

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

LCB File No. R126-08

Effective December 17, 2008

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

AUTHORITY: §1, NRS 461.170; §§2-11, 20 and 28, NRS 489.231; §12, NRS 489.231, 489.241 and 489.261; §§13 and 14, NRS 489.231 and 489.241; §§15 and 21, NRS 489.231 and 489.321; §16, NRS 489.231, 489.311, 489.325 and 489.341; §17, NRS 489.231 and 489.341; §18, NRS 489.231, 489.321 and 489.341; §19, NRS 489.231 and 489.343; §§22-24, NRS 489.231 and 489.481; §25, NRS 489.231 and 489.251; §26, NRS 489.231, 489.336 and 489.481; §27, NRS 481.231 and 489.336.

A REGULATION relating to manufactured housing; adopting certain codes and standards by reference; revising provisions governing the licensing of persons by the Manufactured Housing Division of the Department of Business and Industry; revising provisions governing fees charged by the Division; revising provisions governing limited resale licenses; repealing certain obsolete provisions; and providing other matters properly relating thereto.

Section 1. NAC 461.205 is hereby amended to read as follows:

461.205 The Division hereby adopts by reference:

1. The *International Residential Code for One- and Two-Family Dwellings*, ~~[2003]~~ 2006 edition, published by the International Code Council, with the following modifications:

(a) Any reference to the *International Plumbing Code* shall be deemed a reference to the *Uniform Plumbing Code*, ~~[2003]~~ 2006 edition, published by the International Association of Plumbing and Mechanical Officials;

(b) Any reference to the *International Electrical Code* shall be deemed a reference to the *National Electrical Code*, ~~[2002]~~ 2005 edition;

(c) Any reference to the *International Mechanical Code* shall be deemed a reference to the *Uniform Mechanical Code*, ~~[2003]~~ 2006 edition, published by the International Association of Plumbing and Mechanical Officials;

(d) The definition of “manufactured home” set forth in section R202 is deleted and replaced with “has the meaning ascribed to it in NRS 489.113”; and

(e) Appendix E is deleted.

→ The *International Residential Code for One- and Two-Family Dwellings*, ~~[2003]~~ 2006 edition, may be obtained from the International Code Council by mail at 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5771, or at the Internet address <http://www.iccsafe.org>. The price is ~~[\$54]~~ \$61.00 for members and ~~[\$72]~~ \$81.50 for nonmembers.

2. The *International Building Code*, ~~[2003]~~ 2006 edition, published by the International Code Council with the following modifications:

(a) Any reference to the *International Plumbing Code* shall be deemed a reference to the *Uniform Plumbing Code*, ~~[2003]~~ 2006 edition, published by the International Association of Plumbing and Mechanical Officials;

(b) Any reference to the *International Electrical Code* shall be deemed a reference to the *National Electrical Code*, ~~[2002]~~ 2005 edition;

(c) Any reference to the *International Mechanical Code* shall be deemed a reference to the *Uniform Mechanical Code*, ~~[2003]~~ 2006 edition, published by the International Association of Plumbing and Mechanical Officials;

(d) The definition of “manufactured home” set forth in section G201.2 of Appendix G is deleted and replaced with “has the meaning ascribed to it in NRS 489.113”; and

(e) Section G501 of Appendix G is deleted.

↪ *The International Building Code*, ~~2003~~ 2006 edition, may be obtained from the International Code Council by mail at 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5771, or at the Internet address <http://www.iccsafe.org>. The price is ~~[\$72.50]~~ \$78.75 for members and ~~[\$96.50]~~ \$105.00 for nonmembers.

3. The *Uniform Plumbing Code*, ~~2003~~ 2006 edition, published by the International Association of Plumbing and Mechanical Officials. This code may be obtained from the International Association of Plumbing and Mechanical Officials by mail at 5001 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address <http://www.iapmo.org>. The price is ~~[\$100]~~ \$74 for members and ~~[\$112]~~ \$93 for nonmembers.

4. The *Uniform Mechanical Code*, ~~2003~~ 2006 edition, published by the International Association of Plumbing and Mechanical Officials. This code may be obtained from the International Association of Plumbing and Mechanical Officials by mail at 5001 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address <http://www.iapmo.org>. The price is ~~[\$100]~~ \$74 for members and ~~[\$112]~~ \$93 for nonmembers.

5. The *National Electrical Code*, ~~2002~~ 2005 edition, published by the National Fire Protection Association. This code may be obtained from the National Fire Protection Association by mail at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, or at the Internet address <http://www.nfpa.org>. The price is ~~[\$156.83]~~ \$67.50 for members and ~~[\$174.25]~~ \$75.00 for nonmembers.

