercial coach ~~[, nor]~~ *or factory-built housing, or* act as an agent for any of them.

Sec. 26. NRS 489.231 is hereby amended to read as follows:

489.231 1. ~~[In order to]~~ *To* carry out the provisions of this chapter, the Administrator may:

(a) Issue subpoenas for the attendance of witnesses or the production of books, papers and documents; and

(b) Conduct hearings.

2. The Administrator may apply for and receive grants from the Secretary of Housing and Urban Development for developing and carrying out a plan for enforcement and administration of federal standards of safety and construction respecting manufactured homes offered for sale or lease in this State.

3. The Administrator may adopt regulations to ensure acceptance by the Secretary of Housing and Urban Development of the state plan for administration and enforcement of federal standards of safety and construction respecting manufactured homes



in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 , ~~42~~ 42 U.S.C. §§ 5401 et seq. ~~42~~

4. The Administrator may:

- (a) Make inspections;
- (b) Approve plans and specifications;
- (c) Provide technical services;
- (d) Issue licenses, *permits*, certificates of ownership and certificates and labels of compliance and installation;
- (e) Enter into reciprocal agreements with other states or private organizations that adopt and maintain standards reasonably consistent with this chapter;
- (f) Collect the fees provided for in this chapter; and
- (g) Adopt regulations necessary to carry out his duties under this chapter.

5. The Administrator or his representative may enter, at reasonable times and without notice, any mobile home park or place of business or any factory, warehouse or establishment in which manufactured homes, mobile homes , ~~for~~ travel trailers , *manufactured buildings or factory-built housing* are manufactured, stored or held for sale *or distribution* and inspect at reasonable times in a reasonable manner the premises and books, papers, records and documents which are relevant to the manufacture , *distribution* and sale of manufactured homes, mobile homes , ~~for~~ travel trailers , *manufactured buildings or factory-built housing* and compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 , ~~42~~ 42 U.S.C. §§ 5401 et seq. ~~42~~ , *this chapter and chapter 461 of NRS, and any regulations adopted pursuant thereto*, and to compliance by landlords of mobile home parks with the prohibition in NRS 118B.140 against charging or receiving any entrance or exit fee. A magistrate shall issue a warrant to permit an inspection if the Administrator has shown:

- (a) Evidence that a violation of a provision of this chapter or of the prohibition in NRS 118B.140 against charging or receiving any entrance or exit fee has been committed or is being committed; or
- (b) That the business has been chosen for an inspection on the basis of a general administrative plan for the enforcement of the provisions of this chapter.

Sec. 27. NRS 489.263 is hereby amended to read as follows:

489.263 1. The Administrator may adopt regulations establishing a system for the issuance ~~and renewal~~ of permits for the installation, design, approval , *repair* or modification of



manufactured homes, mobile homes ~~[or]~~, *manufactured buildings*, commercial coaches ~~[]~~ *or factory-built housing*.

2. The regulations may include, without limitation:

(a) The requirements and procedures for applying for ~~[and renewing]~~ a permit;

(b) The criteria for determining whether to issue ~~[or renew]~~ a permit;

(c) The grounds for revocation and the requirements for reinstatement of a permit; and

(d) The procedures for the enforcement of a system for issuing ~~[and renewing]~~ permits.

Sec. 28. NRS 489.285 is hereby amended to read as follows:

489.285 1. The Division shall adopt regulations concerning continuing education requirements for *dealers, distributors*, general servicemen, ~~[and] specialty servicemen, [of manufactured homes, mobile homes or commercial coaches, and]~~ responsible managing employees and salesmen. The regulations must include the:

(a) Criteria for determining what qualifies as continuing education;

(b) Criteria for approving educational and training programs;

(c) Requirements for submitting evidence of completion; and

(d) Grounds and procedures for granting an extension of time within which to comply with continuing education requirements.

2. In adopting regulations pursuant to subsection 1, the Division shall:

(a) Allow for alternative subjects, instructors, schools and sources of programs, with consideration for specialized areas of practice, availability and proximity of resources to the licensees and applicants, and the time and expense required to participate in the programs.

(b) Approve courses offered by generally accredited educational institutions and private vocational schools if those courses otherwise qualify as continuing education.

(c) Approve training and educational programs and seminars offered by:

(1) Individual sponsors;

(2) Manufactured housing firms and businesses such as dealers, *distributors*, general servicemen, specialty servicemen, manufacturers ~~[of manufactured homes, mobile homes or commercial coaches,]~~ and suppliers of the various components for constructing such homes or coaches, including heating and air-conditioning systems, material for roofing and siding, skirting, awnings and other components;



- (3) Professional and industry-related organizations; and
- (4) Other organized educational programs concerning technical or specialized subjects, including in-house training programs offered by an employer for his employees and participation in meetings and conferences of industry-related organizations.

(d) Solicit advice and assistance from persons and organizations that are knowledgeable in the construction, sale, *distributor*, installation, rebuilding and servicing of manufactured homes, mobile homes ~~or~~, *manufactured buildings*, commercial coaches *or factory-built housing* and the method of educating licensees.

3. The Division is not responsible for the costs of any continuing education program, but may participate in the funding of those programs subject to legislative appropriations.

4. As used in this section, "industry-related organizations" includes, without limitation, the:

- (a) Manufactured Housing Institute;
- (b) Manufactured Home Community Owners ; ~~[Association;]~~
- (c) Nevada Association of Manufactured Home Owners, Inc.;
- (d) Nevada Association of Realtors; ~~[and]~~
- (e) *Nevada Housing Alliance;*
- (f) *Modular Building Institute; and*
- (g) Any other organization approved by the Division.

Sec. 29. NRS 489.305 is hereby amended to read as follows:

489.305 To open a branch office, a dealer, *distributor*, general serviceman or specialty serviceman ~~[, as the case may be,]~~ must:

1. Obtain a license from the Division to operate the branch office; and
2. Provide for direct supervision of the branch office, either by himself or by employing a responsible managing employee.

Sec. 30. NRS 489.311 is hereby amended to read as follows:

489.311 1. Except as otherwise provided by NRS 489.331, no person may engage or offer to engage in the business of a dealer, *distributor*, manufacturer, general serviceman or specialty serviceman in this State, or be entitled to any other license or permit required by this chapter, until he has applied for and has been issued a license by the Division.

2. For the purposes of this section, a person engages in the business of a dealer, *distributor*, manufacturer, general serviceman or specialty serviceman in this State if he, without limitation, submits a bid to perform any activity requiring a license pursuant to this section.



Sec. 31. NRS 489.321 is hereby amended to read as follows:

489.321 1. An application for a manufacturer's, dealer's, *distributor's*, general serviceman's or specialty serviceman's license must be filed upon forms supplied by the Division and include the social security number of the applicant. The applicant must furnish:

(a) Any proof the Division may deem necessary that the applicant is a manufacturer, dealer, *distributor*, general serviceman or specialty serviceman.

(b) Any proof the Division may require that the applicant has an established place of business.

(c) Any proof the Division may require of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought.

(d) A complete set of his fingerprints and written permission authorizing the Administrator to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Administrator may exchange with the Central Repository and the Federal Bureau of Investigation any information relating to the fingerprints of an applicant under this section.

(e) In the case of a dealer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise dealer for the make or makes concerned.

(f) A reasonable fee fixed by regulation.

(g) In the case of a dealer, *distributor* or general serviceman, proof of passing the examination required under subsection 1 of NRS 489.351.

(h) In the case of a specialty serviceman, proof of passing the examination required under subsection 1 of NRS 489.351 or proof that the examination has been waived pursuant to subsection 2 of NRS 489.351.

(i) Any additional requirements the Division may from time to time prescribe by regulation.

2. Within 60 days after the receipt of a complete application, the Division shall issue or deny the license.

3. The Administrator may issue a provisional license pending receipt of the report from the Federal Bureau of Investigation. Upon receipt of the report and a determination by the Administrator that the applicant is qualified, the Division shall issue to the applicant a dealer's, manufacturer's, *distributor's*, general serviceman's or specialty serviceman's license containing the applicant's name and the address of his fixed place of business.



4. Each license is valid for a period of 2 years after the date of issuance and may be renewed for like consecutive periods upon application to and approval by the Division.

Sec. 32. NRS 489.321 is hereby amended to read as follows:

489.321 1. Applications for a manufacturer's, dealer's, *distributor's*, general serviceman's or specialty serviceman's license must be filed upon forms supplied by the Division, and the applicant shall furnish:

(a) Any proof the Division may deem necessary that the applicant is a manufacturer, dealer, *distributor*, general serviceman or specialty serviceman.

(b) Any proof the Division may require that the applicant has an established place of business.

(c) Any proof the Division may require of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought.

