

RÉSUMÉ DIGEST

ACT 221 (HB 471)

2017 Regular Session

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Existing law (Parts XIV, XIV-A, and XIV-B of Chapter 2 of Title 51 of the La. Revised Statutes of 1950, cited as R.S. 51:911.21 et seq.) provides for law applicable to manufactured and modular housing.

New law existing law and provides for greater inclusion of and applicability to modular housing.

Existing law provides for certain definitions.

New law retains amends the following definitions: "manufactured home" and "manufactured housing", "manufacturer", "retailer", "salesman", "seal" or "label", "frame tie" or "tie down", "ground anchor", "installer", "setup" or "installation", and "transporter". Adds the definition of "modular home".

New law requires all retailers and developers to have at least one licensed salesman.

Existing law permits the La. Manufactured Housing Commission (hereinafter "commission") to require retailers, developers, and installers to show proof of continued and ongoing general liability insurance coverage of at least \$100,000. Requires manufacturers to show proof of continued and ongoing general liability insurance coverage of at least \$1,000,000.

New law retains existing law and adds transporters as persons required to show proof of at least \$100,000 in continued and ongoing general liability coverage.

Existing law requires the commission to be comprised of seven members with at least one member appointed from each Public Service Commission district and all appointed by the governor with the consent of the Senate. Requires three of the seven members to be appointed by the governor from a list of 6 individuals submitted by the La. Manufactured Housing Association or its successor. New law retains existing law.

New law repeals prior law (R.S. 911.26(A)(3)) which required the remaining four members of the commission to be members at large, appointed by the governor, and required at least one of the four to be an individual residing during the term of his appointment in a manufactured home.

New law requires two of the seven members to be members at large.

Prior law required the commission to hire a qualified person with certain credentials to serve as executive director as prescribed by the commission. Required the executive director to take and subscribe to the oath of office prior to engaging in duties. New law repeals prior law.

New law authorizes the commission's discretion to hire a qualified person with certain credentials to serve as executive director as prescribed by the commission.

Existing law establishes the commission's right to exercise certain powers and duties with respect to manufacturers, retailers, developers, salesmen, and installers.

New law retains existing law and adds transporters as persons under the commission's authority with respect to powers and duties exercised by the commission, including requirements for licensure, payment of associated fees, and the commission's assessments of penalties.

Existing law requires a transporter and installer to provide his respective customer with a copy of the uniform written transportation and installation contract as prescribed by the commission. Requires the contract to be provided to a customer prior to the transporter's or installer's work on the customer's home.

New law retains existing law and requires presentation of the contract to a customer prior to moving a customer's home. Further provides that existing law does not apply to transporters who are only passing through the state or delivering a home from a manufacturer to a licensee of the commission.

New law authorizes the commission to adopt rules governing the repairs or renovations of manufactured homes.

Prior law required a serial number to be stamped by the manufacturer on the front cross member of the frame of a manufactured home. New law requires the serial number to be stamped on the Header Plate or front cross member of the frame of a manufactured or modular home.

Existing law authorizes the commission to hold hearings to investigate and determine violations.

New law retains existing law and further provides that all costs incurred by the commission, including reasonable attorney fees, may be borne by the person or licensee found in violation of the provisions of new law and existing law.

Prior law provided that persons found guilty of violations of existing law are liable for a civil penalty not to exceed \$1,000 for each violation. New law provides for a civil penalty not to exceed \$2,500 for each violation of a provision applicable to manufactured and modular housing as provided in new law and existing law.

New law authorizes the commission to double the civil penalty up to \$5,000 for each violation, if the commission determines a violation was intentional or the violator is a habitual offender.

Existing law prohibits a retailer from setting forth a down payment in any retail installment sales contract, chattel mortgage, or security agreement unless all of the down payment has actually been received by the retailer at the time of execution of such document. Prohibits cash down payment amounts made to a retailer from any rebate or other consideration received by or to be given to the consumer from the retailer or his agent.

New law retains existing law and makes existing law applicable to a developer and his agent.

Existing law requires homeowners to provide the commission with written notice of defects to homes by registered or certified mail within one year after knowledge of defect, prior to the homeowner making reparative or civil action.

New law retains existing law and requires the written notice to be provided on the consumer complaint form provided by the board.

New law requires installation for the setup of new or used modular homes to be in compliance with the International Residential Code enforced by the local authority having jurisdiction.

New law deletes mobile homes from certain installation standards as provided in new law and existing law.

Prior law required diagonal ties only at each end of each manufactured home unit. New law replaces diagonal ties in favor of longitudinal ties at each end of each manufactured home unit.

Prior law required vertical and diagonal ties with stabilizer devices on the perimeter side walls of manufactured homes and requires spacing between ties to be a minimum of 12 feet for Zone I homes. New law removes the requirement for vertical ties on perimeter side walls and shortens the distance requirement from 12 feet to 10 feet.

New law authorizes a licensed installer to perform the functions of a transporter without obtaining a transporter license.

Existing law provides certain authority of the fire marshal with respect to the state's administration of manufactured housing. New law retains existing law.

Prior law authorized the fire marshal to provide oversight as prescribed by law of remedial actions carried out by manufacturers and a manufacturer's handling of consumer complaints as to plants located within this state.

New law removes the portion of law applicable to plants located in the state.

New law repeals prior law (R.S. 51:911.24(K)) which prohibited a person from acting as a manufactured home broker without first obtaining a license from the commission.

New law repeals prior law (R.S. 51:911.28(A)(10)) which provided for a manufactured home broker license and an associated \$150 licensure fee.

New law repeals prior law, an obsolete provision (R.S. 51:911.26(J)), requiring the office of state fire marshal to transfer all records, assets, and equipment in use by the manufactured housing division to the commission upon establishment of the commission.

Effective August 1, 2017.

(Amends R.S. 51:911.21, 911.22(5), (7), (8.1), (10)(intro. para.), (11), and (12), 911.24(A)(1)-(3) and (6), (B)(intro. para.) and (L), 911.26(A)(1), (D)(1)-(3), (F)(1)-(4) and (10), 911.29, 911.30, 911.32(E), 911.36, 911.38, 911.39, 911.41, 911.43, 911.46, 912.3(intro. para.) and (7), 912.5(A), 912.21(intro. para.), (1), (2), (4), (6), and (9)-(12), 912.22(intro. para.), (1), and (7), 912.25(2) and (3), 912.26, 912.27(A)(1) and (B)-(D), 912.28(A), and 912.52(B)(5); Adds R.S. 51:911.22(13), 911.24(C)(3), 911.26(F)(11), and 912.21(13); Repeals R.S. 51:911.24(K), 911.26(A)(3) and (J), and 911.28(A)(10))