6. The *NFPA 101: Life Safety Code*, ~~[2003]~~ 2006 edition, published by the National Fire Protection Association. This code may be obtained from the National Fire Protection Association by mail at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, or at the Internet address <http://www.nfpa.org>. The price is \$67.50 for members and \$75 for nonmembers.

7. The *International Energy Conservation Code*, ~~[2003]~~ 2006 edition, published by the International Code Council. This code may be obtained from the International Code Council by mail at 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5771, or at the Internet address <http://www.iccsafe.org>. The price is ~~[\$24.75]~~ \$25.00 for members and ~~[\$33]~~ \$32.50 for nonmembers.

Sec. 2. Chapter 489 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 to 8, inclusive, of this regulation.

Sec. 3. *“Factory-built housing” has the meaning ascribed to it in NRS 461.080.*

Sec. 4. *“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. 5. *“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. 6. *“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. 7. *“Manufactured building” has the meaning ascribed to it in NRS 461.132.*

Sec. 8. 1. *The Division will not issue a certificate of title, certificate of ownership or real property notice for factory-built housing that constitutes real property pursuant to subsection 4 of NRS 361.244.*

2. As used in this section, “real property notice” means a document issued by the Division as verification to a county assessor that a mobile or manufactured home has been converted from personal property to real property pursuant to NRS 361.244.

Sec. 9. NAC 489.010 is hereby amended to read as follows:

489.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 489.031 to 489.155, inclusive, and NAC 489.015 to ~~489.170,~~ *489.165*, inclusive, *and sections 3 to 7, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 10. NAC 489.105 is hereby amended to read as follows:

489.105 “New manufactured home dealer” means any person who:

1. Is licensed under the provisions of this chapter and chapter 489 of NRS;
2. Has an authorized franchise, in a form approved by the Division, from a manufacturer to sell new manufactured homes; and
3. Is engaged in the business of selling or exchanging new and used manufactured homes, mobile homes, ~~or~~ commercial coaches ~~;~~, *manufactured buildings or factory-built housing.*

Sec. 11. NAC 489.135 is hereby amended to read as follows:

489.135 “Seller” means any person or his agent who conveys any interest in a manufactured home, mobile home , ~~for~~ commercial coach ~~or~~ *or manufactured building or factory-built housing.*

Sec. 12. NAC 489.177 is hereby amended to read as follows:

489.177 The Administrator hereby adopts by reference the following codes and standards for commercial coaches and accessory structures:

1. The *International Building Code*, ~~2003~~ *2006* edition, published by the International Code Council, with the following modifications:

(a) Any reference to the *International Plumbing Code* shall be deemed a reference to the *Uniform Plumbing Code*, ~~2003~~ *2006* edition;

(b) Any reference to the *International Electrical Code* shall be deemed a reference to the *National Electrical Code*, ~~2002~~ *2005* edition;

(c) Any reference to the *International Mechanical Code* shall be deemed a reference to the *Uniform Mechanical Code*, ~~2003~~ *2006* edition;

(d) The definition of “manufactured home” set forth in section G201.2 of Appendix G is deleted and replaced with “has the meaning ascribed to it in NRS 489.113”; and

(e) Section G501 of Appendix G is deleted.

↪ The *International Building Code*, ~~2003~~ *2006* edition, may be obtained from the International Code Council ~~or~~ by mail at 4051 West Flossmoor Road, Country Club Hills, Illinois ~~60478-5795~~ *60478-5771*, or at the Internet address <http://www.iccsafe.org>. The price is ~~\$69~~ *\$78.75* for members and ~~\$86~~ *\$105.00* for nonmembers.

2. The *Uniform Plumbing Code*, ~~2003~~ *2006* edition, published by the International Association of Plumbing and Mechanical Officials. This code may be obtained from the

International Association of Plumbing and Mechanical Officials ~~[]~~ by mail at 5001 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address

<http://www.iapmo.org>. The price is ~~[\$64]~~ \$74 for members and ~~[\$89]~~ \$93 for nonmembers.

3. The *Uniform Mechanical Code*, ~~[2003]~~ 2006 edition, published by the International Association of Plumbing and Mechanical Officials. This code may be obtained from the International Association of Plumbing and Mechanical Officials ~~[]~~ by mail at 5001 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address

<http://www.iapmo.org>. The price is ~~[\$64]~~ \$74 for members and ~~[\$89]~~ \$93 for nonmembers.

4. The *National Electrical Code*, ~~[2002]~~ 2005 edition, published by the National Fire Protection Association. This code may be obtained from the National Fire Protection Association

~~[]~~ by mail at ~~[11 Traey Drive, Avon, Massachusetts 02322,]~~ 1 Batterymarch Park, Quincy,

Massachusetts 02169-7471, or at the Internet address <http://www.nfpa.org>. The price is

~~[\$65.25]~~ \$67.50 for members and ~~[\$72.50]~~ \$75.00 for nonmembers.

