

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974



ENROLLED

Committee Substitute for
HOUSE BILL No. 694

(By Mr. *Speaker, Mr. McManus & Mr. Sellman*)



PASSED February 27, 1974

In Effect April 1st from Passage



FILED IN THE OFFICE
EDWARD F. WELSH III
SECRETARY OF STATE
THIS DATE 3-4-74

694

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 694

(By MR. SPEAKER, MR. MCMANUS, and MR. BELKNAP)

[Passed February 27, ¹⁹⁷⁴~~1973~~; in effect ninety days from passage.]

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AN ACT to amend chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article nine, relating to safety standards for mobile homes; granting authority to the department of labor for the enforcement of standards; defining certain terms relating thereto; requiring the department of labor to promulgate rules and regulations with respect thereto; regulating the sale, rental, leasing and manufacturing of mobile homes; requiring department seal to be placed on all mobile homes rented or sold in this state; providing for reciprocity with other states; establishing fees to be paid by mobile home manufacturers; exempting certain mobile homes and persons from the provisions of this article; prescribing certain unlawful acts; granting the department certain powers to enforce the provisions hereof; and providing for the penalties for violations.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article nine, to read as follows:

ARTICLE 9. MOBILE HOME SAFETY ACT.

§21-9-1. Short title.

- 1 This article shall be known as "The West Virginia Mobile
- 2 Home Safety Act."

§21-9-2. Definitions.

1 Unless clearly indicated otherwise by the context, the fol-
2 lowing words and terms when used in this article, for the pur-
3 pose of this article, shall have the following meanings:

4 (1) "Dealer" means any person, other than a manufacturer,
5 as defined in this article, who sells three or more mobile homes
6 in any consecutive twelve-month period.

7 (2) "Department" means the department of labor.

8 (3) "Manufacturer" means any person who manufactures
9 mobile homes.

10 (4) "Mobile home" means a moveable or portable unit, de-
11 signed and constructed to be towed on its own chassis (com-
12 prised of frame and wheels), and designed to be connected to
13 utilities for year-round occupancy. The term includes: (1) Units
14 containing parts that may be folded, collapsed or telescoped
15 when being towed and that may be expanded to provide addi-
16 tional cubic capacity, and (2) units composed of two or more
17 separately towable components designed to be joined into
18 one integral unit capable of being separated again into the
19 components for repeated towing. The term includes units de-
20 signed to be used for residential, commercial, educational or
21 industrial purposes, excluding, however, recreational vehicles,
22 as defined in this article.

23 (5) "Mobile home dweller" shall mean one or more indivi-
24 duals who own a single mobile home and who are using such
25 mobile home as their residence and dwelling.

26 (6) "National standards" shall mean the "standard for mo-
27 bile homes" as adopted and approved by the American Na-
28 tional Standards Institute on the eighth day of February, one
29 thousand nine hundred seventy-two.

30 (7) "Person" means a person, partnership, corporation, as-
31 sociation or other legal entity.

32 (8) "Recreational vehicle" means a vehicular portable struc-
33 ture built on a chassis designed to be used as a temporary
34 dwelling for travel, recreational and vacation uses, permanent-
35 ly identified "travel trailer" by the manufacturer of the trailer

36 and when factory equipped for the road, having a body width
37 not exceeding eight feet and a body length not exceeding
38 thirty-two feet.

39 (9) "Safety code" shall mean the safety rules and regula-
40 tions adopted and promulgated by the department with re-
41 spect to the body and frame design requirements and construc-
42 tion requirements for mobile homes, as well as the standards
43 for the installation of plumbing, heating and electrical systems
44 in such mobile homes, the standards for glazing and the in-
45 stallation of glass and other similar materials in or upon such
46 mobile homes and the installation of insulation in the con-
47 struction of such mobile homes. Nothing contained in the
48 definition shall be construed to limit the authority of the de-
49 partment to promulgate rules and regulations with respect to
50 the general subject of mobile home safety and the enumera-
51 tion of subjects in this definition shall not be construed to limit
52 the generality of that subject or of the department's authority
53 with respect thereto.

54 (10) "Seal" means a device or insignia issued by the de-
55 partment to be displayed on the exterior of the mobile home to
56 evidence compliance with the safety code.

**§21-9-3. Duties of department, adoption of safety standards for
mobile homes; rules and regulations; fees.**

1 The department is hereby charged with the administration
2 and enforcement of the provisions of this article and shall
3 promulgate and adopt a safety code, which shall substantially
4 conform to the national standards and any amendments
5 thereto. Nothing herein shall prevent the department from
6 adopting a safety code of more rigid standards than those
7 contained in the national standards. The department may
8 adopt such other rules and regulations as it may deem necessary
9 and appropriate for the enforcement of the provisions of this
10 article.

11 All rules and regulations adopted by the department pur-
12 suant to this article shall be so adopted and promulgated in
13 accordance with the provisions of article three, chapter twenty-
14 nine-a of this code and the provisions of said article three
15 shall apply to this article to the same extent as if said article

16 three were set forth in extenso herein. The department may,
17 from time to time, adopt such revisions in the safety code as
18 it deems necessary to protect the health, safety and welfare
19 of the public against unsafe and substandard mobile homes.

20 The department shall collect a fee of five dollars for each
21 seal issued by it, pursuant to section five of this article,
22 which shall be collected from each mobile home manufacturer.
23 All sums collected by the department pursuant to this article
24 shall be paid into the treasury of the state.

