

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

Manufactured housing installation standards act.

Sponsored by: Joint Corporations, Elections and Political  
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to manufactured housing; providing for the  
2 creation of a manufactured housing commission; specifying  
3 powers and duties; providing for installation standards;  
4 providing for administration and funding of the program;  
5 providing for registration of installers; specifying  
6 prohibited acts; providing penalties; specifying  
7 construction of the act; and providing for an effective  
8 date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 33-44-101 through 33-44-114 are  
13 created to read:

14

15

CHAPTER 44

## 1 MANUFACTURED HOUSING INSTALLATION STANDARDS

2

3 **33-44-101. Short title.**

4

5 This act shall be known and may be cited as the  
6 "Manufactured Housing Installation Standards Act".

7

8 **33-44-102. Definitions.**

9

10 (a) As used in this act:

11

12 (i) "Commission" means the manufactured housing  
13 commission;

14

15 (ii) "Director" means the director of the  
16 commission;

17

18 (iii) "Doing business in this state" means  
19 directly or indirectly engaging in, conducting the business  
20 of or acting in any capacity as a manufactured home  
21 installer for compensation within this state. "Doing  
22 business in this state" shall not include solely soliciting  
23 or advertising for business;

24

1           (iv) "Installation" means the placement of a new  
2 manufactured home on a permanent foundation system or  
3 temporary block set, including the supporting, blocking,  
4 leveling, securing, anchoring and connection of plumbing,  
5 heating, cooling and electrical systems and the multiple or  
6 expandable sections of the home. "Installation" shall not  
7 include site preparation;

8

9           (v) "Installer" means any person who performs the  
10 installation of a new manufactured home;

11

12           (vi) "Local building official" means any person  
13 employed by a county or municipality having training in  
14 building codes and in manufactured housing installation as  
15 developed or approved by the commission;

16

17           (vii) "New manufactured home" means a residential  
18 dwelling built off-site and and whose manufacture was done  
19 in accordance with the current Federal Manufactured Home  
20 Construction and Safety Standards Act;

21

**\*\*\* STAFF COMMENTS \*\*\***

22       **The definition above will be limited to just**  
23       **those manufactured homes built in accordance with**  
24       **the federal law as of the date this act is**  
25       **passed. It will not include any other structure**  
26       **or any structure built in accordance with law if**  
27       **amended.**

1

2 (viii) "Owner" means a person who holds the legal  
3 title of a new manufactured home, or if a new manufactured  
4 home is the subject of a conditional sale or mortgage  
5 agreement with an immediate right of possession vested in  
6 the conditional vendee or mortgagor, the conditional vendee  
7 or mortgagor;

8

9 (ix) "Permanent foundation system" means a system  
10 of supports, including piers, either partially or entirely  
11 below grade that is:

12

13 (A) Capable of transferring all design loads  
14 imposed by or upon the structure into soil or bedrock  
15 without failure;

16

17 (B) Protected from possible frost damage;  
18 and

19

20 (C) Constructed of concrete, metal, treated  
21 lumber or wood, or grouted masonry or other approved  
22 materials.

23

1           (x)       "Registered installer" means a new  
2 manufactured home installer who has met all the requirements  
3 of and has registered with the commission;  
4

5           (xi)      "Registration" means the document issued by  
6 the commission certifying that the person named thereon has  
7 fulfilled all requirements to be a registered manufactured  
8 home installer pursuant to this act;  
9

10          (xii)     "Retailer" means a person engaged wholly or  
11 in part in the business of selling new manufactured homes;  
12

13          (xiii)    "Temporary block set" means a set of  
14 piers which may be dry stack concrete block, adjustable  
15 metal piers on plastic pads, engineered system or other  
16 appropriate materials or system designed to temporarily  
17 support a manufactured home;  
18

19          (xiv)     "This act" means W.S. 33-44-101 through  
20 33-44-114.  
21

22           **33-44-103.           Manufactured housing commission;**  
23 **composition; compensation; assistance of attorney general.**  
24

1           (a)       There is created the manufactured housing  
2 commission.     The commission shall consist of five (5)  
3 members appointed by the governor for three (3) year terms.  
4 The initial board shall have two (2) members for three (3)  
5 years, two (2) members for two (2) years and one (1) member  
6 for one (1) year.   The governor may remove any commission  
7 member as provided in W.S. 9-1-202.   No person shall serve  
8 as a member of the commission for more than two (2)  
9 consecutive terms.   No more than one (1) commissioner shall  
10 be appointed from the same county.

