

**ADOPTED REGULATION OF THE MANUFACTURED
HOUSING DIVISION OF THE DEPARTMENT
OF BUSINESS AND INDUSTRY**

LCB File No. R053-03

Effective September 24, 2003

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-3, NRS 489.481.

Section 1. NAC 489.360 is hereby amended to read as follows:

489.360 1. The following fees for the issuance and renewal of a license will be charged:

- (a) Biennially, for a license as a dealer ~~[\$500]~~ *\$600*
 - For each additional officer or partner ~~[75]~~ *150*
 - Biennially, for each branch office..... ~~[125]~~ *150*
- (b) Biennially, for a license as a limited dealer..... ~~[150]~~ *200*
- (c) Biennially, to do business as a manufacturer of manufactured homes,
mobile homes, commercial coaches or travel trailers ~~[600]~~ *750*
- (d) Biennially, for a rebuilder’s license..... ~~[385]~~ *500*
 - For each additional officer or partner ~~[75]~~ *150*
 - Biennially, for each branch office..... ~~[125]~~ *150*
- (e) Biennially, for a serviceman’s or an installer’s license ~~[150]~~ *200*
 - For each additional officer or partner ~~[75]~~ *150*
 - Biennially, for each serviceman’s or installer’s branch office ~~[125]~~ *150*

- (f) Biennially, for a license as a salesman of manufactured homes, mobile
homes or commercial coaches..... ~~[75]~~ 100
- (g) Biennially, for a responsible managing employee’s license..... ~~[100]~~ 150
- (h) For each examination of an applicant for a license 50
- (i) For a change of address by a licensee ~~[25]~~ 50
- (j) For a change of name by a licensee..... ~~[25]~~ 50
- (k) To activate a license from inactive or suspended status..... ~~[50]~~ 100

2. If a licensee fails to apply for the renewal of his license before the license expires, he must pay a fee equal to one and one-half times the fee otherwise required for renewal. If a licensee does not apply for the renewal of his license within 30 days after the license expires, he must retake and pass the applicable oral or written examination and submit the application and all of the fees required for an original license.

3. The Division may collect a fee from any licensee who is involved in a complaint from a consumer to recover the costs of investigating and hearing the complaint. The fee will be based upon the rates established in this section.

Sec. 2. NAC 489.370 is hereby amended to read as follows:

489.370 In addition to the fees for a license required by the provisions of NAC 489.360, the Division will charge the following fees for processing an original application for a license:

- 1. As a dealer..... ~~[\$250]~~ \$400
 - For each additional officer or partner ~~[25]~~ 100
 - For each branch office ~~[25]~~ 100
- 2. As a limited dealer \$100

- 3. To do business as a manufacturer of manufactured homes, mobile
 - homes, commercial coaches or travel trailers ~~[\$400]~~ \$500
- 4. As a rebuilder ~~[\$115]~~ \$250
 - For each additional officer or partner ~~[25]~~ 100
 - For each branch office ~~[25]~~ 100
- 5. As a serviceman or installer \$100
 - For each additional officer or partner ~~[25]~~ 100
 - For each branch office ~~[25]~~ 100
- 6. As a salesman \$25
- 7. As a responsible managing employee ~~[\$50]~~ \$100

Sec. 3. NAC 489.380 is hereby amended to read as follows:

489.380 1. The Division will charge the following fees:

- (a) For each certificate and label of compliance ~~[\$50.00]~~ \$100.00
- (b) For each certificate and label of installation..... ~~[40.00]~~ 50.00
- (c) For each original or duplicate certificate of ownership issued..... ~~[30.00]~~ 40.00
- (d) For each notice of conversion of real property issued..... ~~[30.00]~~ 50.00
- (e) For a replacement of a:
 - (1) Label of compliance ~~[50.00]~~ 100.00
 - (2) Label of installation ~~[40.00]~~ 50.00
 - (3) License..... ~~[30.00]~~ 50.00
- (f) For the inspection and approval of a set of plans:
 - For the first hour ~~[70.00]~~ 75.00
 - For each additional half hour or fraction thereof..... ~~[35.00]~~ 37.50

- (g) For the inspection and approval of a modification of an approved plan, per hour or fraction thereof ~~[70.00]~~ **75.00**
- (h) For the inspection at the site and approval of the installation of:
 - (1) A commercial coach with a plumbing system, a manufactured home or a mobile home if the inspection is conducted within 25 miles of the inspector's station of duty ~~[100.00]~~ **120.00**
 - (2) A commercial coach without a plumbing system if the inspection is conducted within 25 miles of the inspector's station of duty ~~[75.00]~~ **80.00**
- (i) For the reinspection and approval of the installation of a manufactured home, mobile home or commercial coach, in addition to the original fee for inspection ~~[75.00]~~ **80.00**
- (j) For inspection or reinspection at the site of a manufactured home, mobile home, mobile home park, commercial coach or travel trailer, or of the installation of a device which burns solid fuel or for any other inspection or service for which a fee is not prescribed:
 - For the first hour ~~[70.00]~~ **80.00**
 - For each additional half hour or fraction thereof..... ~~[35.00]~~ **40.00**
- (k) For an inspection of a plant used to manufacture manufactured homes, commercial coaches or travel trailers..... ~~[600.00]~~ **750.00**
- (l) For each search conducted to determine title ~~[10.00]~~ **15.00**
- (m) For the sale of printed material:
 - For each page of a copy 0.25