**§21-9-4. Sale, rental or transfer of mobile home in violation of
article prohibited; exceptions.**

1 (a) Subject to the provisions of subsection (c) of this
2 section, and except as provided in subsection (b) of this
3 section, it shall be unlawful, from and after the effective date
4 of this article, for any person to rent, sell, transfer or lease
5 in this state or offer for rent, sale, transfer or lease in this
6 state any mobile home unless such mobile home complies with
7 the safety code adopted and promulgated by the department,
8 nor shall any person so rent, sell, transfer or lease any such
9 mobile home in this state unless it bears a seal issued by
10 the department pursuant to section five of this article evi-
11 dencing certification of the manufacturer that the mobile
12 home so sold, rented, transferred or leased complies with
13 the safety code.

14 (b) The provisions of this article shall not apply to the
15 sale or transfer of a mobile home by a mobile home dweller
16 if such mobile home were purchased by him in good faith in
17 another state, territory or foreign country which does not
18 have in existence at the time of the purchase by such mobile
19 home dweller mobile home safety statutes, rules and regula-
20 tions squal to those in existence in this state and such mobile
21 home dweller does not sell more than one mobile home in any
22 consecutive eighteen-month period.

23 (c) The provisions of this article shall not apply to any
24 mobile home manufactured prior to the first day of January,
25 one thousand nine hundred seventy-five.

§21-9-5. Department seals; issuance and requirements therefor; form; suspension of issuance and repossession of seals.

1 The department shall issue its seal to any manufacturer upon
2 application upon forms approved by the department. Such
3 applications shall be supported by affidavit or such other
4 evidence as the department may deem necessary in order to
5 satisfy itself that such seals shall be affixed to only those
6 mobile homes which conform to the requirements of the
7 safety code. Such seals shall be in the form prescribed by
8 the department.

9 All seals shall remain the property of the department, and
10 may be repossessed by the department, if placed upon a mobile
11 home which does not conform to the safety code. Compliance
12 with the safety code is the responsibility of the manufacturer.

13 Neither the state nor the department shall be liable for
14 the issuance of any seal which is thereafter placed upon a
15 mobile home which does not conform with the safety code.

16 The issuance of seals may be suspended as to any manu-
17 facturer who manufactures mobile homes that do not conform
18 with the safety code and issuance of seals shall not be resumed
19 until such manufacturer submits proof satisfactory to the de-
20 partment that the conditions which caused the nonconformity
21 to the safety code have been remedied.

§21-9-6. Inspections by the department.

1 The department is authorized to perform inspections from
2 time to time as it may deem necessary of the facilities and
3 products of manufacturers and dealers. In order to carry out
4 such inspections the department may and is hereby authorized
5 to appoint nongovernmental individuals or agencies to perform
6 such inspections under such terms and conditions as the de-
7 partment deems appropriate. The department shall at all times
8 maintain supervisory control over all such nongovernmental
9 individuals or agencies performing such inspections and shall
10 take such steps as may be necessary to insure effective and
11 uniform enforcement of the safety code. Such inspections shall
12 be performed in accordance with the rules and regulations
13 promulgated by the department. No person shall interfere with

14 or obstruct or hinder the inspection by or on behalf of the
15 department.

§21-9-7. Reciprocity with other states.

1 If any other state has a safety code for mobile homes the
2 minimum requirements of which conform to the safety code of
3 this state and the department determines that such safety code
4 of such other state is being enforced by such other state, the
5 department shall place such other state upon a reciprocity list,
6 which list shall be available to any interested person. Such list
7 shall be conspicuously posted at the place of business of every
8 dealer in this state. Any mobile home which bears the seal of
9 any state which has been placed on the reciprocity list, or
10 which bears a seal approved by such state as sufficient evidence
11 or compliance, shall not be required to affix the seal of this
12 state. If any mobile home bears a seal or similar device of
13 another state having a safety code not meeting the minimum
14 requirements of the safety code of this state, such mobile home
15 shall not be sold, rented, leased or transferred unless it also
16 bears the seal of the department issued pursuant to section five
17 of this article.

§21-9-8. Certain acts prohibited.

1 It shall be unlawful for any person:

2 (1) To duplicate or create any facsimile of the seal issued
3 by the department or to attach any seal or similar device or
4 duplicate or facsimile to any mobile home in order to indicate
5 that such mobile conforms with the safety code when such is
6 not the case; or

7 (2) To make any alteration of any mobile home to which
8 the seal of the department has been affixed or to which has
9 been affixed the seal of another state on the reciprocity list
10 provided for in section seven of this article if such alterations
11 cause such mobile home to be in nonconformity with the safe-
12 ty code.

§21-9-9. Violations of article, rules or regulations; penalties.

1 Any person, dealer or manufacturer who shall violate any of
2 the provisions of this article or who shall violate any rule or
3 regulation promulgated by the department pursuant to this

4 article, shall be guilty of a misdemeanor, and, upon conviction
5 thereof, shall be fined not less than one hundred dollars nor
6 more than one thousand dollars, or imprisoned in the county
7 jail for a term not to exceed one year, or both such fine and
8 imprisonment. Each sale of a mobile home in violation of the
9 provisions of this article or of such rules and regulations shall
10 constitute a separate offense.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Marshall Dorby
Chairman Senate Committee

Lawrence C. Christian
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Carson
Clerk of the Senate

V. A. Blankenship
Clerk of the House of Delegates

W. T. Brotherton Jr.
President of the Senate

Levin J. McManus
Speaker House of Delegates

The within approved this the 4th
day of March, 1974.

Arwa. Thane Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/1/14
Time 4:20 p.m.