(d) A complete set of his fingerprints and written permission authorizing the Administrator to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Administrator may exchange with the Central Repository and the Federal Bureau of Investigation any information respecting the fingerprints of an applicant under this section.

(e) In the case of a dealer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise dealer for the make or makes concerned.

(f) A reasonable fee fixed by regulation.

(g) In the case of a dealer, *distributor* or general serviceman, proof of passing the examination required under subsection 1 of NRS 489.351.

(h) In the case of a specialty serviceman, proof of passing the examination required under subsection 1 of NRS 489.351 or proof that the examination has been waived pursuant to subsection 2 of NRS 489.351.

(i) Any additional requirements the Division may from time to time prescribe by regulation.

2. Within 60 days after receipt of a complete application, the Division shall issue or deny the license.

3. The Administrator may issue a provisional license pending receipt of the report from the Federal Bureau of Investigation. Upon receipt of the report and a determination by the Administrator that the applicant is qualified, the Division shall issue to the applicant a



dealer's, manufacturer's, *distributor's*, general serviceman's or specialty serviceman's license certificate containing the applicant's name and the address of his fixed place of business.

4. Each license is valid for a period of 2 years after the date of issuance and may be renewed for like consecutive periods upon application to and approval by the Division.

Sec. 33. NRS 489.323 is hereby amended to read as follows:

489.323 If a licensee is a *dealer, distributor*, general serviceman, ~~[or] specialty serviceman, [of manufactured homes, mobile homes or commercial coaches, or a]~~ responsible managing employee or salesman, the Division shall not renew a license issued to that licensee until the licensee has submitted proof satisfactory to the Division that he has, during the 2-year period immediately preceding the renewal of the license, completed at least 8 hours of continuing education approved by the Division pursuant to NRS 489.285.

Sec. 34. NRS 489.336 is hereby amended to read as follows:

489.336 1. The Division shall adopt regulations for the issuance of limited *lien* resale licenses *and permits* authorizing a landlord or manager to sell a used mobile home ~~[. Regulations adopted pursuant to this section] if:~~

(a) The mobile home is located in a mobile home park that the landlord or manager owns, leases or manages; and

(b) The landlord or manager purchased the mobile home at a sale to enforce a lien pursuant to NRS 108.270 to 108.367, inclusive.

2. *The regulations* must specify the requirements for ~~[licensure,] the issuance of a license or permit~~, including, without limitation, any educational requirements.

~~[2.]~~ 3. A person who is ~~[licensed]~~ *issued a license or permit* pursuant to the regulations ~~[described in subsection 1]~~ may sell a used mobile home ~~[if:~~

~~—(a) The mobile home is located in a mobile home park that the landlord or manager owns, leases or manages; and~~

~~—(b) The landlord or manager purchased the mobile home at a sale to enforce a lien pursuant to NRS 108.270 to 108.367, inclusive.~~

~~—3.] in accordance with the license or permit.~~

4. As used in this section:

(a) "Landlord" has the meaning ascribed to it in NRS 118B.014.

(b) "Manager" has the meaning ascribed to it in NRS 118B.0145.



(c) "Mobile home park" has the meaning ascribed to "manufactured home park" in NRS 118B.017.

Sec. 35. NRS 489.341 is hereby amended to read as follows:

489.341 1. A person shall not act as a salesman in this State or as a responsible managing employee for a person who sells, leases, *distributes*, reconstructs, improves, repairs or installs any manufactured home, mobile home ~~for~~, *manufactured building*, commercial coach *or factory-built housing* subject to the provisions of this chapter without first having received a license from the Division. Before issuing such a license, the Division shall require:

(a) An application, signed and verified by the applicant, stating that he desires to act as a salesman or responsible managing employee and providing his residential address, his social security number and the name and address of his employer.

(b) Proof of the employment of the applicant at the time the application is filed. An applicant for a license as a responsible managing employee shall submit proof of 2 years' experience within the previous 4 years in the business in which the applicant is seeking to be licensed as a responsible managing employee.

(c) Proof of the applicant's good character and reputation and of his fitness to act as a salesman or responsible managing employee.

(d) A complete set of his fingerprints and written permission authorizing the Administrator to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Administrator may exchange with the Central Repository and the Federal Bureau of Investigation any information relating to the fingerprints of an applicant.

(e) A statement as to whether any previous application of the applicant has been denied or license revoked.

(f) Payment of a reasonable license fee established by regulation.

(g) The applicant to have passed the examination required by NRS 489.351.

(h) Any other information the Division deems necessary.

2. Within 60 days after the receipt of a complete application, the Division shall issue or deny the license.

3. The Administrator may issue a provisional license pending receipt of the report from the Federal Bureau of Investigation. Upon receipt of the report and a determination by the Administrator that the applicant is qualified, the Administrator shall issue to the applicant a license as a salesman or a responsible managing



employee. The license must contain the licensee's name and the address of his employer's place of business.

4. Each license is valid for 2 years after the date of issuance and may be renewed for like consecutive periods upon application to and approval by the Division.

5. A person licensed pursuant to this section shall not engage in sales activity other than for the account of, or for and in behalf of, a single employer who is a licensed dealer ~~or~~ *or distributor*.

6. A license issued pursuant to this section may be transferred to another licensed employer upon application and the payment of a transfer fee of \$10. When a salesman or responsible managing employee holding a current license leaves the employment of one dealer, *distributor*, general serviceman or specialty serviceman for that of another, the new employer may employ the salesman or responsible managing employee pending the transfer of the license if the transfer is completed within 10 days.

7. A license issued pursuant to this section must be posted in a conspicuous place on the premises of the employer for whom the holder of the license is licensed.

8. If a salesman or responsible managing employee ceases to be employed by a licensed dealer, *distributor*, general serviceman or specialty serviceman, his license to act as a salesman or responsible managing employee is automatically suspended and his right to act in that capacity immediately ceases, and he shall not engage in such an activity until reemployed by a licensed dealer, *distributor*, general serviceman or specialty serviceman. Every licensed salesman and responsible managing employee shall report in writing to the Division every change in his place of employment or termination of employment within 5 days after the date of making the change.

Sec. 36. NRS 489.341 is hereby amended to read as follows:

489.341 1. A person shall not act as a salesman in this State or as a responsible managing employee for a person who sells, leases, *distributes*, reconstructs, improves, repairs or installs any manufactured home, mobile home ~~or~~ *, manufactured building*, commercial coach *or factory-built housing* subject to the provisions of this chapter without first having received a license from the Division. Before issuing such a license, the Division shall require:

(a) An application, signed and verified by the applicant, stating that he desires to act as a salesman or responsible managing employee and providing his residential address and the name and address of his employer.



(b) Proof of the employment of the applicant at the time the application is filed. An applicant for a license as a responsible managing employee shall submit proof of 2 years' experience within the previous 4 years in the business in which the applicant is seeking to be licensed as a responsible managing employee.

(c) Proof of the applicant's good character and reputation and of his fitness to act as a salesman or responsible managing employee.

(d) A complete set of his fingerprints and written permission authorizing the Administrator to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Administrator may exchange with the Central Repository and the Federal Bureau of Investigation any information respecting the fingerprints of an applicant.

(e) A statement as to whether any previous application of the applicant has been denied or license revoked.

(f) Payment of a reasonable license fee established by regulation.

(g) The applicant to have passed the examination required by NRS 489.351.

(h) Any other information the Division deems necessary.

2. Within 60 days after receipt of a complete application, the Division shall issue or deny the license.

3. The Administrator may issue a provisional license pending receipt of the report from the Federal Bureau of Investigation. Upon receipt of the report and a determination by the Administrator that the applicant is qualified, the Administrator shall issue to the applicant a license as a salesman or a responsible managing employee. The license must contain the licensee's name and the address of his employer's place of business.

4. Each license is valid for 2 years after the date of issuance and may be renewed for like consecutive periods upon application to and approval by the Division.

5. A person licensed pursuant to this section shall not engage in sales activity other than for the account of or for and in behalf of a single employer who is a licensed dealer ~~[-]~~ or distributor.

6. A license issued pursuant to this section may be transferred to another licensed employer upon application and the payment of a transfer fee of \$10. When a salesman or responsible managing employee holding a current license leaves the employment of one dealer, distributor, general serviceman or specialty serviceman for that of another, the new employer may employ the salesman or



responsible managing employee pending the transfer of the license if the transfer is completed within 10 days.

7. A license issued pursuant to this section must be posted in a conspicuous place on the premises of the employer for whom the holder of the license is licensed.

8. If a salesman or responsible managing employee ceases to be employed by a licensed dealer, *distributor*, general serviceman or specialty serviceman, his license to act as a salesman or responsible managing employee is automatically suspended and his right to act in that capacity immediately ceases, and he shall not engage in such an activity until reemployed by a licensed dealer, *distributor*, general serviceman or specialty serviceman. Every licensed salesman and responsible managing employee shall report in writing to the Division every change in his place of employment or termination of employment within 5 days after the date of making the change.