5. The *NFPA 101: Life Safety Code*, ~~[2003]~~ 2006 edition, published by the National Fire Protection Association. The code may be obtained from the National Fire Protection Association

~~[]~~ by mail at ~~[11 Traey Drive, Avon, Massachusetts 02322,]~~ 1 Batterymarch Park, Quincy,

Massachusetts 02169-7471, or at the Internet address <http://www.nfpa.org>. The price is

~~[\$62.55]~~ \$67.50 for members and ~~[\$69.50]~~ \$75.00 for nonmembers.

6. The *International Energy Conservation Code*, ~~[2003]~~ 2006 edition, published by the International Code Council. This code may be obtained from the International Code Council ~~[]~~ by mail at 4051 West Flossmoor Road, Country Club Hills, Illinois ~~[60478-5795,]~~ 60478-5771,

or at the Internet address <http://www.iccsafe.org>. The price is ~~[\$23]~~ \$25.00 for members and

~~[\$29]~~ \$32.50 for nonmembers.

Sec. 13. NAC 489.180 is hereby amended to read as follows:

489.180 1. The Division will administer and enforce the provisions of chapter 489 of NRS ~~[]~~ *and the* regulations adopted pursuant thereto, ~~[and]~~ the *Manufactured Home* Construction and Safety Standards, 24 C.F.R. Part 3280, and *the Manufactured Home* Procedural and Enforcement Regulations, 24 C.F.R. Part 3282, of the United States Department of Housing and Urban Development.

2. Each manufacturer, distributor and dealer of manufactured homes shall establish and maintain the records, make the reports and provide the information required by the Department of Housing and Urban Development to enable that Department to determine whether the manufacturer, distributor or dealer has complied with the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq., *this chapter and* chapter 489 of NRS . ~~[and this chapter.]~~

3. Standards for continuous foundations and underground services are the responsibility of local governmental units. Any local governmental unit which discovers a violation of this chapter shall report the violation to the Division.

4. Every manufactured home or mobile home manufactured after June 15, 1976, which is sold or offered for sale in this State must bear a label of compliance issued by the United States Department of Housing and Urban Development.

5. Every manufactured home, mobile home and commercial coach which is reconstructed in this State must be certified by the Division or by a licensed engineer that it is reconstructed in compliance with the standards or their equivalent applicable at the time of original manufacture.

Sec. 14. NAC 489.215 is hereby amended to read as follows:

489.215 1. If any provision of this chapter is in conflict with any federal law or regulation, then the applicable federal law or regulation is effective and enforceable under this chapter.

2. Clarification of the provisions of this chapter or relief from the strict application of any of their terms may be obtained by submitting a written request to the Administrator, Manufactured Housing Division, ~~[Capitol Complex, Carson City, Nevada 89710.]~~ *2501 East Sahara Avenue, Suite 204, Las Vegas, Nevada 89104.*

Sec. 15. NAC 489.310 is hereby amended to read as follows:

489.310 1. The Division may require an applicant for a license as a dealer, manufacturer, general serviceman or specialty serviceman to show such a degree of experience, financial responsibility and such general knowledge of this chapter, chapter 489 of NRS, federal construction and safety standards relating to manufactured homes, the safety, health, finance and lien laws of this State and the rudimentary principles of the business for which the applicant wishes to obtain a license as the Division deems necessary for the safety and protection of the public.

2. An applicant may demonstrate his experience and knowledge by submitting to the Division:

(a) Evidence of his prior employment or other experience in the occupation for which the applicant wishes to obtain a license; or

(b) Proof that he has completed not less than 30 semester hours in courses of study which are approved by the Division.

3. An applicant must submit to the Division:

(a) A copy of the federal income tax return filed by the applicant for the preceding calendar year; and

(b) Such other proof as the Division deems necessary to show the applicant's financial responsibility.

4. If the applicant is a corporation, its financial responsibility must be established independently of the assets of its officers, directors or stockholders, but the Division may inquire into and consider the personal assets of the officers, directors or stockholders in determining the financial responsibility of the corporation.

5. An applicant shall be deemed to be financially responsible if the Division determines that the applicant has, at the time the Division makes the determination, sufficient assets or income to operate his business for not less than 120 days.

6. The Division will determine financial responsibility according to the following criteria:

- (a) Net worth;
- (b) Liquid assets;
- (c) Payment and credit records;
- (d) Business experience;
- (e) Prior and current liens;
- (f) Prior and pending lawsuits;
- (g) Adverse judgments;
- (h) Prior suspension or revocation of a license in this State or elsewhere for financial insolvency;
- (i) Any adjudication under bankruptcy law, including a composition, arrangement or reorganization;
- (j) Any appointment of a receiver for the property of the applicant or licensee or any officer, director, associate or partner thereof under the laws of this State or of the United States;

- (k) Any making of a prohibited assignment for the benefit of creditors;
- (l) Form of business organization;
- (m) Information obtained from confidential financial references and credit reports; and
- (n) Reputation for honesty and integrity of the applicant or licensee or any officer, director, associate or partner.

