

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

**LCB File No. R178-09**

April 5, 2010

(Sections 5, 6, 8, 9, 11, 12, 16 and 17 of the agency draft of  
this regulation are located in LCB File No. R177-09)

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

AUTHORITY: §1, NRS 461.170; §2, NRS 461.170, 461.240 and 461.260; §§3-5, 11, 13 and 14, NRS 489.321, as amended by section 32 of Senate Bill No. 89, chapter 370, Statutes of Nevada 2009, at page 1908; §§6-9, 12, 17-19 and 26, NRS 489.285, as amended by section 28 of Senate Bill No. 89, chapter 370, Statutes of Nevada 2009, at page 1906; §§10 and 20-25, NRS 489.336, as amended by section 34 of Senate Bill No. 89, chapter 370, Statutes of Nevada 2009, at page 1909; §§15 and 16, NRS 489.481, as amended by section 46 of Senate Bill No. 89, chapter 370, Statutes of Nevada 2009, at page 1916.

A REGULATION relating to manufactured housing; adopting by reference certain codes and standards; allowing additional inspections of units of factory-built housing, manufactured buildings or modular components in certain circumstances; enacting provisions governing the licensing of distributors of manufactured homes, mobile homes, manufactured buildings, commercial coaches and factory-built housing; amending provisions concerning the documentation which must be submitted by applicants for certain licenses; amending provisions concerning continuing education for dealers, responsible managing employees, salespersons, general servicepersons and specialty servicepersons; amending provisions pertaining to licenses and permits authorizing landlords or managers of mobile home parks to sell certain used mobile homes or manufactured homes acquired at a sale to enforce a lien; 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*, ~~2006~~ 2009 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*, ~~2006~~ 2009 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*, ~~2005~~ 2008 edition ~~;~~, *published by the National Fire Protection Association*;

(c) Any reference to the *International Mechanical Code* shall be deemed a reference to the *Uniform Mechanical Code*, ~~2006~~ 2009 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*, ~~2006~~ 2009 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 ~~[\$61.00]~~ \$66 for members and ~~[\$81.50]~~ \$88 for nonmembers.

2. The *International Building Code*, ~~2006~~ 2009 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*, ~~2006~~ 2009 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*, ~~[2005]~~ 2008 edition ~~[:]~~, *published by the National Fire Protection Association*;

(c) Any reference to the *International Mechanical Code* shall be deemed a reference to the *Uniform Mechanical Code*, ~~[2006]~~ 2009 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*, ~~[2006]~~ 2009 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 ~~[\$78.75]~~ \$82.00 for members and ~~[\$105.00]~~ \$109.25 for nonmembers.

3. The *Uniform Plumbing Code*, ~~[2006]~~ 2009 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.iapme.org.]~~ <http://www.iapmostore.org>. The price is ~~[\$74]~~ \$82 for members and ~~[\$93]~~ \$103 for nonmembers.

4. The *Uniform Mechanical Code*, ~~[2006]~~ 2009 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>~~ <http://www.iapmostore.org>. The price is ~~[\$74]~~ \$82 for members and ~~[\$93]~~ \$103 for nonmembers.

5. The *National Electrical Code*, ~~[2005]~~ 2008 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]~~ \$76.50 for members and ~~[\$75.00]~~ \$85 for nonmembers.

6. The *NFPA 101: Life Safety Code*, ~~[2006]~~ 2009 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]~~ \$76.50 for members and ~~[\$75]~~ \$85 for nonmembers.

7. The *International Energy Conservation Code*, ~~[2006]~~ 2009 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 ~~[\$25.00]~~ \$25.50 for members and ~~[\$32.50]~~ \$34 for nonmembers.

**Sec. 2.** NAC 461.300 is hereby amended to read as follows:

461.300 1. The Division will inspect the plant of each manufacturer who has submitted a plan for the Division's approval.

2. Each unit of factory-built housing, manufactured building or modular component must be inspected at least once during its construction. These inspections will be performed by a representative of the Division unless the manufacturer contracts to have the inspections performed by:

- (a) A government agency; or
- (b) A private agency,

↳ approved by the Administrator to perform such inspections.

