

SENATE BILL NO. 80—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

(ON BEHALF OF THE MANUFACTURED HOUSING DIVISION)

PREFILED DECEMBER 15, 2010

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Makes various changes to the provisions governing
manufactured housing. (BDR 43-480)

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; providing for the licensure of limited servicepersons by the Manufactured Housing Division of the Department of Business and Industry; revising certain provisions to provide for the regulation of limited servicepersons; prohibiting the Division from issuing certain certificates for certain manufactured housing; requiring certain persons repairing a manufactured home to enter into a written agreement with the person for whom the work is being performed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure, continuing education, obligations, disciplinary action and other regulation of dealers, distributors, general servicepersons, specialty servicepersons, responsible managing employees and salespersons of manufactured housing. (NRS 489.285, 489.305, 489.311, 489.321, 489.323, 489.341, 489.342, 489.343, 489.344, 489.351, 489.401, 489.423, 489.425, 489.481, 489.4971)

Sections 2-17 of this bill add limited servicepersons to the list of persons to whom the provisions relating to licensure, continuing education, obligations, disciplinary action and other regulation apply.

Sections 18 and 19 of this bill eliminate the requirement that a dealer report the sale of any new, used or rebuilt manufactured building or factory-built housing in this State.

Section 20 of this bill eliminates the requirement for the submission of certain documents to the Manufactured Housing Division of the Department of Business



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and Industry and to the county assessor by a person who is not a dealer and who has sold a used or rebuilt manufactured building or factory-built housing.

Section 21 of this bill prohibits the Division from issuing a certificate of title or certificate of ownership for certain manufactured housing that is converted to real property.

Section 22 of this bill requires a person who performs work pertinent to the repair of a manufactured home to enter into a written agreement with each person for whom the work is being performed before the work is performed.

Section 23 of this bill eliminates the provision prohibiting the distribution of money held in escrow concerning the sale or exchange of a manufactured building or factory-built housing until an application for a certificate of title or ownership for the manufactured building or factory-built housing is submitted to the Division.

Section 24 of this bill makes it unlawful for a limited serviceperson to rent or lease a vacant mobile home lot under certain circumstances.

Section 25 of this bill requires the Administrator to give notice to every limited serviceperson before the adoption of certain regulations.

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

Section 1. Chapter 489 of NRS is hereby amended by adding thereto a new section to read as follows:

1. “Limited serviceperson” means a person who owns or is the responsible managing employee of a business which:

(a) Installs or repairs the awnings, roofing, skirting, plumbing, heating or electrical systems of a manufactured home, mobile home or commercial coach; or

(b) Reconstructs a manufactured home, mobile home or commercial coach by the alteration, addition or substitution of substantial or essential parts.

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, mobile home or commercial coach who uses the manufactured home, mobile home or commercial coach as a private residence; or

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

Sec. 2. NRS 489.031 is hereby amended to read as follows:

489.031 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 489.036 to 489.155, inclusive, **and section 1 of this act** have the meanings ascribed to them in those sections.



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Sec. 3. NRS 489.285 is hereby amended to read as follows:

489.285 1. The Division shall adopt regulations concerning continuing education requirements for dealers, distributors, general servicepersons, *limited servicepersons*, specialty servicepersons, responsible managing employees and salespersons. The regulations must include the:

(a) Criteria for determining what qualifies as continuing education;

(b) Criteria for approving educational and training programs;

(c) Requirements for submitting evidence of completion; and

(d) Grounds and procedures for granting an extension of time within which to comply with continuing education requirements.

2. In adopting regulations pursuant to subsection 1, the Division shall:

(a) Allow for alternative subjects, instructors, schools and sources of programs, with consideration for specialized areas of practice, availability and proximity of resources to the licensees and applicants, and the time and expense required to participate in the programs.

(b) Approve courses offered by generally accredited educational institutions and private vocational schools if those courses otherwise qualify as continuing education.

(c) Approve training and educational programs and seminars offered by:

(1) Individual sponsors;

(2) Manufactured housing firms and businesses such as dealers, distributors, general servicepersons, *limited servicepersons*, specialty servicepersons, manufacturers and suppliers of the various components for constructing such homes or coaches, including heating and air-conditioning systems, material for roofing and siding, skirting, awnings and other components;

(3) Professional and industry-related organizations; and

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

(d) Solicit advice and assistance from persons and organizations that are knowledgeable in the construction, sale, distribution, installation, rebuilding and servicing of manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory-built housing and the method of educating licensees.

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



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

- (a) Manufactured Housing Institute;
- (b) Manufactured Home Community Owners;
- (c) Nevada Association of Manufactured Home Owners, Inc.;
- (d) Nevada Association of Realtors;
- (e) Nevada Housing Alliance;
- (f) Modular Building Institute; and
- (g) Any other organization approved by the Division.

