

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

LCB File No. R113-97

September 3, 1997

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

AUTHORITY: §§ 1-17, Section 5 of chapter 594, Statutes of Nevada 1997.

Section 1. NAC 489.015 is hereby amended to read as follows:

489.015 “Advertising” means any attempt by publication, dissemination, solicitation or circulation that:

1. Offers title to or any interest in a manufactured home, mobile home, commercial coach or travel trailer;
2. Causes, directly or indirectly, any person to acquire title to or any interest in a manufactured home, mobile home, commercial coach or travel trailer;
3. Solicits repairs or installing service for manufactured homes, mobile homes or commercial coaches;
4. Offers a course of [**initial or**] continuing education to members of the general public; or

5. Causes, directly or indirectly, any person to enroll in or attend a course of [initial or] continuing education.

Sec. 2. NAC 489.303 is hereby amended to read as follows:

489.303 1. [A person who applies for a license issued by the division pursuant to chapter 489 of NRS must provide the division with proof that he has complied with the requirements set forth in paragraph (a) of subsection 1 of NRS 489.346.

2.] A person who wishes to renew or reactivate [a] *an installer's, rebuilder's or serviceman's* license issued by the division pursuant to chapter 489 of NRS must provide the division with proof that he has [complied with the requirements set forth in paragraph (b) of subsection 1 of NRS 489.346.

3.] *completed the required number of hours of continuing education approved by the division pursuant to section 5 of chapter 594, Statutes of Nevada 1997.*

2. The holder of [a] *an installer's, rebuilder's or serviceman'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. 3. NAC 489.614 is hereby amended to read as follows:

489.614 “Course” means a course of [initial or] continuing education required by [NRS 489.286.] *the division pursuant to section 5 of chapter 594, Statutes of Nevada 1997.*

Sec. 4. NAC 489.622 is hereby amended to read as follows:

489.622 “Sponsor” means any person, business, school or organization which is approved by the administrator to act as surety for an *approved* instructor of a course.

Sec. 5. NAC 489.626 is hereby amended to read as follows:

489.626 1. An application for approval of a sponsor, instructor or course must include:

(a) The name and address of the person, business, school or organization offering the course;

(b) The type of business, school or organization;

(c) The name of the owner of the business, school or organization and the name and address of each director, principal, officer and any other person who has a financial interest in that business, school or organization;

(d) The name and resume of the instructor of the course;

(e) An outline of the course;

(f) The amount of time allocated for each subject included in the course;

(g) The title, author and publisher of each textbook, if any, required for the course;

(h) *A copy of the form that will be used to evaluate the course upon its conclusion;*

(i) A statement of:

- (1) The purpose of the course;
 - (2) The fee for the course;
 - (3) The number of examinations, if any;
 - (4) The grading system, if any, including the method of testing and standards of grading;
 - (5) The requirements for attendance; and
 - (6) The location where records of the students will be maintained; and
- [(i)] (j) A copy of each examination, if any, for the course and the correct answer for each question.

2. The administrator will, within 30 days after he receives an application, approve or deny it and give written notice of his decision to the applicant by certified mail. *If the application is approved, the administrator will include in the written notice an identification number for the course.*

Sec. 6. NAC 489.628 is hereby amended to read as follows:

489.628 1. The administrator will not approve an instructor for a course unless he is of good moral character and, except as otherwise provided in subsection 2:

- (a) Holds a bachelor's degree or graduate degree in the area of instruction;
- (b) Teaches at a college or university within the University and Community College System of Nevada or any other accredited college or university in the area of instruction;
- (c) Is approved by the real estate division of the department of business and industry to teach courses relating to real estate; *or*

(d) Has at least 5 years of full-time experience, other than clerical experience, in the area of instruction . [; or

(e) Has at least 3 years of full-time experience as a teacher in a school which offers education to adults.]

2. The administrator may approve an employee of the division or any other person as an instructor of a course if the administrator is satisfied that he has the knowledge and experience required to teach that course.

Sec. 7. 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 [3] 4 hours of instruction.
2. The willingness of the sponsor or instructor of the course to certify to the attendance of persons at the course.
3. The willingness of the sponsor or instructor *of the course* to maintain for 5 years a record of attendance which contains:
 - (a) The name, address and [, if applicable,] number of the student's license issued by the division;
 - (b) The name of the instructor of the course;
 - (c) The title and description of the course; and
 - (d) The hours of instruction attended and dates of attendance.

4. The willingness of the sponsor of the course to ensure that an approved instructor will preside throughout the course.

5. If the course is offered by correspondence or videotape, whether the sponsor will:

(a) Administer an open-book final examination;

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

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

6. If a course is presented by videotape, whether the sponsor will provide an instructor approved by the administrator at the place where the course is offered.

7. 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.

