

Amendment No. 842

Assembly Amendment to Senate Bill No. 371 First Reprint	(BDR 10-303)
<b>Proposed by:</b> Assembly Committee on Commerce and Labor	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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

WLK/RBL



Date: 5/23/2019

S.B. No. 371—Revises provisions relating to maintenance of manufactured home parks and repairs of manufactured homes. (BDR 10-303)





SENATE BILL NO. 371—SENATORS BROOKS,  
SPEARMAN; AND CANCELA

MARCH 20, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to maintenance of manufactured home parks and repairs of manufactured homes. (BDR 10-303)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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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 homes; revising requirements relating to the maintenance of a manufactured home park or repair of a manufactured home in certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a landlord of a manufactured home park to maintain the manufactured home park, and certain portions of and structures within the manufactured home park, in specified manners. (NRS 118B.090) **Section 1** of this bill authorizes, under certain circumstances, a person to perform such maintenance without obtaining a license. Specifically, **section 1** authorizes a person who is licensed as a contractor to perform any such maintenance if the maintenance does not affect the fuel systems or structural systems of a manufactured home. In addition, **section 1** allows a person who does not have any type of license to perform any such maintenance if it: (1) does not affect the fuel systems or structural systems of a manufactured home; (2) does not require a permit; and (3) has a value of less than \$1,000 and is not required to be performed by a licensed contractor. Further, **section 1** provides for certain complaints to be filed with the Housing Division of the Department of Business and Industry and certain final orders relating to such complaints to be forwarded to the State Contractors' Board for further disciplinary action.

Existing law requires most repairs performed on a manufactured home to be performed by a person licensed to make such repairs. (NRS 118B.097) **Section 2** of this bill authorizes, under the same circumstances, a person to perform such repairs without obtaining a license and for complaints to be filed with the Division and certain final orders to be forwarded to the State Contractors' Board for further disciplinary action.

**Sections 3-5** of this bill make conforming changes.

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

**Section 1.** NRS 118B.090 is hereby amended to read as follows:

118B.090 1. The landlord shall:

(a) Maintain all common areas of the park in a clean and safe condition;

(b) Maintain in good working order all electrical, plumbing and sanitary facilities, appliances and recreational facilities which the landlord furnishes;

(c) Maintain in a safe and secure location individual mail boxes for the tenants if the mail is delivered to the landlord for distribution to the tenants;

(d) Maintain all driveways within the park and sidewalks adjacent to the street; and

(e) Remove snow from the sidewalks and streets within the park, and from sidewalks adjacent to the street.

2. Except as otherwise provided in this subsection, the maintenance required by paragraph (a) of subsection 1 includes maintaining, in good working order, any aboveground or underground utility service apparatus located on each manufactured home lot, up to the disconnection point, which is not an appurtenance of the manufactured home. Maintenance is not required on any such apparatus that has been damaged by the tenant of the manufactured home lot.

3. ~~Any~~ Except as otherwise provided in subsections 4 and 5, any maintenance ~~to a utility service apparatus, as~~ described in ~~subsection 2,~~ this section may be performed legally only by a person who is qualified by licensure pursuant to chapter 489 of NRS to perform such maintenance, and:

(a) A person shall not perform the maintenance unless the person has such qualifications; and

(b) The landlord, or his or her agent or employee, shall not employ a third party to perform the maintenance if he or she knows, or in light of all of the surrounding facts and circumstances reasonably should know, that the third party does not have such qualifications.

4. A person may perform any maintenance described in this section without obtaining a license pursuant to chapter 489 of NRS if:

(a) The maintenance does not affect the fuel systems or structural systems of a manufactured home; and

(b) The person performing the maintenance is appropriately licensed pursuant to chapter 624 of NRS.

5. A person may perform any maintenance described in this section without obtaining a license pursuant to chapter 489 or 624 of NRS if:

(a) The maintenance does not affect the fuel systems or structural systems of a manufactured home;

(b) The maintenance does not require a permit before the maintenance may be performed; and

(c) The value of the maintenance is less than \$1,000 and the provisions of chapter 624 of NRS do not require the person to be licensed pursuant to chapter 624 of NRS to perform the maintenance.

6. Any complaint concerning maintenance performed pursuant to this section by a person licensed pursuant to chapter 624 of NRS:

(a) May be filed with the ~~State Contractors' Board;~~ Division; and

(b) If ~~received by the Administrator or the Division, may be forwarded by the Administrator or the Division, as applicable,~~ Division issues a final order finding that an act or omission occurred which is a ground for disciplinary action pursuant to NRS 489.416, the Division shall forward the final order and any related findings and conclusions to the State Contractors' Board ~~for consideration of further disciplinary action pursuant to chapter 624 of NRS.~~

Sec. 2. NRS 118B.097 is hereby amended to read as follows:

118B.097 1. ~~If a~~ Except as otherwise provided in subsections 3 and 4, any repair to a manufactured home, including, without limitation, any repair which may affect the structural, electrical, plumbing, drainage, roofing, mechanical or solid fuel burning systems of the home, or requires a permit before the repair

1 may be ~~made, the repair~~ *performed*, may be performed legally only by a person  
2 who is qualified by licensure *pursuant to chapter 489 of NRS* to perform such a  
3 repair, and:

4 (a) A person shall not perform the repair unless the person has such  
5 qualifications; and

6 (b) A tenant or a landlord, or his or her agent or employee, shall not employ a  
7 third party to perform the repair if he or she knows or, in light of all the surrounding  
8 facts and circumstances, reasonably should know that the third party does not have  
9 such qualifications.