Sec. 4. NRS 489.305 is hereby amended to read as follows:

489.305 To open a branch office, a dealer, distributor, general serviceperson , **limited serviceperson** or specialty serviceperson must:

1. Obtain a license from the Division to operate the branch office; and

2. Provide for direct supervision of the branch office, either alone or by employing a responsible managing employee.

Sec. 5. NRS 489.311 is hereby amended to read as follows:

489.311 1. Except as otherwise provided by NRS 489.331, no person may engage or offer to engage in the business of a dealer, distributor, manufacturer, general serviceperson , **limited 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 , **limited 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.

Sec. 6. NRS 489.321 is hereby amended to read as follows:

489.321 1. An application for a manufacturer's, dealer's, distributor's, general serviceperson's , **limited serviceperson's** or specialty serviceperson's license must be filed upon forms supplied by the Division and include the social security number of the applicant. The applicant must furnish:

- (a) Any proof the Division may deem necessary that the applicant is a manufacturer, dealer, distributor, general serviceperson , **limited serviceperson** or specialty serviceperson.

- (b) Any proof the Division may require that the applicant has an established place of business.

- (c) Any proof the Division may require of the applicant's good character and reputation and fitness to engage in the activities for which the license is sought.

- (d) A complete set of the applicant's fingerprints and written permission authorizing the Administrator to forward those



1 fingerprints to the Central Repository for Nevada Records of
2 Criminal History for submission to the Federal Bureau of
3 Investigation for its report. The Administrator may exchange with
4 the Central Repository and the Federal Bureau of Investigation any
5 information relating to the fingerprints of an applicant under this
6 section.

7 (e) In the case of a dealer in new manufactured homes, an
8 instrument in the form prescribed by the Division executed by or on
9 behalf of the manufacturer certifying that the applicant is an
10 authorized franchise dealer for the make or makes concerned.

11 (f) A reasonable fee fixed by regulation.

12 (g) In the case of a dealer, distributor , ~~for~~ general
13 serviceperson ~~or~~ **limited serviceperson**, proof of passing the
14 examination required under subsection 1 of NRS 489.351.

15 (h) In the case of a specialty serviceperson, proof of passing the
16 examination required under subsection 1 of NRS 489.351 or proof
17 that the examination has been waived pursuant to subsection 2 of
18 NRS 489.351.

19 (i) Any additional requirements the Division may from time to
20 time prescribe by regulation.

21 2. Within 60 days after the receipt of a complete application,
22 the Division shall issue or deny the license.

23 3. The Administrator may issue a provisional license pending
24 receipt of the report from the Federal Bureau of Investigation. Upon
25 receipt of the report and a determination by the Administrator that
26 the applicant is qualified, the Division shall issue to the applicant a
27 dealer's, manufacturer's, distributor's, general serviceperson's ,
28 **limited serviceperson's** or specialty serviceperson's license
29 containing the applicant's name and the address of the applicant's
30 fixed place of business.

31 4. Each license is valid for a period of 2 years after the date of
32 issuance and may be renewed for like consecutive periods upon
33 application to and approval by the Division.

34 **Sec. 7.** NRS 489.323 is hereby amended to read as follows:

35 489.323 If a licensee is a dealer, distributor, general
36 serviceperson, **limited serviceperson**, specialty serviceperson,
37 responsible managing employee or salesperson, the Division shall
38 not renew a license issued to that licensee until the licensee has
39 submitted proof satisfactory to the Division that the licensee has,
40 during the 2-year period immediately preceding the renewal of the
41 license, completed at least 8 hours of continuing education approved
42 by the Division pursuant to NRS 489.285.

43 **Sec. 8.** NRS 489.341 is hereby amended to read as follows:

44 489.341 1. A person shall not act as a salesperson in this
45 State or as a responsible managing employee for a person who sells,



1 leases, distributes, reconstructs, improves, repairs or installs any
2 manufactured home, mobile home, manufactured building,
3 commercial coach or factory-built housing subject to the provisions
4 of this chapter without first having received a license from the
5 Division. Before issuing such a license, the Division shall require:

6 (a) An application, signed and verified by the applicant, stating
7 that the applicant desires to act as a salesperson or responsible
8 managing employee and providing the applicant's residential
9 address and social security number and the name and address of his
10 or her employer.

11 (b) Proof of the employment of the applicant at the time the
12 application is filed. An applicant for a license as a responsible
13 managing employee shall submit proof of 2 years' experience within
14 the previous 4 years in the business in which the applicant is seeking
15 to be licensed as a responsible managing employee.

16 (c) Proof of the applicant's good character and reputation and
17 fitness to act as a salesperson or responsible managing employee.