*3. If the Division, or a government agency or private agency approved by the Administrator to perform inspections, finds, for a manufacturer, an unusually high number of instances in which a unit of factory-built housing, manufactured building or modular component does not comply with approved plans or specifications, the Division may order an increased number of inspections to ensure compliance with the approved plan and specifications.*

**Sec. 3.** Chapter 489 of NAC is hereby amended by adding thereto the provisions set forth as sections 4 to 10, inclusive, of this regulation.

**Sec. 4.** *“New manufactured home distributor” 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 engage in the business of sale or distribution of new manufactured homes to licensed dealers for the purpose of resale; and*
- 3. Is engaged in the business of sale or distribution of new manufactured homes to licensed dealers for the purpose of resale.*

**Sec. 5.** *“Used manufactured home distributor” means any person who is:*

- 1. Licensed as a used manufactured home distributor pursuant to this chapter and chapter 489 of NRS; and*
- 2. Engaged in the business of purchasing used manufactured homes for the purpose of distributing used manufactured homes to licensed dealers for the purpose of resale.*

**Sec. 6.** *“Distance education” means instruction that is delivered by video, computer, television, correspondence, the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the student receiving the instruction are separated by distance or by time, or by both distance and time.*

**Sec. 7. 1.** *A course for dealers, responsible managing employees or salespersons must contain:*

*(a) Current information relevant to the business of dealers, responsible managing employees and salespersons which will improve the professional knowledge of the dealer, responsible managing employee or salesperson and enable the dealer, responsible managing employee or salesperson to give better service to the public.*

*(b) Information that relates to the provisions of this chapter and chapter 489 of NRS which pertain to dealers, responsible managing employees or salespersons.*

**2.** *The Administrator considers courses approved by the Administrator in the following areas to be acceptable for continuing education:*

*(a) Ethics of selling manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing;*

*(b) The preparation of contracts for the purchase, sale, lease or rental of manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing;*

*(c) The dealer’s report of sale;*

*(d) The transfer of title to manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing;*

*(e) Listing agreements;*

- (f) The Nevada Fair Housing Law as set forth in chapter 118 of NRS;*
- (g) The Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq.;*
- (h) Legislative issues which concern the Division or dealers, responsible managing employees or salespersons, including, without limitation, pending and recent legislation;*
- (i) The administration of laws and regulations pertaining to manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing, including, without limitation, licensing and enforcement; and*
- (j) A course approved by the Real Estate Division of the Department, including, without limitation, a course in broker management, the ethics of selling real estate or fair housing.*

**Sec. 8. 1.** *A course for general servicepersons or specialty servicepersons must contain current information relevant to the business of general servicepersons or specialty servicepersons which will improve the professional knowledge of the general serviceperson or specialty serviceperson and enable the general serviceperson or specialty serviceperson to give better service to the public.*

**2.** *The Administrator considers courses approved by the Administrator in the following areas to be acceptable for continuing education:*

*(a) The most recent adopted version of 24 C.F.R Part 3280, Manufactured Home Construction and Safety Standards;*

*(b) The Nevada Manufactured Home, Mobile Home and Commercial Coach Installation Standards, adopted by reference in NAC 489.416; and*

*(c) The provisions of this chapter and chapter 489 of NRS.*

**Sec. 9. 1.** *A person seeking approval of a distance education course must submit an application for approval of the course pursuant to NAC 489.626 and demonstrate to the*

*satisfaction of the Administrator that the proposed distance education course satisfies the following requirements:*

*(a) The course must be designed to ensure that students actively participate in the instructional process by utilizing techniques which require substantial interaction with the instructor, other students or a computer program. If the subject matter of the course is such that the learning objectives for the course cannot be reasonably accomplished without direct interaction between the instructor and the students, the course design must provide for such interaction.*

*(b) If the course does not provide students with the opportunity for continuous audio and visual communication with the instructor during the presentation of the course, the course must utilize testing and remedial processes appropriate to ensure mastery of the subject matter of the course by the students.*

*(c) If the course involves self-paced study, the course must be designed so that the time required for a student of average ability to complete the course is within the number of hours for which the course is approved and the sponsor of the course shall utilize a system which ensures that students have actually performed all tasks designed to ensure participation and mastery of the subject matter of the course by the students.*

*(d) The proposed methods of instruction used in the course must be appropriate to the proposed learning objectives of the course, and the scope and depth of the instructional materials must be consistent with the proposed learning objectives.*

