

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 998 & 905

92ND GENERAL ASSEMBLY

Reported from the Committee on Pensions and General Laws, April 14, 2004, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3798S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 700, RSMo, by adding thereto sixteen new sections relating to regulating the installation of manufactured homes, with penalty provisions.

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

Section A. Chapter 700, RSMo, is amended by adding thereto sixteen new
2 sections, to be known as sections 700.600, 700.650, 700.653, 700.656, 700.659, 700.662,
3 700.665, 700.668, 700.671, 700.674, 700.677, 700.680, 700.683, 700.686, 700.689, and
4 700.692, to read as follows:

700.600. 1. As used in this section, the following terms mean:

2 **(1) "Manufactured home", the same meaning as provided in section**
3 **700.010, RSMo;**

4 **(2) "Manufactured or mobile home land lease community", any area, lot,**
5 **parcel, or tract held in common ownership and on which individual portions**
6 **of such area, lot, parcel, or tract are leased for the placement of**
7 **manufactured or mobile homes as a primary residence;**

8 **(3) "Mobile home", a residential building constructed or assembled in**
9 **a factory which is not certified pursuant to the federal Housing and Urban**
10 **Development (HUD) Code and which conforms to the American National**
11 **Standards Institute (ANSI) standards for mobile homes.**

12 **2. A landlord of a manufactured or mobile home land lease community**
13 **shall provide written notice to all of the community's tenants who own their**
14 **manufactured or mobile homes at least one hundred twenty days prior to**
15 **requiring such tenants to vacate the property due to a change in use of the**
16 **property. In cases where more than one hundred twenty days remain on a**
17 **current lease, the longer time period shall apply for purposes of providing**

18 notice pursuant to this section. The landlord shall not increase the rent,
19 except for a rent increase based solely on an increase in property taxes, for
20 any tenant of the manufactured or mobile home land lease community during
21 the sixty-day period prior to providing such notice or at any time after
22 providing such notice.

23 3. Nothing in this section shall be construed as prohibiting a landlord
24 from evicting a tenant with less than one hundred twenty days' notice for any
25 reason other than a change in use of the property, or for a violation of the
26 lease, or as otherwise provided by this chapter or other laws.

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;

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 manufactured homes in any consecutive twelve-month
10 period;

11 (4) "Installation", work undertaken at the place of occupancy to ensure
12 the proper initial setup of a manufactured home which shall include the
13 joining of all sections of the home, installation of stabilization, support, and
14 leveling systems, assembly of multiple or expanded units, and installation of
15 applicable utility hookups and anchoring systems that render the home fit for
16 habitation;

17 (5) "Installation standards", reasonable specifications for the
18 installation of a manufactured home;

19 (6) "Installer", an individual who is licensed by the commission to
20 install manufactured homes, pursuant to sections 700.650 to 700.680 of this
21 act;

22 (7) "Manufactured home", a manufactured home as that term is defined
23 in subdivision (5) of section 700.010;

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

27 (9) "Person", an individual, partnership, corporation, or other legal
28 entity.

700.653. The commission shall implement a program, consistent with
2 Title VI of P.L. 106-569 and any federal regulations promulgated pursuant to
3 that act, to assure the proper installation of manufactured homes by licensed
4 installers. The program shall include the following components:

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

8 (2) Installation standards applicable to manufactured homes;

9 (3) Inspection of a percentage of installed manufactured homes; and

10 (4) A process to resolve disputes relating to the installation of
11 manufactured homes.

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

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

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

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

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

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**
11 **as an installer and to ascertain the adequacy of the applicant's knowledge of**
12 **federal and state laws applicable to manufactured home installation. The**
13 **commission may establish what constitutes a passing grade for the**
14 **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**
18 **section, an applicant who is not an agent of a dealer or manufacturer shall**
19 **obtain and show proof of a certificate of insurance for workers' compensation**
20 **coverage.**

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

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

700.662. 1. The commission may waive the training and examination
2 **requirements of subsection 1 of section 700.659 and grant an installer license**
3 **to an applicant who pays the applicable fee and demonstrates to the**
4 **commission's satisfaction that his or her current license, registration, or**
5 **certification requirements as an installer in another state, the District of**
6 **Columbia, or territories of the United States substantially meets or exceeds**
7 **the requirements in sections 700.650 to 700.680.**

8 **2. The commission may negotiate reciprocal agreements that allow**
9 **licensed installers in Missouri to become licensed in other states, the District**
10 **of Columbia, or territories of the United States.**

700.665. Upon payment of an applicable fee, the commission may issue
2 **a limited use installer license to an applicant not otherwise licensed pursuant**
3 **to sections 700.650 to 700.680 who already has installation experience but who**
4 **has not met the training and examination requirements for licensure. The**

5 limited use installer license shall allow the person to install manufactured
6 homes under the supervision of a person currently licensed pursuant to
7 sections 700.650 to 700.680. The limited use license shall expire when the
8 commission issues an installer license to the applicant or if the applicant fails
9 to attain a passing grade on the examination. The commission may renew an
10 applicant's limited use license one time.