7. An applicant for a new manufactured home or commercial coach dealer's license must show proof that the applicant has not less than \$50,000 in cash on deposit in *an operating account of the business in* a Nevada financial institution before the Division will issue a license.

8. An applicant for a used manufactured home or commercial coach dealer's license must show proof that the applicant has not less than \$25,000 in cash on deposit in *an operating account of the business in* a Nevada financial institution before the Division will issue a license.

9. An applicant for a new manufactured home dealer's license *, including a franchise dealership,* must submit a letter of ~~intent~~ *credit* from a financial institution *or a provider of inventory financing* showing that the applicant will be granted a specified amount of credit of not less than ~~[\$100,000]~~ *\$200,000* from that institution for the flooring of manufactured homes , ~~for~~ commercial coaches ~~[-]~~ *, manufactured buildings or factory-built housing. This requirement does not apply to a dealership owned by a licensed manufacturer.*

10. An applicant for an initial license must submit to the Division a copy of any similar license issued by another state.

11. A partnership *, limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company* or *a* corporation *, whether or not for profit,* that applies for a dealer's, general serviceman's or specialty serviceman's license must file a certified

or verified copy of its partnership agreement , *articles of organization* or articles of incorporation with the Division.

12. If an applicant submits an incomplete application:

(a) The Division will notify the applicant of the deficiencies in the application.

(b) Except as otherwise provided in paragraph (c), the Division will deny the application unless the applicant corrects the deficiencies within 15 days after receiving the notice.

(c) The Division may grant an extension of time to correct the deficiencies in the application if the applicant requests such an extension in writing within the 15-day period.

Sec. 16. NAC 489.314 is hereby amended to read as follows:

489.314 An owner or responsible managing employee of a business must be licensed as a general serviceman or specialty serviceman if the business:

1. Installs ~~{a}~~ *any* manufactured home, mobile home , ~~{or}~~ commercial coach ~~{;}~~ ,
manufactured building or factory-built housing; or
2. Performs work on ~~{a}~~ *any* manufactured home, mobile home , ~~{or}~~ commercial coach ,
manufactured building or factory-built housing in one or more of the following categories:

(a) Installation or repair of:

- (1) Awnings, roofing or skirting;
- (2) Plumbing;
- (3) Heating or air-conditioning systems; or
- (4) Electrical systems;

(b) Preparation for transport;

(c) Reconstruction, by alteration, addition or substitution, of substantial or essential parts; or

(d) Any other category of work that may be performed by a person who holds a license issued by the State Contractors' Board.

Sec. 17. NAC 489.320 is hereby amended to read as follows:

489.320 1. Any person employed by a dealer to act or exercise authority in connection with the dealer's business must be licensed as a salesman to:

(a) List manufactured homes, mobile homes or commercial coaches for sale.

(b) Close the sale of a manufactured home, mobile home or commercial coach, including the signing of the sales contract.

2. A licensee may not employ a person who is required to be licensed under chapter 489 of NRS unless that person is so licensed.

3. If a manufactured home or commercial coach dealer fails to maintain or renew his license, the licenses of all salesmen whom he employs will be placed on inactive status immediately until the dealer reinstates or renews his license or an application for transferring the salesman's license is made and the required fees are paid.

4. If the license of a manufactured home or commercial coach dealer is not renewed, or is suspended or revoked, the licensee shall deliver immediately to the Division all of the licenses issued to his salesmen. In such a case, a salesman may, by applying and paying the required fee, transfer to the employment of another dealer.

5. A manufactured home or commercial coach dealer shall notify the Division within 5 business days after the date of the termination or separation of employment of an employee and surrender all licenses of the employee to the Division. Failure to comply with this subsection may result in disciplinary action and the imposition of an administrative fine pursuant to NRS 489.381.

Sec. 18. NAC 489.327 is hereby amended to read as follows:

489.327 If a licensee holds or applies for and is issued more than one type of license, each license will expire ~~{on}~~ *2 years after* the date of ~~{expiration}~~ *issuance* of the license . ~~{which was issued first.}~~ Thereafter , each license ~~{will}~~ *must* be renewed ~~{for}~~ *every* 2 years.

Sec. 19. NAC 489.331 is hereby amended to read as follows:

489.331 1. A license issued to a designated member ~~{of a partnership}~~ or corporate officer ~~{on behalf}~~ of a business pursuant to NRS 489.343 *on behalf of the business* becomes inactive immediately if the member or officer:

(a) Is disabled from engaging in the business; or

(b) Ceases to be engaged in or connected with the business.