*(e) The sponsor of the course shall provide appropriate technical support to enable students to complete the course satisfactorily.*



*(f) An approved instructor must be reasonably available to respond timely to questions asked by students concerning the subject matter of the course and to direct students to additional sources of information. For the purposes of this paragraph, a response by an approved instructor shall be deemed timely if the response is made within 2 business days after the question is submitted.*

*(g) The sponsor of the course shall provide students with an orientation or information package which contains all information that the Division requires to be provided to students and all necessary information about the course, including, without limitation, information concerning fees and refund policies, subject matter and learning objectives, procedures and requirements for satisfactory completion, any special requirements with regard to computer hardware and software or other equipment, and instructor and technical support. The sponsor shall make available to students technical support relating to the use of any computer hardware or software, or other equipment or technology needed to complete the course.*

*(h) The sponsor of the course shall utilize procedures which reasonably ensure that a student who receives credit for completing the course actually performed all the work required to complete the course. If the course involves independent study by students, such procedures must include, without limitation, the opportunity for direct contact by the sponsor with the student at the student's home or business via the telephone or electronic mail and a signed statement by the student certifying that the student personally completed all course work. The sponsor shall retain such signed statements and records of student contact together with all other course records the sponsor must maintain.*

*2. In addition to the information required pursuant to NAC 489.626, a sponsor seeking approval of a computer-based distance education course must submit to the Administrator a*

*complete copy of the course in the medium to be used and, if requested by the Administrator, must make available, at a date and time satisfactory to the Administrator and at the sponsor's expense, all equipment and software necessary to enable the Administrator to review the course. In the case of an Internet-based course, the sponsor seeking approval of the course must provide the Administrator with access to the course via the Internet at no charge at a date and time satisfactory to the Administrator.*

**Sec. 10.** *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:*

- 1. Hold a limited lien resale license issued by the Division pursuant to NAC 489.775; and*
- 2. Obtain a limited lien resale permit from the Division pursuant to NAC 489.780.*

**Sec. 11.** 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 489.036 to 489.155, inclusive, and NAC 489.015 to 489.165, inclusive, *and sections 4 and 5 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 12.** NAC 489.303 is hereby amended to read as follows:

489.303 1. A person who wishes to renew or reinstate a *dealer's, responsible managing employee's, salesperson's*, general ~~[serviceman's]~~ *serviceperson's* or specialty ~~[serviceman's]~~ *serviceperson's* license issued by the Division pursuant to chapter 489 of NRS must provide the Division with proof that he has completed the required number of hours of continuing education as set forth in NRS 489.323.

2. The holder of a *dealer's, responsible managing employee's, salesperson's*, general ~~[serviceman's]~~ *serviceperson's* or specialty ~~[serviceman's]~~ *serviceperson's* license issued by the

Division pursuant to chapter 489 of NRS may submit a written petition to the Administrator for an extension of time in which to comply with the requirements for continuing education. The Administrator may grant an extension if he finds that the holder of the license has a severe hardship resulting from circumstances beyond his control which have prevented him from complying with the requirements.

**Sec. 13.** 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, *distributor*, manufacturer, general ~~{serviceman}~~ *serviceperson* or specialty ~~{serviceman}~~ *serviceperson* 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}~~ *Verifiable evidence that the applicant has been employed in the occupation for which the applicant wishes to obtain a license for not less than 2 years within the immediately preceding 5 years* or *that the applicant has* other *related* 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 *or a new manufactured home distributor'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 *or a used manufactured home distributor'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, *or a distributor's license* must submit a letter of 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 \$200,000 from that institution for the flooring of manufactured homes, 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, *distributor's, manufacturer's*, general ~~{serviceman's}~~ *serviceperson's* or specialty ~~{serviceman's}~~ *serviceperson'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. 14.** NAC 489.347 is hereby amended to read as follows:

489.347 An applicant for the renewal of the dealer's, *distributor's*, general ~~{serviceman's}~~ *serviceperson's* or specialty ~~{serviceman's}~~ *serviceperson'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. 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. 15.** 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:

