

SENATE BILL NO. 60—COMMITTEE ON HEALTH AND EDUCATION

(ON BEHALF OF NYE COUNTY)

PREFILED DECEMBER 7, 2008

Referred to Committee on Health and Education

SUMMARY—Revises provisions governing buildings, motor vehicles and other property that has been used in crimes involving methamphetamine or certain other substances. (BDR 40-542)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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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 public health; requiring the district board of health in certain counties and the State Board of Health in all other counties to monitor the removal and remediation of methamphetamine and certain other substances; requiring the disclosure of certain information upon the sale of a motor vehicle used in the manufacture, sale or use of a substance containing methamphetamine; requiring the adoption of certain regulations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a building or place which was used for the purpose
2 of unlawfully manufacturing a controlled substance, immediate precursor or
3 controlled substance analog which has not been deemed safe for habitation by a
4 governmental entity or from which all materials or substances involving the
5 controlled substance, immediate precursor or controlled substance analog have not
6 been removed or remediated by an entity certified or licensed to do so is a public
7 nuisance. (NRS 40.140, 202.450) Existing law authorizes cities and counties of this
8 State to adopt ordinances pursuant to which the district attorney may file an action
9 seeking: (1) the abatement of a nuisance; (2) the closure of the property where not
10 nuisance is located or occurring; and (3) penalties against the owner of the
11 property. (NRS 244.3603, 268.4124) **Sections 2 and 4-6** of this bill provide that



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the district board of health in a county whose population is 400,000 or more (currently Clark County) or the State Board of Health in all other counties is the governmental entity responsible for determining that the building or place is safe for habitation.

Existing law provides that in any sale, lease or rental of real property, the fact that the property is or has been the site of a crime that involves any quantity of methamphetamine must be disclosed to the buyer, lessee or tenant unless: (1) all materials and substances involving methamphetamine have been removed from or remediated on the property by an entity certified or licensed to do so; or (2) the property has been deemed safe for habitation by a governmental entity. (NRS 40.770) Existing law requires similar disclosures to a transferee of a manufactured home, mobile home or commercial coach that is or has been the site of a crime that involves any quantity of methamphetamine. (NRS 489.776) **Sections 3 and 9** of this bill provide that the district board of health in a county whose population is 400,000 or more or the State Board of Health in all other counties is the governmental entity responsible for determining that the property is safe for habitation.

Section 7 of this bill extends similar disclosure requirements to transfers of motor vehicles. Subject to certain exceptions, a transferor of a motor vehicle who has actual knowledge that the motor vehicle has been the site of a crime involving the manufacture, sale or use of any material, compound, mixture or preparation which contains any quantity of methamphetamine is required to disclose that information in writing to the transferee of the motor vehicle. **Section 7** also authorizes the Department of Motor Vehicles to adopt regulations concerning such disclosures. A violation of **section 7** is a misdemeanor. (NRS 482.555)

Section 1 of this bill requires a district board of health and the State Board of Health to monitor the removal or remediation of substances involving a controlled substance, immediate precursor or controlled substance analog and any material, compound, mixture or preparation that contains any quantity of methamphetamine. **Section 1** further requires a district board of health and the State Board of Health to adopt regulations: (1) concerning the monitoring of the removal or remediation of such substances; (2) establishing standards pursuant to which a property, building or place may be deemed safe for habitation; and (3) certifying that materials or substances involving methamphetamine have been removed from or remediated on a motor vehicle which has been the site of a crime that involves the manufacture, sale or use of methamphetamine.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of health or its agent shall, for the purposes of NRS 40.140, 40.770, 202.450, 244.3603, 268.4124, 489.776 and section 7 of this act, monitor the removal or remediation by any entity certified or licensed to do so of:

(a) Substances involving a controlled substance, immediate precursor or controlled substance analog; and

(b) Any material, compound, mixture or preparation that contains any quantity of methamphetamine.

