

ASSEMBLY BILL NO. 203—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF DEPARTMENT OF BUSINESS AND INDUSTRY—
MANUFACTURED HOUSING DIVISION)

FEBRUARY 20, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing account for education and recovery relating to manufactured housing. (BDR 43-560)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to manufactured housing; limiting the claims for which payments must be made from the account for education and recovery relating to manufactured housing; requiring certain signatures that are written upon a certificate of ownership of a manufactured home, mobile home or commercial coach to be notarized; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 489.4971 is hereby amended to read as follows:
2 489.4971 1. The account for education and recovery relating to
3 manufactured housing is hereby created within the fund for manufactured
4 housing ~~created pursuant to NRS 489.4911~~ to satisfy ***the claims of***
5 ***purchasers or lessees of manufactured homes, mobile homes, travel***
6 ***trailers or commercial coaches*** against persons licensed pursuant to ***the***
7 ***provisions of*** this chapter. Any balance in the account over \$500,000 at the
8 end of any fiscal year must be set aside and used by the administrator for
9 education ~~respecting~~ ***relating to*** manufactured homes, mobile homes,
10 travel trailers or commercial coaches.
11 2. Upon ***the*** issuance or renewal of the following licenses by the
12 division, the licensee must pay in addition to the original or renewal license
13 fee, a fee:
14 (a) For a dealer's or manufacturer's original license, or an original
15 limited dealer's license issued pursuant to NRS 489.281, of \$1,000.
16 (b) For a dealer's or manufacturer's renewal license, or a renewal
17 limited dealer's license issued pursuant to NRS 489.281, of \$600.



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(c) For an original or renewal license for:

(1) A serviceman, rebuilder or installer, of \$150.

(2) A salesman, of \$25.

(3) A responsible managing employee, of \$50.

Except as otherwise provided in NRS 489.265, fees collected pursuant to this section must be deposited in the state treasury for credit to the account.

3. ~~Payments~~ **A payment** from the account to satisfy ~~claims against persons~~ **the claim of a purchaser or lessee specified in subsection 1 against a person who is** licensed pursuant to ~~the provisions of~~ **this chapter** must be made only upon an appropriate court order ~~that is issued in an action for fraud, misrepresentation or deceit relating to an act for which a license is required pursuant to those provisions.~~

Sec. 2. NRS 489.4975 is hereby amended to read as follows:

489.4975 1. ~~When any person~~ **If a purchaser or lessee of a manufactured home, mobile home, travel trailer or commercial coach** obtains a final judgment in any court of competent jurisdiction against any licensee under this chapter in an action ~~for fraud, misrepresentation or deceit~~ **specified in subsection 3 of NRS 489.4971**, the judgment creditor may, upon ~~the~~ termination of all proceedings, including appeals in connection with any judgment, file a verified petition in the court in which the judgment was entered for an order directing payment ~~out of~~ **from** the account in the amount of actual damages included in the judgment and unpaid, but not more than \$25,000 per claimant and the liability of the account may not exceed \$100,000 for any licensee.

2. A copy of the petition must be served upon the administrator and an affidavit of service filed with the court.

3. The court shall act upon the petition within 30 days after service and, upon the hearing of the petition, the judgment creditor must show that:

(a) He is not the spouse of the judgment debtor, or the personal representative of that spouse.

(b) He has complied with all the requirements of NRS 489.4971 to 489.4989, inclusive.

(c) He has obtained a judgment of the kind described in subsection 1, stating the amount of the judgment and the amount owing on it at the date of the petition.

(d) A writ of execution has been issued upon the judgment and that no assets of the judgment debtor liable to be levied upon in satisfaction of the judgment could be found, or that the amount realized on the sale of any of them ~~as~~ **that** were found under the execution was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due.

(e) He and the division have made reasonable searches and inquiries to ascertain whether the judgment debtor possesses real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment.

(f) The petition has been filed not more than 1 year after the termination of all proceedings, including reviews and appeals, in connection with the judgment.



1 **Sec. 3.** NRS 489.551 is hereby amended to read as follows:
2 489.551 Upon a transfer of the title to or the interest of an owner in a
3 manufactured home, mobile home or commercial coach ~~issued for which~~
4 a certificate of ownership ~~under~~ **is issued pursuant to** the provisions of
5 this chapter, the person whose title or interest is to be transferred and the
6 transferee shall write their signatures with ink upon the certificate of
7 ownership issued for the manufactured home, mobile home or commercial
8 coach, together with the residence address of the transferee, in the
9 appropriate spaces provided upon the reverse side of the certificate. **Each**
10 **signature written upon a certificate of ownership pursuant to the**
11 **provisions of this section must be notarized.**
12 **Sec. 4.** This act becomes effective upon passage and approval.