2. The business may continue to operate pursuant to the inactive license if the business:

(a) Notifies the Division that its license has become inactive; and

(b) Designates another member or officer who submits an application for a license on behalf of the business.

↪ Except as otherwise provided in subsection 3, the business must submit the notice ~~{and application not later than}~~ *within 5 business* days after the license becomes inactive. *If the application for a license on behalf of the business is not submitted within 15 days after the license becomes inactive, the business shall cease to operate until such an application has been submitted and approved by the Division.*

3. The Division may grant an extension of time to comply with subsection 2 if the business requests an extension in writing within the 5-day period.

4. If ~~{the Division issues a license on behalf of the business to the newly designated member or officer, the business shall surrender the inactive license to}~~ *a business dissolves or fails to*

designate a new member or corporate officer within the period allowed pursuant to this section, the business shall return to the Division all licenses issued to the business by the Division.

5. As used in this section, “business” means a partnership , *limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company* or a corporation , *whether or not for profit*, doing business as a manufacturer, dealer, general serviceman or specialty serviceman in this State.

Sec. 20. NAC 489.342 is hereby amended to read as follows:

489.342 A person licensed pursuant to the provisions of chapter 489 of NRS who ~~rebuilds,~~ *reconstructs*, services or installs manufactured homes, mobile homes or commercial coaches shall carry upon his person, during working hours, the identification card issued to him by the Division.

Sec. 21. NAC 489.347 is hereby amended to read as follows:

489.347 An applicant for the renewal of the dealer’s, general serviceman’s or specialty serviceman’s license issued to him by the Division pursuant to chapter 489 of NRS must submit to the Division with his application for renewal:

1. The fee required pursuant to NAC 489.360;
2. ~~The~~ *Complete copies of* bank statements for:
 - (a) The operating account of the licensee for the immediately preceding 6 months; and
 - (b) The trust account of the licensee for the immediately preceding 6 months if the licensee is a dealer;
3. A copy of the *current* business license issued for the licensee’s business by the county, city or town in which the licensee’s business is located; and

4. Any other proof requested in writing by the Division pursuant to NRS 489.321 or 489.323.

Sec. 22. NAC 489.360 is hereby amended to read as follows:

489.360 1. The *Division will charge the* following fees for the issuance and renewal of a license : ~~[will be charged:]~~

- (a) Biennially, for a license as a dealer *of manufactured homes, mobile homes, commercial coaches, manufactured buildings or factory-built housing* \$600
 - For each additional officer or partner 150
 - Biennially, for each branch office..... 150
- (b) Biennially, for a license as a limited dealer *authorized to act as a reposessor or liquidator* 200
- (c) Biennially, to do business as a manufacturer of manufactured homes, mobile homes, commercial coaches , ~~[or]~~ travel trailers , *manufactured buildings or factory-built housing* 750
 - For each additional officer or partner 150
- (d) Biennially, for a general serviceman's or specialty serviceman's license 200
 - For each additional officer or partner 150
 - Biennially, for each branch office..... 150
- (e) Biennially, for a license as a salesman of manufactured homes, mobile homes , ~~[or]~~ commercial coaches , *manufactured buildings or factory-built housing* 100
- (f) Biennially, for a responsible managing employee's license 150
- (g) For each examination of an applicant for a license 50

- (h) For a change of address by a licensee 50
- (i) For a change of name by a licensee..... 50
- (j) To activate a license from inactive or suspended status..... 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. 23. 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 *of manufactured homes, mobile homes, commercial coaches, manufactured buildings or factory-built housing*\$400
 - For each additional officer or partner100
 - For each branch office100
- 2. As a limited dealer *authorized to act as a reposessor or liquidator*\$100
- 3. To do business as a manufacturer of manufactured homes, mobile homes, commercial coaches , ~~for~~ travel trailers , *manufactured buildings or factory-built housing*\$500
- 4. As a general serviceman or specialty serviceman.....\$100

For each additional officer or partner	100
For each branch office	100
5. As a salesman <i>of manufactured homes, mobile homes, commercial coaches, manufactured buildings or factory-built housing</i>	\$25
6. As a responsible managing employee	\$100
Sec. 24. 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
(b) For each certificate and label of installation.....	50.00
(c) For each permit for installation, reconstruction , <i>repair</i> or addition	10.00
(d) For each original or duplicate certificate of ownership	40.00
(e) For each notice of conversion of real property	40.00
(f) For a replacement of a:	
(1) Label of compliance	50.00
(2) Label of installation	50.00
(3) License.....	50.00
(g) For the inspection and approval of a set of plans:	
For the first hour	75.00
For each additional half hour or fraction thereof	37.50
(h) For the inspection and approval of a modification of an approved plan, per hour or fraction thereof	75.00
(i) For the consideration of a system of construction for approval	500.00
(j) 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

