

ASSEMBLY BILL NO. 276—ASSEMBLYMEN ELLISON; PAUL
ANDERSON, GRADY, HARDY, KIRNER, LIVERMORE,
OSCARSON, STEWART, WHEELER AND WOODBURY

MARCH 15, 2013

Referred to Committee on Government Affairs

SUMMARY—Consolidates the Manufactured Housing Division of
the Department of Business and Industry within the
Housing Division of the Department.
(BDR 18-1029)

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 State Government; consolidating the
Manufactured Housing Division of the Department of
Business and Industry within the Housing Division of the
Department; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the Manufactured Housing Division is a division of the
- 2 Department of Business and Industry. (NRS 232.510) The Administrator of the
- 3 Manufactured Housing Division is the chief of the Division. (NRS 232.520) This
- 4 bill renames the Manufactured Housing Division as the Manufactured Housing
- 5 Section of the Housing Division of the Department and consolidates the functions
- 6 of the Manufactured Housing Division under the Housing Division. This bill also
- 7 redesignates the Administrator of the Manufactured Housing Division as the
- 8 Deputy Administrator of the Manufactured Housing Section.

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

- 1 **Section 1.** NRS 232.510 is hereby amended to read as follows:
- 2 232.510 1. The Department of Business and Industry is
- 3 hereby created.
- 4 2. The Department consists of a Director and the following:



* A B 2 7 6 *

- 1 (a) Consumer Affairs Division.
- 2 (b) Division of Financial Institutions.
- 3 (c) Housing Division.
- 4 (d) ~~Manufactured Housing Division.~~
- 5 ~~(e)~~ Real Estate Division.
- 6 ~~(f)~~ (e) Division of Insurance.
- 7 ~~(g)~~ (f) Division of Industrial Relations.
- 8 ~~(h)~~ (g) Office of Labor Commissioner.
- 9 ~~(i)~~ (h) Taxicab Authority.
- 10 ~~(j)~~ (i) Nevada Athletic Commission.
- 11 ~~(k)~~ (j) Office of the Nevada Attorney for Injured Workers.
- 12 ~~(l)~~ (k) Nevada Transportation Authority.
- 13 ~~(m)~~ (l) Division of Mortgage Lending.
- 14 ~~(n)~~ (m) Any other office, commission, board, agency or entity
- 15 created or placed within the Department pursuant to a specific
- 16 statute, the budget approved by the Legislature or an executive
- 17 order, or an entity whose budget or activities have been placed
- 18 within the control of the Department by a specific statute.
- 19 **Sec. 2.** NRS 232.520 is hereby amended to read as follows:
- 20 232.520 The Director:

21 1. Shall appoint a chief or executive director, or both of them,

22 of each of the divisions, offices, commissions, boards, agencies or

23 other entities of the Department, unless the authority to appoint such

24 a chief or executive director, or both of them, is expressly vested in

25 another person, board or commission by a specific statute. In

26 making the appointments, the Director may obtain lists of qualified

27 persons from professional organizations, associations or other

28 groups recognized by the Department, if any. The chief of the

29 Consumer Affairs Division is the Commissioner of Consumer

30 Affairs, the chief of the Division of Financial Institutions is the

31 Commissioner of Financial Institutions, the chief of the Housing

32 Division is the Administrator of the Housing Division, ~~the chief of~~

33 ~~the Manufactured Housing Division is the Administrator of the~~

34 ~~Manufactured Housing Division.~~ the chief of the Real Estate

35 Division is the Real Estate Administrator, the chief of the Division

36 of Insurance is the Commissioner of Insurance, the chief of the

37 Division of Industrial Relations is the Administrator of the Division

38 of Industrial Relations, the chief of the Office of Labor

39 Commissioner is the Labor Commissioner, the chief of the Taxicab

40 Authority is the Taxicab Administrator, the chief of the Nevada

41 Transportation Authority is the Chair of the Authority, the chief of

42 the Division of Mortgage Lending is the Commissioner of Mortgage

43 Lending and the chief of any other entity of the Department has the

44 title specified by the Director, unless a different title is specified by

45 a specific statute.