For each study guide for an examination.....	[10.00] 15.00
For each copy of a regulation	5.00
(n) For filing a lien <i>or an amended lien</i> asserted upon a manufactured home, mobile home or commercial coach	[30.00] 40.00
(o) For collecting a fee after a check given for payment is dishonored.....	35.00
(p) For the inspection and approval of a set of plans for an attachment pursuant to NAC 489.470:	
For the first hour	[70.00] 75.00
For each additional half hour or fraction thereof.....	[35.00] 37.50
(q) For filing an affidavit of the sale of a manufactured home, mobile home or commercial coach to satisfy a lien	[30.00] 40.00
(r) For recording the sale of a manufactured home, mobile home or commercial coach without the immediate transfer of the certificate of title or certificate of ownership.....	[30.00] 40.00
(s) For filing a notice <i>or an amended notice</i> of sale by auction of a manufactured home, mobile home or commercial coach	[30.00] 40.00
(t) For a copy of the monthly report prepared by the Division on the record of sales of a dealer.....	75.00
(u) For a list of the certificates of ownership issued by the Division for a period of:	
Less than 2 years.....	75.00
Two years but not more than 5 years.....	150.00
More than 5 years	375.00

(v) For a list of all licenses issued by the Division 75.00

(w) For a list of all mobile home parks or for a history of a mobile home
park..... 75.00

2. For each inspection or reinspection conducted more than 25 miles from the inspector's station of duty, the Division will charge, in addition to the fee listed, the inspector's:

(a) Actual expenses for travel;

(b) Salary; and

(c) Allowance for per diem.

3. The Division will collect a fee for the sale of reports not listed in subsection 1 based upon the cost to the Division to produce ~~these~~ *those* reports, plus a minimum fee for handling of \$40 for the first report.

4. The Division will collect a fee for inspection, pursuant to a schedule established by the Secretary of Housing and Urban Development, from each manufacturer of manufactured homes who has a plant located in this state. The Division will pay the fee to the Secretary of Housing and Urban Development.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R053-03**

The Manufactured Housing Division of the Department of Business and Industry adopted regulations assigned LCB File No. R053-03 which pertain to chapter 489 of the Nevada Administrative Code on September 3, 2003.

Notice date: 7/25/2003
Hearing date: 8/28/2003

Date of adoption by agency: 9/3/2003
Filing date: 9/24/2003

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

On July 25, 2003, the Division mailed a notice of Workshop to Solicit Comments on Proposed regulations to affected small businesses as required by law and to those individuals or entities requesting notice of proposed regulations. On July 25, 2003, the Division mailed Notice of Intent to Act Upon A Regulation to affected small businesses as required by law and to those individuals or entities requesting notice of proposed regulations.

However, the Division also posted the above-referenced notices for public review and comment at:

Manufactured Housing Division, 2501 E Sahara Avenue, Las Vegas, Nevada 89104;
Manufactured Housing Division, 59 E Winnie Lane, Carson City, Nevada 89706; State Library, 100 Stewart Street, Carson City, Nevada 89701; Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101; Bradley Building, 2501 East Sahara Avenue, Las Vegas, Nevada 89104; Legislative Building, 401 South Carson Street, Carson City, Nevada, 89701; Clark County Library, 833 N Las Vegas Blvd, Las Vegas Nevada 89101; Department of Business and Industry, 788 Fairview Drive, Carson City, Nevada 89701.

This notice of hearing has been posted at the additional following locations:

Attn: Barbara Mathews, Director
Churchill County Library
5553 S. Maine Street
Fallon, NV 89406

Attn: Diane Hartsock, Director
Tonopah Public Library
P.O. Box 449
Tonopah, NV 89049
(171 Central Street)

Attn: Darryl Batson, Director
Las Vegas – Clark County Library
833 Las Vegas Blvd. N.
Las Vegas, NV 89101

Attn: Jeanne Munk, Director
Pershing County Library
P.O. Box 781
Lovelock, NV 89419
(1125 Central Avenue)

Attn: Sara Jones, Director
Elko County Library
720 Court Street
Elko, NV 89801

Storey County Library
P.O. Box 14
Virginia City, NV 89440
(95 South R Street)

Esmeralda County Library
P.O. Box 430
(Fourth & Crook Sts.)
Goldfield, NV 89013

Attn: Nancy Cummings, Director
Washoe County Library
P.O. Box 2151
Reno, NV 89505 (301 S. Center)

Attn: Lauri Oki, Director
Eureka Branch Library
P.O. Box 293
Eureka, NV 89316 (10190 Monroe Street)