11

12           (b)       Membership of the commission shall include one (1)  
13 member of the general public not involved in the  
14 manufactured housing industry, three (3) members who are  
15 registered installers and one (1) member who works in the  
16 manufactured housing industry but who is not a registered  
17 installer.     The members of the commission shall annually  
18 elect a chairman from among the members to preside at  
19 commission meetings.

20

21           (c)       Members of the commission shall receive no  
22 compensation but shall be reimbursed for per diem and  
23 travel expenses for attending meetings in the same manner

1 and amount as state employees under W.S. 9-3-102 and 9-3-  
2 103.

3

4 **33-44-104. Powers of the commission.**

5

6 (a) The commission shall:

7

8 (i) Establish procedures for receiving and  
9 reviewing applications for registration;

10

11 (ii) Grant, deny, suspend or revoke the  
12 registrations of new manufactured home installers in this  
13 state;

14

15 (iii) Issue to each registered installer a  
16 registration and pocket card in the size and form as it may  
17 prescribe by rule of the commission. The registration and  
18 card shall remain the property of the state and shall, upon  
19 expiration, suspension or revocation of the registration  
20 pursuant to this act, be returned immediately to the  
21 commission;

22

1           (iv)     Maintain for public inspection a registry  
2 of the names and addresses of persons registered under this  
3 act;

4  
5           (v)     Develop or approve standards relating to the  
6 necessary training, testing and other requirements of  
7 registered installers and inspectors;

8  
9           (vi)     Establish fees for applications,  
10 examinations, original registrations, renewals, changes of  
11 place of business, duplicates of registrations and pocket  
12 cards and for other purposes in accordance with this act;

13  
14           (vii)    Conduct investigations and hearings  
15 pursuant to the Wyoming Administrative Procedure Act;

16  
17           (viii)   Exercise such other powers and duties as  
18 are reasonably necessary to carry out this act, including  
19 the making of rules and regulations in accordance with the  
20 Wyoming Administrative Procedure Act.

21  
22           (b)     Subject to legislative appropriation, the  
23 commission may employ employees to assist in the discharge  
24 of the duties pursuant to this act.



1

2 (c) The commission shall retain application and  
3 disciplinary materials and other records pertaining to the  
4 grant, denial, revocation or suspension of registrations  
5 under this act.

6

**\*\*\* STAFF COMMENTS \*\*\***

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**The original proposal contained language that all files, records and property of the commission shall remain in the office. This language is uncommon and was removed from the draft bill.**

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(d) In addition to any other fees as may be established by the commission, the commission shall assess manufactured home manufacturers a fee of not more than one hundred dollars (\$100.00) per manufactured home shipped into Wyoming. It shall be unlawful for an installer to install any new manufactured home without verifying that the manufacturer has paid the fee required by this subsection. In addition to any other penalties or consequences, an installer who installs any new manufactured home without verifying that the manufacturer has paid a fee under this subsection shall be jointly liable for the required fee.

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**\*\*\* STAFF COMMENTS \*\*\***

**1). The original proposal contained language requiring the Department of Transportation to collect the fee. However, discussions with both the DOT and the Department of Revenue have indicated that the collection of the fee at a**

1 port of entry, and to a certain degree the  
2 collection of a fee on manufacturers of these  
3 homes in general, may be quite difficult.  
4

5 2). The last two sentences of the subsection (d)  
6 above, along with a change to W.S. 33-44-113(d)  
7 below, were added to allow for enforcement of the  
8 subsection.  
9

10 **33-44-105. Legal representation.**

11  
12 The attorney general shall act as legal advisor to the  
13 board and shall render legal assistance as may be necessary  
14 in enforcing and making effective the provisions of this  
15 act.