2. Is responsible for the administration of all provisions of law relating to the jurisdiction, duties and functions of all divisions and other entities within the Department. The Director may, if he or she deems it necessary to carry out his or her administrative responsibilities, be considered as a member of the staff of any division or other entity of the Department for the purpose of budget administration or for carrying out any duty or exercising any power necessary to fulfill the responsibilities of the Director pursuant to this subsection. This subsection does not allow the Director to preempt any authority or jurisdiction granted by statute to any division or other entity within the Department or to act or take on a function that would contravene a rule of court or a statute.

3. May:

(a) Establish uniform policies for the Department, consistent with the policies and statutory responsibilities and duties of the divisions and other entities within the Department, relating to matters concerning budgeting, accounting, planning, program development, personnel, information services, dispute resolution, travel, workplace safety, the acceptance of gifts or donations, the management of records and any other subject for which a uniform departmental policy is necessary to ensure the efficient operation of the Department.

(b) Provide coordination among the divisions and other entities within the Department, in a manner which does not encroach upon their statutory powers and duties, as they adopt and enforce regulations, execute agreements, purchase goods, services or equipment, prepare legislative requests and lease or use office space.

(c) Define the responsibilities of any person designated to carry out the duties of the Director relating to financing, industrial development or business support services.

4. May, within the limits of the financial resources made available to the Director, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he or she determines is necessary or convenient for the exercise of the powers and duties of the Department. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the Department.

5. For any bonds which the Director is otherwise authorized to issue, may issue bonds the interest on which is not exempt from federal income tax or excluded from gross revenue for the purposes of federal income tax.

6. May, except as otherwise provided by specific statute, adopt by regulation a schedule of fees and deposits to be charged in connection with the programs administered by the Director pursuant



1 to chapters 348A and 349 of NRS. Except as otherwise provided by
2 specific statute, the amount of any such fee or deposit must not
3 exceed 2 percent of the principal amount of the financing.

4 7. May designate any person within the Department to perform
5 any of the duties or responsibilities, or exercise any of the authority,
6 of the Director on his or her behalf.

7 8. May negotiate and execute agreements with public or private
8 entities which are necessary to the exercise of the powers and duties
9 of the Director or the Department.

10 9. May establish a trust account in the State Treasury for
11 depositing and accounting for money that is held in escrow or is on
12 deposit with the Department for the payment of any direct expenses
13 incurred by the Director in connection with any bond programs
14 administered by the Director. The interest and income earned on
15 money in the trust account, less any amount deducted to pay for
16 applicable charges, must be credited to the trust account. Any
17 balance remaining in the account at the end of a fiscal year may be:

18 (a) Carried forward to the next fiscal year for use in covering the
19 expense for which it was originally received; or

20 (b) Returned to any person entitled thereto in accordance with
21 agreements or regulations of the Director relating to those bond
22 programs.

23 **Sec. 3.** Chapter 118B of NRS is hereby amended by adding
24 thereto the provisions set forth as sections 4 and 5 of this act.

25 **Sec. 4.** ***"Deputy Administrator" means the Deputy***
26 ***Administrator of the Section.***

27 **Sec. 5.** ***"Section" means the Manufactured Housing Section***
28 ***of the Housing Division of the Department of Business and***
29 ***Industry.***

30 **Sec. 6.** NRS 118B.010 is hereby amended to read as follows:

31 118B.010 As used in this chapter, unless the context otherwise
32 requires, the words and terms defined in NRS ~~118B.011~~
33 ***118B.0111*** to 118B.0195, inclusive, ***and sections 4 and 5 of this act***
34 have the meanings ascribed to them in those sections.

35 **Sec. 7.** NRS 118B.024 is hereby amended to read as follows:

36 118B.024 1. The ***Deputy*** Administrator shall adopt
37 regulations to carry out the provisions of this chapter.

38 2. To carry out the provisions of this chapter, the ***Deputy***
39 Administrator may, upon receiving a complaint alleging a violation
40 of this chapter or any regulation adopted pursuant thereto:

41 (a) Issue subpoenas for the production of books, papers and
42 documents which are strictly relevant to the complaint;

43 (b) Mediate grievances between landlords and tenants of
44 manufactured home parks; and



(c) Make inspections and provide technical services necessary to administer the provisions of this chapter.