(2) A commercial coach without a plumbing system if the inspection is conducted within 25 miles of the inspector's station of duty 80.00

(k) 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 80.00

(l) For the *final* 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 80.00

For each additional half hour or fraction thereof 40.00

(m) For an inspection of a plant used to manufacture manufactured homes, commercial coaches or travel trailers 750.00

(n) For each search conducted to determine title 15.00

(o) For the sale of printed material:

For each page of a copy 0.25

For each study guide for an examination 15.00

For each copy of a regulation..... 5.00

(p) For filing a lien or an amended lien asserted upon a manufactured home, mobile home or commercial coach 40.00

(q) For collecting a fee after a check given for payment is dishonored.....	35.00
(r) For the inspection and approval of a set of plans for an attachment pursuant to NAC 489.470:	
For the first hour	75.00
For each additional half hour or fraction thereof	37.50
(s) For filing an affidavit of the sale of a manufactured home, mobile home or commercial coach to satisfy a lien	40.00
(t) 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.....	40.00
(u) For filing a notice or an amended notice of sale by auction of a manufactured home, mobile home or commercial coach	40.00
(v) For a copy of the monthly report prepared by the Division on the record of sales of a dealer.....	75.00
(w) 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
(x) For a list of all licenses issued by the Division	75.00
—(y)— For a list of all mobile home parks or for a rent history of all mobile home parks.....	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 actual expenses for time and travel.

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 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.

5. As used in this section, "rent history" means the economic and demographic data collected by the Administrator pursuant to NRS 118B.025.

Sec. 25. NAC 489.416 is hereby amended to read as follows:

489.416 1. The Administrator hereby adopts by reference the *Nevada Manufactured Home, Mobile Home and Commercial Coach Installation Standards* in the edition most recently published by the Nevada Manufactured Housing Association and the Modular Building Institute of Nevada, unless the Administrator determines pursuant to subsection 3 that the most recent edition is not suitable for this State.

2. A copy of these standards may be obtained from the Division at 2501 East Sahara Avenue, Suite 204, Las Vegas, Nevada 89104, or ~~[901 South Stewart Street,]~~ **788 Fairview Drive**, Suite ~~[4003,]~~ **100**, Carson City, Nevada 89701, for the price of \$15.

3. The Administrator will review each successive edition of the standards to determine its suitability for this State. If the Administrator provisionally determines that the most recent

edition is not suitable, he will hold a public hearing to review this determination. If, after the hearing, the Administrator finally determines that the most recent edition is not suitable for this State, he will, within 30 days after that determination, give notice that the edition is not adopted by reference.

Sec. 26. NAC 489.775 is hereby amended to read as follows:

489.775 1. Before a landlord or manager of a mobile home park may sell a used mobile home or manufactured home ~~[,]~~ *acquired at a sale to enforce a lien pursuant to NRS 108.265 to 108.367, inclusive*, the landlord or manager must obtain a limited resale license from the Division. The license may be obtained by applying to the Division ~~[using]~~ *on* a form supplied by the Division. Except as otherwise provided in this section, in addition to completing the application, the applicant must submit with the application:

- (a) A fee of ~~[\$35;]~~ *\$50;*
- (b) ~~[A recent color photograph of the applicant;~~
- ~~—(c)] A copy of the business license issued for the mobile home park where the used mobile home or manufactured home to which the limited resale license will apply is located;~~
- ~~[(d) Proof that the applicant has:~~
- ~~——(1) Complied with any applicable provision of NRS 118B.086 to 118B.089, inclusive; and~~
- ~~——(2) During the 2-year period immediately preceding the application for the issuance or renewal of a license, completed at least 1 hour of continuing education that is approved by the Division pursuant to NRS 489.285 and concerns the provisions of this chapter and chapter 489 of NRS relating to sales of manufactured homes;~~
- ~~—(e)]~~ *and*
- (c) An affidavit stating that the applicant:

(1) Owns or leases the mobile home park, if the applicant is the landlord of the mobile home park; or

(2) Is an employee of the landlord and has the *written* permission of the landlord to sell the used mobile home or manufactured home, if the applicant is the manager of the mobile home park . ~~f;~~

~~—(f) A copy of the certificate of title or certificate of ownership of the used mobile home or manufactured home; and~~

~~—(g) Any other information that the Division deems necessary.~~

~~—2. An applicant for a limited resale license must submit to the Division proof that the landlord of the mobile home park where the used mobile home or manufactured home to which the limited resale license will apply is located has obtained a surety bond in the amount of \$5,000 from a surety authorized to do business in this State. The surety bond:~~