16 **\*\*\* STAFF COMMENTS \*\*\***

17 The original proposal for W.S. 33-44-105  
18 contained several provisions which were left out  
19 of the draft. These provisions dealt with the AG  
20 compelling attendance and receiving funding from  
21 the commission's account.  
22

23 **33-44-106. Manufactured housing commission account;**  
24 **creation.**

25  
26 All monies collected by the commission shall be deposited  
27 with the state treasurer who shall credit the money to a  
28 manufactured housing commission account. All monies  
29 credited to the account shall be expended only upon  
30 appropriation by the legislature to defray costs and  
31 expenses incurred in the administration of this act.

1 Disbursements from the account shall not exceed the monies  
2 credited to it.

3

4

**\*\*\* STAFF COMMENTS \*\*\***

5

Language was added to W.S. 33-44-106 to clarify  
6 who can spend the monies appropriated and for  
7 what purposes.

8

9

**\*\*\* STAFF COMMENTS \*\*\***

10

33-44-107 below was significantly changed to  
11 provide a few necessary procedures regarding  
12 application. As noted at the end of the section,  
13 this section applies only to those seeking to be  
14 come registered installers.

15

16

**33-44-107. Registration.**

17

18

(a) Each applicant for registration as a registered  
19 installer under this act shall:

20

21

(i) Be eighteen (18) years of age or older;

22

23

(ii) Provide proof of liability insurance in an  
24 amount of not less than one hundred thousand dollars  
25 (\$100,000.00), including the exclusions;

26

27

(iii) Provide to the commission a letter of  
28 credit, certificate of deposit or a surety bond of five

1 thousand dollars (\$5,000.00) as a condition of performance;  
2 and

3

4 (iv) Provide a certificate of completion of an  
5 installation education course and passing scores from an  
6 installation standards examination, both of which have been  
7 developed or approved by the commission.

8

9 (b) Each applicant for registration under this act  
10 shall make to the commission upon a form developed or  
11 approved by the commission a written application indicating  
12 that the applicant has met the requirements of subsection  
13 (a) of this section and any additional requirements as may  
14 be established by rule of the commission. The written  
15 application shall be accompanied by an application fee not  
16 to exceed two hundred fifty dollars (\$250.00).

17

**\*\*\* STAFF COMMENTS \*\*\***

18 The highlighted provision above was added to  
19 place a limitation on the amount that could be  
20 charged. However, W.S. 33-1-201(a)(ii) requires  
21 that fees be limited to cover costs unless  
22 specifically provided otherwise, so another  
23 option remains referencing this statute and  
24 leaving out any specific dollar amounts.

25

26 (c) An applicant who meets the requirements of  
27 subsection (a) of this section and any other requirements of  
28 the commission and who pays the required fee shall be issued

1 a registration as a registered installer. A registration  
2 issued pursuant to this section shall be valid for a period  
3 of three (3) years from the date of issuance unless  
4 voluntarily surrendered by the registered installer or  
5 suspended or revoked by the commission. A registration  
6 shall not be transferred or assigned to another person.

7  
8 (d) Prior to expiration of a registration issued  
9 pursuant to this act, a registered installer may renew his  
10 registration by making to the commission upon a form  
11 developed or approved by the commission a written renewal  
12 application and by paying a renewal application fee not to  
13 exceed two hundred fifty dollars (\$250.00). The commission  
14 may establish by rule an abbreviated or expedited process  
15 for reviewing renewal applications.

16 **\*\*\* STAFF COMMENTS \*\*\***

17 **Subsection (d) above was added to allow for**  
18 **renewal applications and an expedited review**  
19 **process. The highlighted provision also limits**  
20 **the renewal application fee. However, as noted**  
21 **on page 12, W.S. 33-44-201(a)(ii) limits the**  
22 **amount that may be charged, so it is possible to**  
23 **reference the statute and not include a specific**  
24 **dollar amount.**

25  
26 (e) If at any time there is a change in any of the  
27 information required for registration, the registered

1 installer shall notify the commission in writing within  
2 thirty (30) days from the date of the change.