2. The board of health shall adopt regulations:



(a) To carry out the provisions of subsection 1;

(b) Establishing standards pursuant to which a building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog may be deemed safe for habitation for the purposes of NRS 40.140, 202.450, 244.3603 and 268.4124;

(c) Establishing standards pursuant to which any property that is or has been the site of a crime that involves the manufacturing of any material, compound, mixture or preparation that contains any quantity of methamphetamine may be deemed safe for habitation for the purposes of NRS 40.770 and 489.776; and

(d) Establishing standards for certifying that materials or substances involving methamphetamine have been removed from or remediated on a motor vehicle for the purposes of section 7 of this act.

3. Any regulations adopted pursuant to subsection 2 by a district board of health become effective only upon approval by the State Board of Health.

4. As used in this section:

(a) "Board of health" means:

(1) In a county whose population is 400,000 or more, the district board of health; or

(2) In a county whose population is less than 400,000, the State Board of Health.

(b) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

Sec. 2. NRS 40.140 is hereby amended to read as follows:

40.140 1. Except as otherwise provided in this section:

(a) Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property;

(b) A building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog; or

(c) A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(1) Which has not been deemed safe for habitation by ~~the~~ governmental entity; **the board of health;** or

(2) From which all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed or remediated by an entity certified



1 or licensed to do so within 180 days after the building or place is no
2 longer used for the purpose of unlawfully manufacturing a
3 controlled substance, immediate precursor or controlled substance
4 analog,

5 ➡ is a nuisance, and the subject of an action. The action may be
6 brought by any person whose property is injuriously affected, or
7 whose personal enjoyment is lessened by the nuisance, and by the
8 judgment the nuisance may be enjoined or abated, as well as
9 damages recovered.

10 2. It is presumed:

11 (a) That an agricultural activity conducted on farmland,
12 consistent with good agricultural practice and established before
13 surrounding nonagricultural activities is reasonable. Such activity
14 does not constitute a nuisance unless the activity has a substantial
15 adverse effect on the public health or safety.

16 (b) That an agricultural activity which does not violate a federal,
17 state or local law, ordinance or regulation constitutes good
18 agricultural practice.

19 3. A shooting range does not constitute a nuisance with respect
20 to any noise attributable to the shooting range if the shooting range
21 is in compliance with the provisions of all applicable statutes,
22 ordinances and regulations concerning noise:

23 (a) As those provisions existed on October 1, 1997, for a
24 shooting range in operation on or before October 1, 1997; or

25 (b) As those provisions exist on the date that the shooting range
26 begins operation, for a shooting range that begins operation after
27 October 1, 1997.

28 ➡ A shooting range is not subject to any state or local law related to
29 the control of noise that is adopted or amended after the date set
30 forth in paragraph (a) or (b), as applicable, and does not constitute a
31 nuisance for failure to comply with any such law.

32 4. As used in this section:

33 (a) *“Board of health” has the meaning ascribed to it in section*
34 *1 of this act.*

35 (b) “Controlled substance analog” has the meaning ascribed to it
36 in NRS 453.043.

37 ~~(b)~~ (c) “Immediate precursor” has the meaning ascribed to it in
38 NRS 453.086.

39 ~~(c)~~ (d) “Shooting range” means an area designed and used for
40 archery or sport shooting, including, but not limited to, sport
41 shooting that involves the use of rifles, shotguns, pistols, silhouettes,
42 skeet, trap, black powder or other similar items.



Sec. 3. NRS 40.770 is hereby amended to read as follows:

40.770 1. Except as otherwise provided in subsection 6, in any sale, lease or rental of real property, the fact that the property is or has been:

(a) The site of a homicide, suicide or death by any other cause, except a death that results from a condition of the property;

(b) The site of any crime punishable as a felony other than a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(c) Occupied by a person exposed to the human immunodeficiency virus or suffering from acquired immune deficiency syndrome or any other disease that is not known to be transmitted through occupancy of the property,

→ is not material to the transaction.

