

SENATE BILL NO. 1008

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time February 25, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

5229S.01I

AN ACT

To repeal sections 700.650, 700.653, 700.656, 700.659, 700.665, 700.668, 700.674, 700.683, 700.686, and 700.689, RSMo, and to enact in lieu thereof eleven new section relating to expanding the manufactured home installation act to include modular unit installations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 700.650, 700.653, 700.656, 700.659, 700.665, 700.668, 2 700.674, 700.683, 700.686, and 700.689, RSMo, are repealed and eleven new 3 sections enacted in lieu thereof, to be known as sections 700.650, 700.653, 4 700.656, 700.657, 700.659, 700.665, 700.668, 700.674, 700.683, 700.686, and 5 700.689, to read as follows:

700.650. 1. Sections 700.650 to 700.692 shall be known and may be cited 2 as the "Manufactured Home Installation Act".

3 2. For the purposes of sections 700.650 to 700.692, the following terms 4 shall mean:

5 (1) "Applicant", a person who applies to the commission for a license or 6 limited-use license to install manufactured homes **or modular units**;

7 (2) "Commission", the Missouri public service commission;

8 (3) "Dealer", any person, other than a manufacturer, who sells or offers 9 for sale four or more used **manufactured** homes or one or more new 10 manufactured homes, or one or more new modular units in any consecutive 11 twelve-month period;

12 (4) "Installation", work undertaken at the place of occupancy to ensure the 13 proper initial setup of a manufactured home **or a modular unit** which shall 14 include the joining of all sections of the home, installation of stabilization, 15 support, and leveling systems, assembly of multiple or expanded units, and

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 installation of applicable utility hookups and anchoring systems that render the
17 home fit for habitation;

18 (5) "Installation standards", reasonable specifications for the installation
19 of a manufactured home **or a modular unit**;

20 (6) "Installer", an individual who is licensed by the commission to install
21 manufactured homes **or modular units**, pursuant to sections 700.650 to 700.692;

22 (7) "Manufactured home", a manufactured home as that term is defined
23 in subdivision (6) of section 700.010;

24 (8) "Manufacturer", any person who manufactures manufactured homes
25 **or modular units**, including persons who engage in importing manufactured
26 homes **or modular units** for resale; [and]

27 (9) "Modular unit", a modular unit as that term is defined in
28 subdivision (8) of section 700.010;

29 (10) "New", being sold or offered for sale to the first purchaser
30 for purposes other than resale;

31 (11) "Person", an individual, partnership, corporation, or other legal
32 entity;

33 (12) "Premises", a lot, plot, or parcel of land including the
34 buildings, structures, and manufactured homes thereon;

35 (13) "Recreational park trailer", a recreational park trailer as
36 defined in the American National Standards Institute (ANSI) A119.5
37 Standard on Recreational Park Trailers. A recreational park trailer is
38 not a recreational vehicle;

39 (14) "Recreational vehicle", a recreational vehicle as defined in
40 the American National Standards Institute (ANSI) A119.2 Standard on
41 Recreational Vehicles;

42 (15) "Seal", a device, label, or insignia issued by the Public
43 Service Commission, U.S. Department of Housing and Urban
44 Development, or its agent, to be displayed on the exterior of the
45 manufactured home or modular unit to evidence compliance with the
46 code; and

47 (16) "Setup", the operations performed at the occupancy site
48 which renders a manufactured home or modular unit fit for habitation,
49 which operations include, but are not limited to, moving, blocking,
50 leveling, supporting, and assembling multiple or expandable units.

700.653. The commission shall implement a program, consistent with Title

2 VI of P.L. 106-569 and any federal regulations promulgated pursuant to that act,
3 to assure the proper installation of manufactured homes **and modular units** by
4 licensed installers. The program shall include the following components:

5 (1) Licensing of installers, including penalties for engaging in the business
6 of manufactured home **and modular unit** installation without a license from the
7 commission;

8 (2) Installation standards applicable to manufactured homes **and**
9 **modular units**;

10 (3) Inspection of a percentage of installed manufactured homes **and**
11 **modular units**; and

12 (4) A process to resolve disputes relating to the installation of
13 manufactured homes **and modular units**.

700.656. 1. No person shall engage in the business of installing
2 manufactured homes **or modular units** or hold himself or herself out as a
3 manufactured home **or modular unit** installer in this state unless such person
4 holds a valid installer license issued by the commission pursuant to sections
5 700.650 to 700.680.

6 2. The installer license obtained from the commission shall be the only
7 installer license required for installing manufactured homes **and modular units**
8 within this state. No political subdivision of this state may issue an installer
9 license or require additional professional licensure of installers already licensed
10 by the commission.

11 3. Manufactured home **and modular unit** dealers and manufactured
12 home **and modular unit** manufacturers who do not subcontract with a licensed
13 installer and who perform installations themselves or through direct agents or
14 employees shall have at least one agent or employee who is a licensed installer.

15 4. Any corporation, partnership, or other legal entity that performs
16 installation shall have at least one supervising agent who is a licensed installer.

17 5. A license to install manufactured homes **and modular units** is not
18 required for a person who installs a manufactured home **or a modular unit** on
19 his or her property for his or her own occupancy or who is a direct agent of a
20 licensee, working under the licensee's supervision and within the licensee's job
21 scope. The licensed installer is responsible for supervising all such agents for
22 their competent and proper performance.

