

Senate Study Bill 3065

Bill Text

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1 1 Section 1. Section [103A.3](#), subsection 8, Code 1999, is
1 2 amended to read as follows:
1 3 8. "Factory-built structure" means any structure which is,
1 4 wholly or in substantial part, made, fabricated, formed, or
1 5 assembled in manufacturing facilities for installation or
1 6 assembly and installation, on a building site. "Factory-built
1 7 structure" includes the

~~term~~
~~terms~~ "mobile home"

~~as defined in~~

1 8

~~section 435.1~~
~~,"manufactured home", and "modular home".~~

1 9 Sec. 2. Section 103A.3, Code 1999, is amended by adding
1 10 the following new subsection:

1 11 NEW SUBSECTION. 15A. "Manufactured home", "mobile home",
1 12 and "modular home" mean the same as defined in section 435.1.

1 13 Sec. 3. NEW SECTION. 103A.26 MANUFACTURED HOME
1 14 INSTALLERS CERTIFICATION VIOLATION CIVIL ACTION AND
1 15 PENALTY.

1 16 1. a. A person who installs a manufactured home for
1 17 another person shall be certified in accordance with rules
1 18 adopted by the commissioner pursuant to chapter 17A. The
1 19 commissioner may assess a fee sufficient to recover the costs
1 20 of administering the certification of manufactured home
1 21 installers. The commissioner may suspend or revoke the
1 22 certification of a manufactured home installer for failure to
1 23 perform installation of a manufactured home, pursuant to
1 24 certification standards as provided by rules of the
1 25 commissioner.

1 26 b. All fees collected by the commissioner from the
1 27 certification of manufactured home installers shall be
1 28 credited to the general fund of the state as provided in
1 29 section 103A.23 and are appropriated to the commissioner for
1 30 the purpose of administering this subsection.

1 31 2. If a provision of this chapter or a rule adopted
1 32 pursuant to this chapter relating to the manufacture or
1 33 installation of a manufactured home is violated, the
1 34 commissioner may assess a civil penalty not to exceed one
1 35 thousand dollars for each offense. Each violation involving a
2 1 separate manufactured home, or a separate failure or refusal
2 2 to allow or perform an act required by this chapter, or a rule
2 3 adopted pursuant to this chapter constitutes a separate
2 4 offense. However, the maximum amount of civil penalties which
2 5 may be assessed for any series of violations occurring within
2 6 one year from the date of the first violation shall not exceed
2 7 one million dollars.

2 8 3. A person who is injured in person or property by
2 9 another person violating the standards adopted pursuant to
2 10 this chapter for the installation of a manufactured home may
2 11 bring a civil action for damages against the violator.

2 12

EXPLANATION

2 13 This bill modifies the definition of a factory-built
2 14 structure to specifically include a mobile home, manufactured
2 15 home, or a modular home as those terms are defined in Code
2 16 section 435.1 and provides for the certification of
2 17 manufactured home installers pursuant to rules adopted by the
2 18 state building code commissioner. The amendment to the
2 19 definition adds modular homes to current law governing
2 20 factory-built structures. A person who installs manufactured
2 21 homes shall be certified by the state building code
2 22 commissioner. The commissioner may establish a fee for
2 23 certification of the installers. All fees collected are
2 24 credited to the general fund of the state and appropriated to
2 25 the commissioner to pay the costs of administering the
2 26 certification process.

2 27 The bill also establishes a civil penalty, not exceeding
2 28 \$1,000 per violation, which may be assessed by the state
2 29 building code commissioner against a person who violates a
2 30 manufacturing or installation standards or fails to allow or
2 31 perform an act required by Code chapter 103A or rules of the
2 32 commissioner. Each violation involving a separate
2 33 manufactured home or a separate failure or refusal to allow or
2 34 perform an act required by Code chapter 103A constitutes a
2 35 separate offense. The maximum civil penalties for a series of
3 1 violations occurring within one year from the date of the
3 2 first violation shall not exceed \$1,000,000.

3 3 The bill also authorizes a separate civil action by any
3 4 person who is injured in person or property by a person
3 5 violating the standards and requirement for the installation
3 6 of manufactured homes.

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3 8 tj/cf/24.1