3. The **Deputy** Administrator or his or her representative may inspect at reasonable times in a reasonable manner the premises and books, papers, records and documents which are required to enforce the provisions of this chapter.

Sec. 8. NRS 118B.026 is hereby amended to read as follows:

118B.026 1. The **Deputy** Administrator may, upon receiving a complaint alleging a violation of this chapter or any regulation adopted pursuant thereto, investigate the alleged violation. The **Deputy** Administrator or his or her representative shall, upon request, furnish identification during an investigation. Except as otherwise provided in NRS 239.0115, any information obtained by the **Deputy** Administrator or his or her representative in the investigation of a complaint, including the name of the complainant, is confidential and must not be disclosed unless so ordered by the **Deputy** Administrator or a court of competent jurisdiction.

2. If the **Deputy** Administrator finds a violation of the provisions of this chapter or of any regulation adopted pursuant thereto, the **Deputy** Administrator may issue a notice of violation to the person who the **Deputy** Administrator alleges has violated the provision. The notice of violation must set forth the violation which the **Deputy** Administrator alleges with particularity and specify the corrective action which is to be taken and the time within which the action must be taken.

3. If the person to whom a notice of violation is directed fails to take the corrective action required, the **Deputy** Administrator may:

(a) Extend the time for corrective action;

(b) Request the district attorney of the county in which the violation is alleged to have occurred to prepare a complaint and procure the issuance of a summons to the person for the violation; or

(c) Apply to the district court for the judicial district in which the violation is alleged to have occurred for an injunction and any other relief which the court may grant to compel compliance. In an action brought pursuant to this section, the court may award costs and reasonable attorney's fees to the prevailing party.

↪ The **Deputy** Administrator may, in addition to or in lieu of any action authorized by paragraph (a), (b) or (c), impose a fine pursuant to NRS 118B.251.

4. Any person who violates a provision of this chapter, or a regulation adopted pursuant thereto, shall pay for the cost incurred by the ~~Division~~ **Section** in enforcing the provision.



Sec. 9. NRS 118B.089 is hereby amended to read as follows:

118B.089 1. The **Deputy** Administrator may impose a fine of not more than \$500 against a landlord of a manufactured home park who employs a manager or assistant manager who has not completed the course of continuing education required by NRS 118B.086.

2. The **Deputy** Administrator shall, before imposing the fine, notify the landlord of the manufactured home park by certified mail that the **Deputy** Administrator will impose the fine unless the landlord, within 30 days after the notice is mailed, shows cause why the fine should not be imposed.

3. If the **Deputy** Administrator imposes the fine, the **Deputy** Administrator shall notify the landlord of the manufactured home park by certified mail.

4. The imposition of a fine pursuant to this section is a final decision for the purposes of judicial review.

Sec. 10. NRS 118B.185 is hereby amended to read as follows:

118B.185 1. Each owner of a manufactured home park shall pay to the ~~{Division}~~ **Section** an annual fee established by the **Deputy** Administrator which must not exceed \$5 for each lot within that park.

2. If an owner fails to pay the fee within 30 days after receiving written notice of its amount, a penalty of 50 percent of the amount of the fee must be added. The owner is not entitled to any reimbursement of this penalty from his or her tenants.

3. All fees collected by the ~~{Division}~~ **Section** pursuant to subsection 1 must be deposited in the State Treasury for credit to the Account for Regulating Manufactured Home Parks within the Fund for Manufactured Housing created pursuant to NRS 489.491. All expenses related to the regulation of manufactured home parks must be paid from the Account. The Account must not be used for any other purpose. Claims against the Account must be paid as other claims against the State are paid.

Sec. 11. NRS 118B.213 is hereby amended to read as follows:

118B.213 1. In addition to the fee established pursuant to NRS 118B.185, except as otherwise provided in subsection 3, the owner of a manufactured home park that is operated for profit shall pay to the ~~{Division}~~ **Section** an annual fee of \$12 for each lot within the park. The owner shall not impose a fee or surcharge to recover from his or her tenants the costs resulting from the annual fee per lot paid pursuant to this subsection, or any related penalty.