Sec. 37. NRS 489.342 is hereby amended to read as follows:

489.342 1. A natural person who applies for the issuance or renewal of a manufacturer's, dealer's, *distributor's*, general serviceman's, specialty serviceman's, salesman's or *responsible* managing employee's license shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A manufacturer's, dealer's, *distributor's*, general serviceman's, specialty serviceman's, salesman's or *responsible* managing employee's license may not be issued or renewed by the Division if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a



child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 38. NRS 489.343 is hereby amended to read as follows:

489.343 1. Every partnership, *limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company* doing business as a manufacturer, dealer, *distributor*, general serviceman or specialty serviceman in this State shall designate one of its members, and every corporation doing business as a manufacturer, dealer, *distributor*, general serviceman or specialty serviceman in this State shall designate one of its officers, to submit an application for a manufacturer's, dealer's, *distributor's*, general serviceman's or specialty serviceman's license.

2. The Division shall issue a manufacturer's, dealer's, *distributor's*, general serviceman's or specialty serviceman's license to the member or officer on behalf of the corporation, *company* or partnership upon:

(a) The designated member or officer, in the case of a dealer, *distributor*, general serviceman or specialty serviceman, successfully passing the examination required pursuant to subsection 1 of NRS 489.351 unless, in the case of a specialty serviceman, the examination is waived pursuant to subsection 2 of NRS 489.351; and

(b) Compliance with all other requirements of law or any other additional requirements the Division may from time to time prescribe by regulation by the partnership, *limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company*, or corporation, as well as by the designated member or officer.

3. Upon receipt of the license, the designated member or officer is entitled to perform all the acts authorized by a license issued by the Division, except:

(a) That the license issued entitles the designated member or officer to act pursuant to the terms and conditions of the license issued by the Division only as officer or agent of the partnership, *limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company*, or corporation, and not on his own behalf; and



(b) That if the person designated by the partnership , *limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company*, or corporation:

(1) Is refused a license by the Division; or

(2) Ceases to be connected with the partnership , *limited partnership, limited-liability partnership, limited-liability limited partnership, limited-liability company* or corporation,

↳ the partnership , *limited partnership, limited-liability partnership, limited-liability limited partnership, limited-liability company*, or corporation may designate another person who shall make application and qualify as in the first instance.

Sec. 39. NRS 489.344 is hereby amended to read as follows:

489.344 Each member or officer of a partnership , *limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company*, or a corporation who will perform or engage in any of the acts specified in NRS 489.076, 489.102, 489.115 or 489.147, *or section 2 of this act*, other than the member or officer designated for that purpose by the partnership , *limited partnership, limited-liability partnership, limited-liability limited partnership, limited-liability company*, or the corporation , in the manner provided in NRS 489.343, must apply for and take out a separate manufacturer's, dealer's, *distributor's*, general serviceman's or specialty serviceman's license in his own name. The license issued to any such member or officer of a partnership , *company* or corporation entitles the member or officer to act as a manufacturer, dealer, *distributor*, general serviceman or specialty serviceman only as an officer or agent of the partnership , *limited partnership, limited-liability partnership, limited-liability limited partnership, limited-liability company*, or corporation and not on his own behalf.

Sec. 40. NRS 489.351 is hereby amended to read as follows:

489.351 1. Except as otherwise provided in subsection 2, the Administrator shall require an oral or written examination of each applicant for a license as a dealer, *distributor*, responsible managing employee, salesman, general serviceman or specialty serviceman.

2. The Administrator may waive the examination required pursuant to subsection 1 for an applicant for a license as a specialty serviceman if:

(a) The applicant holds another valid license issued by this State; and

(b) The services performed by the applicant pursuant to that license are substantially similar to the services to be performed by the applicant as a specialty serviceman.



Sec. 41. NRS 489.401 is hereby amended to read as follows:

489.401 The following grounds, among others, constitute grounds for disciplinary action pursuant to NRS 489.381:

1. The intentional publication, circulation or display of any advertising which constitutes a deceptive trade practice as that term is defined in NRS 598.0915 to 598.0925, inclusive.

2. Failure to include in any advertising the name of the licensed dealer, *distributor*, general serviceman or specialty serviceman, or the name under which he is doing business.

3. Making any substantial misrepresentation or false promise which is likely to influence, persuade or induce, or continually failing to fulfill promises to sell, breaching agreements or contracts or making false promises by any means.

4. Failure to disclose all terms and conditions of a sale, purchase or lease or offer to sell, purchase or lease a manufactured home, mobile home , *manufactured building* or commercial coach ~~[]~~ *or factory-built housing*.

5. Failure to disclose to a person with whom the licensed dealer *or distributor* is dealing with regard to the sale, *distribution*, purchase or lease of a manufactured home any material facts, structural defects or other material information which the licensed dealer *or distributor* knew, or which by the exercise of reasonable care and diligence should have known, concerning the manufactured home or concerning the sale, *distribution*, purchase or lease of the manufactured home.

6. Failure to comply with the provisions of NRS 489.595.

7. Representing to any lender, guaranteeing agency or other interested party, orally or through the preparation of false documents:

(a) An amount in excess of the actual sales price;

(b) A false amount as the down payment, earnest money deposit or other valuable consideration;

(c) Terms differing from those actually agreed upon; or

(d) False information on a credit application.

8. Inducing an applicant to falsify his credit application.

9. Failure to obtain from the holder of any lien or security interest in a manufactured home, mobile home , *manufactured building* or commercial coach ~~[]~~ *or factory-built housing* within 10 days before the closure of a sale ~~[of the manufactured home, mobile home or commercial coach.]~~ a written acknowledgment that the holder of the lien or security interest has received written notification of the sale.



Sec. 42. NRS 489.411 is hereby amended to read as follows:

489.411 The following grounds, among others, constitute grounds for disciplinary action under NRS 489.381:

1. Claiming, demanding or receiving a fee, compensation or commission under any exclusive agreement, authorizing or employing a licensee to sell, *distribute*, buy or exchange a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* for compensation or commission, where the agreement does not contain a definite specified date of final and complete termination, does not set forth the terms and conditions of the exclusive agreement or is not signed by both the licensee and the owner.

2. While the employee, agent or fiduciary of a licensee, soliciting, accepting or agreeing to accept any benefit, fee, commission or compensation for the performance of any of the acts specified in this chapter from any person except the licensee with whom he is associated or employed.

3. Paying a commission or other compensation to any person or employing any person for performing the services of a person required to be licensed under this chapter who has not first secured his license pursuant to this chapter.

4. Commingling the money or other property of his principals with his own or converting the money of others to his own use.

5. Knowingly permitting a person whose license has been revoked or suspended or who does not hold a valid license to engage on behalf of the licensed dealer *or distributor* in acts that require a license.

6. In the case of a salesman, failing to give to the licensed dealer *or distributor* by whom the salesman is employed, as soon as practicable after receipt, a deposit or other money or consideration entrusted to him by a person dealing with the salesman as a representative of the licensed dealer ~~or~~ *or distributor*.

7. Failing within a reasonable time to account for or to remit any money coming into his possession which belongs to others.

8. Failure or refusal by a licensee to pay or otherwise discharge any final judgment rendered and entered against him which arises out of the conduct of his business licensed under this chapter.

9. Acting in the dual capacity of agent and undisclosed principal in a transaction.

Sec. 43. NRS 489.416 is hereby amended to read as follows:

489.416 The following grounds, among others, constitute grounds for disciplinary action under NRS 489.381:

1. Workmanship which:



- (a) Is not commensurate with standards of the trade in general;
- (b) Is below standards adopted by the Division or the *codes and standards* ~~[determined by the edition of the Uniform Building Code, Uniform Plumbing Code or the National Electrical Code, respectively, in effect on July 1, 1983;]~~ *adopted pursuant to this chapter and chapter 461 or NRS, and any regulations adopted pursuant thereto;* or

(c) Endangers the life and safety of an occupant of a manufactured home, mobile home , *manufactured building* or commercial coach ~~[]~~ *or factory-built housing*.

2. Failure to honor any warranty or other guarantee given by a licensee for workmanship or material as a condition of securing a contract, or of selling, *distributing*, leasing, reconstructing, improving, repairing or installing any manufactured home, mobile home, *manufactured building*, commercial coach , *factory-built housing* or accessory structure.

3. Gross negligence or incompetence in performing an act for which a license is required pursuant to this chapter.

Sec. 44. NRS 489.423 is hereby amended to read as follows:

489.423 1. Upon a finding that a licensed dealer *or distributor* knew, or by the exercise of reasonable care and diligence should have known, of any unlawful act or violation of a provision of this chapter by a salesman, general serviceman , ~~[or]~~ specialty serviceman *or any other person* who is employed by or associated with the licensed dealer ~~[]~~ *or distributor*, the Administrator may suspend or revoke the license of the licensed dealer *or distributor* and impose an administrative fine upon him of not more than \$1,000.