3

4

**\*\*\* STAFF COMMENTS \*\*\***

5

**The provisions immediately above and 33-44-108  
6 and 109 below apply only to *installers*: there are  
7 no registration provisions which specifically  
8 deal with *inspectors*.**

9

10 **33-44-108. Exemptions from registration.**

11

12 (a) The following persons are not required to obtain a  
13 registration as a registered installer in the state:

14

15 (i) Persons employed by a registered installer  
16 and persons employed by a legal or commercial entity  
17 employing a registered installer when performing  
18 installation under the direct on-site supervision of the  
19 registered installer. The registered installer shall be  
20 responsible for supervising all employees and for the proper  
21 and competent performance of all employees working under his  
22 supervision;

23

24 (ii) An owner who installs his own new  
25 manufactured home.

26

1           **33-44-109. Nonresident registration.**

2

3           (a) In addition to meeting other requirements for  
4 registration under this act and prior to being issued a  
5 registration, a nonresident wanting to do business in this  
6 state as a registered installer shall file with the  
7 commission a designation in writing appointing the director  
8 to act as the nonresident's licensed agent upon whom all  
9 judicial and other process or legal notices directed to the  
10 nonresident may be served. The nonresident shall agree in  
11 the written designation that any lawful process against the  
12 nonresident which is served upon the director acting as the  
13 nonresident's appointed agent shall be of the same legal  
14 force and validity as if served directly upon the  
15 nonresident and that the authority shall continue in force  
16 so long as there exists any potential liability of the  
17 nonresident in this state.

18

19           (b) Service upon the director shall be equivalent to  
20 personal service upon the nonresident. Upon the receipt of  
21 any process or notice, the director shall mail a copy of  
22 the same by certified mail, return receipt requested, to  
23 the last known business address of the nonresident.

24

1           (c)       Copies of a designation made pursuant to  
2 subsection (a) of this section, when certified by the  
3 director, shall be received in evidence in any proceeding  
4 and shall be given the same force and effect as the  
5 original.

6  
7           (c) In addition to the designation required by  
8 subsection (a) of this section, no registration shall be  
9 issued to a nonresident until he has agreed in writing to  
10 abide by all the provisions of this act with respect to his  
11 manufactured home installation activities within this state  
12 and to submit to the jurisdiction of the commission and  
13 this state. The agreement shall be filed with the  
14 commission and shall remain in force for so long as the  
15 nonresident holds a registration issued by this state and  
16 thereafter with respect to acts or omissions committed  
17 while holding a registration in this state as a nonresident  
18 registered installer.

19

20           **33-44-110. Nonresident permit by reciprocity.**

21

22 The commission may waive any requirements for a nonresident  
23 license applicant with a valid license from his home state,  
24 except the requirements imposed by W.S. 33-44-107(a)(i)



1 through (iii), if the applicant's home state awards  
2 nonresident licenses to residents of this state on the same  
3 basis.

4

5 **33-44-111. Standards; inspections.**

6

7 (a) Any installation of a new manufactured home in  
8 this state shall be performed in accordance with the  
9 applicable manufacturer's installation instructions. No  
10 agency or political subdivision of the state shall have any  
11 authority to establish or to continue in effect installation  
12 standards contrary to the manufacturer's installation  
13 instructions, provided that nothing in this act shall  
14 preclude an agency or political subdivision from enacting  
15 standards of installation for manufactured homes concerning  
16 unique public safety requirements, including restrictions  
17 for snow, wind resistance and seismic zones, or from  
18 requiring the design of a permanent foundation system by an  
19 engineer licensed in this state.

20

21 (b) Every new manufactured home installed in this  
22 state shall be inspected for compliance with this act and  
23 with the manufacturer's installation instructions.  
24 Inspection shall be made by a local building authority

1 official or by an independent inspector approved by the  
2 commission. The owner or installer of the new manufactured  
3 home shall provide the official or independent inspector  
4 with applicable manufacturer's installation instructions and  
5 specifications.

6

7 (c) If the installation of a manufactured home has  
8 failed the inspection conducted by the local building  
9 authority official or the independent inspector, the  
10 installer shall pay for any subsequent repairs necessary to  
11 bring the installation into compliance. Repairs required to  
12 bring the installation into compliance shall be completed  
13 within ninety (90) days after receipt of the inspection  
14 report unless the report shows eminent health and safety  
15 hazards which require immediate attention, in which case the  
16 subsequent repairs shall be completed as soon as reasonably  
17 possible.