Attn: Lori Romero, Director
White Pine County Library
950 Campton St.
Ely, NV 89301

Attn: Sherry Allen, Director
Humboldt County Library
85 East 5th St.
Winnemucca, NV 89445

Attn: Lynn Chambliss, Director
Battle Mountain Branch Library (Lander County)
P.O. Box 141
Battle Mountain, NV 89820

Lincoln County Library
93 Main St.
P.O. Box 330
Pioche, NV 89043

Attn: Sally Edwards, Director
Carson City Library
900 N. Roop Street
Carson City, NV 89701

Attn: Christian Freer-Parsons, Director
Lyon County Library
20 Nevin Way
Yerington, NV 89447

Attn: Carolyn Rawles-Heiser, Director
Douglas County Library
P.O. Box 337
Minden, NV 89423 (1625 Library Lane)

Attn: Steve Schlatter, Director
Mineral County Library
P.O. Box 1390
Hawthorne, NV 89415 (First & A Streets)

In addition, a hearing was held on August 28, 2003, wherein members of the public and affected businesses were invited to speak. Only one person attended and he did not wish to speak.

Only one submission of written comments were submitted and centered on the following areas of concern:

- a. Objection to fee increases as they affect Commercial Coach licensees;

- b. Objection to the Division proceeding despite Commercial Coach licensees objections.

A copy of the written comments may be obtained by calling Jerry Holmes, Manufactured Housing Division, (702) 486-4115, or by writing to Mr. Holmes at the Manufactured Housing Division, 2501 East Sahara Avenue, Suite 204, Las Vegas, Nevada 89104.

2. The number of persons who:

a. Attended each hearing: The August 28, 2003 Workshop was attended by 1 person; the August 28, 2003 Public Hearing was attended by 1 person.

b. Testified at each hearing: At the August 28, 2003 Workshop, no one testified; at the August 28, 2003 Public Hearing, no one testified.

c. Submitted to the agency written comments: Written comments were received from Chris Caraway, Branch Manager, Williams Scotsman, Inc.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how interested persons may obtain a copy of the summary.

The Division mailed the notices for the workshop held on August 28, 2003, to all licensees and park owners within the State of Nevada as well as persons on the list maintained by the Division interested in receiving a notice of hearings on regulations that affect the Manufactured Housing Division. Said notices requested comments in writing and invited business owners to attend the workshops. The notice for the public hearing scheduled on August 28, 2003, was also mailed to all licensees and park owners within the State of Nevada as well as persons on the list of interested parties and also requested written comment and invited business owners to the public hearing. In addition, the workshop notice and the public hearing notice were posted as specified in #1 above. In addition, if dealers notified the Division that they had an attorney, a copy of the notices was mailed to the attorney. General comments received are listed in section number one of this statement.

A copy of the written comments may be obtained by calling Jerry Holmes, Manufactured Housing Division, (702) 486-4115, or by writing to Mr. Holmes at the Manufactured Housing Division, 2501 East Sahara Avenue, Suite 204, Las Vegas, Nevada 89104.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary for the reasons for adopting the regulation without change.

The Division mailed notices and held a workshop and hearing on November 14, 2002, for a Temporary Regulation. The Temporary Regulation was submitted to the Legislative Counsel Bureau for review. The LCB drafts of R052-03 AND R053-03 were the subject of the permanent workshop/hearing. No changes were made to the LCB drafts of R052-03 and R053-03.

- 5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**
- a. Both adverse and beneficial effects; and**
 - b. Both immediate and long-term effects.**

ADVERSE EFFECTS ON THE PUBLIC: The fee increases proposed in NAC Chapters 489 and 461 will have little impact on the general public. The economic effect of increases for certificates of ownership, labels of compliance and inspections (NAC 489.380) and other services (NAC 461.210) create only a small impact on the consumer and result in fees that remain significantly less than comparable fees for site-built housing.

ADVERSE EFFECTS ON BUSINESSES: The economic effect on manufactured housing dealers, salesmen, servicemen and installers for licenses (NAC 489.360, NAC 489.370) is minimal because renewal fees are imposed biennially. Increased original application fees affect only new applicants with no effect on current licensees.

BENEFICIAL EFFECTS ON BUSINESSES AND THE PUBLIC: The beneficial effects on the general public include a sustained level of quality services available from the Divisions.

- 6. The estimated cost to the agency for enforcement of the adopted regulation.**

There will be no additional costs of enforcing the regulations because staff is currently in place to enforce them.

- 7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The regulation does not duplicate, and is not more stringent than existing state or federal laws. The Division does not believe that the regulation is more stringent than local laws.

- 8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The regulation does not include provisions that are more stringent than a federal regulation that regulates the same activity.

- 9. If the regulation provides a new fee or increases an existing fee, the total amount the agency expects to collect and the manner in which the money will be used.**

The Division expects to collect a total of \$256,135 in additional revenue annually to be used to defray costs of providing the current quality level of services.