2. Upon a finding that a licensed dealer *or distributor* failed to maintain adequate supervision of a salesman, general serviceman or specialty serviceman who, while employed by or associated with the licensed dealer ~~[]~~ *or distributor*, committed any unlawful act or violated a provision of this chapter, the Administrator may suspend or revoke the license of a licensed dealer *or distributor* and impose an administrative fine upon him of not more than \$1,000.

3. *Upon a finding that a licensed general serviceman or specialty serviceman knew, or by the exercise of reasonable care and diligence should have known, of any unlawful act or violation of a provision of this chapter by any person who is employed by or associated with the licensed general serviceman or specialty serviceman, the Administrator may suspend or revoke the license of the licensed general serviceman or specialty serviceman and impose an administrative fine upon him of not more than \$1,000.*



Sec. 45. NRS 489.425 is hereby amended to read as follows:

489.425 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a manufacturer's, dealer's, *distributor's*, general serviceman's, specialty serviceman's, salesman's or *responsible* managing employee's license, the Division shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a manufacturer's, dealer's, *distributor's*, general serviceman's, specialty serviceman's, salesman's or *responsible* managing employee's license that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 46. NRS 489.481 is hereby amended to read as follows:

489.481 The Division shall adopt regulations providing fees for:

1. Certificates of installation;
2. Labels of installation;
3. Certificates of compliance;
4. Labels of compliance;
5. Certificates of ownership;
6. Licenses of manufacturers, dealers, *distributors*, salesmen, responsible managing employees, general servicemen and specialty servicemen;
7. Licenses for branch offices; and
8. Any other services provided by the Division.

Sec. 47. NRS 489.4971 is hereby amended to read as follows:

489.4971 1. The Account for Education and Recovery Relating to Manufactured Housing is hereby created within the Fund for Manufactured Housing to satisfy the claims of purchasers of manufactured homes, mobile homes ~~for~~, *manufactured buildings*, commercial coaches *or factory-built housing* against persons licensed pursuant to the provisions of this chapter. Any balance in



the Account over \$500,000 at the end of any fiscal year must be set aside and used by the Administrator for education relating to manufactured homes, mobile homes, travel trailers ~~for~~ , *manufactured buildings*, commercial coaches ~~for~~ *or factory-built housing*.

2. Upon the issuance or renewal of the following licenses by the Division, the licensee must pay, in addition to the original or renewal license fee, a fee:

(a) For a dealer's , *distributor's* or manufacturer's original license, or for any original limited dealer's license ~~for~~ *which authorizes a limited dealer to act as a reposessor or liquidator*, of \$1,000.

(b) For a dealer's , *distributor's* or manufacturer's renewal license, or a renewal of any limited dealer's license ~~for~~ *which authorizes a limited dealer to act as a reposessor or liquidator*, of \$600.

(c) For an original or renewal license for:

(1) A general serviceman or specialty serviceman, of \$150.

(2) A salesman, of \$75.

(3) A responsible managing employee, of \$100.

➔ Except as otherwise provided in NRS 489.265, fees collected pursuant to this section must be deposited in the State Treasury for credit to the Account.

3. A payment from the Account to satisfy the claim of a purchaser specified in subsection 1 against a person who is licensed pursuant to this chapter must be made only upon an appropriate court order that is issued in an action for fraud, misrepresentation or deceit relating to an act for which a license is required pursuant to this chapter.

4. If a purchaser specified in subsection 1 commences an action specified in subsection 3 against a person who is licensed pursuant to this chapter, the purchaser must serve a copy of the complaint upon the Administrator within 30 days after the action is commenced.

Sec. 48. NRS 489.4975 is hereby amended to read as follows:

489.4975 1. If a purchaser of a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* obtains a final judgment in any court of competent jurisdiction against any licensee under this chapter in an action specified in subsection 3 of NRS 489.4971, the judgment creditor may, upon the termination of all proceedings, including appeals in connection with any judgment, file a verified petition in the court in which the judgment was entered for an order directing payment



from the Account in the amount of actual damages included in the judgment and unpaid, but not more than \$25,000 per judgment and the liability of the Account may not exceed \$100,000 for any licensee.

2. A copy of the petition must be served upon the Administrator and an affidavit of service filed with the court. The petition and each copy of the petition served pursuant to this subsection must set forth the grounds which entitle the judgment creditor to recover from the Account and must include a copy of:

- (a) The final judgment specified in subsection 1;
- (b) The complaint upon which the final judgment was entered; and
- (c) If assets are known to exist, the writ of execution that was returned unsatisfied.

3. The court shall act upon the petition within 30 days after service and, upon the hearing of the petition, the judgment creditor must show that:

(a) He is not the spouse of the judgment debtor, or the personal representative of that spouse.

(b) He has complied with all the requirements of NRS 489.4971 to 489.4989, inclusive.

(c) He has obtained a judgment of the kind described in subsection 1, stating the amount of the judgment and the amount owing on it at the date of the petition.

(d) A writ of execution has been issued upon the judgment and that no assets of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of any of them that were found under the execution was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due.

(e) He and the Division have made reasonable searches and inquiries to ascertain whether the judgment debtor possesses real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment.

(f) The petition has been filed not more than 1 year after the termination of all proceedings, including reviews and appeals, in connection with the judgment.

4. A person licensed pursuant to this chapter shall not recover from the Account for damages related to a transaction in which he acted in his capacity as a licensee.

Sec. 49. NRS 489.501 is hereby amended to read as follows:

489.501 1. When a new manufactured home, *new* mobile home, *new manufactured building* or *new* commercial coach *or*



new factory-built housing is sold in this State by a dealer, he shall complete a ~~{dealer's}~~ report of sale. The ~~{dealer's}~~ report of sale must be in a form prescribed by the Division and include a description of the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach ~~{}~~ *or factory-built housing*, the name and address of the seller and the name and address of the buyer. If in connection with the sale a security interest is taken or retained by the seller or dealer to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach ~~{}~~ *or factory-built housing*, the name and address of the secured party or his assignee must be entered on the ~~{dealer's}~~ report of sale.

2. The dealer shall require the buyer to sign an acknowledgment of taxes, on a form prescribed by the Division, which includes a statement that a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* is taxable in the county in which it is located. A dealer who sells a new manufactured home, *new* mobile home , *new manufactured building* or *new* commercial coach *or new factory-built housing* shall deliver the buyer's copy of the acknowledgment of taxes to him at the time of sale and submit another copy within 30 days after the date of the sale to the county assessor of the county in which the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach *or factory-built housing* will be located.

3. The dealer shall submit the original of the ~~{dealer's}~~ report of sale and the manufacturer's certificate or statement of origin to the Division within 30 days after the execution of all instruments which the contract of sale required to be executed at the time of sale or within 30 days after the date of sale, whichever is later, unless an extension of time is granted by the Division.

4. A dealer who sells a new manufactured home, *new* mobile home , *new manufactured building* or *new* commercial coach *or new factory-built housing* shall deliver the buyer's copy of the report of sale to him at the time of sale and submit another copy within 30 days after the date of the sale to the county assessor of the county in which the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach *or factory-built housing* will be located.



Sec. 50. NRS 489.511 is hereby amended to read as follows:

489.511 1. If a used or rebuilt manufactured home, mobile home , *manufactured building* or commercial coach *or used or rebuilt factory-built housing* is sold in this State by a dealer, the dealer shall complete a dealer's report of sale. The report must be in a form prescribed by the Division and include a description of the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach ~~{}~~ *or factory-built housing*, the name and address of the seller and the name and address of the buyer. If a security interest exists at the time of the sale, or if in connection with the sale a security interest is taken or retained by the seller or dealer to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach ~~{}~~ *or factory-built housing*, the name and address of the secured party must be entered on the dealer's report of sale.

2. The dealer shall submit the original of the dealer's report of sale to the Division within 45 days after the execution of all instruments which the contract of sale requires to be executed at the time of the sale, unless an extension of time is granted by the Division, together with the endorsed certificate of title or certificate of ownership previously issued. The dealer shall furnish one copy of the report of sale to the buyer at the time of the sale. Within 45 days after the sale, the dealer shall furnish one copy of the report of sale to the assessor of the county in which the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach *or factory-built housing* will be located.

3. The dealer shall require the buyer to sign an acknowledgment of taxes, on a form prescribed by the Division, which includes a statement that the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach *or factory-built housing* is taxable in the county in which it is located. The dealer shall deliver the buyer's copy of the acknowledgment to him at the time of sale and submit another copy to the county assessor of the county in which the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach *or factory-built housing* is to be located.

