

ASSEMBLY BILL NO. 363—ASSEMBLYMAN ELLISON

MARCH 21, 2011

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing manufactured housing. (BDR 43-996)

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 manufactured housing; authorizing a city or county building department to enforce regulations and conduct inspections with respect to the installation and tie down of manufactured homes, mobile homes and commercial coaches without obtaining written approval from the Manufactured Housing Division of the Department of Business and Industry; requiring a city or county building department to provide certain notices to the Division; requiring the Division to develop and enter into certain cooperative agreements with a city or county building department; exempting a licensed contractor from certain provisions governing licensure as a specialty serviceperson by the Division; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a city or county building department to obtain written
2 approval from the Manufactured Housing Division of the Department of Business
3 and Industry before enforcing certain regulations and conducting inspections with
4 respect to the installation and tie down of manufactured homes, mobile homes and
5 commercial coaches. (NRS 489.287) **Section 1** of this bill removes the requirement
6 that a city or county building department obtain written approval from the Division
7 before enforcing such regulations and conducting such inspections. **Section 1** also
8 requires the city or county building department to provide written notice to the
9 Division of its intent to begin or cease such enforcement or inspections and requires
10 the Division, upon receipt of such notice, to develop and enter into a cooperative
11 agreement with the city or county building department which sets forth the
12 respective duties and responsibilities of the Division and the city or county building
13 department.



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14 Existing law prohibits a person who is licensed as a contractor by the State
15 Contractors' Board from performing any work on a mobile home, manufactured
16 home, manufactured building, commercial coach or factory-built housing without
17 obtaining a license from the Division. (NRS 489.311, 624.284) **Sections 2.3 and**
18 **2.7** of this bill exempt a person who is licensed as a contractor by the State
19 Contractors' Board from certain requirements for licensure as a specialty
20 serviceperson by the Division.

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

1 **Section 1.** NRS 489.287 is hereby amended to read as follows:
2 489.287 1. Except as otherwise provided in subsection 2, a
3 city or county building department may, ~~[with the written approval~~
4 ~~of the Division.]~~ *upon providing notice to the Division pursuant to*
5 *subsection 3,* enforce all regulations adopted pursuant to this
6 chapter and make all inspections within its jurisdiction required by
7 those regulations regarding the installation and tie down of
8 manufactured homes, mobile homes or commercial coaches. Those
9 inspections must be conducted in compliance with the provisions of
10 this chapter and the regulations adopted pursuant to this chapter.

11 2. If a city or county building department fails to enforce the
12 regulations adopted pursuant to this chapter or make the inspections
13 required by subsection 1, the Division shall enforce those
14 regulations and make the inspections in that jurisdiction, and may, at
15 no cost to the local governing body, engage an independent
16 contractor to perform any inspection.

17 3. *A city or county building department shall, before*
18 *enforcing regulations or conducting inspections pursuant to*
19 *subsection 1, provide written notice to the Division of the intention*
20 *of the city or county building department to enforce such*
21 *regulations or conduct inspections. If the city or county building*
22 *department ceases to enforce regulations or conduct inspections*
23 *pursuant to subsection 1, the city or county building department*
24 *shall provide written notice to the Division before cessation of*
25 *such enforcement and inspections.*

26 4. *If the Division receives notice of the intention of a city or*
27 *county building department to enforce regulations or conduct*
28 *inspections pursuant to subsection 3, the Division shall develop*
29 *and enter into a written cooperative agreement with the city or*
30 *county building department setting forth the respective duties and*
31 *responsibilities of each party to the cooperative agreement.*

32 **Sec. 2.** (Deleted by amendment.)



1 **Sec. 2.3.** NRS 489.323 is hereby amended to read as follows:
2 489.323 ~~1.~~ **1.** *Except as otherwise provided in subsection*
3 **2, if** a licensee is a dealer, distributor, general serviceperson,
4 specialty serviceperson, responsible managing employee or
5 salesperson, the Division shall not renew a license issued to that
6 licensee until the licensee has submitted proof satisfactory to the
7 Division that the licensee has, during the 2-year period immediately
8 preceding the renewal of the license, completed at least 8 hours of
9 continuing education approved by the Division pursuant to NRS
10 489.285.

11 **2.** *A person who holds a valid contractor's license issued by*
12 *the State Contractors' Board pursuant to chapter 624 of NRS and*
13 *who has been issued a license as a specialty serviceperson*
14 *pursuant to NRS 489.325 is not required to complete the*
15 *continuing education requirements for the renewal of his or her*
16 *license as a specialty serviceperson prescribed by subsection 1.*

17 **Sec. 2.7.** NRS 489.351 is hereby amended to read as follows:
18 489.351 1. Except as otherwise provided in subsection 2, the
19 Administrator shall require an oral or written examination of each
20 applicant for a license as a dealer, distributor, responsible managing
21 employee, salesperson, general serviceperson or specialty
22 serviceperson.

23 2. The Administrator may waive the examination required
24 pursuant to subsection 1 for an applicant for a license as a specialty
25 serviceperson if:

26 (a) The applicant holds another valid license issued by this
27 State; ~~and~~

28 (b) The services performed by the applicant pursuant to that
29 license are substantially similar to the services to be performed by
30 the applicant as a specialty serviceperson ~~;~~ **and**

31 **(c) For an applicant who holds a valid contractor's license**
32 **issued by the State Contractors' Board pursuant to chapter 624 of**
33 **NRS, the applicant provides proof satisfactory to the Division that**
34 **the applicant, through training or experience, is qualified to**
35 **perform the work for which the applicant seeks licensure.**

36 **Sec. 3.** (Deleted by amendment.)

37 **Sec. 4.** NRS 624.3015 is hereby amended to read as follows:
38 624.3015 The following acts, among others, constitute cause
39 for disciplinary action under NRS 624.300:

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

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



- 1 3. Knowingly bidding to contract or entering into a contract
2 with a contractor for work in excess of his or her limit or beyond the
3 scope of his or her license.
- 4 4. Knowingly entering into a contract with a contractor while
5 that contractor is not licensed.
- 6 5. Constructing or repairing a mobile home, manufactured
7 home, manufactured building or commercial coach or factory-built
8 housing unless the contractor:
- 9 (a) Is licensed pursuant to NRS 489.311 ~~§~~ , *489.321* or
10 *489.325; or*
- 11 (b) Owns, leases or rents the mobile home, manufactured home,
12 manufactured building, commercial coach or factory-built housing.
- 13 6. Engaging in any work or activities that require a contractor's
14 license while the license is placed on inactive status pursuant to
15 NRS 624.282.
- 16 **Sec. 5.** (Deleted by amendment.)