18 (d) A complete set of the applicant's fingerprints and written
19 permission authorizing the Administrator to forward those
20 fingerprints to the Central Repository for Nevada Records of
21 Criminal History for submission to the Federal Bureau of
22 Investigation for its report. The Administrator may exchange with
23 the Central Repository and the Federal Bureau of Investigation any
24 information relating to the fingerprints of an applicant.

25 (e) A statement as to whether any previous application of the
26 applicant has been denied or license revoked.

27 (f) Payment of a reasonable license fee established by
28 regulation.

29 (g) The applicant to have passed the examination required by
30 NRS 489.351.

31 (h) Any other information the Division deems necessary.

32 2. Within 60 days after the receipt of a complete application,
33 the Division shall issue or deny the license.

34 3. The Administrator may issue a provisional license pending
35 receipt of the report from the Federal Bureau of Investigation. Upon
36 receipt of the report and a determination by the Administrator that
37 the applicant is qualified, the Administrator shall issue to the
38 applicant a license as a salesperson or a responsible managing
39 employee. The license must contain the licensee's name and the
40 address of his or her employer's place of business.

41 4. Each license is valid for 2 years after the date of issuance
42 and may be renewed for like consecutive periods upon application
43 to and approval by the Division.



5. A person licensed pursuant to this section shall not engage in sales activity other than for the account of, or for and in behalf of, a single employer who is a licensed dealer or distributor.

6. A license issued pursuant to this section may be transferred to another licensed employer upon application and the payment of a transfer fee of \$10. When a salesperson or responsible managing employee holding a current license leaves the employment of one dealer, distributor, general serviceperson, *limited serviceperson* or specialty serviceperson for that of another, the new employer may employ the salesperson or responsible managing employee pending the transfer of the license if the transfer is completed within 10 days.

7. A license issued pursuant to this section must be posted in a conspicuous place on the premises of the employer for whom the holder of the license is licensed.

8. If a salesperson or responsible managing employee ceases to be employed by a licensed dealer, distributor, general serviceperson, *limited serviceperson* or specialty serviceperson, his or her license to act as a salesperson or responsible managing employee is automatically suspended and the person's right to act in that capacity immediately ceases, and he or she shall not engage in such an activity until reemployed by a licensed dealer, distributor, general serviceperson, *limited serviceperson* or specialty serviceperson. Every licensed salesperson and responsible managing employee shall report in writing to the Division every change in his or her place of employment or termination of employment within 5 days after the date of making the change.

Sec. 9. NRS 489.342 is hereby amended to read as follows:

489.342 1. A natural person who applies for the issuance or renewal of a manufacturer's, dealer's, distributor's, general serviceperson's, *limited serviceperson's*, specialty serviceperson's, salesperson's or responsible managing employee's license shall submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A manufacturer's, dealer's, distributor's, general serviceperson's, *limited serviceperson's*, specialty serviceperson's, salesperson's or responsible managing employee's license may not be issued or renewed by the Division if the applicant is a natural person who:



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1 (a) Fails to submit the statement required pursuant to subsection
2 1; or

3 (b) Indicates on the statement submitted pursuant to subsection
4 1 that the applicant is subject to a court order for the support of a
5 child and is not in compliance with the order or a plan approved by
6 the district attorney or other public agency enforcing the order for
7 the repayment of the amount owed pursuant to the order.

8 4. If an applicant indicates on the statement submitted pursuant
9 to subsection 1 that the applicant is subject to a court order for the
10 support of a child and is not in compliance with the order or a plan
11 approved by the district attorney or other public agency enforcing
12 the order for the repayment of the amount owed pursuant to the
13 order, the Division shall advise the applicant to contact the district
14 attorney or other public agency enforcing the order to determine the
15 actions that the applicant may take to satisfy the arrearage.

16 **Sec. 10.** NRS 489.343 is hereby amended to read as follows:

17 489.343 1. Every partnership, limited partnership, limited-
18 liability partnership, limited-liability limited partnership or
19 limited-liability company doing business as a manufacturer, dealer,
20 distributor, general serviceperson , *limited serviceperson* or
21 specialty serviceperson in this State shall designate one of its
22 members, and every corporation doing business as a manufacturer,
23 dealer, distributor, general serviceperson , *limited serviceperson* or
24 specialty serviceperson in this State shall designate one of its
25 officers, to submit an application for a manufacturer's, dealer's,
26 distributor's, general serviceperson's , *limited serviceperson's* or
27 specialty serviceperson's license.