(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) <i>Biennially, for a license as a distributor</i> .....	<i>600</i>
<i>For each additional officer or partner</i> .....	<i>150</i>
<i>Biennially, for each branch office</i> .....	<i>150</i>
(c) Biennially, for a license as a limited dealer authorized to act as a repossessor or liquidator.....	200
<del>(e)</del> (d) Biennially, to do business as a manufacturer of manufactured homes, mobile homes, commercial coaches, travel trailers, manufactured buildings or factory-built housing .....	750
For each additional officer or partner .....	150
<del>(d)</del> (e) Biennially, for a general <del>[serviceman's]</del> <i>serviceperson's</i> or specialty <del>[serviceman's]</del> <i>serviceperson's</i> license .....	200
For each additional officer or partner .....	150
Biennially, for each branch office .....	150
<del>(e)</del> (f) Biennially, for a license as a <del>[salesman]</del> <i>salesperson</i> of manufactured .....	100

homes, mobile homes, commercial coaches, manufactured buildings or  
 factory-built housing .....

~~[(g)]~~ **(g)** Biennially, for a responsible managing employee’s license..... 150  
~~[(g)]~~ **(h)** For each examination of an applicant for a license..... 50  
~~[(h)]~~ **(i)** For a change of address by a licensee ..... 50  
~~[(j)]~~ **(j)** For a change of name by a licensee ..... 50  
~~[(k)]~~ **(k)** 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. 16.** 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 partner ..... 100  
     For each branch office ..... 100

2. *As a distributor* ..... **\$400**



<i>For each additional officer or partner</i> .....	<i>100</i>
<i>For each branch office</i> .....	<i>100</i>
3. As a limited dealer authorized to act as reposessor or liquidator .....	\$100
<del>[3.]</del> 4. To do business as a manufacturer of manufactured homes, mobile homes, commercial coaches, travel trailers, manufactured buildings or factory-built housing .....	\$500
<del>[4.]</del> 5. As a general <del>[serviceman]</del> <i>serviceperson</i> or specialty <del>[serviceman]</del> <i>serviceperson</i> .....	\$100
For each additional officer or partner .....	100
For each branch office .....	100
<del>[5.]</del> 6. As a <del>[salesman]</del> <i>salesperson</i> of manufactured homes, mobile homes, commercial coaches, manufactured buildings or factory-built housing .....	\$25
<del>[6.]</del> 7. As a responsible managing employee.....	\$100

**Sec. 17.** NAC 489.610 is hereby amended to read as follows:

489.610 As used in NAC 489.610 to 489.662, inclusive, *and sections 6 to 9, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 489.614 to 489.622, inclusive, *and section 6 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 18.** NAC 489.630 is hereby amended to read as follows:

489.630 The Administrator will consider, without limitation, the following criteria in determining whether to approve a course:

1. Whether the course consists of at least ~~[4]~~ *3* hours of *distance education or* instruction ~~[.]~~ *in a classroom.*

2. ~~[[The]]~~ *For a course of instruction in a classroom, the* willingness of the sponsor or instructor of the course to ~~[[certify to]]~~ :

(a) *Certify* the attendance of persons ~~[[at]]~~ *who take* the course.

~~[[3.—The willingness of the sponsor or instructor of the course to maintain]]~~

(b) *Maintain* for ~~[[5]]~~ 4 years a record of attendance which contains:

~~[[a]]~~ (1) The name, address and number of the student's license issued by the Division;

~~[[b]]~~ (2) The name of the instructor of the course;

~~[[c]]~~ (3) The title and description of the course; and

~~[[d]]~~ (4) The hours of instruction attended and dates of attendance.

~~[[4.—The willingness of the sponsor of the course to ensure]]~~

(c) *Ensure* that an approved instructor will preside throughout the course.

~~[[5.—If the]]~~

3. *For a course* ~~[[is offered by correspondence or videotape,]]~~ *of distance education, whether the course satisfies the requirements of section 9 of this regulation and* whether the sponsor will:

(a) ~~[[Administer an open book]]~~ *Require each student to:*

(1) *Take a closed-book* final examination ~~[[;]]~~ *which is:*

(I) *Proctored by a person who is approved by the Administrator and who is present at a location designated by the sponsor in its application for approval filed with the Administrator; or*

(II) *Taken by a student using a secure electronic method acceptable to the Administrator;*

(2) *Receive a score of at least 75 percent on the final examination to pass the course;*

*(3) Prove his or her identity before the student is allowed to take any examination;*

*(4) Complete an entire course to receive credit for taking the course; and*

*(5) Complete each course within an established minimum and maximum time.*

(b) Administer at least one examination or evaluation during the course in addition to the final examination . ~~[; and]~~

(c) Establish *and publish* a policy for retaking an examination which a student fails.