~~—(a) Must be made payable to the State of Nevada;~~

~~—(b) Must provide for a period for submitting a claim which is 3 years or less;~~

~~—(c) Must include a provision prohibiting cancellation of the surety bond unless the surety provides written notice to the Division not less than 30 days before the cancellation becomes effective; and~~

~~—(d) Must be used exclusively for the protection and benefit of a purchaser of a used mobile home or manufactured home who obtains a judgment against the licensee in an action for fraud, misrepresentation or deceit.~~

~~—3.]~~ **2.** Except as otherwise provided in subsection ~~[4,]~~ **3**, an applicant who submits an application for a limited resale license to the Division within 2 years after submitting a previous application for such a license is not required to submit ~~[a photograph of himself or]~~ a copy of the

business license for the manufactured home park where the used mobile home or manufactured home to which the limited resale license will apply is located.

~~[4.]~~ **3.** If a landlord or manager of a mobile home park has applied for or holds a limited resale license and the landlord of the mobile home park changes the name or address of the mobile home park, the landlord or manager shall submit to the Division a copy of the business license which indicates the new name or address of the mobile home park not later than 10 days after the local government issues such a business license.

Sec. 27. NAC 489.780 is hereby amended to read as follows:

489.780 1. Upon receipt of an application for a limited resale license, *the fee required by NAC 489.775* and any other information required by the Division, the Division will approve the application and issue to the applicant a limited resale license, unless the Division determines that the applicant is not fit to conduct the sale of the used mobile home or manufactured home identified in the application.

2. A limited resale license issued by the Division is valid only for the purpose of selling the used mobile home or manufactured home identified in the application for the license and for which the applicant submitted ~~[a]~~ :

(a) A copy of the certificate of title or certificate of ownership ~~[with the application.]~~ of the used mobile home or manufactured home;

(b) A copy of the notice of lien, the notice of sale by auction or the lien satisfaction form; and

(c) Any other information deemed necessary by the Division.

3. If a landlord of a mobile home park terminates the employment of a manager of the park who has applied for or holds a limited resale license, the landlord shall, as soon as practicable,

provide written notice of the termination to the Division and the application or license of the manager becomes invalid.

Sec. 28. NAC 489.035, 489.055, 489.060, 489.080, 489.140, 489.145, 489.160, 489.170 and 489.345 are hereby repealed.

TEXT OF REPEALED SECTIONS

489.035 “Branch circuit” defined. (NRS 489.231) “Branch circuit” means the circuit conductors between the final overcurrent device protecting the circuit and the outlets.

489.055 “Diagonal tie” defined. (NRS 489.231) “Diagonal tie” means a tie intended primarily to resist horizontal or shear forces and which secondarily may resist vertical uplift and overturning forces.

489.060 “Feeder assembly” defined. (NRS 489.231) “Feeder assembly” means the overhead or under chassis feeder conductors, including the grounding conductor and the necessary fittings and equipment, or a power supply cord listed for manufactured home, mobile home or commercial coach use, designed for delivering electricity to the distribution panelboard within the manufactured home, mobile home or commercial coach.

489.080 “Installation seal” defined. (NRS 489.231) “Installation seal” means a device attached to a manufactured home, mobile home or commercial coach when a certificate of installation has been issued, and removed when the manufactured home, mobile home or commercial coach is moved from the location it occupied when the certificate was issued.

489.140 “Stabilizing device” defined. (NRS 489.231) “Stabilizing device” means any component of the anchoring and support system, such as a pier, a footing, a tie, anchoring equipment, a ground anchor or any other equipment which supports the manufactured home, mobile home or commercial coach or secures it to the ground.

489.145 “Stabilizing system” defined. (NRS 489.231) “Stabilizing system” means a combination of the anchoring system and the support system.

489.160 “Tie down” defined. (NRS 489.231) “Tie down” means any device designed to attach a manufactured home, mobile home or commercial coach to a ground anchor.

489.170 “Vertical tie” defined. (NRS 489.231) “Vertical tie” means a tie intended primarily to resist uplifting and overturning forces.

489.345 License plates for power units. (NRS 489.231, 489.601) A licensed dealer or manufacturer is entitled to two license plates for each power unit used to transport manufactured homes, mobile homes and commercial coaches.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R126-08

The Manufactured Housing Division of the Department of Business and Industry adopted regulations assigned LCB File No. R126-08 which pertain to chapters 461 and 489 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

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

Notice of the proposed regulations were posted on the Manufactured Housing Division website and at the following public locations where both the public and other interested persons would have access to the information.

