

Amendment No. 282

Assembly Amendment to Assembly Bill No. 363

(BDR 43-996)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

JMM/MSN



Date: 4/18/2011

A.B. No. 363—Revises provisions governing manufactured housing. (BDR 43-996)



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;~~ requiring the Division to develop and enter into certain cooperative agreements with a city or county building department; exempting a licensed contractor from certain provisions governing licensure as a specialty serviceperson by the ~~(Manufactured Housing)~~ Division; ~~under certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a city or county building department to obtain written approval from the Manufactured Housing Division of the Department of Business and Industry before enforcing certain regulations and conducting inspections with respect to the installation and tie down of manufactured homes, mobile homes and commercial coaches. (NRS 489.287) **Section 1** of this bill removes the requirement that a city or county building department obtain written approval from the Division before enforcing such regulations and conducting such inspections. **Section 1** also requires the city or county building department to provide written notice to the Division of its intent to begin or cease such enforcement or inspections. ~~It~~ and requires the Division, upon receipt of such notice, to develop and enter into a cooperative agreement with the city or county building department which sets forth the respective duties and responsibilities of the Division and the city or county building department.

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. Sections 2.3 and 2.7 of this bill exempt a person who is licensed as a contractor by the State Contractors' Board from certain requirements for licensure as a specialty serviceperson 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.*

4. *If the Division receives notice of the intention of a city or county building department to enforce regulations or conduct inspections pursuant to subsection 3, the Division shall develop and enter into a written cooperative agreement with the city or county building department setting forth the respective duties and responsibilities of each party to the cooperative agreement.*

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

~~3. Notwithstanding the provisions of any other law, a person who holds a valid contractor's license issued by the State Contractors' Board pursuant to chapter 624 of NRS [may, without obtaining a license pursuant to or meeting any other requirement for licensure required by this chapter,] 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[.]~~
(Deleted by amendment.)

Sec. 2.3. NRS 489.323 is hereby amended to read as follows:

489.323 ~~1.~~ 1. Except as otherwise provided in subsection 2, if a licensee is a dealer, distributor, general serviceperson, specialty serviceperson, responsible managing employee or salesperson, the Division shall not renew a license issued to that licensee until the licensee has submitted proof satisfactory to the Division that the licensee 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.

2. A person who holds a valid contractor's license issued by the State Contractors' Board pursuant to chapter 624 of NRS and who has been issued a license as a specialty serviceperson pursuant to NRS 489.325 is not required to complete the continuing education requirements for the renewal of his or her license as a specialty serviceperson prescribed by subsection 1.

Sec. 2.7. NRS 489.351 is hereby amended to read as follows:

489.351 1. Except as otherwise provided in subsection 2, the Administrator shall require an oral or written examination of each applicant for a license as a dealer, distributor, responsible managing employee, salesperson, general serviceperson or specialty serviceperson.

2. The Administrator may waive the examination required pursuant to subsection 1 for an applicant for a license as a specialty serviceperson if:

(a) The applicant holds another valid license issued by this State; ~~and~~

(b) The services performed by the applicant pursuant to that license are substantially similar to the services to be performed by the applicant as a specialty serviceperson ~~;~~ and

(c) For an applicant who holds a valid contractor's license issued by the State Contractors' Board pursuant to chapter 624 of NRS, the applicant provides proof satisfactory to the Division that the applicant, through training or experience, is qualified to perform the work for which the applicant seeks licensure.

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

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

~~2. A landlord shall notify any tenant who is bringing a manufactured home which is new to the manufactured home park into the manufactured home park that the provisions of NRS 489.311 require that only persons licensed by the State of Nevada as contractors or general servicepersons are legally permitted to set up and install a manufactured home. Before the tenant may bring such a manufactured home into the manufactured home park, the tenant must provide to the landlord a copy of the license issued pursuant to NRS 489.311 or chapter 624 of NRS to the person who will be installing the manufactured home.~~ (Deleted by amendment.)

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

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

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

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

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

1 4. Knowingly entering into a contract with a contractor while that contractor
2 is not licensed.

3 5. Constructing or repairing a mobile home, manufactured home,
4 manufactured building or commercial coach or factory-built housing unless the
5 contractor:

6 (a) Is ~~fr~~

7 ~~(a) The work is within the scope of his or her license;~~

8 ~~(b) The contractor is~~ licensed pursuant to NRS 489.311 ~~fr~~ , 489.321 or
9 489.325; or

10 (b) Owns.

11 ~~(c) The contractors owns,~~ leases or rents the mobile home, manufactured
12 home, manufactured building, commercial coach or factory-built housing.

13 6. Engaging in any work or activities that require a contractor's license while
14 the license is placed on inactive status pursuant to NRS 624.282.

15 Sec. 5. ~~[NRS 624.284 is hereby repealed.]~~ (Deleted by amendment.)

~~fr~~

~~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.]~~