

Assembly Bill No. 203—Committee on Commerce and Labor

CHAPTER.....

AN ACT relating to manufactured housing; requiring a responsible managing employee or salesman to complete certain requirements for continuing education as a condition for the renewal of his license; 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:

Section 1. NRS 489.285 is hereby amended to read as follows:

489.285 1. The division shall adopt regulations concerning continuing education requirements for installers, rebuilders and servicemen of mobile homes ~~H~~, *and responsible managing employees and salesmen.*

The regulations must include the:

- (a) Criteria for determining what qualifies as continuing education;
- (b) Criteria for approving educational and training programs;
- (c) Requirements for submitting evidence of completion; and
- (d) Grounds and procedures for granting an extension of time within which to comply with continuing education requirements.

2. In adopting regulations pursuant to subsection 1, the division shall:

(a) Allow for alternative subjects, instructors, schools and sources of programs, with consideration for specialized areas of practice, availability and proximity of resources to the licensees and applicants, and the time and expense required to participate in the programs.

(b) Approve courses offered by generally accredited educational institutions and private vocational schools if those courses otherwise qualify as continuing education.

(c) Approve training and educational programs and seminars offered by:

- (1) Individual sponsors;
- (2) Manufactured housing firms and businesses such as dealers, installers, rebuilders, servicemen, manufacturers of manufactured homes and suppliers of the various components for constructing homes, including heating and air-conditioning systems, material for roofing and siding, skirting, awnings and other components;

(3) Professional and industry-related organizations; and

(4) Other organized educational programs concerning technical or specialized subjects, including in-house training programs offered by an employer for his employees and participation in meetings and conferences of industry-related organizations.

(d) Solicit advice and assistance from persons and organizations that are knowledgeable in the construction, sale, installation, rebuilding and servicing of manufactured homes and the method of educating licensees.

3. The division is not responsible for the costs of any continuing education program, but may participate in the funding of those programs subject to legislative appropriations.

4. As used in this section, “industry-related organizations” includes, without limitation, the:

- (a) National Manufactured Housing Federation;

- (b) Manufactured Housing Institute;
- (c) Nevada Mobilehome Park Owners Association;
- (d) Nevada Association of Manufactured Homeowners;
- (e) Nevada Association of Realtors; and
- (f) Any other organization approved by the division.

Sec. 2. NRS 489.323 is hereby amended to read as follows:

489.323 If a licensee is an installer, rebuilder or serviceman of mobile homes, *or a responsible managing employee or salesman*, the division shall not renew a license issued to that licensee until the licensee has submitted proof satisfactory to the division that he has, during the 2-year period immediately preceding the renewal of the license, completed at least 8 hours of continuing education approved by the division pursuant to NRS 489.285.

Sec. 3. NRS 489.4971 is hereby amended to read as follows:

489.4971 1. The account for education and recovery relating to manufactured housing is hereby created within the fund for manufactured housing ~~created pursuant to NRS 489.491~~ to satisfy *the claims of purchasers of manufactured homes, mobile homes or commercial coaches* against persons licensed pursuant to *the provisions of* this chapter. Any balance in the account over \$500,000 at the end of any fiscal year must be set aside and used by the administrator for education ~~respecting~~ *relating to* manufactured homes, mobile homes, travel trailers or commercial coaches.

2. Upon *the* issuance or renewal of the following licenses by the division, the licensee must pay in addition to the original or renewal license fee, a fee:

(a) For a dealer's or manufacturer's original license, or an original limited dealer's license issued pursuant to NRS 489.281, of \$1,000.

(b) For a dealer's or manufacturer's renewal license, or a renewal limited dealer's license issued pursuant to NRS 489.281, of \$600.

(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 specified in subsection 1 against a person who is* licensed pursuant to 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 this chapter.~~

Sec. 4. NRS 489.4975 is hereby amended to read as follows:

489.4975 1. ~~When any person~~ *If a purchaser of a manufactured home, mobile home 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~~ judgment 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. *The petition and each copy of the petition served pursuant to this subsection must set forth the grounds which entitle the judgment creditor to recover from the account and must include a copy of:*

- (a) The final judgment specified in subsection 1;*
- (b) The complaint upon which the final judgment was entered; and*
- (c) If assets are known to exist, the writ of execution that was returned unsatisfied.*

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.

Sec. 5. NRS 489.551 is hereby amended to read as follows:

489.551 Upon a transfer of the title to or the interest of an owner in a manufactured home, mobile home or commercial coach ~~issued~~ for which a certificate of ownership ~~under~~ is issued pursuant to the provisions of this chapter, the person whose title or interest is to be transferred and the transferee shall write their signatures with ink upon the certificate of ownership issued for the manufactured home, mobile home or commercial coach, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate. *Each signature written upon a certificate of ownership pursuant to the provisions of this section must be notarized.*

Sec. 6. The amendatory provisions of sections 1 and 2 of this act do not apply to a responsible managing employee or salesman whose license is renewed before July 1, 2002.

Sec. 7. This act becomes effective upon passage and approval.