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SENATE FILE

2334

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JUDGE, and SZYMONIAK

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the state fire marshal by providing for the
2 certification of installers of manufactured homes, imposing a
3 civil penalty for building code violations, and providing for
4 the appropriation and use of the fees collected.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2334
STATE GOVERNMENT

1 Section 1. DEPARTMENT OF PUBLIC SAFETY -- STATE FIRE
2 MARSHAL. Of moneys appropriated pursuant to section 103A.26
3 to the department of public safety from the general fund of
4 the state for use by the state fire marshal during the fiscal
5 year beginning July 1, 2000, and ending June 30, 2001, up to
6 \$75,000 shall be used for one additional full-time equivalent
7 position to conduct inspections of manufactured homes.

8 Sec. 2. Section 103A.3, subsection 8, Code 1999, is
9 amended to read as follows:

10 8. "Factory-built structure" means any structure which is,
11 wholly or in substantial part, made, fabricated, formed, or
12 assembled in manufacturing facilities for installation or
13 assembly and installation, on a building site. "Factory-built
14 structure" includes the ~~term~~ terms "mobile home" ~~as defined in~~
15 ~~section 435.1,~~ "manufactured home", and "modular home".

16 Sec. 3. Section 103A.3, Code 1999, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 15A. "Manufactured home", "mobile home",
19 and "modular home" mean the same as defined in section 435.1.

20 Sec. 4. Section 103A.23, Code 1999, is amended to read as
21 follows:

22 103A.23 FEES.

23 For the purpose of obtaining revenue to defray the costs of
24 administering the provisions of this chapter, the commissioner
25 shall establish by rule a schedule of fees based upon the
26 costs of administration which fees shall be collected from
27 persons whose manufacture, installation or construction is
28 subject to the provisions of the state building code. For the
29 performance of building plan reviews by the department of
30 public safety, the commissioner shall establish by rule a fee
31 which shall be equal to a percentage of the estimated total
32 valuation of the building.

33 All fees collected by the commissioner shall be deposited
34 ~~in the state treasury to the credit of~~ the general fund of the
35 state and the moneys from the fees are appropriated to the

1 department of public safety for the purposes of administering
2 this chapter.

3 All federal grants to and federal receipts of the office of
4 state building code commissioner are appropriated for the
5 purpose set forth in the federal grants or receipts.

6 Sec. 5. NEW SECTION. 103A.26 MANUFACTURED HOME
7 INSTALLERS CERTIFICATION -- VIOLATION -- CIVIL ACTION AND
8 PENALTY.

9 1. a. A person who installs a manufactured home for
10 another person shall be certified in accordance with rules
11 adopted by the commissioner pursuant to chapter 17A. The
12 commissioner may assess a fee sufficient to recover the costs
13 of administering the certification of manufactured home
14 installers. The commissioner may suspend or revoke the
15 certification of a manufactured home installer for failure to
16 perform installation of a manufactured home, pursuant to
17 certification standards as provided by rules of the
18 commissioner.

19 b. All fees collected by the commissioner from the
20 certification of manufactured home installers shall be
21 credited to the general fund of the state as provided in
22 section 103A.23 and are appropriated to the commissioner for
23 the purpose of administering this subsection.

24 2. If a provision of this chapter or a rule adopted
25 pursuant to this chapter relating to the manufacture or
26 installation of a manufactured home is violated, the
27 commissioner may assess a civil penalty not to exceed one
28 thousand dollars for each offense. Each violation involving a
29 separate manufactured home, or a separate failure or refusal
30 to allow or perform an act required by this chapter, or a rule
31 adopted pursuant to this chapter constitutes a separate
32 offense. However, the maximum amount of civil penalties which
33 may be assessed for any series of violations occurring within
34 one year from the date of the first violation shall not exceed
35 one million dollars.

1 3. A person who is injured in person or property by
2 another person violating the standards adopted pursuant to
3 this chapter for the installation of a manufactured home may
4 bring a civil action for damages against the violator.

5 EXPLANATION

6 This bill makes changes to the state building code as it
7 relates to manufactured and modular homes and provides
8 authority to the state fire marshal as the state building code
9 commissioner to impose fees and provides that fees collected
10 shall be used for one additional person to conduct inspections
11 of manufactured homes.

12 Code section 103A.3 is amended to provide that manufactured
13 homes and modular homes are included within the definition of
14 factory-built structures for purposes of the state building
15 code.

16 Code section 103A.23 is amended to require the commissioner
17 of public safety to implement a fee, to be adopted by rule,
18 for the review of building plans for construction subject to
19 the state building code.

20 New Code section 103A.26 requires that installers of
21 manufactured homes for use by others be certified in
22 accordance with rules established by the building code
23 commissioner. The new provision also permits the imposition
24 of a fee with the fees collected appropriated to the
25 commissioner for the administration of this provision. In
26 addition, the new Code section establishes a civil penalty for
27 a violation of any requirements of Code chapter 103A governing
28 manufactured homes. A maximum civil penalty of \$1,000 per
29 offense, and \$1 million per year is established. The new Code
30 section provides that a person injured because of a
31 manufactured home installation may bring a civil action for
32 that injury.

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