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

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

14 3. Upon a licensee's written request, the commission may grant inactive
15 status to a licensee, if the person meets the licensing requirements in sections
16 700.650 to 700.680 and:

17 (1) Does not install manufactured homes, except as allowed pursuant
18 to section 700.659;

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

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

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

700.671. 1. No person shall:

2 (1) Falsely hold himself, herself, or a business organization out as a
3 licensed installer;

4 (2) Falsely impersonate a licensed installer;

5 (3) Present as his or her own the installer's license of another;

6 (4) Knowingly give false or forged evidence to the commission;

7 (5) Use or attempt to use an installer license that has been suspended
8 or revoked; or

9 (6) Engage in the business or act in the capacity of a licensed installer
10 or advertise himself, herself, or a business organization as available to engage
11 in the business or act in the capacity of an installer without being duly
12 licensed by the commission.

13 2. Any person who violates any provision of this section is guilty of a
14 class A misdemeanor.

2 700.674. No person licensed as an installer and no applicant shall:

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

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

8 (3) Violate any order of the commission;

9 (4) Commit misconduct, fraud, misrepresentation, or dishonesty in
10 installing manufactured homes;

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

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

700.677. 1. Notwithstanding any provision of law to the contrary, the
2 commission may discipline a holder of an installer license, a holder of a
3 limited use installer license, or any other person for any violation or
4 combination of violations of sections 700.671 and 700.674.

5 2. The commission may discipline a licensee or applicant who violates
6 any provision of section 700.674 by:

7 (1) Revoking a license;

8 (2) Suspending a license;

9 (3) Requiring the person to take and pass, or retake and pass, an
10 examination approved by the commission;

11 (4) Placing the person on probation;

12 (5) Sending the person a notice of noncompliance; or

13 (6) Refusing to issue a license.

14 3. The commission may consider a complaint filed with it charging a
15 licensed installer with a violation of the provisions of sections 700.650 to

16 **700.680. If proven, the charges shall constitute grounds for revoking or**
17 **suspending the installer license or for placing the licensed installer on**
18 **probation.**

19 **4. If it refuses to issue or renew an installer license or limited use**
20 **installer license, the commission shall notify the person, in writing, of:**

21 **(1) The reasons for refusal;**

22 **(2) The option to resolve the matter through the commission's**
23 **alternative dispute resolution process;**

24 **(3) The opportunity to file a formal complaint with the commission if**
25 **the person does not choose alternative dispute resolution or if that process**
26 **fails to resolve the matter; and**

27 **(4) The right to review by the circuit court, pursuant to section 386.510,**
28 **RSMo.**

700.680. 1. The commission shall investigate all complaints concerning
2 **violations of sections 700.650 to 700.680 to determine if there are grounds for**
3 **disciplining a holder of an installer license or limited use installer license or**
4 **for refusing to issue either form of license to an applicant.**

5 **2. The commission may issue subpoenas duces tecum in order to cause**
6 **any installer licensee, holder of a limited use installer license, or other person**
7 **to produce records or appear as a witness in connection with an investigation**
8 **or proceeding pursuant to this section.**

9 **3. In lieu of or in addition to any remedy provided in this section, the**
10 **commission may file a petition in the name of the state asking a court to issue**
11 **a restraining order or a writ of mandamus against any person who is or who**
12 **had been violating any of the provisions of sections 700.650 to 700.680 or any**
13 **rule, order, or subpoena issued by the commission.**

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

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

12 a specific site.

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

 700.686. The commission shall conduct inspections of new
2 manufactured home 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
5 Development.

 700.689. The commission shall implement a process, by rule, consistent
2 with Title VI of PL 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 regarding responsibility for correcting or
5 repairing defects in manufactured homes that are reported during the one-
6 year period beginning on the date of installation. The program shall provide
7 for issuing appropriate orders.

 700.692. 1. The commission may implement sections 700.650 to 700.692
2 using its own employees, using independent contractors, consistent with
3 policies established by the office of administration, or through other private
4 or public entities that provide a service to an applicant or licensee at the
5 expense of the applicant, licensee, or his or her employer.

6 2. The commission may establish reasonable fees to cover the cost of
7 implementing sections 700.650 to 700.692. The commission shall collect the
8 fees and transmit them to the department of revenue for deposit in the state
9 treasury to the credit of the "Manufactured Housing Fund" created pursuant
10 to section 700.040.

11 3. The commission may promulgate any rules necessary and convenient
12 to carry out the purposes of sections 700.650 to 700.692. Any rule or portion
13 of a rule, as that term is defined in section 536.010, RSMo, that is created
14 under the authority delegated in this section shall become effective only if it
15 complies with and is subject to all of the provisions of chapter 536, RSMo,
16 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo,
17 are nonseverable, and if any of the powers vested with the general assembly
18 pursuant to chapter 536, RSMo, to review, to delay the effective date or to

19 **disapprove and annul a rule are subsequently held unconstitutional, then the**
20 **grant of rulemaking authority and any rule proposed or adopted after August**
21 **28, 2004, shall be invalid and void.**

✓