2. The **Deputy** Administrator shall notify the owner of each manufactured home park that is operated for profit in this state on or before July 1 of each year of the fee imposed pursuant to this section.



3. If on May 15 of that year the balance in the Fund which is attributable to deposits pursuant to this section exceeds \$1,000,000, the **Deputy** Administrator shall not charge or collect a fee pursuant to this section. The **Deputy** Administrator shall resume the collection in any year when the balance on May 15 is less than \$750,000. The **Deputy** Administrator shall request the State Treasurer to inform the **Deputy** Administrator of the applicable balance of the Fund on May 15 of each year.

4. If an owner fails to pay the fee within 30 days after receiving written notice from the **Deputy** Administrator to do so, a penalty of 50 percent of the amount of the fee must be added.

5. All fees and penalties collected by the ~~{Division}~~ **Section** pursuant to this section must be deposited in the State Treasury for credit to the Fund.

Sec. 12. NRS 118B.2155 is hereby amended to read as follows:

118B.2155 Each application for assistance from the Fund must include:

1. A statement that an applicant who fails to report:

(a) Information required to be included in the application which the applicant knew at the time the applicant signed the application; or

(b) A change in his or her eligibility pursuant to NRS 118B.218, **↪** may be personally liable to the ~~{Division}~~ **Section** for any assistance incorrectly paid to him or her.

2. The provisions of NRS 118B.219.

Sec. 13. NRS 118B.216 is hereby amended to read as follows:

118B.216 1. The ~~{Division}~~ **Section** shall notify an applicant for or recipient of assistance from the Fund of its decision to deny or terminate assistance by mailing to the applicant or recipient a notice of its decision by certified mail, return receipt requested, to the last known address of the applicant or recipient. The notice must:

(a) Specify the reasons for the denial or termination of assistance; and

(b) Contain a statement informing the applicant or recipient that a hearing will be provided if a written request for a hearing is filed by the applicant or recipient within 20 days after the applicant or recipient receives the notice.

2. An applicant or recipient may, within 20 days after the applicant or recipient receives notice pursuant to subsection 1, file a written request for a hearing with the ~~{Division}~~ **Section**. If the ~~{Division}~~ **Section** does not receive a request for a hearing within 20 days after the applicant or recipient receives the notice pursuant to subsection 1, the ~~{Division's}~~ **Section's** decision becomes final and is not subject to judicial review.



3. If an applicant for or recipient of assistance requests a hearing within 20 days after the applicant or recipient receives notice pursuant to subsection 1, a hearing must be conducted before a hearing officer appointed by the Director of the Department of Business and Industry or a person designated by the Director within 60 days after receipt of the request. The ~~{Division}~~ **Section** shall notify the applicant or recipient of the time, place and date of the hearing. An applicant whose application for assistance has been denied has the burden of proving that the applicant is entitled to receive assistance. The ~~{Division}~~ **Section** has the burden of proving the grounds for terminating the assistance provided to a recipient.

4. The hearing officer shall issue a decision within 30 days after the hearing and mail a copy of the decision to the applicant or recipient. The decision of the hearing officer is a final decision for purposes of judicial review.

Sec. 14. NRS 118B.2185 is hereby amended to read as follows:

118B.2185 The ~~{Division}~~ **Section** may recover from a person who receives assistance from the Fund an amount not to exceed the assistance incorrectly paid to him or her if the person failed to report:

1. Information required to be included in the application which the person knew at the time the person signed the application; or

2. Any change in his or her eligibility pursuant to NRS 118B.218.

Sec. 15. NRS 118B.219 is hereby amended to read as follows:

118B.219 1. Any person who knowingly, by any false pretense, false or misleading statement, impersonation or misrepresentation, obtains or attempts to obtain with the intent to cheat or defraud the ~~{Division}~~ **Section** assistance from the Fund in an amount of \$100 or more is personally liable for:

(a) Any assistance incorrectly paid to that person;

(b) The costs of any investigation conducted by the ~~{Division}~~ **Section** to determine whether that person received assistance incorrectly;

(c) Court costs;

(d) Attorney's fees; and

(e) A civil penalty of not more than \$1,000.