This notice of hearing was posted at the following locations:

Manufactured Housing Division, 2501 E. Sahara Ave, Las Vegas, NV 89104
Manufactured Housing Division, 788 Fairview Drive, Carson City, NV 89701
Department of Business & Industry, 901 S. Stewart Street, Carson City, NV 89701
State of Nevada Sawyer Building, 555 E. Washington Avenue, Las Vegas, NV 89101
Nevada State Library, 100 Stewart Street, Carson City, NV 89701
State of Nevada Bradley Building, 2501 E. Sahara Avenue, Las Vegas, NV 89104
Nevada Legislative Building, 401 S. Carson Street, Carson City, NV 89701
Clark County Library, 833 N. Las Vegas Blvd., Las Vegas, NV 89101

Additional notices were posted at the following locations:

Churchill County Library, Elko County Library, Esmeralda County Library, Eureka Branch Library, Humboldt County Library, Lincoln County Library, Lyon County Library, Mineral County Library, Mineral County Library, Pershing County Library, Storey County Library, Tonopah Public Library, Washoe County Library, White Pine County Library, Battle Mountain Branch Library (Lander County), Carson City Library, and Douglas County Library.

Additional notices were mailed to Manufactured Housing Licensees, several Attorney At Law firms, Nevada Legal Services, Senior Law Project, the Manufactured Home Community Owners Association, the Nevada Housing Alliance Association, the Nevada manufactured Home Owners Association and several state elected officials.

The number of persons who attended the workshop, hearing and or provided written comments were:

	Carson City	Las Vegas
Attendees at workshop 7-2-08	2	7
Number of written comments:	0	1
Number of persons testifying	2	5

	Carson City	Las Vegas
Attendees at public hearing 7-23-08	1	9
Number of written comments:	0	3
Number of persons testifying	1	8

2. A summary of response(s) from the public and affected businesses and an explanation how other interested persons may obtain a copy of the summary.

The public was invited to comment at the workshop and hearing or in writing. Three individuals, who attended both the workshop and hearing, provided written comments on the proposed regulation in addition to providing testimony at the public workshop and hearing. The four written comments were discussed at the meetings and several of the suggestions were accepted by the Division as recommendations and were submitted as revisions to the original proposed regulation.

Interested persons were informed that they could obtain copies of comment summaries by contacting the Division.

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

Amendments were made to the original regulation based upon public comment made at the Workshop on July 2, 2008 and the Adoption Hearing on July 23, 2008.

4. Estimated economic effect of the adopted regulation on the public and businesses affected: adverse and beneficial, immediate and long term.

Public: Economic effect

(a) Adverse effect on public: It is not anticipated that there will be an adverse effect to the public.

Beneficial effect on public: Uniform building codes for construction. More financially secure licensed dealer to prevent fraud or misuse of trust account funds.

(b) Immediate and long term effects:

The Immediate and long term effects for the public would be to reduce possible fraud in the sale of new manufactured homes.

Business: Economic effect

(a) Adverse affect on business: New applicants applying for a New Home Dealer's License will be required to obtain a higher line of credit to cover Flooring cost. Applicants applying for a "Limited Lien Resale License" will have and increase in license fee from \$35.00 to \$50.00. The license is renewable every two years.

Beneficial effect on business: The increase in credit line level will provide a higher standard for a more financially stable licensee. The increase will provide the licensee with the ability to secure a higher level of inventory. Updated adoption of building codes coincides with other state agencies.

(b) Immediate and long-term effects:

Immediate effects: Adoption of building codes. Minimal increase in limit lien resale license fee. Higher credit standards for new home dealer license applicants.

Long-term effects: Recent decline in credit availability may reduce the number of potential applicants for a New Home Dealers License; however, the current economic climate may have a more adverse effect than the regulation change.

5. Cost of enforcing regulation.

The only projected cost to the Division is that associated with the mailing of the notices, copy cost, LCB associated cost. The Division does not project any additional cost for enforcement.

6. Explanation of any other regulations which this regulation duplicates or overlaps and why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, a statement of the name of the federal agency.

The Division is not aware of any other regulation that this regulation would duplicate or any overlapping of any other regulation. There are no federal regulations that this regulation would duplicate or overlap.

7. If the regulation includes provisions, which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations which regulate the same activity.

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

There are currently 24 Limited Lien Resale Licensees. These licenses are renewable every two years. The fee increase of \$15.00 would result in an additional \$ 360.00.

There were no other fee increases or new fees.

HUD has notified state SSA agencies that they will be implementing new inspection criteria, on new homes that are installed, which will result in an additional inspection. This additional inspection does not require an increase in the current inspection fee but may have an impact if a secondary inspection is required in order to comply with the HUD regulations. This would not be a “new fee” or an increase to a current fee, but would be charged at an hourly rate that is already established in regulation. All fees support the functions of the agency as we are a non general fund agency.