28 2. The Division shall issue a manufacturer's, dealer's,
29 distributor's, general serviceperson's , *limited serviceperson's* or
30 specialty serviceperson's license to the member or officer on behalf
31 of the corporation, company or partnership upon:

32 (a) The designated member or officer, in the case of a dealer,
33 distributor, general serviceperson , *limited serviceperson* or
34 specialty serviceperson, successfully passing the examination
35 required pursuant to subsection 1 of NRS 489.351 unless, in the
36 case of a specialty serviceperson, the examination is waived
37 pursuant to subsection 2 of NRS 489.351; and

38 (b) Compliance with all other requirements of law or any other
39 additional requirements the Division may from time to time
40 prescribe by regulation by the partnership, limited partnership,
41 limited-liability partnership, limited-liability limited partnership or
42 limited-liability company, or corporation, as well as by the
43 designated member or officer.



3. Upon receipt of the license, the designated member or officer is entitled to perform all the acts authorized by a license issued by the Division, except:

(a) That the license issued entitles the designated member or officer to act pursuant to the terms and conditions of the license issued by the Division only as officer or agent of the partnership, limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company, or corporation, and not on his or her own behalf; and

(b) That if the person designated by the partnership, limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company, or corporation:

(1) Is refused a license by the Division; or

(2) Ceases to be connected with the partnership, limited partnership, limited-liability partnership, limited-liability limited partnership, limited-liability company or corporation, the partnership, limited partnership, limited-liability partnership, limited-liability limited partnership, limited-liability company, or corporation may designate another person who shall make application and qualify as in the first instance.

Sec. 11. NRS 489.344 is hereby amended to read as follows:

489.344 Each member or officer of a partnership, limited partnership, limited-liability partnership, limited-liability limited partnership or limited-liability company, or a corporation who will perform or engage in any of the acts specified in NRS 489.076, 489.081, 489.102, 489.115 or 489.147, *or section 1 of this act*, other than the member or officer designated for that purpose by the partnership, limited partnership, limited-liability partnership, limited-liability limited partnership, limited-liability company, or the corporation, in the manner provided in NRS 489.343, must apply for and take out a separate manufacturer's, dealer's, distributor's, general serviceperson's, *limited serviceperson's* or specialty serviceperson's license in his or her own name. The license issued to any such member or officer of a partnership, company or corporation entitles the member or officer to act as a manufacturer, dealer, distributor, general serviceperson, *limited serviceperson* or specialty serviceperson only as an officer or agent of the partnership, limited partnership, limited-liability partnership, limited-liability limited partnership, limited-liability company, or corporation and not on his or her own behalf.

Sec. 12. 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



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employee, salesperson, general serviceperson , **limited 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.

Sec. 13. NRS 489.401 is hereby amended to read as follows:

489.401 The following grounds, among others, constitute grounds for disciplinary action pursuant to NRS 489.381:

1. The intentional publication, circulation or display of any advertising which constitutes a deceptive trade practice as that term is defined in NRS 598.0915 to 598.0925, inclusive.

2. Failure to include in any advertising the name of the licensed dealer, distributor, general serviceperson , **limited serviceperson** or specialty serviceperson, or the name under which the person is doing business.

3. Making any substantial misrepresentation or false promise which is likely to influence, persuade or induce, or continually failing to fulfill promises to sell, breaching agreements or contracts or making false promises by any means.

4. Failure to disclose all terms and conditions of a sale, purchase or lease or offer to sell, purchase or lease a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing.

5. Failure to disclose to a person with whom the licensed dealer or distributor is dealing with regard to the sale, distribution, purchase or lease of a manufactured home any material facts, structural defects or other material information which the licensed dealer or distributor knew, or which by the exercise of reasonable care and diligence should have known, concerning the manufactured home or concerning the sale, distribution, purchase or lease of the manufactured home.

6. Failure to comply with the provisions of NRS 489.595.

7. Representing to any lender, guaranteeing agency or other interested party, orally or through the preparation of false documents:

(a) An amount in excess of the actual sales price;

(b) A false amount as the down payment, earnest money deposit or other valuable consideration;

(c) Terms differing from those actually agreed upon; or

(d) False information on a credit application.



8. Inducing an applicant to falsify a credit application.

9. Failure to obtain from the holder of any lien or security interest in a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing within 10 days before the closure of a sale a written acknowledgment that the holder of the lien or security interest has received written notification of the sale.

Sec. 14. NRS 489.423 is hereby amended to read as follows:

489.423 1. Upon a finding that a licensed dealer or distributor knew, or by the exercise of reasonable care and diligence should have known, of any unlawful act or violation of a provision of this chapter by a salesperson, general serviceperson, **limited serviceperson**, specialty serviceperson or any other person who is employed by or associated with the licensed dealer or distributor, the Administrator may suspend or revoke the license of the licensed dealer or distributor and impose an administrative fine upon him or her of not more than \$1,000.

2. Upon a finding that a licensed dealer or distributor failed to maintain adequate supervision of a salesperson, general serviceperson, **limited serviceperson** or specialty serviceperson who, while employed by or associated with the licensed dealer or distributor, committed any unlawful act or violated a provision of this chapter, the Administrator may suspend or revoke the license of the licensed dealer or distributor and impose an administrative fine upon him or her of not more than \$1,000.