~~[6.]~~ *(d) Give credit for only the number of hours for which the course has been approved by the Division to a student who has completed the course.*

*(e) Maintain for at least 4 years a record of completion of the course which contains the following information with respect to each student who has taken the course for credit:*

*(1) The name of the student who completes the course and the number of the student's license.*

*(2) The title and number of the course.*

*(3) A statement that the student has successfully completed the course which includes, without limitation, the date that the course was completed and the number of hours completed.*

4. If a course is presented by ~~[videotape.]~~ *distance education*, whether the sponsor will provide an instructor approved by the Administrator at the place where the course is offered.

~~[7.]~~ 5. If the sponsor or instructor of the course is licensed by the Division, whether his license is in good standing, as determined by the Administrator.

*6. If the course is for dealers, responsible managing employees or salespersons, whether the course satisfies the requirements of section 7 of this regulation.*

*7. If the course is for general servicepersons or specialty servicepersons, whether the course satisfies the requirements of section 8 of this regulation.*

**Sec. 19.** NAC 489.662 is hereby amended to read as follows:

489.662 1. An instructor approved by the Administrator *who is teaching a course in a classroom* shall not issue a certificate of completion to any student who ~~has~~:

(a) *Has* not attended the required number of hours of instruction for the course ~~is~~;

(b) *Did not direct his or her attention to the instruction being provided and refrain from engaging in activities unrelated to the instruction; or*

(c) *Did not refrain from engaging in activities which are distracting to the other students in the course or the instructor or which otherwise disrupt the orderly conduct of the course, including, without limitation, the use of a voice pager, beeper or cellular telephone.*

2. *If an instructor does not issue a certificate of completion to a student pursuant to subsection 1, the student may, within 30 days after the instructor refused to issue the certificate, file a written request with the Administrator to review the matter. If the written request contains allegations which, if true, would qualify the student to receive a certificate of completion, the Administrator shall set the matter for an informal hearing before the Administrator to be conducted as soon as practicable.*

3. As used in this section, “hour of instruction” means 50 minutes of instruction or more.

**Sec. 20.** NAC 489.750 is hereby amended to read as follows:

489.750 As used in NAC 489.750 to 489.790, inclusive, *and section 10 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 489.755 to 489.770, inclusive, have the meanings ascribed to them in those sections.

**Sec. 21.** NAC 489.760 is hereby amended to read as follows:

489.760 “Licensee” means a landlord or manager of a mobile home park to whom a limited *lien* resale license is issued by the Division pursuant to NAC ~~489.780.~~ **489.775.**

**Sec. 22.** NAC 489.775 is hereby amended to read as follows:

489.775 1. ~~[Before a]~~ A landlord or manager of a mobile home park may ~~[sell a used mobile home or manufactured home, the landlord or manager must]~~ obtain a limited *lien* resale license ~~[from the Division. The license may be obtained]~~ by applying to the Division 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 \$50;

(b) A copy of the business license issued for the mobile home park where the used mobile home or manufactured home to which the limited *lien* resale license will apply is located; ~~[and]~~

(c) *The statement described in NRS 489.342; and*

(d) 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.

2. ~~[Except as otherwise provided in subsection 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 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.]~~ *Upon receipt of an application for a limited lien resale license and the fee and documents required by subsection 1, the Division will approve the application*

*and issue to the applicant a limited lien resale license. A limited lien resale license is valid for 2 years after the date of issuance.*

*3. Not later than 30 days before the expiration of a limited lien resale license, the Division will send to the licensee notice of the expiration of the license. To renew the license, the licensee must submit to the Division on or before the date on which the license expires:*

*(a) An application for renewal;*

*(b) A fee of \$50;*

*(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 lien resale license will apply is located; and*

*(d) The statement described in NRS 489.342.*

*↳ Upon receipt of the application, the fee and the other information required pursuant to this subsection, the Division will renew the license of the licensee for a period of 2 years.*

*4. If a landlord or manager of a mobile home park has applied for or holds a limited **lien** 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.*