4. If a used or rebuilt manufactured home, mobile home , *manufactured building* or commercial coach *or used or rebuilt factory-built housing* is sold by a dealer pursuant to an installment contract or other agreement by which the certificate of title or certificate of ownership does not pass immediately from the seller to



the buyer upon the sale, the dealer shall submit to the Division any information required by the regulations adopted by the Administrator pursuant to NRS 489.272.

Sec. 51. NRS 489.521 is hereby amended to read as follows:

489.521 1. If a used or rebuilt manufactured home, mobile home , *manufactured building* or commercial coach *or used or rebuilt factory-built housing* is sold in this State by a person who is not a dealer, the seller or buyer, or both, shall submit to the Division, and a copy to the county assessor of the county in which the manufactured home, mobile home ~~[or]~~ , *manufactured building*, commercial coach *or factory-built housing* is located, within 45 days after the sale:

(a) If a certificate of ownership has been issued in this State, that certificate properly endorsed.

(b) If a certificate of title or other document of title has been issued by a public authority of another state, territory or country:

(1) The certificate or document properly endorsed; and

(2) A statement showing, if not included on the endorsed certificate or document, the description of the manufactured home, mobile home ~~[or]~~ , *manufactured building*, commercial coach ~~[r]~~ *or factory-built housing*, the names and addresses of the buyer and seller, and the name and address of any person who takes or retains a purchase money security interest. The statement must be signed and acknowledged by the seller and buyer.

(c) If a document of title has not been issued by any public authority, a statement showing all the information and signed and acknowledged in the manner required by subparagraph (2) of paragraph (b) of subsection 1.

2. If a used or rebuilt manufactured home, mobile home , *manufactured building* or commercial coach *or used or rebuilt factory-built housing* is sold by a person who is not a dealer pursuant to an installment contract or other agreement by which the certificate of title or certificate of ownership does not pass immediately from the seller to the buyer upon the sale, the seller or buyer, or both, shall submit to the Division any information required by the regulations adopted by the Administrator pursuant to NRS 489.272.

Sec. 52. NRS 489.541 is hereby amended to read as follows:

489.541 1. Except as otherwise provided in ~~[subsection 4.]~~ *subsections 4 and 5*, upon receipt of the documents required by the Division, the Division shall issue a certificate of ownership.

2. If no security interest is created or exists in connection with the sale, the certificate of ownership must be issued to the buyer.



3. If a security interest is created by the sale, the certificate of ownership must be issued to the secured party or his assignee, and must show the name of the registered owner.

4. The Division shall not issue a certificate of ownership for a mobile home that has been determined to be substandard until the conditions that rendered the mobile home substandard are abated.

5. *The Division shall not issue a certificate of title or certificate of ownership for factory-built housing that constitutes real property pursuant to subsection 4 of NRS 361.244.*

Secs. 53 and 54. (Deleted by amendment.)

Sec. 55. NRS 489.7154 is hereby amended to read as follows:

489.7154 1. Except as otherwise provided in subsection 2, a dealer shall not obtain or attempt to obtain the signature of a buyer on a contract for the sale or exchange of an interest in a mobile home, manufactured home, ***manufactured building*** or commercial coach ***or factory-built housing*** if any of the essential provisions of the contract are not set forth in the contract.

2. The dealer may insert:

(a) The identification number or identifying marks of a manufactured home, mobile home, ***manufactured building*** or commercial coach ~~or~~ ***or factory-built housing***; and

(b) The date the first installment payment for the sale or exchange is due from the buyer,

↳ into the blank spaces of a contract after the contract has been signed by a buyer if the manufactured home, mobile home ~~or~~, ***manufactured building***, commercial coach ***or factory-built housing*** was not delivered to the buyer on the date the contract was executed.

3. The Administrator shall prescribe, by regulation, the essential provisions of a contract.

Sec. 56. NRS 489.7156 is hereby amended to read as follows:

489.7156 A brokerage agreement that includes a provision that grants a dealer the exclusive right to assist, solicit or negotiate the sale or exchange of an interest in a manufactured home, mobile home, ***manufactured building*** or commercial coach ***or factory-built housing*** on behalf of a client is enforceable if the agreement:

1. Is in writing;
2. Sets forth the date the brokerage agreement expires;
3. Does not require the client to perform any act concerning the brokerage agreement after the agreement expires; and
4. Is signed by the client or his representative and the dealer or his representative.



Sec. 57. NRS 489.7158 is hereby amended to read as follows:

489.7158 1. A dealer who has entered into a brokerage agreement with a client for the sale or exchange of an interest in a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* shall:

(a) Seek the price and terms for the sale or exchange that are set forth in the brokerage agreement or are approved by the client;

(b) Present all offers made to or by the client as soon as practicable;

(c) Disclose to the client all the material facts known by him concerning the sale or exchange;

(d) Advise the client to obtain advice from an expert concerning any matters that are beyond the knowledge or expertise of the dealer;

(e) As soon as practicable, account for all money and property he receives in which the client may have a financial interest; and

(f) As soon as practicable, deliver to each party a copy of the executed contract for the sale or exchange.

2. A dealer shall not enter into a brokerage agreement with a client for the sale or exchange of an interest in a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* unless the dealer has determined that the client will be able to deliver good title upon the execution of the sale or exchange of the interest in the manufactured home, mobile home ~~[or]~~ , *manufactured building*, commercial coach ~~[or]~~ *or factory-built housing*.

Sec. 58. (Deleted by amendment.)

Sec. 59. NRS 489.717 is hereby amended to read as follows:

489.717 1. A dealer shall not require a person to obtain a loan or financing from him or any other person as a condition to the purchase, sale or exchange of a manufactured home, mobile home , *manufactured building* or commercial coach ~~[or]~~ *or factory-built housing*.

2. A dealer shall disclose the substance of subsection 1 to each person with whom it agrees to purchase, sell or exchange a manufactured home, mobile home , *manufactured building* or commercial coach ~~[or]~~ *or factory-built housing*. The Division may adopt regulations concerning the form and manner of the disclosure.

Sec. 60. NRS 489.723 is hereby amended to read as follows:

489.723 1. Any money that a dealer receives from a client or other person concerning the sale or exchange of an interest in a manufactured home, mobile home , *manufactured building* or



commercial coach *or factory-built housing* must be accounted for by the dealer when:

(a) The sale or exchange of the interest in the manufactured home, mobile home ~~{or}~~, *manufactured building*, commercial coach *or factory-built housing* is executed; or

(b) The contract for the sale or exchange of the interest in the manufactured home, mobile home ~~{or}~~, *manufactured building*, commercial coach *or factory-built housing* is rescinded by the dealer, client or any other person,

↳ whichever occurs earlier.

2. The dealer shall:

(a) Prepare or cause to be prepared a written itemized statement concerning each expenditure or deduction of money made by the dealer;

(b) Deliver or cause to be delivered to each person from whom the dealer received money a copy of the written itemized statement; and

(c) Maintain a copy of the written itemized statement at his place of business.

3. Except as otherwise provided in a brokerage agreement or an escrow agreement signed by the parties to a sale or exchange of an interest in a manufactured home, mobile home, *manufactured building* or commercial coach *or factory-built housing* and the escrow agent or escrow officer licensed pursuant to the provisions of chapter 645A or 692A of NRS, no money concerning that sale or exchange held by a dealer may be distributed until:

(a) An application for:

(1) A certificate of ownership for the manufactured home, mobile home ~~{or}~~, *manufactured building*, commercial coach ~~{or}~~ *or factory-built housing*; or

(2) A certificate of title or certificate of ownership that does not pass immediately upon the sale or transfer of the manufactured home, mobile home ~~{or}~~, *manufactured building*, commercial coach ~~{or}~~ *or factory-built housing*,

↳ has been submitted to the Division;

(b) Each person who has a financial interest in the manufactured home, mobile home ~~{or}~~, *manufactured building*, commercial coach *or factory-built housing* has executed a document that releases or waives his interest; and

(c) Each party to the sale or exchange has complied with the requirements for the sale or exchange that are set forth in the regulations adopted pursuant to the provisions of this chapter.



Sec. 61. NRS 489.724 is hereby amended to read as follows:

489.724 1. All down payments, deposits of earnest money, proceeds of loans or other money which a dealer receives ~~§~~ on behalf of his principal or any other person ~~§~~ must be deposited in : ~~§~~

(a) An escrow account maintained by an escrow agent or escrow officer licensed pursuant to chapter 645A or 692A of NRS; or

(b) A separate checking account, which must be designated a trust account, in a financial institution in this State whose deposits are insured by an agency of the Federal Government or by a private insurer approved pursuant to NRS 678.755.