700.657. **The installers of commercial and industrial**
2 **noneducational single section modular units as defined by the**

3 **commission shall be exempt from the installer licensing requirements**
4 **of this chapter.**

700.659. 1. The commission shall issue an installer license to an
2 applicant who:

3 (1) Files a written application with the commission on a form approved
4 by the commission;

5 (2) Is at least eighteen years old;

6 (3) Is of good moral character;

7 (4) Presents evidence that he or she has completed a training program
8 approved by the commission;

9 (5) Has attained a passing grade upon an examination, approved by the
10 commission, that is designed to test the skills necessary to properly perform as
11 an installer and to ascertain the adequacy of the applicant's knowledge of federal
12 and state laws applicable to manufactured home **and modular unit**
13 installation. The commission may establish what constitutes a passing grade for
14 the examination; and

15 (6) Pays all fees as required by sections 700.650 to 700.680 and by
16 commission rule.

17 2. In addition to fulfilling the requirements of subsection 1 of this section,
18 an applicant who is not an agent of a dealer or manufacturer shall obtain and
19 show proof of a certificate of insurance for workers' compensation coverage.

20 3. In addition to fulfilling the requirements of subsection 1 of this section,
21 an applicant who is an agent of a dealer or manufacturer shall show proof of
22 general liability insurance in an amount of at least three hundred thousand
23 dollars.

24 4. An installer license shall be valid for a period of time determined by
25 the commission, but not for less than one year, and it may be renewed
26 accordingly.

700.665. Upon payment of an applicable fee, the commission may issue a
2 limited-use installer license to an applicant not otherwise licensed pursuant to
3 sections 700.650 to 700.680 who already has installation experience but who has
4 not met the training and examination requirements for licensure. The
5 limited-use installer license shall allow the person to install manufactured homes
6 **and modular units** under the supervision of a person currently licensed
7 pursuant to sections 700.650 to 700.680. The limited-use license shall expire
8 when the commission issues an installer license to the applicant or if the

9 applicant fails to attain a passing grade on the examination. The commission
10 may renew an applicant's limited-use license one time.

700.668. 1. The commission shall mail a renewal notice to the last known
2 address of each installer licensee prior to the renewal date and shall establish
3 procedures and requirements, including proof of continuing education, for
4 renewing an installer license. The commission shall renew the license of a
5 licensee who fulfills these requirements before the expiration date of his or her
6 license and within a time period determined by the commission. The commission
7 shall deny renewal to a licensee who does not fulfill these requirements.

8 2. Within ten days of receiving notification, a licensee shall notify the
9 commission in writing of the cancellation, termination, or nonrenewal of any
10 workers' compensation coverage or general liability insurance required by section
11 700.659. The commission may suspend an installer license until the licensee
12 provides proof that the insurance coverage is restored.

13 3. Upon a licensee's written request, the commission may grant inactive
14 status to a licensee, if the person meets the licensing requirements in sections
15 700.650 to 700.680 and:

16 (1) Does not install manufactured homes **or modular units**, except as
17 allowed pursuant to section 700.659;

18 (2) Does not hold himself or herself out as an installer in the state of
19 Missouri; and

20 (3) Maintains continuing education requirements established by the
21 commission.

22 4. The commission may establish procedures and requirements for
23 reissuing an installer license that has lapsed, expired, or been suspended,
24 revoked, or placed on inactive status. The commission shall not reissue a license
25 more than two years after its expiration date.

700.674. No person licensed as an installer and no applicant shall:

2 (1) Obtain an installer license by fraud or misrepresentation;

3 (2) Be convicted of or found guilty of, or enter a plea of nolo contendere
4 to, regardless of adjudication, a crime in any jurisdiction that directly relates to
5 the business of performing or the ability to perform manufactured home **or**
6 **modular unit** installation;

7 (3) Violate any order of the commission;

8 (4) Commit misconduct, fraud, misrepresentation, or dishonesty in
9 installing manufactured homes **or modular units**;

10 (5) Commit gross negligence, repeated negligence, or negligence resulting
11 in a significant danger to life or property; or

12 (6) Commit violations of installation standards adopted by the commission
13 pursuant to section 700.683.

700.683. 1. The commission shall require installers to install homes in
2 accordance with the installation instructions provided by the manufacturer of the
3 manufactured home **or modular unit**. The instructions **for manufactured**
4 **homes** shall have been approved by the United States Department of Housing
5 and Urban Development or one of its authorized agents pursuant to the National
6 Manufactured Housing Construction and Safety Standards Act of 1974, as
7 amended. **Modular unit installations must be installed pursuant to the**
8 **approved manufacturer's installation instructions.**

9 2. The commission shall adopt uniform, reasonable standards for the
10 proper installation of manufactured homes **and modular units** in this state
11 including, but not limited to, standards for the foundation, supports, anchoring,
12 underpinning, and joining of the sections of the home. The standards shall
13 provide for physical engineering needed to appropriately install a manufactured
14 home **or modular unit** on a specific site.

15 3. Each licensed installer shall purchase installation decals from the
16 commission for a fee established by the commission. An installation decal shall
17 be affixed to the manufactured home **or a modular unit** upon completion of the
18 installation. The decal shall note the installer's license number and shall be
19 permanently affixed to the manufactured home **or modular unit** at a location
20 determined by the commission.

700.686. The commission shall conduct inspections of new manufactured
2 home **or modular unit** installations performed by licensed installers consistent
3 with standards adopted pursuant to section 700.683 and with requirements
4 established by the United States Department of Housing and Urban Development.

700.689. The commission shall implement a process, by rule, consistent
2 with Title VI of P.L. 106-569 and any federal regulations promulgated pursuant
3 to that act, to resolve disputes arising among manufacturers, dealers, and
4 installers of manufactured homes **and modular units** regarding responsibility
5 for correcting or repairing defects in manufactured homes **and modular units**
6 that are reported during the one-year period beginning on the date of
7 installation. The program shall provide for issuing appropriate orders.

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