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FIRST REPRINT

S.B. 371

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 State Contractors' Board.

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 State Contractors' Board.

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; and

(b) If received by the Administrator or the Division, may be forwarded by the Administrator or the Division, as applicable, to the State Contractors' Board.

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

118B.097 1. ~~[(b)]~~ Except as otherwise provided in subsections 2 and 3, 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 may be ~~made, the repair~~ performed, may be performed legally only by a person who is qualified by licensure pursuant to chapter 489 of NRS to perform such a repair, and:

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

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

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

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

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

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



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

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

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

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

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

14 (a) *May be filed with the State Contractors' Board; and*

15 (b) *If received by the Administrator or the Division, may be*
16 *forwarded by the Administrator or the Division, as applicable, to*
17 *the State Contractors' Board.*

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

19 624.215 1. For the purpose of classification, the contracting
20 business includes the following branches:

21 (a) General engineering contracting.

22 (b) General building contracting.

23 (c) Specialty contracting.

24 ➔ General engineering contracting and general building contracting
25 are mutually exclusive branches.

26 2. A general engineering contractor is a contractor whose
27 principal contracting business is in connection with fixed works,
28 including irrigation, drainage, water supply, water power, flood
29 control, harbors, railroads, highways, tunnels, airports and airways,
30 sewers and sewage disposal systems, bridges, inland waterways,
31 pipelines for transmission of petroleum and other liquid or gaseous
32 substances, refineries, chemical plants and industrial plants
33 requiring a specialized engineering knowledge and skill, power
34 plants, piers and foundations and structures or work incidental
35 thereto.

36 3. A general building contractor is a contractor whose principal
37 contracting business is in connection with the construction or
38 remodeling of buildings or structures for the support, shelter and
39 enclosure of persons, animals, chattels or movable property of any
40 kind, requiring in their construction the use of more than two
41 unrelated building trades or crafts, upon which he or she is a prime
42 contractor and where the construction or remodeling of a building is
43 the primary purpose. Unless he or she holds the appropriate
44 specialty license, a general building contractor may only contract to
45 perform specialty contracting if he or she is a prime contractor on a



1 project. A general building contractor shall not perform specialty
2 contracting in plumbing, electrical, refrigeration and air-
3 conditioning or fire protection without a license for the specialty. A
4 person *who is licensed pursuant to chapter 489 of NRS and* who
5 exclusively constructs or repairs mobile homes, manufactured
6 homes or commercial coaches is not a general building contractor.

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

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

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

18 624.284 ~~[A]~~ *Except as otherwise provided in subsection 4 of*
19 *NRS 118B.090 or subsection 2 of 118B.097, a* contractor's license
20 issued pursuant to this chapter does not authorize a contractor to
21 construct or repair a mobile home, manufactured home,
22 manufactured building or commercial coach or factory-built
23 housing.

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

25 624.3015 The following acts, among others, constitute cause
26 for disciplinary action under NRS 624.300:

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

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

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

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

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

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

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

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



1 6. Engaging in any work or activities that require a contractor's
2 license while the license is placed on inactive status pursuant to
3 NRS 624.282.
4 **Sec. 6.** This act becomes effective on July 1, 2019.