2. The ~~{Division}~~ **Section** may bring an action to recover a civil penalty imposed pursuant to subsection 1 and shall deposit any money recovered with the State Treasurer for credit to the Fund.

Sec. 16. NRS 118B.251 is hereby amended to read as follows:

118B.251 1. The **Deputy** Administrator may impose a fine of not more than \$1,000 against any person who violates any of the provisions of this chapter.



2. The *Deputy* Administrator shall, before imposing the fine, notify the person by certified mail that the *Deputy* Administrator will impose a fine for the violation unless the person requests a hearing within 20 days after the notice is mailed.

3. If a hearing is requested, the *Deputy* Administrator shall hold a hearing pursuant to the provisions of NRS 233B.121 to 233B.150, inclusive.

4. If a hearing is not requested within the prescribed period and the matter is not otherwise resolved, the *Deputy* Administrator shall impose the fine and notify the person by certified mail.

5. The decision of the *Deputy* Administrator to impose a fine pursuant to this section is a final decision for the purposes of judicial review.

Sec. 17. NRS 118B.260 is hereby amended to read as follows:

118B.260 Any landlord who violates any of the provisions of this chapter and any other person who violates NRS 118B.210:

1. For the first violation, shall pay a civil penalty of not more than \$1,000.

2. For the second violation, shall pay a civil penalty of not more than \$2,500.

3. For the third or subsequent violation, shall pay a civil penalty of not more than \$5,000 for each violation.

↳ If a civil penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, must be recovered by the *Deputy* Administrator, if possible.

Sec. 18. Chapter 489 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 and 20 of this act.

Sec. 19. "*Deputy Administrator*" means the *Deputy Administrator of the Section*.

Sec. 20. "*Section*" means the *Manufactured Housing Section of the Housing Division of the Department of Business and Industry*.

Sec. 21. 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~~ 489.043 to 489.155, inclusive, *and sections 19 and 20 of this act* have the meanings ascribed to them in those sections.

Sec. 22. NRS 489.231 is hereby amended to read as follows:

489.231 1. To carry out the provisions of this chapter, the *Deputy* Administrator may:

(a) Issue subpoenas for the attendance of witnesses or the production of books, papers and documents; and

(b) Conduct hearings.

2. The *Deputy* Administrator may apply for and receive grants from the Secretary of Housing and Urban Development for



1 developing and carrying out a plan for enforcement and
2 administration of federal standards of safety and construction
3 respecting manufactured homes offered for sale or lease in this state.

4 3. The **Deputy** Administrator may adopt regulations to ensure
5 acceptance by the Secretary of Housing and Urban Development of
6 the state plan for administration and enforcement of federal
7 standards of safety and construction respecting manufactured homes
8 in accordance with the National Manufactured Housing
9 Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401
10 et seq.

11 4. The **Deputy** Administrator may:

- 12 (a) Make inspections;
- 13 (b) Approve plans and specifications;
- 14 (c) Provide technical services;
- 15 (d) Issue licenses, permits, certificates of ownership and
16 certificates and labels of compliance and installation;
- 17 (e) Enter into reciprocal agreements with other states or private
18 organizations that adopt and maintain standards reasonably
19 consistent with this chapter;
- 20 (f) Collect the fees provided for in this chapter; and
- 21 (g) Adopt regulations necessary to carry out his or her duties
22 under this chapter.

23 5. The **Deputy** Administrator or a representative of the **Deputy**
24 Administrator may enter, at reasonable times and without notice,
25 any mobile home park or place of business or any factory,
26 warehouse or establishment in which manufactured homes, mobile
27 homes, travel trailers, manufactured buildings or factory-built
28 housing are manufactured, stored or held for sale or distribution and
29 inspect at reasonable times in a reasonable manner the premises and
30 books, papers, records and documents which are relevant to the
31 manufacture, distribution and sale of manufactured homes, mobile
32 homes, travel trailers, manufactured buildings or factory-built
33 housing and compliance with the National Manufactured Housing
34 Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401
35 et seq., this chapter and chapter 461 of NRS, and any regulations
36 adopted pursuant thereto, and to compliance by landlords of mobile
37 home parks with the prohibition in NRS 118B.140 against charging
38 or receiving any entrance or exit fee. A magistrate shall issue a
39 warrant to permit an inspection if the **Deputy** Administrator has
40 shown:

- 41 (a) Evidence that a violation of a provision of this chapter or of
42 the prohibition in NRS 118B.140 against charging or receiving any
43 entrance or exit fee has been committed or is being committed; or



(b) That the business has been chosen for an inspection on the basis of a general administrative plan for the enforcement of the provisions of this chapter.

