

Amendment No. 674

Senate Amendment to Assembly Bill No. 427 First Reprint

(BDR 43-191)

Proposed by: Committee on Commerce and Labor**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of A.B. 427 R1 (§§ 7, 8, 18, 19).

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 2, line 2, by deleting “8,” and inserting “8.5,”.

Amend sec. 2, page 2, line 17, by deleting “*home*” and inserting:*“home, mobile home or commercial coach that was”.*

Amend sec. 2, page 2, line 23, by deleting:

“private business use.” and inserting:*“own industrial, professional or commercial purposes.”.*Amend sec. 3, page 2, line 24, after “**Sec. 3.**” by inserting “**I.**”.

Amend sec. 3, page 2, by deleting lines 28 through 34 and inserting:

“accordance with NRS 489.325.

SH/KP

Date: 5/23/2005

A.B. No. 427—Makes various changes relating to manufactured homes, mobile homes and commercial coaches.



2. The term does not include:

(a) A licensed manufacturer engaged in the repair or service of a manufactured home, mobile home or commercial coach that was manufactured by the licensed manufacturer;

(b) The owner or purchaser of a manufactured home or mobile home who uses the manufactured home or mobile home as his private residence; or

(c) The owner or purchaser of a commercial coach who uses the commercial coach for his own industrial, professional or commercial purposes.”.

Amend sec. 5, page 3, by deleting line 6 and inserting:

“3. In addition to any other remedy or penalty authorized pursuant to this chapter, if the holder of a license violates any provision of this section, the violation is”.

Amend sec. 6, page 3, by deleting lines 9 through 13 and inserting:

“order to cease and desist to any person or combination of persons who:

(a) Engages in the business or acts in the capacity of a licensee within this State, including, without limitation, commencing any work for which a license is required pursuant to this chapter; or

(b) Submits a bid or enters into a contract for a job located within this State for which a license is required pursuant to this chapter,

↪ without having a license issued pursuant to this chapter, unless that person or combination of persons is exempt from licensure pursuant to this chapter. The”.

Amend sec. 6, page 3, lines 16, 21 and 24, after “**person**” by inserting:

“or combination of persons”.

Amend sec. 6, page 3, by deleting lines 29 through 38 and inserting:

“3. In seeking injunctive relief against any person or combination of persons for an alleged violation of this chapter, it is sufficient to allege that the person or combination of persons, upon a certain day and in a certain county of this State:

(a) Engaged in the business or acted in the capacity of a licensee within this State; or

(b) Submitted a bid or entered into a contract for a job located within this State for which a license is required pursuant to this chapter,

↪ and the person or combination of persons did not have a license issued pursuant to this chapter and was not exempt from licensure pursuant to this chapter, without alleging any further or more particular facts concerning the matter.”.

Amend sec. 6, page 3, line 40, after “*person*” by inserting:

“or combination of persons”.

Amend sec. 6, page 3, line 43, by deleting “*a person*” and inserting:

“any person or combination of persons has”.

Amend sec. 7, page 4, by deleting lines 4 and 5 and inserting:

“within this State, including, without limitation, commencing any work for which a license is required pursuant to this chapter; or

(b) Submit a bid or enter into a contract for a job located within this State for which a license is required pursuant to this chapter,”.

Amend sec. 7, page 4, by deleting lines 15 and 16 and inserting:

“3. In addition to any other remedy or penalty authorized pursuant to this chapter, any person or combination of persons convicted of violating any provision of subsection 1 may”.

Amend sec. 7, page 4, line 21, by deleting “*he*” and inserting:

“the person or combination of persons”.

Amend sec. 7, page 4, line 22, by deleting “*his*” and inserting “*any*”.

Amend sec. 7, page 4, line 24, by deleting “*a person*” and inserting:

“any person or combination of persons”.

Amend sec. 8, page 4, line 26, after “*person*” by inserting:

“or combination of persons”.

Amend sec. 8, page 4, line 31, by deleting “*penalty imposed*” and inserting:

“remedy or penalty authorized”.

Amend sec. 8, page 4, by deleting lines 35 through 37.

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

“Sec. 8.5. 1. Except as otherwise provided in this section, all money collected from administrative fines imposed pursuant to this chapter must be deposited in the State General Fund.

2. The money collected from an administrative fine may be deposited with the State Treasurer for credit to the Fund for Manufactured Housing created pursuant to NRS 489.491 if:

(a) The person pays the administrative fine without exercising his right to a hearing to contest the administrative fine; or

(b) The administrative fine is imposed in a hearing conducted by a hearing officer or panel appointed by the Administrator.

3. The Administrator may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Administrator to conduct hearings and other

proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

4. If money collected from an administrative fine is deposited in the State General Fund, the Administrator may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both."

Amend sec. 11, page 5, by deleting line 10 and inserting:

"homes, mobile homes ~~[,]~~ or commercial coaches, and responsible managing employees".

Amend sec. 11, page 5, by deleting lines 33 and 34 and inserting:

"servicemen, manufacturers of manufactured homes , mobile homes or commercial coaches, and suppliers of the various components for constructing such homes ~~[,]~~ or coaches, including heating".

Amend sec. 11, page 6, line 1, after "homes" by inserting:

", mobile homes or commercial coaches".

Amend sec. 16, page 8, by deleting lines 30 and 31 and inserting:

"serviceman or specialty serviceman of manufactured homes, mobile homes ~~[,]~~ or commercial coaches, or a responsible managing employee or salesman, the".

Amend sec. 18, page 10, by deleting lines 18 and 19 and inserting:

"single employer who is a licensed dealer . ~~[,rebuilder,serviceman or installer.]~~".

Amend sec. 19, page 11, by deleting lines 43 and 44 and inserting:

"single employer who is a licensed dealer . ~~[,rebuilder,serviceman or installer.]~~".

Amend sec. 26, page 15, line 43, by deleting "Division" and inserting "~~[Division]~~
Administrator".

Amend sec. 26, page 15, line 44, by deleting “a fine” and inserting:

“~~{a}~~ *an administrative* fine”.

Amend sec. 26, page 16, line 5, by deleting “Division” and inserting “~~{Division}~~ *Administrator*”.

Amend sec. 26, page 16, line 6, by deleting “a fine” and inserting:

“~~{a}~~ *an administrative* fine”.

Amend the title of the bill by deleting the seventh and eighth lines and inserting:

“and desist order against unlicensed persons who engage in acts requiring a license; providing for the imposition of certain remedies and penalties against such unlicensed persons; deleting the provisions that require a”.