2. Every dealer required to maintain a separate or trust account shall keep records of all money deposited therein. The records must clearly indicate the date and from whom he received money, the date deposited, the dates of withdrawals ~~§~~ and other pertinent information concerning the transaction, and must show clearly for whose account the money is deposited and to whom the money belongs. All such records and money are subject to inspection and audit by the Division and its authorized representatives ~~§~~ *pursuant to section 12 of this act.* All such separate trust accounts must designate the dealer as trustee and provide for the withdrawal of money without previous notice. *The dealer shall balance each separate trust account at least monthly. The dealer shall provide to the Division, on a form provided by the Division, an annual accounting which shows an annual reconciliation of each separate trust account.*

3. All money deposited in a separate trust account from down payments, deposits of earnest money, proceeds of loans or other money received by a dealer from a person pursuant to a written contract signed by the dealer and that person must not be withdrawn from the account except to pay specific expenses as authorized by the written contract. *The dealer is personally responsible and liable for such money at all times. A dealer shall not permit any advance payment of money belonging to another person to be deposited in the dealer's business or personal account or to be commingled with any money he has on deposit.*

4. Each dealer shall notify the Division of the names of the financial institutions in which he maintains trust accounts and specify the names of the accounts on forms provided by the Division.



Sec. 62. NRS 489.729 is hereby amended to read as follows:

489.729 If a licensed dealer takes a mobile home, manufactured home , *manufactured building* or commercial coach *or factory-built housing* in trade on the purchase of another such home , *building* or coach and there is an outstanding security interest, the licensed dealer shall satisfy the outstanding security interest within 30 days after the manufactured home, mobile home ~~for~~ , *manufactured building*, commercial coach *or factory-built housing* is taken in trade on the purchase of the other home , *building* or coach.

Sec. 63. NRS 489.741 is hereby amended to read as follows:

489.741 No right of action exists in favor of any person by reason of any action or failure to act on the part of the Division or any of its officers or employees in carrying out the provisions of this chapter, or in giving or failing to give any information concerning the legal ownership of a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* or the existence of a security interest in it.

Sec. 64. NRS 489.751 is hereby amended to read as follows:

489.751 1. Unless otherwise specifically waived in writing by the buyer, for each sale ~~[of a manufactured home, mobile home or commercial coach]~~ in which the dealer is the seller or an agent of the seller, there is an implied warranty by the dealer that all the essential systems are in working order upon the execution of the sale. For the purposes of this subsection, the words “as is” or any similar words do not constitute a waiver of the implied warranty unless the words specifically refer to a specific component of an essential system.

2. As used in this section, “essential system” means the heating, air-conditioning, electrical, plumbing and drainage systems of a manufactured home, mobile home , *manufactured building* or commercial coach ~~[]~~ *or factory-built housing*.

Sec. 65. NRS 489.772 is hereby amended to read as follows:

489.772 “Transferee” means any person who purchases, leases or *otherwise* takes possession ~~[in any other manner]~~ or attempts to purchase, lease or *otherwise* take possession ~~[in any other manner]~~ of a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* or any interest therein from a transferor.



Sec. 66. NRS 489.774 is hereby amended to read as follows:
489.774 “Transferor” means any person who:

1. Sells or leases or attempts to sell or lease a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* or any interest therein to a transferee; or
2. Transfers or attempts to transfer a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* or any interest therein to a transferee in any other manner.

Sec. 67. NRS 489.776 is hereby amended to read as follows:

489.776 1. Except as otherwise provided in this section and unless required to make a disclosure pursuant to NRS 40.770, if a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* is or has been the site of a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine, a transferor or his agent who has actual knowledge of such information shall disclose the information to a transferee or his agent.

2. The disclosure described in subsection 1 is not required if:

(a) All materials and substances involving methamphetamine have been removed from or remediated on the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach *or factory-built housing* by an entity certified or licensed to do so; or

(b) The manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach *or factory-built housing* has been deemed safe for habitation by a governmental entity.

3. The disclosure described in subsection 1 is not required for any sale or other transfer or intended sale or other transfer of a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* by a transferor:

(a) To any co-owner of the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach ~~{}~~ *or factory-built housing*, the spouse of the transferor or a person related within the third degree of consanguinity to the transferor; or

(b) If the transferor is a dealer and this is the first sale or transfer of a new manufactured home, *new* mobile home , *new manufactured building* or *new* commercial coach ~~{}~~ *or new factory-built housing*.

4. The Division may adopt regulations to carry out the provisions of this section.



Sec. 68. NRS 489.778 is hereby amended to read as follows:

489.778 1. A transferor or his agent, or both, who violates any provision of NRS 489.776 may be held liable to the transferee in any action at law or in equity.

2. An agent of a transferee who has actual knowledge of any information required to be disclosed pursuant to NRS 489.776 may be held liable to the transferee in any action at law or in equity if he fails to disclose that information to the transferee.

3. If a transferor makes a disclosure pursuant to NRS 489.776, the transferee may:

(a) Rescind the agreement to purchase, lease or take possession of the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach ~~{}~~ *or factory-built housing*;

(b) Make the agreement to purchase, lease or take possession of the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach *or factory-built housing* contingent upon the repair of any damage to the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach *or factory-built housing* that has been caused by the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(c) Accept the manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach *or factory-built housing* with the damage as disclosed by the transferor without further recourse.

4. The rights and remedies provided by this section are in addition to any other rights or remedies that may exist at law or in equity.

Sec. 69. NRS 489.811 is hereby amended to read as follows:

489.811 1. Except as otherwise provided in subsection 5, any person who violates any of the provisions of this chapter is liable to the State for a civil penalty of not more than \$1,000 for each violation. Each violation of this chapter or any regulation or order issued under it constitutes a separate violation with respect to each manufactured home, mobile home ~~{or}~~ , *manufactured building*, commercial coach *or factory-built housing* and with respect to each failure or refusal to allow or perform an act required by this chapter or regulation or order, except that the maximum civil penalty is \$1,000,000 for any related series of violations occurring within 1 year after the first violation.

2. Before the adoption of any regulation for whose violation a civil penalty may be imposed, the Administrator shall give at least 30 days' written notice to every licensed manufacturer, dealer,



distributor, general serviceman and specialty serviceman, and every other interested party who has requested the notice.

3. An action to enforce a civil penalty must be brought in a court of competent jurisdiction in the county in which the defendant has his principal place of business.

4. All money collected as civil penalties pursuant to the provisions of this chapter must be deposited in the State General Fund.

5. This section does not apply to a manufacturer, *distributor* or dealer of travel trailers.

Sec. 70. NRS 489.821 is hereby amended to read as follows:

489.821 1. A person is guilty of a gross misdemeanor who knowingly:

(a) Makes any false entry on any certificate of origin or certificate of ownership.

(b) Furnishes false information to the Division concerning any security interest.

(c) Files with the Administrator any notice, statement or other document required under the provisions of this chapter which is false or contains any material misstatement of fact.

(d) Whether acting individually or as a director, officer or agent of a corporation, violates a provision of the National Manufactured Housing Construction and Safety Standards Act of 1974, [§] 42 U.S.C. §§ 5401 et seq. [D], *this chapter and chapter 461 of NRS, and any regulations adopted pursuant thereto*, causing a condition which endangers the health or safety of a purchaser of a manufactured home.

2. A dealer is guilty of a gross misdemeanor who knowingly:

(a) Fails to maintain a trust account as required by NRS 489.724.

(b) Commingles the money or other property of a seller or purchaser of a manufactured home, *manufactured building* or [a] mobile home *or factory-built housing* with his own.

(c) *Fails to cooperate or comply with or knowingly impedes or interferes with any investigation or audit conducted by the Division pursuant to section 12 of this act.*

(d) *Acts as a dealer while insolvent or engages in any financial practice which creates a substantial risk of insolvency.*

3. Except as *otherwise* provided in [subsections 1, 2 and 4 of] this section, any person who knowingly or willfully violates any [of the provisions] *provision* of this chapter is guilty of a misdemeanor.

4. Subsection 3 does not apply to a manufacturer of travel trailers.



Sec. 71. NRS 108.355 is hereby amended to read as follows:

108.355 1. A person contesting the validity of a lien on a mobile home or manufactured home may file a notice of opposition to the lien in the justice court in whose jurisdiction the mobile home or manufactured home is located. The notice of opposition must be filed within 5 days after the person filing the notice receives the notice of sale by auction, must be made on a form provided by the clerk of the justice court and must include the facts supporting the notice. The person filing the notice shall serve certified copies of it upon the lien claimant and the Manufactured Housing Division of the Department of Business and Industry.

2. Upon the filing of the notice of opposition to the lien, the justice of the peace shall schedule a hearing on the notice, which must be held as soon as practicable but not sooner than 5 days after service of the notice. The justice of the peace shall affix the date of the hearing to the notice and order that a copy be served upon the lien claimant within 5 days after the date of the order.