Sec. 23. NRS 489.291 is hereby amended to read as follows:

489.291 1. If the **Deputy** Administrator finds a violation of this chapter or of the prohibition in NRS 118B.140 against charging or receiving an entrance or exit fee, or of any regulation adopted pursuant to this chapter, the **Deputy** Administrator may issue a notice of violation to the person alleged to have violated the provision. The notice of violation must set forth the violation which the **Deputy** Administrator alleges with particularity and specify the corrective action which is to be taken and the time within which the action must be taken. If the person is alleged to have violated the prohibition in NRS 118B.140 against charging or receiving an entrance or exit fee, the notice of violation must specify that the fee be repaid in full, and may specify any other corrective action which the **Deputy** Administrator deems necessary.

2. Any person who fails to take the corrective action required in a notice of violation is guilty of a misdemeanor and the **Deputy** Administrator may:

(a) Apply to the district court for the judicial district in which the violation is alleged to have occurred for an injunction and any other relief which the court may grant to compel compliance;

(b) Request that the district attorney of the county in which the violation is alleged to have occurred prosecute the person for the violation;

(c) If the person is alleged to have violated the prohibition in NRS 118B.140 against charging or receiving an entrance or exit fee, assess a penalty against the person equal to three times the amount of the fee which was charged or received; or

(d) If the person is alleged to have violated NRS 489.311 and while acting without a license is alleged to have caused damage to a mobile home, manufactured home or commercial coach, require that the person reimburse the owner of the mobile home, manufactured home or commercial coach for the cost of repairing such damage and assess a penalty against that person equal to the estimated cost of such repairs.

3. The assessment of a penalty pursuant to paragraph (c) or (d) of subsection 2 is a contested case.

4. Any person who is found to have violated a provision of this chapter, the prohibition in NRS 118B.140 against charging or receiving an entrance or exit fee, or a regulation adopted pursuant to this chapter, is liable for the cost incurred by the ~~Division~~ **Section** in enforcing the provision or regulation.



1 **Sec. 24.** NRS 489.381 is hereby amended to read as follows:

2 489.381 The ~~Division~~ **Section** may impose an administrative
3 fine of not more than \$1,000 per violation, and may deny, suspend
4 or revoke any license issued under this chapter or reissue the license
5 subject to reasonable conditions upon any of the grounds set forth in
6 NRS 489.391 to 489.421, inclusive, which constitute grounds for
7 disciplinary action. If discipline is imposed pursuant to this section,
8 the costs of the proceeding, including investigative costs and
9 attorney's fees, may be recovered by the ~~Division~~ **Section**.

10 **Sec. 25.** NRS 489.423 is hereby amended to read as follows:

11 489.423 1. Upon a finding that a licensed dealer or
12 distributor knew, or by the exercise of reasonable care and diligence
13 should have known, of any unlawful act or violation of a provision
14 of this chapter by a salesperson, general serviceperson, specialty
15 serviceperson or any other person who is employed by or associated
16 with the licensed dealer or distributor, the **Deputy** Administrator
17 may suspend or revoke the license of the licensed dealer or
18 distributor and impose an administrative fine upon him or her of not
19 more than \$1,000.

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

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

37 **Sec. 26.** NRS 489.431 is hereby amended to read as follows:

38 489.431 1. The **Deputy** Administrator may on his or her own
39 motion, and shall upon receiving a complaint, investigate the actions
40 of any licensee or any other person who assumes to act in the
41 capacity of a licensee in this State. A complaint must be verified and
42 filed with the ~~Division~~ **Section** within 2 years after the act
43 complained of.