3. Upon a finding that a licensed general serviceperson, **limited serviceperson** or specialty serviceperson knew, or by the exercise of reasonable care and diligence should have known, of any unlawful act or violation of a provision of this chapter by any person who is employed by or associated with the licensed general serviceperson, **limited serviceperson** or specialty serviceperson, the Administrator may suspend or revoke the license of the licensed general serviceperson, **limited serviceperson** or specialty serviceperson and impose an administrative fine upon him or her of not more than \$1,000.

Sec. 15. NRS 489.425 is hereby amended to read as follows:

489.425 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a manufacturer's, dealer's, distributor's, general serviceperson's, **limited serviceperson's**, specialty serviceperson's, salesperson's or responsible managing employee's license, the Division shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless



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1 the Division receives a letter issued to the holder of the license by
2 the district attorney or other public agency pursuant to NRS 425.550
3 stating that the holder of the license has complied with the subpoena
4 or warrant or has satisfied the arrearage pursuant to NRS 425.560.

5 2. The Division shall reinstate a manufacturer's, dealer's,
6 distributor's, general serviceperson's, **limited serviceperson's**,
7 specialty serviceperson's, salesperson's or responsible managing
8 employee's license that has been suspended by a district court
9 pursuant to NRS 425.540 if the Division receives a letter issued by
10 the district attorney or other public agency pursuant to NRS 425.550
11 to the person whose license was suspended stating that the person
12 whose license was suspended has complied with the subpoena or
13 warrant or has satisfied the arrearage pursuant to NRS 425.560.

14 **Sec. 16.** NRS 489.481 is hereby amended to read as follows:

15 489.481 The Division shall adopt regulations providing fees
16 for:

- 17 1. Certificates of installation;
- 18 2. Labels of installation;
- 19 3. Certificates of compliance;
- 20 4. Labels of compliance;
- 21 5. Certificates of ownership;
- 22 6. Licenses of manufacturers, dealers, distributors,
23 salespersons, responsible managing employees, general
24 servicepersons , **limited servicepersons** and specialty
25 servicepersons;
- 26 7. Licenses for branch offices; and
- 27 8. Any other services provided by the Division.

28 **Sec. 17.** NRS 489.4971 is hereby amended to read as follows:

29 489.4971 1. The Account for Education and Recovery
30 Relating to Manufactured Housing is hereby created within the Fund
31 for Manufactured Housing to satisfy the claims of purchasers of
32 manufactured homes, mobile homes, manufactured buildings,
33 commercial coaches or factory-built housing against persons
34 licensed pursuant to the provisions of this chapter. Any balance in
35 the Account over \$500,000 at the end of any fiscal year must be set
36 aside and used by the Administrator for education relating to
37 manufactured homes, mobile homes, travel trailers, manufactured
38 buildings, commercial coaches or factory-built housing.

39 2. Upon the issuance or renewal of the following licenses by
40 the Division, the licensee must pay, in addition to the original or
41 renewal license fee, a fee:

42 (a) For a dealer's, distributor's or manufacturer's original
43 license, or for any original limited dealer's license which authorizes
44 a limited dealer to act as a reposessor or liquidator, of \$1,000.



(b) For a dealer's, distributor's or manufacturer's renewal license, or a renewal of any limited dealer's license which authorizes a limited dealer to act as a reposessor or liquidator, of \$600.

(c) For an original or renewal license for:

(1) A general serviceperson, *limited serviceperson* or specialty serviceperson, of \$150.

(2) A salesperson, of \$75.

(3) A responsible managing employee, of \$100.

➔ Except as otherwise provided in NRS 489.265, fees collected pursuant to this section must be deposited in the State Treasury for credit to the Account.

3. A payment from the Account to satisfy the claim of a purchaser specified in subsection 1 against a person who is licensed pursuant to this chapter must be made only upon an appropriate court order that is issued in an action for fraud, misrepresentation or deceit relating to an act for which a license is required pursuant to this chapter.

4. If a purchaser specified in subsection 1 commences an action specified in subsection 3 against a person who is licensed pursuant to this chapter, the purchaser must serve a copy of the complaint upon the Administrator within 30 days after the action is commenced.

Sec. 18. NRS 489.501 is hereby amended to read as follows:

489.501 1. When a new manufactured home, new mobile home ~~{, new manufactured building}~~ or new commercial coach ~~{or new factory-built housing}~~ is sold in this State by a dealer, the dealer shall complete a report of sale. The report of sale must be in a form prescribed by the Division and include a description of the manufactured home, mobile home ~~{, manufactured building,}~~ or commercial coach, ~~{or factory-built housing,}~~ the name and address of the seller and the name and address of the buyer. If in connection with the sale a security interest is taken or retained by the seller or dealer to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the manufactured home, mobile home ~~{, manufactured building,}~~ or commercial coach, ~~{or factory-built housing,}~~ the name and address of the secured party or an assignee thereof must be entered on the report of sale.