Sec. 8. NAC 489.632 is hereby amended to read as follows:

489.632 The administrator [**will**] *may* approve a course offered by:

1. The University and Community College System of Nevada or other university or college which has the same or equivalent accreditation; or

2. Any community college within the University and Community College System of Nevada.

Sec. 9. NAC 489.634 is hereby amended to read as follows:

489.634 *1.* A course [**of initial education**] must include information relating to the provisions of:

[**1.**] (*a*) Chapter 489 of NRS;

[2.] (b) Chapter 489 of NAC; and

[3.] (c) The Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq.).

2. *A course of continuing education 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.*

Sec. 10. NAC 489.638 is hereby amended to read as follows:

489.638 1. Approval for each instructor, sponsor or course must be renewed annually by submitting to the administrator before the period of approval expires:

(a) An application on a form prescribed by the division;

(b) A certificate, on a form prescribed by the division, signed by the applicant, under penalty of perjury, declaring that the applicant has complied with the requirements of NAC 489.610 to 489.662, inclusive; and

(c) The fee prescribed in NAC 489.640.

2. An applicant who submits an application for renewal of approval after the period of approval expires must pay the fee prescribed for an original application for approval pursuant to NAC 489.640.

3. *If an instructor or sponsor who submits an application for renewal of approval is licensed by the division, he must have maintained his license in good standing, as determined by the administrator.*

4. The administrator will, within 30 days after he receives an application for renewal, approve or deny it and give written notice of his decision to the applicant by certified mail.

Sec. 11. NAC 489.644 is hereby amended to read as follows:

489.644 1. The administrator may withdraw his approval of an instructor, sponsor or course if he finds that:

(a) The quality of the instruction is unsatisfactory; or

(b) The instructor or sponsor has violated any of the provisions of NAC 489.610 to 489.662, inclusive.

2. If the administrator withdraws his approval of an instructor, sponsor or course, he will send, by certified mail, a written notice to the instructor or sponsor. The notice will include the reason for his withdrawal of approval.

3. The instructor or sponsor may request a hearing if he sends a written request for a hearing to the administrator within 20 days after he receives the notice from the administrator.

4. The administrator will hold the hearing within [20] 45 days after the request for a hearing is submitted to him.

5. The administrator will, within 20 days after the hearing, send, by certified mail, written notice of his decision to the instructor or sponsor.

6. The decision of the administrator is a final decision for the purpose of judicial review.

Sec. 12. NAC 489.646 is hereby amended to read as follows:

489.646 Each sponsor or instructor who is approved by the administrator shall:

1. Maintain a record of each student's attendance and completion of the course for 5 years after the course is offered.
2. Make the records described in subsection 1 available for inspection by the division.
3. Within 15 days after the occurrence of any change in the information included in his application, notify the division, in writing, of that change.
4. Provide, upon the request of a student, proof of attendance and a copy of his certificate of completion.
5. Send written notice to the administrator at least 30 days before the course is offered.

The notice must include the *identification number for the course assigned by the division and the* date, time and location of the course.

Sec. 13. NAC 489.650 is hereby amended to read as follows:

489.650 1. Each instructor shall, at the completion of a course, require each student to complete a written evaluation of the course. The [division will provide the] form for the evaluation [.] *must be approved by the division.*

2. The instructor shall keep the evaluations for at least 5 years and make them available for examination by the division.

3. An instructor shall allow the administrator or his representative to attend a course to evaluate the course.

Sec. 14. NAC 489.656 is hereby amended to read as follows:

489.656 1. An instructor or sponsor shall not make any misrepresentation in the advertisement of any course offered pursuant to NAC 489.610 to 489.662, inclusive.

2. Each advertisement or form for registration for a course must include:

(a) A statement that the course, instructor and, if applicable, sponsor are approved by the administrator;

(b) The number of hours of credit for the course; **[and]**

(c) *The identification number for the course assigned by the division; and*

(d) Information concerning the cancellation of the course and the refunding of the fee for the course.

Sec. 15. NAC 489.658 is hereby amended to read as follows:

489.658 Each course approved by the administrator must include in the materials required for the course:

1. A statement that the course is approved by the administrator ; **[for initial or continuing education;]**

2. A statement of the number of hours of credit for the course; and

3. The **[sponsor's]** *identification number for the course* assigned by the division.

Sec. 16. NAC 489.660 is hereby amended to read as follows:

489.660 Each certificate of completion must include:

1. The name, address and [, if applicable,] number of the student's license issued by the division;
2. The name of the sponsor;
3. The name of the instructor of the course;
4. The name and number of the course;
5. The number of hours of instruction completed; and
6. The date the course was completed.

Sec. 17. NAC 489.636 is hereby repealed.

TEXT OF REPEALED SECTION

489.636 Contents of course of continuing education. A course of continuing education may include information relating to:

1. 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.
2. The construction, including components and accessories, rebuilding, servicing, installation or sale of manufactured homes, mobile homes and commercial coaches.

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

4. The personal development of the student, including training in leadership, communication and such other skills which the administrator may deem appropriate.