44 2. If the **Deputy** Administrator finds that the licensee or other
45 person has acted in violation of this chapter, and that the violation is



1 not repeated or continuing, the **Deputy** Administrator may attempt
2 to secure a correction of the violation or satisfaction for the
3 complainant from the licensee or other person. If the **Deputy**
4 Administrator's attempt fails or if the **Deputy** Administrator
5 determines that disciplinary action is necessary, the **Deputy**
6 Administrator may take disciplinary action.

7 3. If the **Deputy** Administrator finds that the violation is being
8 repeatedly or continuously committed, or if in the **Deputy**
9 Administrator's discretion the violation warrants disciplinary action,
10 the **Deputy** Administrator may take disciplinary action without
11 seeking correction or satisfaction.

12 **Sec. 27.** NRS 489.436 is hereby amended to read as follows:

13 489.436 1. The **Deputy** Administrator or a designee of the
14 **Deputy** Administrator shall issue an order to cease and desist to any
15 person or combination of persons who:

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

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

22 ➤ without having a license issued pursuant to this chapter, unless
23 that person or combination of persons is exempt from licensure
24 pursuant to this chapter. The order must be served personally or by
25 certified mail and is effective upon receipt.

26 2. If it appears that any person or combination of persons has
27 engaged in acts or practices which constitute a violation of this
28 chapter or the violation of an order issued pursuant to subsection 1,
29 the **Deputy** Administrator may request the Attorney General, the
30 district attorney of the county in which the alleged violation
31 occurred or the district attorney of any other county in which that
32 person or combination of persons maintains a place of business or
33 resides, to apply on behalf of the **Deputy** Administrator to the
34 district court for an injunction restraining the person or combination
35 of persons from acting in violation of this chapter. Upon a proper
36 showing, a temporary restraining order, a preliminary injunction or a
37 permanent injunction may be granted. The **Deputy** Administrator, as
38 plaintiff in the action, is not required to prove any irreparable injury.

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

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



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

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

4. The issuance of a restraining order or an injunction does not relieve the person or combination of persons against whom the restraining order or injunction is issued from criminal prosecution for practicing without a license.

5. If the court finds that any person or combination of persons has willfully violated an order issued pursuant to subsection 1, it shall impose a fine of not less than \$250 nor more than \$1,000 for each violation of the order.

Sec. 28. NRS 489.801 is hereby amended to read as follows:

489.801 1. It is unlawful for any person to manufacture any manufactured home, mobile home, travel trailer or commercial coach unless the manufactured home, mobile home, travel trailer or commercial coach and its components and systems are constructed and assembled according to the standards prescribed pursuant to the provisions of this chapter.

2. It is unlawful for any person knowingly to sell or offer for sale any manufactured home which has been constructed on or after June 15, 1976, unless the manufactured home and its components and systems have been constructed and assembled according to the standards prescribed pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq.).

3. Any person who knowingly sells or offers to sell in this state any manufactured home, mobile home or commercial coach for which a certificate or label of compliance is required under this chapter, which does not bear a certificate or label of compliance, is liable for the penalties provided in NRS 489.811 and 489.821.

4. It is unlawful for any person to issue a certification which states that a manufactured home conforms to all applicable federal standards for safety and construction if that person, in the exercise of due care, has reason to know that the certification is false or misleading in any material respect.

5. It is unlawful for a manufacturer to fail to furnish notification of defects relating to construction or safety, as required by the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. § 5414).



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6. It is unlawful for any person to fail or refuse to permit access by the **Deputy** Administrator to the documentary materials set forth in NRS 489.231.

7. It is unlawful for any person, without authorization from the ~~Division~~ **Section**, to disclose or obtain the contents of an examination given by the ~~Division~~ **Section**.

8. It is unlawful for any person to use a manufactured home or mobile home as living quarters or for human occupancy, respectively, if the manufactured home or mobile home violates a standard of safety set forth in regulations adopted pursuant to subsection 1 of NRS 489.251, concerning installation, tie down, and support of manufactured homes and mobile homes.

Sec. 29. NRS 489.806 is hereby amended to read as follows:

489.806 1. It is unlawful for any person or combination of persons to:

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

(b) Submit a bid or enter into a contract for a job located within this State for which a license is required pursuant to this chapter, without having a license issued pursuant to this chapter, unless that person or combination of persons is exempt from licensure pursuant to this chapter.