2. The dealer shall require the buyer to sign an acknowledgment of taxes, on a form prescribed by the Division, which includes a statement that a manufactured home, mobile home ~~{, manufactured building}~~ or commercial coach ~~{or factory-built housing}~~ is taxable in the county in which it is located. A dealer who sells a new manufactured home, new mobile home ~~{, new~~



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~~manufactured building~~ or new commercial coach ~~for new factory-built housing~~ shall deliver the buyer's copy of the acknowledgment of taxes to the buyer at the time of sale and submit another copy within 30 days after the date of the sale to the county assessor of the county in which the manufactured home, mobile home ~~;~~ ~~manufactured building;~~ or commercial coach ~~for factory-built housing~~ will be located.

3. The dealer shall submit the original of the report of sale and the manufacturer's certificate or statement of origin to the Division within 30 days after the execution of all instruments which the contract of sale required to be executed at the time of sale or within 30 days after the date of sale, whichever is later, unless an extension of time is granted by the Division.

4. A dealer who sells a new manufactured home, new mobile home ~~;~~ ~~new manufactured building~~ or new commercial coach ~~for new factory-built housing~~ shall deliver the buyer's copy of the report of sale to the buyer at the time of sale and submit another copy within 30 days after the date of the sale to the county assessor of the county in which the manufactured home, mobile home ~~;~~ ~~manufactured building;~~ or commercial coach ~~for factory-built housing~~ will be located.

Sec. 19. NRS 489.511 is hereby amended to read as follows:

489.511 1. If a used or rebuilt manufactured home, mobile home ~~;~~ ~~manufactured building~~ or commercial coach ~~for used or rebuilt factory-built housing~~ is sold in this State by a dealer, the dealer shall complete a dealer's report of sale. The report must be in a form prescribed by the Division and include a description of the manufactured home, mobile home ~~;~~ ~~manufactured building;~~ or commercial coach ~~;~~ ~~for factory-built housing;~~ the name and address of the seller and the name and address of the buyer. If a security interest exists at the time of the sale, or if in connection with the sale a security interest is taken or retained by the seller or dealer to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the manufactured home, mobile home ~~;~~ ~~manufactured building;~~ or commercial coach ~~;~~ ~~for factory-built housing;~~ the name and address of the secured party must be entered on the dealer's report of sale.

2. The dealer shall submit the original of the dealer's report of sale to the Division within 45 days after the execution of all instruments which the contract of sale requires to be executed at the time of the sale, unless an extension of time is granted by the Division, together with the endorsed certificate of title or certificate of ownership previously issued. The dealer shall furnish one copy of the report of sale to the buyer at the time of the sale. Within 45 days after the sale, the dealer shall furnish one copy of the report of sale



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1 to the assessor of the county in which the manufactured home,
2 mobile home ~~{, manufactured building,}~~ or commercial coach ~~{or~~
3 ~~factory-built housing}~~ will be located.

4 3. The dealer shall require the buyer to sign an
5 acknowledgment of taxes, on a form prescribed by the Division,
6 which includes a statement that the manufactured home, mobile
7 home ~~{, manufactured building,}~~ or commercial coach ~~{or factory-~~
8 ~~built housing}~~ is taxable in the county in which it is located. The
9 dealer shall deliver the buyer's copy of the acknowledgment to the
10 buyer at the time of sale and submit another copy to the county
11 assessor of the county in which the manufactured home, mobile
12 home ~~{, manufactured building,}~~ or commercial coach ~~{or factory-~~
13 ~~built housing}~~ is to be located.

14 4. If a used or rebuilt manufactured home, mobile home ~~{,~~
15 ~~manufactured building}~~ or commercial coach ~~{or used or rebuilt~~
16 ~~factory-built housing}~~ is sold by a dealer pursuant to an installment
17 contract or other agreement by which the certificate of title or
18 certificate of ownership does not pass immediately from the seller to
19 the buyer upon the sale, the dealer shall submit to the Division any
20 information required by the regulations adopted by the
21 Administrator pursuant to NRS 489.272.

22 **Sec. 20.** NRS 489.521 is hereby amended to read as follows:

23 489.521 1. If a used or rebuilt manufactured home, mobile
24 home ~~{, manufactured building}~~ or commercial coach ~~{or used or~~
25 ~~rebuilt factory-built housing}~~ is sold in this State by a person who is
26 not a dealer, the seller or buyer, or both, shall submit to the
27 Division, and a copy to the county assessor of the county in which
28 the manufactured home, mobile home ~~{, manufactured building,}~~ or
29 commercial coach ~~{or factory-built housing}~~ is located, within 45
30 days after the sale:

31 (a) If a certificate of ownership has been issued in this State, that
32 certificate properly endorsed.