10 2. The Administrator shall adopt regulations to specify the repairs that a  
11 person without an applicable license may make to a manufactured home in  
12 accordance with the provisions of this section and chapter 489 of NRS.

13 3. *A person may perform any repair described in this section without*  
14 *obtaining a license pursuant to chapter 489 of NRS if:*

15 (a) *The repair does not affect the fuel systems or structural systems of the*  
16 *manufactured home; and*

17 (b) *The person performing the repair is appropriately licensed pursuant to*  
18 *chapter 624 of NRS.*

19 4. *A person may perform any repair described in this section without*  
20 *obtaining a license pursuant to chapter 489 or 624 of NRS if:*

21 (a) *The repair does not affect the fuel systems or structural systems of the*  
22 *manufactured home;*

23 (b) *The repair does not require a permit before the repair may be performed;*  
24 *and*

25 (c) *The value of the ~~maintenance~~ repair is less than \$1,000 and the*  
26 *provisions of chapter 624 of NRS do not require the person to be licensed*  
27 *pursuant to chapter 624 of NRS to perform the repair.*

28 5. *Any complaint concerning any repair performed pursuant to this section*  
29 *by a person licensed pursuant to chapter 624 of NRS:*

30 (a) *May be filed with the ~~State Contractors' Board~~ Division; and*

31 (b) *If ~~received by the Administrator or the Division, may be forwarded by~~*  
32 *~~the Administrator or~~ the Division issues a final order finding that an act or*  
33 *omission occurred which is a ground for disciplinary action pursuant to NRS*  
34 *489.416, the Division ~~[as applicable]~~ shall forward the final order and any*  
35 *related findings and conclusions to the State Contractors' Board ~~for~~ for*  
36 *consideration of further disciplinary action pursuant to chapter 624 of NRS.*

37 **Sec. 3.** NRS 624.215 is hereby amended to read as follows:

38 624.215 1. For the purpose of classification, the contracting business  
39 includes the following branches:

40 (a) General engineering contracting.

41 (b) General building contracting.

42 (c) Specialty contracting.

43 ➤ General engineering contracting and general building contracting are mutually  
44 exclusive branches.

45 2. A general engineering contractor is a contractor whose principal  
46 contracting business is in connection with fixed works, including irrigation,  
47 drainage, water supply, water power, flood control, harbors, railroads, highways,  
48 tunnels, airports and airways, sewers and sewage disposal systems, bridges, inland  
49 waterways, pipelines for transmission of petroleum and other liquid or gaseous  
50 substances, refineries, chemical plants and industrial plants requiring a specialized  
51 engineering knowledge and skill, power plants, piers and foundations and structures  
52 or work incidental thereto.

3. A general building contractor is a contractor whose principal contracting business is in connection with the construction or remodeling of buildings or structures for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in their construction the use of more than two unrelated building trades or crafts, upon which he or she is a prime contractor and where the construction or remodeling of a building is the primary purpose. Unless he or she holds the appropriate specialty license, a general building contractor may only contract to perform specialty contracting if he or she is a prime contractor on a project. A general building contractor shall not perform specialty contracting in plumbing, electrical, refrigeration and air-conditioning or fire protection without a license for the specialty. A person *who is licensed pursuant to chapter 489 of NRS and* who exclusively constructs or repairs mobile homes, manufactured homes or commercial coaches is not a general building contractor.

4. A specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

5. This section does not prevent the Board from establishing, broadening, limiting or otherwise effectuating classifications in a manner consistent with established custom, usage and procedure found in the building trades. The Board is specifically prohibited from establishing classifications in such a manner as to determine or limit craft jurisdictions.

**Sec. 4.** NRS 624.284 is hereby amended to read as follows:

624.284 ~~[A]~~ *Except as otherwise provided in subsection 4 of NRS 118B.090 or subsection 2 of 118B.097, a* contractor's license issued pursuant to this chapter does not authorize a contractor to construct or repair a mobile home, manufactured home, manufactured building or commercial coach or factory-built housing.

**Sec. 5.** NRS 624.3015 is hereby amended to read as follows:

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

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

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

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

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

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

(a) Is licensed pursuant to NRS 489.311; ~~for~~

(b) Owns, leases or rents the mobile home, manufactured home, manufactured building, commercial coach or factory-built housing ~~for~~; *or*

*(c) Is authorized to perform the work pursuant to subsection 4 of NRS 118B.090 or subsection 2 of 118B.097.*

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

**Sec. 6.** This act becomes effective on July 1, 2019.