*5. 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 lien resale license, the landlord shall, as soon as practicable, provide written notice of the termination to the Division and the application or the license of the manager becomes invalid.*

**Sec. 23.** NAC 489.780 is hereby amended to read as follows:

489.780 1. *A limited lien resale permit may be obtained by applying to the Division on a form supplied by the Division. In addition to completing the application, the applicant must submit with the application:*

*(a) A fee of \$35;*

*(b) A copy of the certificate of title or certificate of ownership of the used mobile home or manufactured home, which is issued in the name of the applicant;*

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

*(d) Any other information deemed necessary by the Division.*

2. Upon receipt of an application for a limited *lien* resale ~~[license,]~~ *permit and the documents and the* fee required by ~~[NAC 489.775 and any other information required by the Division,]~~ *subsection 1*, the Division will approve the application and issue to the applicant a limited *lien* 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.]~~ *permit.*

3. A limited *lien* resale ~~[license]~~ *permit* 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]~~ *permit* and for which the applicant submitted:

(a) A copy of the certificate of title or certificate of ownership of the used mobile home or manufactured home ~~[;]~~, *which is issued in the name of the applicant;*

(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.]~~ 4. 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 *lien* resale ~~[license,]~~ *permit*, the landlord shall, as soon as practicable, provide written notice of the termination to the Division and the application or ~~[license]~~ *permit* of the manager becomes invalid.

**Sec. 24.** NAC 489.785 is hereby amended to read as follows:

489.785 1. A landlord of a mobile home park shall maintain a permanent record of each sale of a used mobile home or manufactured home located in the mobile home park that is authorized pursuant to a limited *lien* resale ~~[license,]~~ *permit*. The record must include:

(a) A copy of the certificate of title or certificate of ownership of the used mobile home or manufactured home ~~[;]~~ *that is issued in the name of the mobile home park;*

(b) A copy of the purchase agreement;

(c) A copy of any financing agreement related to the sale;

(d) The date on which the landlord received the money from the sale and the name of the person from whom the landlord received the money;

(e) The date of deposit of the money received from the sale into an account in a financial institution and the dates of any withdrawals of that money from that account; and

(f) Any other pertinent information concerning the sale.

2. The records maintained pursuant to subsection 1 must be made available at reasonable times for audit or inspection by the Administrator or his agent.

**Sec. 25.** NAC 489.790 is hereby amended to read as follows:

489.790 1. A licensee shall use the form of purchase contract prescribed by the Division ~~[pursuant to NRS 489.7152]~~ for the sale of ~~[a]~~ *the* used mobile home or manufactured home ~~[by~~



~~the licensee.] which is identified in the permit issued for the used mobile home or manufactured home pursuant to NAC 489.780.~~

2. The sale of a used mobile home or manufactured home by a licensee must comply with the provisions of NRS 108.265 to ~~[108.360,]~~ **108.367**, inclusive.

~~[3. — A landlord of a mobile home park is subject to the provisions of NRS 489.751 for each sale of a used mobile home or manufactured home by a licensee.]~~

**Sec. 26.** NAC 489.634 and 489.648 are hereby repealed.

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### TEXT OF REPEALED SECTIONS

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**489.634 Contents of course. (NRS 489.231, 489.285)**

1. A course must include information relating to the provisions of:
  - (a) Chapter 489 of NRS;
  - (b) Chapter 489 of NAC; and
  - (c) The Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq.).
2. A course may include information relating to:
  - (a) Manufactured housing or mobile home parks which will enable a person to give better service to the members of the general public and tenants of mobile home parks.
  - (b) The construction, including components and accessories, rebuilding, servicing, installation or sale of manufactured homes, mobile homes and commercial coaches.

(c) Legislative issues concerning manufactured housing and mobile home parks, including pending and recently enacted state or federal legislation.

**489.648 Sponsors and instructors: Offering of course by correspondence or videotape.**

**(NRS 489.231, 489.285)** A sponsor or instructor who offers a course by correspondence or videotape shall require each student to:

1. Take an open-book final examination with a proctor present at a location as designated by the sponsor in its application for approval filed with the Administrator;
2. Take at least one examination during the course in addition to the final examination;
3. Prove his identity before he is allowed to take any examination; and
4. Complete the course within the period required by the Administrator.