

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT **A.B. 203**

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 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 ~~fornitted-material~~ is material to be omitted.

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:

- 1 **Section 1.** NRS 489.285 is hereby amended to read as follows:
2 489.285 1. The division shall adopt regulations concerning
3 continuing education requirements for installers, rebuilders and servicemen
4 of mobile homes ~~H~~, *and responsible managing employees and salesmen.*
5 The regulations must include the:
6 (a) Criteria for determining what qualifies as continuing education;
7 (b) Criteria for approving educational and training programs;
8 (c) Requirements for submitting evidence of completion; and
9 (d) Grounds and procedures for granting an extension of time within
10 which to comply with continuing education requirements.
11 2. In adopting regulations pursuant to subsection 1, the division shall:
12 (a) Allow for alternative subjects, instructors, schools and sources of
13 programs, with consideration for specialized areas of practice, availability
14 and proximity of resources to the licensees and applicants, and the time and
15 expense required to participate in the programs.
16 (b) Approve courses offered by generally accredited educational
17 institutions and private vocational schools if those courses otherwise
18 qualify as continuing education.



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1 (c) Approve training and educational programs and seminars offered by:
2 (1) Individual sponsors;

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

8 (3) Professional and industry-related organizations; and

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

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

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

19 4. As used in this section, "industry-related organizations" includes,
20 without limitation, the:

21 (a) National Manufactured Housing Federation;

22 (b) Manufactured Housing Institute;

23 (c) Nevada Mobilehome Park Owners Association;

24 (d) Nevada Association of Manufactured Homeowners;

25 (e) Nevada Association of Realtors; and

26 (f) Any other organization approved by the division.

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

28 489.323 If a licensee is an installer, rebuilder or serviceman of mobile
29 homes, *or a responsible managing employee or salesman*, the division
30 shall not renew a license issued to that licensee until the licensee has
31 submitted proof satisfactory to the division that he has, during the 2-year
32 period immediately preceding the renewal of the license, completed at least
33 8 hours of continuing education approved by the division pursuant to NRS
34 489.285.

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

36 489.4971 1. The account for education and recovery relating to
37 manufactured housing is hereby created within the fund for manufactured
38 housing ~~created pursuant to NRS 489.491~~ to satisfy *the* claims *of*
39 *purchasers of manufactured homes, mobile homes or commercial*
40 *coaches* against persons licensed pursuant to *the provisions of* this chapter.
41 Any balance in the account over \$500,000 at the end of any fiscal year
42 must be set aside and used by the administrator for education ~~respecting~~
43 *relating to* manufactured homes, mobile homes, travel trailers or
44 commercial coaches.

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

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



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

3 (c) For an original or renewal license for:

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

5 (2) A salesman, of \$25.

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

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

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

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

16 489.4975 1. ~~{When any person}~~ *If a purchaser of a manufactured*
17 *home, mobile home or commercial coach* obtains a final judgment in any
18 court of competent jurisdiction against any licensee under this chapter in an
19 action ~~{for fraud, misrepresentation or deceit}~~ *specified in subsection 3 of*
20 *NRS 489.4971*, the judgment creditor may, upon *the* termination of all
21 proceedings, including appeals in connection with any judgment, file a
22 verified petition in the court in which the judgment was entered for an
23 order directing payment ~~{out of}~~ *from* the account in the amount of actual
24 damages included in the judgment and unpaid, but not more than \$25,000
25 per ~~claimant}~~ *judgment* and the liability of the account may not exceed
26 \$100,000 for any licensee.

27 2. A copy of the petition must be served upon the administrator and an
28 affidavit of service filed with the court. *The petition and each copy of the*
29 *petition served pursuant to this subsection must set forth the grounds*
30 *which entitle the judgment creditor to recover from the account and must*
31 *include a copy of:*

32 (a) *The final judgment specified in subsection 1;*

33 (b) *The complaint upon which the final judgment was entered; and*

34 (c) *If assets are known to exist, the writ of execution that was returned*
35 *unsatisfied.*

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

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

40 (b) He has complied with all the requirements of NRS 489.4971 to
41 489.4989, inclusive.

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

45 (d) A writ of execution has been issued upon the judgment and that no
46 assets of the judgment debtor liable to be levied upon in satisfaction of the
47 judgment could be found, or that the amount realized on the sale of any of
48 them ~~as}~~ *that* were found under the execution was insufficient to satisfy



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1 the judgment, stating the amount so realized and the balance remaining
2 due.

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

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

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

10 489.551 Upon a transfer of the title to or the interest of an owner in a
11 manufactured home, mobile home or commercial coach ~~issued~~ *for which*
12 a certificate of ownership ~~under~~ *is issued pursuant to* the provisions of
13 this chapter, the person whose title or interest is to be transferred and the
14 transferee shall write their signatures with ink upon the certificate of
15 ownership issued for the manufactured home, mobile home or commercial
16 coach, together with the residence address of the transferee, in the
17 appropriate spaces provided upon the reverse side of the certificate. *Each*
18 *signature written upon a certificate of ownership pursuant to the*
19 *provisions of this section must be notarized.*

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

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