33 (b) If a certificate of title or other document of title has been
34 issued by a public authority of another state, territory or country:

35 (1) The certificate or document properly endorsed; and

36 (2) A statement showing, if not included on the endorsed
37 certificate or document, the description of the manufactured home,
38 mobile home ~~{, manufactured building,}~~ or commercial coach, ~~{or~~
39 ~~factory-built housing,}~~ the names and addresses of the buyer and
40 seller, and the name and address of any person who takes or retains
41 a purchase money security interest. The statement must be signed
42 and acknowledged by the seller and buyer.

43 (c) If a document of title has not been issued by any public
44 authority, a statement showing all the information and signed and



1 acknowledged in the manner required by subparagraph (2) of
2 paragraph (b).

3 2. If a used or rebuilt manufactured home, mobile home ~~f-~~
4 ~~manufactured building~~ or commercial coach ~~for used or rebuilt~~
5 ~~factory-built housing~~ is sold by a person who is not a dealer
6 pursuant to an installment contract or other agreement by which the
7 certificate of title or certificate of ownership does not pass
8 immediately from the seller to the buyer upon the sale, the seller or
9 buyer, or both, shall submit to the Division any information required
10 by the regulations adopted by the Administrator pursuant to
11 NRS 489.272.

12 **Sec. 21.** NRS 489.541 is hereby amended to read as follows:

13 489.541 1. Except as otherwise provided in subsections 4 and
14 5, upon receipt of the documents required by the Division, the
15 Division shall issue a certificate of ownership.

16 2. If no security interest is created or exists in connection with
17 the sale, the certificate of ownership must be issued to the buyer.

18 3. If a security interest is created by the sale, the certificate of
19 ownership must be issued to the secured party or an assignee
20 thereof, and must show the name of the registered owner.

21 4. The Division shall not issue a certificate of ownership for a
22 mobile home that has been determined to be substandard until the
23 conditions that rendered the mobile home substandard are abated.

24 5. The Division shall not issue a certificate of title or certificate
25 of ownership for ~~factory-built~~ :

26 *(a) A mobile or manufactured home that is converted to real*
27 *property pursuant to subsection 2 or 5 of NRS 361.244; or*

28 *(b) Factory-built housing that constitutes real property pursuant*
29 *to subsection 4 of NRS 361.244.*

30 **Sec. 22.** NRS 489.716 is hereby amended to read as follows:

31 489.716 1. A dealer of new manufactured homes who is
32 licensed pursuant to chapter 624 of NRS may enter into written
33 agreements pursuant to which appropriately licensed providers of
34 service agree to perform work pertinent to the sale, installation and
35 occupancy of a manufactured home. If such a dealer enters into such
36 a written agreement, the dealer is responsible for the workmanship
37 and completion of all parts of the project involving the sale,
38 installation and occupancy of the manufactured home, including,
39 without limitation, any work performed by a provider of service
40 pursuant to the written agreement.

41 2. A dealer of manufactured homes, regardless of whether the
42 dealer is licensed pursuant to chapter 624 of NRS, shall not require a
43 buyer of a manufactured home to obtain services to be performed
44 pertinent to the sale, installation or occupancy of the manufactured
45 home from a specific provider. The dealer shall disclose to the buyer



1 in writing the fact that the dealer is prohibited from requiring the
2 buyer to obtain such services from a specific provider of services.

3 3. Before performing any work, a provider of services shall
4 enter into a written agreement with each person for whom the
5 provider of services will perform work which is pertinent to the sale,
6 installation , ~~for~~ occupancy **or repair** of a manufactured home,
7 including, without limitation, a dealer of manufactured homes, a
8 person who owns a manufactured home and any person who is
9 purchasing a manufactured home. The written agreement must
10 include provisions specifying:

- 11 (a) The scope of work;
- 12 (b) The cost for completion of the work;
- 13 (c) The date on which work will begin;
- 14 (d) The anticipated date for completion of the work; and
- 15 (e) That no additional work may be performed and no additional
16 costs may be charged unless agreed to in writing before the
17 additional work is performed or costs are incurred.

18 4. As used in this section, "provider of services" means any
19 person who performs work pertinent to the sale, installation , ~~and~~
20 occupancy **or repair** of a ~~new~~ manufactured home.

21 **Sec. 23.** NRS 489.723 is hereby amended to read as follows:

22 489.723 1. Any money that a dealer receives from a client or
23 other person concerning the sale or exchange of an interest in a
24 manufactured home, mobile home, manufactured building or
25 commercial coach or factory-built housing must be accounted for by
26 the dealer when:

27 (a) The sale or exchange of the interest in the manufactured
28 home, mobile home, manufactured building, commercial coach or
29 factory-built housing is executed; or

30 (b) The contract for the sale or exchange of the interest in the
31 manufactured home, mobile home, manufactured building,
32 commercial coach or factory-built housing is rescinded by the
33 dealer, client or any other person,

34 ➔ whichever occurs earlier.