2. In any sale, lease or rental of real property, the fact that a sex offender, as defined in NRS 179D.095, resides or is expected to reside in the community is not material to the transaction, and the seller, lessor or landlord or any agent of the seller, lessor or landlord does not have a duty to disclose such a fact to a buyer, lessee or tenant or any agent of a buyer, lessee or tenant.

3. In any sale, lease or rental of real property, the fact that a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS is located near the property being sold, leased or rented is not material to the transaction.

4. A seller, lessor or landlord or any agent of the seller, lessor or landlord is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that is not material to the transaction or of which the seller, lessor or landlord or agent of the seller, lessor or landlord had no actual knowledge.

5. Except as otherwise provided in an agreement between a buyer, lessee or tenant and his agent, an agent of the buyer, lessee or tenant is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that is not material to the transaction or of which the agent of the buyer, lessee or tenant had no actual knowledge.

6. For purposes of this section, the fact that the property is or has been the site of a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine is not material to the transaction if:

(a) All materials and substances involving methamphetamine have been removed from or remediated on the property by an entity certified or licensed to do so; or



(b) The property has been deemed safe for habitation by ~~the~~
~~governmental entity.~~ **the board of health.**

7. As used in this section ~~the~~ **“facility”** :

(a) **“Board of health” has the meaning ascribed to it in section 1 of this act.**

(b) **“Facility** for transitional living for released offenders” has the meaning ascribed to it in NRS 449.0055.

Sec. 4. NRS 202.450 is hereby amended to read as follows:

202.450 1. A public nuisance is a crime against the order and economy of the State.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

(b) Wherein any fighting between animals or birds is conducted;

(c) Wherein any dog races are conducted as a gaming activity;

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

(e) Wherein a controlled substance, immediate precursor or controlled substance analog is unlawfully sold, served, stored, kept, manufactured, used or given away; or

(f) Where vagrants resort,

↪ is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

(a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

(b) Offends public decency;

(c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

(d) In any way renders a considerable number of persons insecure in life or the use of property,

↪ is a public nuisance.

4. A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog is a public nuisance if the building or place has not been deemed safe for habitation by ~~the~~
~~governmental entity.~~ **the board of health** and:

(a) The owner of the building or place allows the building or place to be used for any purpose before all materials or substances involving the controlled substance, immediate precursor or



1 controlled substance analog have been removed from or remediated
2 on the building or place by an entity certified or licensed to do so; or

3 (b) The owner of the building or place fails to have all materials
4 or substances involving the controlled substance, immediate
5 precursor or controlled substance analog removed from or
6 remediated on the building or place by an entity certified or licensed
7 to do so within 180 days after the building or place is no longer used
8 for the purpose of unlawfully manufacturing a controlled substance,
9 immediate precursor or controlled substance analog.

10 5. Agricultural activity conducted on farmland consistent with
11 good agricultural practice and established before surrounding
12 nonagricultural activities is not a public nuisance unless it has a
13 substantial adverse effect on the public health or safety. It is
14 presumed that an agricultural activity which does not violate a
15 federal, state or local law, ordinance or regulation constitutes good
16 agricultural practice.

17 6. A shooting range is not a public nuisance with respect to any
18 noise attributable to the shooting range if the shooting range is in
19 compliance with the provisions of all applicable statutes, ordinances
20 and regulations concerning noise:

21 (a) As those provisions existed on October 1, 1997, for a
22 shooting range that begins operation on or before October 1, 1997;
23 or

24 (b) As those provisions exist on the date that the shooting range
25 begins operation, for a shooting range in operation after October 1,
26 1997.

27 ➤ A shooting range is not subject to any state or local law related to
28 the control of noise that is adopted or amended after the date set
29 forth in paragraph (a) or (b), as applicable, and does not constitute a
30 nuisance for failure to comply with any such law.