3. The justice of the peace shall either dismiss the objections to the lien claim, declare the lien invalid or declare the amount of the lien if it is different from that described by the lien claimant.

4. After receipt of a notice of opposition to a lien or other notice pursuant to any proceeding to contest the validity of a lien, the Manufactured Housing Division of the Department of Business and Industry shall not transfer the title to the mobile home or manufactured home that is the subject of the lien until the matter has been adjudicated.

5. This section does not affect the rights of a secured party pursuant to chapter 104 of NRS.

Sec. 72. Chapter 118B of NRS is hereby amended by adding thereto the provisions set forth as sections 73 to 75, inclusive, of this act.

Sec. 73. "Certified appraiser" means an appraiser who possesses the necessary qualifications pursuant to the provisions of this chapter.

Sec. 74. To qualify as a certified appraiser, a person must possess a professional certification as an appraiser issued by:

1. The National Society of Appraiser Specialists, including, without limitation, a Board Certified Manufactured Housing Valuation designation; or

2. Any other organization approved by the Division.

Sec. 74.5. A person who makes a determination of the fair market value of a manufactured home pursuant to the provisions



of NRS 118B.130, 118B.177, 118B.180 or 118B.183 shall make such determination in compliance with the guidelines of:

1. The most current edition of the Manufactured Housing Cost Guide of the National Automobile Dealers Association; or

2. The Manufactured Housing National Appraisal System of the National Automobile Dealers Association.

Sec. 75. *No right of action exists in favor of any person by reason of any action or failure to act on the part of the Division or any of its officers or employees in carrying out the provisions of this chapter.*

Sec. 76. NRS 118B.010 is hereby amended to read as follows:

118B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 118B.011 to 118B.0195, inclusive, *and section 73 of this act* have the meanings ascribed to them in those sections.

Sec. 77. NRS 118B.120 is hereby amended to read as follows:

118B.120 1. The landlord or his agent or employee may:

(a) Require that the tenant landscape and maintain the tenant's lot if the landlord advises the tenant in writing of reasonable requirements for the landscaping.

(b) If the tenant does not comply with the provisions of paragraph (a), maintain the tenant's lot and charge the tenant a service fee for the actual cost of that maintenance.

(c) Require that the manufactured home be removed from the park if it is unoccupied for more than 90 consecutive days and the tenant or dealer is not making good faith and diligent efforts to sell it.

2. The landlord shall maintain, in the manner required for the other tenants, any lot on which is located a manufactured home within the park which has been repossessed, abandoned or held for rent or taxes. The landlord is entitled to reimbursement for the cost of that maintenance from the reposessor or lienholder or from the proceeds of any sale for taxes, as the case may be.

3. *Before dismantling a manufactured home that was abandoned, the landlord or manager must:*

(a) Conduct a title search with the Division to determine the owner of record of the manufactured home. If the owner of record is not found, the landlord or manager may use the records of the county assessor for the county in which the manufactured home is located to determine the owner of the manufactured home.

(b) Send a certified letter notifying the owner and any lienholder of the intent of the landlord or manager to dismantle the manufactured home.



(c) If the owner does not respond within 30 days after the date of mailing the certified letter, submit to the Division an affidavit of dismantling.

4. The landlord shall trim all the trees located within the park and dispose of the trimmings from those trees absent a written voluntary assumption of that duty by the tenant for trees on the tenant's lot.

~~4.~~ 5. For the purposes of this section, a manufactured home shall be deemed to be abandoned if:

(a) It is located on a lot in a manufactured home park, other than a cooperative park, for which no rent has been paid for at least 60 days;

(b) It is unoccupied; and

(c) The manager of the manufactured home park reasonably believes it to be abandoned.

Sec. 78. NRS 118B.130 is hereby amended to read as follows:

118B.130 1. A landlord may not change:

(a) An existing park to a park for older persons pursuant to federal law unless the tenants who do not meet those restrictions and may lawfully be evicted are moved to other parks at the expense of the landlord; or

(b) The restriction of a park for older persons pursuant to federal law unless the tenants are given the option of remaining in their spaces or moving to other parks at the expense of the landlord.

2. A tenant who elects to move pursuant to a provision of subsection 1 shall give the landlord notice in writing of his election to move within 75 days after receiving notice of the change in restrictions in the park.

3. At the time of providing notice of the change in restrictions in the park, the landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within 100 miles that have reported having vacant spaces.

4. If a landlord is required to move a tenant to another park pursuant to subsection 1, he shall pay:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location in this State or another state within 100 miles from the manufactured home park; or



(b) If the new location is more than 100 miles from the manufactured home park, the cost of moving the manufactured home for the first 100 miles,

↳ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

5. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his manufactured home, the landlord shall pay the tenant \$250 as reimbursement for the shed. Each tenant may receive only one payment of \$250 even if more than one shed is owned by the tenant.

6. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged or there is no manufactured home park within 100 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home.

7. A landlord of a park in which restrictions have been or are being changed shall give written notice of the change to each:

(a) Tenant of the park who does not meet the new restrictions; and

(b) Prospective tenant before the commencement of the tenancy.

8. For the purposes of this section, the fair market value of a manufactured home ~~[and the reasonable cost of removing and disposing of a manufactured home]~~ must be determined ~~[by:]~~ *as follows:*

(a) A dealer licensed pursuant to chapter 489 of NRS who is ~~[agreed upon]~~ *a certified appraiser and who is selected jointly* by the landlord *or his agent* and ~~the~~ tenant ~~[; or]~~ *shall make the determination.*

(b) ~~[If the landlord and tenant cannot agree pursuant to]~~ *If there are insufficient dealers licensed pursuant to chapter 489 of NRS who are certified appraisers available for the purposes of paragraph (a), a person who possesses the qualifications pursuant to the Appraiser Qualifications for Manufactured Homes Classified as Personal Property as set forth in section 8-3 of Valuation Analysis for Single Family One- to Four-Unit Dwellings, HUD Directive Number 4150.2 CHG-I, of the United States Department of Housing and Urban Development, and who is selected jointly by the landlord or his agent and the tenant shall make the determination.*



(c) If there are insufficient persons available for the purposes of paragraphs (a) and (b) or if the landlord or his agent and the tenant cannot agree pursuant to paragraphs (a) and (b), the landlord or his agent or the tenant may request the Administrator to, and the Administrator shall, appoint a dealer licensed pursuant to chapter 489 of NRS or a certified appraiser who ~~is selected for this purpose by the Division.~~ shall make the determination.

9. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the ~~reasonable~~ cost of removing and disposing of a manufactured home pursuant to subsection 6.

Sec. 79. NRS 118B.177 is hereby amended to read as follows:

118B.177 1. If a landlord closes a manufactured home park, or if a landlord is forced to close a manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park permanently for health or safety reasons, the landlord shall pay the amounts required by subsections 3, 4 and 5.

2. At the time of providing notice of the closure of the park, a landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within 100 miles that have reported having vacant spaces.

3. If the tenant chooses to move the manufactured home ~~[-the]~~

:

(a) The tenant shall, within 75 days after receiving notice of the closure, notify the landlord in writing of the tenant's election to move the manufactured home; and

(b) The landlord shall pay to the tenant:

~~(a)~~ (1) The cost of moving each tenant's manufactured home and its appurtenances to a new location in this State or another state within 100 miles from the manufactured home park; or

~~(b)~~ (2) If the new location is more than 100 miles from the manufactured home park, the cost of moving the manufactured home for the first 100 miles,

↳ including fees for inspection, any deposits for connecting utilities ~~[-]~~ and the cost of taking down, moving, setting up and leveling the manufactured home and its appurtenances in the new lot or park.



4. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his manufactured home, the landlord shall pay the tenant \$250 as reimbursement for the shed. Each tenant may receive only one payment of \$250 even if more than one shed is owned by the tenant.

5. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged or there is no manufactured home park within 100 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home.

6. Written notice of any closure must be served timely on each:

(a) Tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

(b) Prospective tenant by:

(1) Handing each prospective tenant or his agent a copy of the written notice; and

(2) Maintaining a copy of the written notice at the entrance of the manufactured home park.

7. For the purposes of this section, the fair market value of a manufactured home ~~[and the reasonable cost of removing and disposing of a manufactured home]~~ must be determined ~~[by:]~~ *as follows:*

(a) A dealer licensed pursuant to chapter 489 of NRS who is ~~[agreed upon]~~ *a certified appraiser and who is selected jointly* by the landlord *or his agent* and *the* tenant ~~[; or]~~ *shall make the determination.*

(b) ~~[If the landlord and tenant cannot agree pursuant to]~~ *If there are insufficient dealers licensed pursuant to chapter 489 of NRS who are certified appraisers for the purposes of* paragraph (a), *a person who possesses the qualifications pursuant to the Appraiser Qualifications for Manufactured Homes Classified as Personal Property as set forth in section 8-3 of Valuation Analysis for Single Family One- to Four-Unit Dwellings, HUD Directive Number 4150.2 CHG-1, of the United States Department of Housing and Urban Development, and who is selected jointly by the landlord or his agent and the tenant shall make the determination.*

(c) *If there are insufficient persons available for the purposes of paragraphs (a) and (b) or if the landlord or his agent and the*



tenant cannot agree pursuant to paragraphs (a) and (b), the landlord or his agent or the tenant may request the Administrator to, and the Administrator shall, appoint a dealer licensed pursuant to chapter 489 of NRS or a certified appraiser who ~~is selected for this purpose by the Division.~~ shall make the determination.

8. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the ~~reasonable~~ cost of removing and disposing of a manufactured home pursuant to subsection 5.

9. A landlord shall not increase the rent of a tenant after notice is served on the tenant as required by subsection 6.

10. If a landlord begins the process of closing a manufactured home park, he shall comply with the provisions of NRS 118B.184 concerning the submission of a resident impact statement.

11. As used in this section, "timely" means not later than 3 days after the landlord learns of a closure.

Sec. 80. NRS 118B.180 is hereby amended to read as follows:

118B.180 1. A landlord may convert an existing manufactured home park into individual manufactured home lots for sale to manufactured home owners if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to the Division and each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord offers, in writing, to sell the lot to the tenant at the same price the lot will be offered to the public and holds that offer open for at least 90 days or until the landlord receives a written rejection of the offer from the tenant, whichever occurs earlier;

(c) The landlord does not sell the lot to a person other than the tenant for 90 days after the termination of the offer required pursuant to paragraph (b) at a price or on terms that are more favorable than the price or terms offered to the tenant;

(d) If a tenant does not exercise his option to purchase the lot pursuant to paragraph (b), the landlord pays:



(1) The cost of moving the tenant's manufactured home and its appurtenances to a comparable location in this State or another state within 100 miles from the manufactured home park; or

(2) If the new location is more than 100 miles from the manufactured home park, the cost of moving the manufactured home for the first 100 miles,

↳ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park;

(e) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, notice in writing is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot; and

(f) The landlord complies with the provisions of NRS 118B.184 concerning the submission of a resident impact statement.

3. At the time of providing notice of the conversion of the park pursuant to this section, a landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within 100 miles that have reported having vacant spaces.

4. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his manufactured home, the landlord shall pay the tenant \$250 as reimbursement for the shed. Each tenant may receive only one payment of \$250 even if more than one shed is owned by the tenant.

5. If a tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged or there is no manufactured home park within 100 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home.

6. Notice sent pursuant to paragraph (a) of subsection 2 or an offer to sell a manufactured home lot to a tenant required pursuant to paragraph (b) of subsection 2 does not constitute notice of termination of the tenancy.



7. Upon the sale of a manufactured home lot and a manufactured home which is situated on that lot, the landlord shall indicate what portion of the purchase price is for the manufactured home lot and what portion is for the manufactured home.

8. For the purposes of this section, the fair market value of a manufactured home ~~[and the reasonable cost of removing and disposing of a manufactured home]~~ must be determined ~~[by:]~~ *as follows:*

(a) A dealer licensed pursuant to chapter 489 of NRS who is ~~[agreed upon]~~ *a certified appraiser and who is selected jointly* by the landlord *or his agent* and *the* tenant ~~[; or]~~ *shall make the determination.*

(b) ~~[If the landlord and tenant cannot agree pursuant to]~~ *If there are insufficient dealers licensed pursuant to chapter 489 of NRS who are certified appraisers available for the purposes of paragraph (a), a person who possesses the qualifications pursuant to the Appraiser Qualifications for Manufactured Homes Classified as Personal Property as set forth in section 8-3 of Valuation Analysis for Single Family One- to Four-Unit Dwellings, HUD Directive Number 4150.2 CHG-1, of the United States Department of Housing and Urban Development, and who is selected jointly by the landlord or his agent and the tenant shall make the determination.*

(c) *If there are insufficient persons available for the purposes of paragraphs (a) and (b) or if the landlord or his agent and the tenant cannot agree pursuant to paragraphs (a) and (b), the landlord or his agent or the tenant may request the Administrator to, and the Administrator shall, appoint a dealer licensed pursuant to chapter 489 of NRS or a certified appraiser who* ~~[is selected for this purpose by the Division.]~~ *shall make the determination.*

9. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the ~~[reasonable]~~ cost of removing and disposing of a manufactured home pursuant to subsection 5.

10. The provisions of this section do not apply to a corporate cooperative park.

Sec. 81. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state



or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to the Division and each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the amounts required by subsections 4, 5 and 6;

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot; and

(d) The landlord complies with the provisions of NRS 118B.184 concerning the submission of a resident impact statement.

3. At the time of providing notice of the conversion of the park pursuant to this section, a landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within 100 miles that have reported having vacant spaces.

4. If the tenant chooses to move the manufactured home ~~[, the]~~

:

(a) The tenant shall, within 75 days after receiving notice of the conversion, notify the landlord in writing of the tenant's election to move the manufactured home; and

(b) The landlord shall pay to the tenant:

~~[(a)]~~ (1) The cost of moving the tenant's manufactured home and its appurtenances to a new location in this State or another state within 100 miles from the manufactured home park; or

~~[(b)]~~ (2) If the new location is more than 100 miles from the manufactured home park, the cost of moving the manufactured home for the first 100 miles,

↳ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.



5. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his manufactured home, the landlord shall pay the tenant \$250 as reimbursement for the shed. Each tenant may receive only one payment of \$250 even if more than one shed is owned by the tenant.

6. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged or there is no manufactured home park within 100 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home.

7. A landlord shall not increase the rent of any tenant:

(a) For 180 days before filing an application for a change in land use, permit or variance affecting the manufactured home park; or

(b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial.

8. For the purposes of this section, the fair market value of a manufactured home ~~[and the reasonable cost of removing and disposing of a manufactured home]~~ must be determined ~~[by:]~~ *as follows:*

(a) A dealer licensed pursuant to chapter 489 of NRS who is ~~[agreed upon]~~ *a certified appraiser and who is selected jointly* by the landlord *or his agent* and ~~the~~ tenant ~~[; or]~~ *shall make the determination.*

(b) ~~[If the landlord and tenant cannot agree pursuant to]~~ *If there are insufficient dealers licensed pursuant to chapter 489 of NRS who are certified appraisers available for the purposes of paragraph (a), a person who possesses the qualifications pursuant to the Appraiser Qualifications for Manufactured Homes Classified as Personal Property as set forth in section 8-3 of Valuation Analysis for Single Family One- to Four-Unit Dwellings, HUD Directive Number 4150.2 CHG-I, of the United States Department of Housing and Urban Development, and who is selected jointly by the landlord or his agent and the tenant shall make the determination.*



(c) If there are insufficient persons available for the purposes of paragraphs (a) and (b) or if the landlord or his agent and the tenant cannot agree pursuant to paragraphs (a) and (b), the landlord or his agent or the tenant may request the Administrator to, and the Administrator shall, appoint a dealer licensed pursuant to chapter 489 of NRS or a certified appraiser who ~~is selected for this purpose by the Division.~~ shall make the determination.

9. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the ~~reasonable~~ cost of removing and disposing of a manufactured home pursuant to subsection 6.

10. The provisions of this section do not apply to a corporate cooperative park.

Sec. 82. Chapter 461 of NRS is hereby amended by adding thereto a new section to read as follows:

No right of action exists in favor of any person by reason of any action or failure to act on the part of the Division or any of its officers or employees in carrying out the provisions of this chapter.

Sec. 82.5. NRS 461.132 is hereby amended to read as follows:
461.132 “Manufactured building” ~~includes~~ *means* any modular building or any building *which is* constructed *in whole or in substantial part* using ~~one or more~~ modular components, but does not include a recreational park trailer.

Sec. 83. NRS 624.3015 is hereby amended to read as follows:
624.3015 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Acting in the capacity of a contractor beyond the scope of the license.

2. Bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the Board.

3. Knowingly bidding to contract or entering into a contract with a contractor for work in excess of his limit or beyond the scope of his license.

4. Knowingly entering into a contract with a contractor while that contractor is not licensed.

5. Constructing or repairing a mobile home, manufactured home, *manufactured building* or commercial coach ~~or~~ *factory-built housing* unless the contractor:

(a) Is licensed pursuant to NRS 489.311; or



(b) Owns, leases or rents the mobile home, manufactured home ~~[or]~~, *manufactured building*, commercial coach ~~[or]~~ *or factory-built housing*.

6. Engaging in any work or activities that require a contractor's license while the license is placed on inactive status pursuant to NRS 624.282.

Sec. 84. NRS 489.601 is hereby repealed.

Sec. 85. This act becomes effective on July 1, 2009.

