

ASSEMBLY BILL NO. 363—ASSEMBLYMAN ELLISON

MARCH 21, 2011

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing manufactured housing.
(BDR 43-996)

FISCAL NOTE: Effect on Local Government: No.
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 manufactured housing; authorizing a city or county building department to enforce regulations and conduct inspections with respect to the installation and tie down of manufactured homes, mobile homes and commercial coaches without obtaining written approval from the Manufactured Housing Division of the Department of Business and Industry; requiring a city or county building department to provide certain notices to the Division; authorizing a licensed contractor to perform any work on a mobile home, manufactured home, manufactured building, commercial coach or factory-built housing that is within the scope of his or her contractor's license issued by the State Contractors' Board; exempting a contractor from provisions governing licensure by the Manufactured Housing Division under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires a city or county building department to obtain written
- 2 approval from the Manufactured Housing Division of the Department of Business
- 3 and Industry before enforcing certain regulations and conducting inspections with
- 4 respect to the installation and tie down of manufactured homes, mobile homes and
- 5 commercial coaches. (NRS 489.287) **Section 1** of this bill removes the requirement
- 6 that a city or county building department obtain written approval from the Division
- 7 before enforcing such regulations and conducting such inspections. **Section 1** also
- 8 requires the city or county building department to provide written notice to the
- 9 Division of its intent to begin or cease such enforcement or inspections.



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Existing law prohibits a person who is licensed as a contractor by the State Contractors' Board from performing any work on a mobile home, manufactured home, manufactured building, commercial coach or factory-built housing without obtaining a license from the Division. (NRS 489.311, 624.284) **Sections 2 and 5** of this bill authorize a licensed contractor to perform any work on a mobile home, manufactured home, manufactured building, commercial coach or factory-built housing that is within the scope of his or her contractor's license without obtaining a license from or satisfying any requirements for licensure by the Division.

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

Section 1. NRS 489.287 is hereby amended to read as follows:

489.287 1. Except as otherwise provided in subsection 2, a city or county building department may, ~~with the written approval of the Division,~~ *upon providing notice to the Division pursuant to subsection 3,* enforce all regulations adopted pursuant to this chapter and make all inspections within its jurisdiction required by those regulations regarding the installation and tie down of manufactured homes, mobile homes or commercial coaches. Those inspections must be conducted in compliance with the provisions of this chapter and the regulations adopted pursuant to this chapter.

2. If a city or county building department fails to enforce the regulations adopted pursuant to this chapter or make the inspections required by subsection 1, the Division shall enforce those regulations and make the inspections in that jurisdiction, and may, at no cost to the local governing body, engage an independent contractor to perform any inspection.

3. A city or county building department shall, before enforcing regulations or conducting inspections pursuant to subsection 1, provide written notice to the Division of the intention of the city or county building department to enforce such regulations or conduct inspections. If the city or county building department ceases to enforce regulations or conduct inspections pursuant to subsection 1, the city or county building department shall provide written notice to the Division before cessation of such enforcement and inspections.

Sec. 2. NRS 489.311 is hereby amended to read as follows:

489.311 1. Except as otherwise provided by *subsection 3 and* NRS 489.331, no person may engage or offer to engage in the business of a dealer, distributor, manufacturer, general serviceperson or specialty serviceperson in this State, or be entitled to any other license or permit required by this chapter, until the person has applied for and has been issued a license by the Division.

2. For the purposes of this section, a person engages in the business of a dealer, distributor, manufacturer, general



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1 serviceperson or specialty serviceperson in this State if the person,
2 without limitation, submits a bid to perform any activity requiring a
3 license pursuant to this section.

4 **3. Notwithstanding the provisions of any other law, a person**
5 **who holds a valid contractor's license issued by the State**
6 **Contractors' Board pursuant to chapter 624 of NRS may, without**
7 **obtaining a license pursuant to or meeting any other requirement**
8 **for licensure required by this chapter, perform any work on a**
9 **mobile home, manufactured home, manufactured building,**
10 **commercial coach or factory-built housing that is within the scope**
11 **of his or her contractor's license.**

12 **Sec. 3.** NRS 118B.067 is hereby amended to read as follows:

13 118B.067 1. If a landlord approves the placement of a
14 manufactured home on a lot in a park and it is determined after the
15 home is placed on the lot that the placement of the home does not
16 comply with the requirements of the local ordinances relating to that
17 placement, the landlord shall pay the cost to ensure compliance with
18 those requirements.

19 2. A landlord shall notify any tenant who is bringing a
20 manufactured home which is new to the manufactured home park
21 into the manufactured home park that the provisions of NRS
22 489.311 require that only persons licensed by the State of Nevada as
23 **contractors or** general servicepersons are legally permitted to set up
24 and install a manufactured home. Before the tenant may bring such
25 a manufactured home into the manufactured home park, the tenant
26 must provide to the landlord a copy of the license issued pursuant to
27 NRS 489.311 **or chapter 624 of NRS** to the person who will be
28 installing the manufactured home.

29 **Sec. 4.** NRS 624.3015 is hereby amended to read as follows:

30 624.3015 The following acts, among others, constitute cause
31 for disciplinary action under NRS 624.300:

32 1. Acting in the capacity of a contractor beyond the scope of
33 the license.

34 2. Bidding to contract or contracting for a sum for one
35 construction contract or project in excess of the limit placed on the
36 license by the Board.

37 3. Knowingly bidding to contract or entering into a contract
38 with a contractor for work in excess of his or her limit or beyond the
39 scope of his or her license.

40 4. Knowingly entering into a contract with a contractor while
41 that contractor is not licensed.

42 5. Constructing or repairing a mobile home, manufactured
43 home, manufactured building or commercial coach or factory-built
44 housing unless ~~the contractor:~~

45 ~~—(a) is:~~



- 1 **(a) The work is within the scope of his or her license;**
2 **(b) The contractor is** licensed pursuant to NRS 489.311; or
3 ~~**(b) Owns,**~~
4 **(c) The contractors owns,** leases or rents the mobile home,
5 manufactured home, manufactured building, commercial coach or
6 factory-built housing.
7 6. Engaging in any work or activities that require a contractor's
8 license while the license is placed on inactive status pursuant to
9 NRS 624.282.
10 **Sec. 5.** NRS 624.284 is hereby repealed.

TEXT OF REPEALED SECTION

624.284 License: Limitation of scope. A contractor's license issued pursuant to this chapter does not authorize a contractor to construct or repair a mobile home, manufactured home, manufactured building or commercial coach or factory-built housing.