2. The district attorneys in this State shall prosecute all violations of this section which occur in their respective counties, unless the violations are prosecuted by the Attorney General. Upon the request of the **Deputy** Administrator, the Attorney General shall prosecute any violation of this section in lieu of prosecution by the district attorney.

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

(a) Court costs and the costs of prosecution;

(b) Reasonable costs of the investigation of the violation to the ~~Division~~ **Section**;

(c) Damages the person or combination of persons caused as a result of the violation up to the amount of any pecuniary gain from the violation; or

(d) Any combination of paragraphs (a), (b) and (c).

4. If any person or combination of persons submits a bid or enters into a contract in violation of subsection 1, the bid or contract shall be deemed void.



Sec. 30. NRS 489.811 is hereby amended to read as follows:

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

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

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

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

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

Sec. 31. NRS 489.814 is hereby amended to read as follows:

489.814 1. If any person or combination of persons violates the provisions of NRS 489.311 or subsection 1 of NRS 489.806, the **Deputy** Administrator may impose an administrative fine of not less than \$1,000 nor more than \$10,000 for each violation.

2. An administrative fine imposed pursuant to this section is in addition to any other remedy or penalty authorized pursuant to this chapter.

3. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the **Deputy** Administrator.

Sec. 32. NRS 489.821 is hereby amended to read as follows:

489.821 1. A person is guilty of a gross misdemeanor who knowingly:

(a) Makes any false entry on any certificate of origin or certificate of ownership.

(b) Furnishes false information to the ~~Division~~ **Section** concerning any security interest.



(c) Files with the **Deputy** Administrator any notice, statement or other document required under the provisions of this chapter which is false or contains any material misstatement of fact.

(d) Whether acting individually or as a director, officer or agent of a corporation, violates a provision of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq., this chapter and chapter 461 of NRS, and any regulations adopted pursuant thereto, causing a condition which endangers the health or safety of a purchaser of a manufactured home.

2. A dealer is guilty of a gross misdemeanor who knowingly:

(a) Fails to maintain a trust account as required by NRS 489.724.

(b) Commingles the money or other property of a seller or purchaser of a manufactured home, manufactured building or mobile home or factory-built housing with his or her own.

(c) Fails to cooperate or comply with or knowingly impedes or interferes with any investigation or audit conducted by the ~~Division~~ **Section** pursuant to NRS 489.7235.

(d) Acts as a dealer while insolvent or engages in any financial practice which creates a substantial risk of insolvency.

3. Except as otherwise provided in this section, any person who knowingly or willfully violates any provision of this chapter is guilty of a misdemeanor.

4. Subsection 3 does not apply to a manufacturer of travel trailers.

Sec. 33. NRS 118B.011, 118B.012, 489.036 and 489.091 are hereby repealed.

Sec. 34. 1. Any administrative regulations adopted by the Manufactured Housing Division of the Department of Business and Industry or the Administrator of the Manufactured Housing Division remain in force until amended by the Manufactured Housing Section of the Housing Division of the Department of Business and Industry or the Deputy Administrator of the Manufactured Housing Section, respectively.

2. Any contracts or other agreements entered into by the Manufactured Housing Division or the Administrator of the Manufactured Housing Division are binding upon and may be enforced by the Manufactured Housing Section or the Deputy Administrator of the Manufactured Housing Section, respectively.

3. Any action taken by the Manufactured Housing Division or the Administrator of the Manufactured Housing Division remains in effect as if taken by the Manufactured Housing Section or the Deputy Administrator of the Manufactured Housing Section, respectively.



1 **Sec. 35.** The Legislative Counsel shall, in preparing
2 supplements to the Nevada Administrative Code, appropriately
3 change any references to an officer, agency or other entity whose
4 name is changed or whose duties are transferred pursuant to the
5 provisions of this act to refer to the appropriate officer, agency or
6 other entity.

7 **Sec. 36.** This act becomes effective on July 1, 2013.

LEADLINES OF REPEALED SECTIONS

118B.011 “Administrator” defined.

118B.012 “Division” defined.

489.036 “Administrator” defined.

489.091 “Division” defined.