18

19 (c) The installer shall pay for any subsequent  
20 inspections required by the local building authority or  
21 independent inspector. Failure of the installer to pay for  
22 any inspections or subsequent repairs deemed necessary by  
23 the local building authority or independent inspector shall

1 result in the forfeiture of the installer's performance bond  
2 to the owner of the manufactured home.

3

4 **33-44-112. Consumer complaints.**

5

6 If an installation or subsequent repair of an installation  
7 by an installer fails to meet the standards set forth in  
8 this act, a consumer may file a complaint with the  
9 manufactured housing commission. If after notice and  
10 opportunity for a hearing the commission finds the installer  
11 has failed to complete the installation to the  
12 manufacturer's specifications and has failed to correct the  
13 deficiencies, the commission shall revoke, suspend or refuse  
14 to renew the registration of the installer for failing to  
15 comply with this act.

16

17 **33-44-113. Prohibited acts.**

18

19 (a) On and after July 1, 2005, it is unlawful for any  
20 person to directly or indirectly engage in, do or conduct  
21 the business of or act in any capacity as a new manufactured  
22 home installer within this state without first registering  
23 with the state as required by this act.

24

1           (b) On and after July 1, 2005, it is unlawful for any  
2 retailer to fail to disclose the provisions of this act in  
3 writing to a person who purchases, leases, exchanges, rents  
4 or otherwise obtains for value an interest in a new  
5 manufactured home.

6  
7           (c) Any person who knowingly violates subsections (a)  
8 or (b) of this section shall be subject to a civil penalty  
9 of not more than five thousand dollars (\$5,000.00).

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**\*\*\* STAFF COMMENTS \*\*\***

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**The Subcommittee wanted to add that retailers shall disclose the provisions of this act. The provision above was added (along with a reference to the provision immediately below) to 1). require the disclosure and 2). afford the commission the authority to stop the retail sale of manufactured homes by retailers who do not comply.**

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(d) In addition to other remedies provided by law, whenever the commission has reasonable cause to believe that any person has engaged in, is engaging in, or is about to engage in any practice which is unlawful under subsections (a) or (b) of this section, or unlawful under W.S. 33-44-104(d), and that proceedings would be in the public interest, the commission may bring an action in the name of this state against such person to restrain by

1 temporary restraining order or preliminary or permanent  
2 injunction the practice. The notice shall state generally  
3 the relief sought and shall be served in accordance with  
4 the Wyoming Rules of Civil Procedure. Before commencing an  
5 action under this subsection, the commission shall give the  
6 person against whom proceedings are contemplated a  
7 reasonable opportunity to show why proceedings should not  
8 be instituted or the practice in question is not unlawful  
9 under subsections (a) or (b) of this section or W.S. 33-44-  
10 104(d).

11

12 (d) An action under subsection (c) of this section  
13 may be brought in the district court of the county in which  
14 the person resides or has his principal place of business  
15 or in which the manufactured home in question rests. The  
16 district court may issue temporary restraining orders or  
17 preliminary or permanent injunctions, in accordance with  
18 the principles of equity, to restrain and prevent  
19 violations of this act. The court may make additional  
20 orders or judgments as are necessary to compensate  
21 identifiable persons for actual damages or restoration of  
22 money or property, real or personal, which may have been  
23 acquired by or through the act or practice restrained.

24

1           **33-44-114. Construction of the act.**

2

3           (a) Nothing in this act shall be construed to prohibit  
4 a governmental entity from requiring a licensed electrician  
5 or heating, ventilating and air conditioning contractor to  
6 perform the final connections to services for any installed  
7 manufactured home.

8

9           (b) Nothing in this act applies to a park set  
10 installation of a manufactured home.

11                                   **\*\*\* STAFF COMMENTS \*\*\***

12           **The act does not provide a definition of a "park**  
13           **set installation."**

14

15           **Section 2.** This act is effective July 1, 2004.

16

17

(END)