35 2. The dealer shall:

36 (a) Prepare or cause to be prepared a written itemized statement
37 concerning each expenditure or deduction of money made by the
38 dealer;

39 (b) Deliver or cause to be delivered to each person from whom
40 the dealer received money a copy of the written itemized statement;
41 and

42 (c) Maintain a copy of the written itemized statement at the
43 dealer's place of business.

44 3. Except as otherwise provided in a brokerage agreement or an
45 escrow agreement signed by the parties to a sale or exchange of an



1 interest in a manufactured home, mobile home, manufactured
2 building or commercial coach or factory-built housing and the
3 escrow agent or escrow officer licensed pursuant to the provisions
4 of chapter 645A or 692A of NRS, no money concerning that sale or
5 exchange held by a dealer may be distributed until:

6 (a) An application for:

7 (1) A certificate of ownership for the manufactured home,
8 mobile home ~~{, manufactured building,}~~ **or** commercial coach ; ~~{or~~
9 ~~factory-built housing;}~~ or

10 (2) A certificate of title or certificate of ownership that does
11 not pass immediately upon the sale or transfer of the manufactured
12 home, mobile home ~~{, manufactured building,}~~ **or** commercial coach
13 ~~, {or factory-built housing;}~~

14 ➔ has been submitted to the Division;

15 (b) Each person who has a financial interest in the manufactured
16 home, mobile home, manufactured building, commercial coach or
17 factory-built housing has executed a document that releases or
18 waives the person's interest; and

19 (c) Each party to the sale or exchange has complied with the
20 requirements for the sale or exchange that are set forth in the
21 regulations adopted pursuant to the provisions of this chapter.

22 **Sec. 24.** NRS 489.731 is hereby amended to read as follows:

23 489.731 Unless further restricted by a local ordinance, if more
24 than 80 percent of the lots in the park where it is situated are
25 occupied, it is unlawful for a dealer, general serviceperson, **limited**
26 **serviceperson**, specialty serviceperson or salesperson to rent or lease
27 a vacant mobile home lot unless:

28 1. Within 60 days he or she takes up residence in a
29 manufactured home or mobile home placed upon the lot; or

30 2. He or she releases the lot to a qualified tenant.

31 ➔ After the expiration of 60 days after the date of rental of the lot to
32 the dealer, general serviceperson, **limited serviceperson**, specialty
33 serviceperson or salesperson, any qualified tenant is entitled, upon
34 written request to the landlord, to obtain release of the lot.

35 **Sec. 25.** NRS 489.811 is hereby amended to read as follows:

36 489.811 1. Except as otherwise provided in subsection 5, any
37 person who violates any of the provisions of this chapter is liable to
38 the State for a civil penalty of not more than \$1,000 for each
39 violation. Each violation of this chapter or any regulation or order
40 issued under it constitutes a separate violation with respect to each
41 manufactured home, mobile home, manufactured building,
42 commercial coach or factory-built housing and with respect to each
43 failure or refusal to allow or perform an act required by this chapter
44 or regulation or order, except that the maximum civil penalty is



1 \$1,000,000 for any related series of violations occurring within
2 1 year after the first violation.

3 2. Before the adoption of any regulation for whose violation a
4 civil penalty may be imposed, the Administrator shall give at least
5 30 days' written notice to every licensed manufacturer, dealer,
6 distributor, general serviceperson , **limited serviceperson** and
7 specialty serviceperson, and every other interested party who has
8 requested the notice.

9 3. An action to enforce a civil penalty must be brought in a
10 court of competent jurisdiction in the county in which the defendant
11 has his or her principal place of business.

12 4. All money collected as civil penalties pursuant to the
13 provisions of this chapter must be deposited in the State General
14 Fund.

15 5. This section does not apply to a manufacturer, distributor or
16 dealer of travel trailers.

17 **Sec. 26.** 1. This act becomes effective upon passage and
18 approval.

19 2. Sections 6 and 8 of this act expire by limitation on the date
20 on which the provisions of 42 U.S.C. § 666 requiring each state to
21 establish procedures under which the state has authority to withhold
22 or suspend, or to restrict the use of professional, occupational and
23 recreational licenses of persons who:

24 (a) Have failed to comply with a subpoena or warrant relating to
25 a proceeding to determine the paternity of a child or to establish or
26 enforce an obligation for the support of a child; or

27 (b) Are in arrears in the payment for the support of one or more
28 children,

29 ➔ are repealed by the Congress of the United States.