31 7. As used in this section:

32 (a) ***"Board of health" has the meaning ascribed to it in section***
33 ***1 of this act.***

34 (b) "Controlled substance analog" has the meaning ascribed to it
35 in NRS 453.043.

36 ~~(b)~~ (c) "Immediate precursor" has the meaning ascribed to it in
37 NRS 453.086.

38 ~~(c)~~ (d) "Shooting range" has the meaning ascribed to it in
39 NRS 40.140.

40 **Sec. 5.** NRS 244.3603 is hereby amended to read as follows:

41 244.3603 1. Each board of county commissioners may, by
42 ordinance, to protect the public health, safety and welfare of the
43 residents of the county, adopt procedures pursuant to which the
44 district attorney may file an action in a court of competent
45 jurisdiction to:



(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on his property of nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the district attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty of not more than \$500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance, the board may make the expense a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section:

(a) ***"Board of health" has the meaning ascribed to it in section 1 of this act.***

(b) A "chronic nuisance" exists:



(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property.

(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property.

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by ~~the governmental entity;~~ *the board of health;* or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

~~(b)~~ (c) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

~~(c)~~ (d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

~~(d)~~ (e) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;

(4) Excessive noise and violations of curfew; or

(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

~~(e)~~ (f) "Person associated with the property" means:

(1) The owner of the property;

(2) The manager or assistant manager of the property;

(3) The tenant of the property; or

(4) A person who, on the occasion of a nuisance activity, has:

(I) Entered, patronized or visited;

(II) Attempted to enter, patronize or visit; or



(III) Waited to enter, patronize or visit,
→ the property or a person present on the property.

Sec. 6. NRS 268.4124 is hereby amended to read as follows:

268.4124 1. The governing body of a city may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the city;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by the city police or other person authorized to issue a citation, of the existence on his property of two or more nuisance activities and the date by which he must abate the condition to prevent the matter from being submitted to the city attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public health, welfare or safety, the court shall order the city to secure and close the property for a period not to exceed 1 year or until the nuisance is abated, whichever occurs first, and may:

(a) Impose a civil penalty of not more than \$500 per day for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the city for the cost incurred by the city in abating the condition;

(c) If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the



1 chronic nuisance, the governing body may make the expense a
2 special assessment against the property upon which the chronic
3 nuisance is or was located or occurring. The special assessment may
4 be collected at the same time and in the same manner as ordinary
5 county taxes are collected, and is subject to the same penalties and
6 the same procedure and sale in case of delinquency as provided for
7 ordinary county taxes. All laws applicable to the levy, collection and
8 enforcement of county taxes are applicable to such a special
9 assessment.

10 5. As used in this section:

11 (a) ***"Board of health" has the meaning ascribed to it in section***
12 ***1 of this act.***

13 (b) A "chronic nuisance" exists:

14 (1) When three or more nuisance activities exist or have
15 occurred during any 30-day period on the property.

16 (2) When a person associated with the property has engaged
17 in three or more nuisance activities during any 30-day period on the
18 property or within 100 feet of the property.

19 (3) When the property has been the subject of a search
20 warrant based on probable cause of continuous or repeated
21 violations of chapter 459 of NRS.

22 (4) When a building or place is used for the purpose of
23 unlawfully selling, serving, storing, keeping, manufacturing, using
24 or giving away a controlled substance, immediate precursor or
25 controlled substance analog.

26 (5) When a building or place was used for the purpose of
27 unlawfully manufacturing a controlled substance, immediate
28 precursor or controlled substance analog and:

29 (I) The building or place has not been deemed safe for
30 habitation by ~~{a governmental entity;}~~ ***the board of health;*** or

31 (II) All materials or substances involving the controlled
32 substance, immediate precursor or controlled substance analog have
33 not been removed from or remediated on the building or place by an
34 entity certified or licensed to do so within 180 days after the
35 building or place is no longer used for the purpose of unlawfully
36 manufacturing a controlled substance, immediate precursor or
37 controlled substance analog.

38 ~~{(b)}~~ (c) "Controlled substance analog" has the meaning
39 ascribed to it in NRS 453.043.

40 ~~{(c)}~~ (d) "Immediate precursor" has the meaning ascribed to it
41 in NRS 453.086.

42 ~~{(d)}~~ (e) "Nuisance activity" means:

43 (1) Criminal activity;

44 (2) The presence of debris, litter, garbage, rubble, abandoned
45 or junk vehicles or junk appliances;



(3) Excessive noise and violations of curfew; or
(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

~~(e)~~ (f) "Person associated with the property" means a person who, on the occasion of a nuisance activity, has:

- (1) Entered, patronized or visited;
- (2) Attempted to enter, patronize or visit; or
- (3) Waited to enter, patronize or visit,

→ a property or a person present on the property.

Sec. 7. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, if a motor vehicle has been the site of a crime that involves the manufacture, sale or use of any material, compound, mixture or preparation which contains any quantity of methamphetamine, a transferor of the motor vehicle who has actual knowledge of that information shall disclose the information in writing to the transferee of the motor vehicle.

2. The disclosure described in subsection 1 is not required if:

(a) All materials and substances involving methamphetamine have been removed from or remediated on the motor vehicle by an entity certified or licensed to do so; and

(b) The board of health certifies that any materials or substances involving methamphetamine have been removed from or remediated on the motor vehicle.

3. The disclosure described in subsection 1 is not required for any sale or other transfer or intended sale or other transfer of a motor vehicle by a transferor:

(a) To any co-owner of the motor vehicle, the spouse of the transferor or a person related within the third degree of consanguinity or affinity to the transferor; or

(b) If the transferor is a dealer and this is the first sale or transfer of a new motor vehicle.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section, "board of health" has the meaning ascribed to it in section 1 of this act.

Sec. 8. NRS 482.543 is hereby amended to read as follows:

482.543 As used in NRS 482.543 to 482.554, inclusive, *and section 7 of this act*, unless the context otherwise requires, the words and terms defined in NRS 482.5432 to 482.5445, inclusive, have the meanings ascribed to them in those sections.

Sec. 9. NRS 489.776 is hereby amended to read as follows:

489.776 1. Except as otherwise provided in this section and unless required to make a disclosure pursuant to NRS 40.770, if a



1 manufactured home, mobile home or commercial coach is or has
2 been the site of a crime that involves the manufacturing of any
3 material, compound, mixture or preparation which contains any
4 quantity of methamphetamine, a transferor or his agent who has
5 actual knowledge of such information shall disclose the information
6 to a transferee or his agent.

7 2. The disclosure described in subsection 1 is not required if:

8 (a) All materials and substances involving methamphetamine
9 have been removed from or remediated on the manufactured home,
10 mobile home or commercial coach by an entity certified or licensed
11 to do so; or

12 (b) The manufactured home, mobile home or commercial coach
13 has been deemed safe for habitation by ~~[a governmental entity.]~~ *the*
14 *board of health.*

15 3. The disclosure described in subsection 1 is not required for
16 any sale or other transfer or intended sale or other transfer of a
17 manufactured home, mobile home or commercial coach by a
18 transferor:

19 (a) To any co-owner of the manufactured home, mobile home or
20 commercial coach, the spouse of the transferor or a person related
21 within the third degree of consanguinity *or affinity* to the transferor;
22 or

23 (b) If the transferor is a dealer and this is the first sale or transfer
24 of a new manufactured home, mobile home or commercial coach.

25 4. The Division may adopt regulations to carry out the
26 provisions of this section.

27 *5. As used in this section, "board of health" has the meaning*
28 *ascribed to it in section 1 of this act.*

29 **Sec. 10.** This act becomes effective upon passage and approval
30 for the purpose of adopting regulations and performing any other
31 preparatory administrative tasks that are necessary to carry out the
32 provisions of this act, and on July 1, 2009, for all other purposes.

