WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

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ENROLLED
Committee Substitute for
HOUSE BILL No. 1694

(By Mr. Speaker, Mr. McManus and Mr. DelNegro)

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PASSED February 27, 1974

In Effect Fifty Days from Passage

C 641

694

FED IN THE OFFICE
ERGAS E. BEISKELL III
SECRETARY OF STATE
THIS DATE 3-4-74
ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 694
(By Mr. Speaker, Mr. McManus, and Mr. Belknap)

[Passed February 27, 1934; in effect ninety days from passage.]

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 Home Safety Act.”

Unless clearly indicated otherwise by the context, the following words and terms when used in this article, for the purpose of this article, shall have the following meanings:

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

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

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

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

(5) "Mobile home dweller" shall mean one or more individuals who own a single mobile home and who are using such mobile home as their residence and dwelling.

(6) "National standards" shall mean the "standard for mobile homes" as adopted and approved by the American National Standards Institute on the eighth day of February, one thousand nine hundred seventy-two.

(7) "Person" means a person, partnership, corporation, association or other legal entity.

(8) "Recreational vehicle" means a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer
and when factory equipped for the road, having a body width not exceeding eight feet and a body length not exceeding thirty-two feet.

(9) "Safety code" shall mean the safety rules and regulations adopted and promulgated by the department with respect to the body and frame design requirements and construction requirements for mobile homes, as well as the standards for the installation of plumbing, heating and electrical systems in such mobile homes, the standards for glazing and the installation of glass and other similar materials in or upon such mobile homes and the installation of insulation in the construction of such mobile homes. Nothing contained in the definition shall be construed to limit the authority of the department to promulgate rules and regulations with respect to the general subject of mobile home safety and the enumeration of subjects in this definition shall not be construed to limit the generality of that subject or of the department's authority with respect thereto.

(10) "Seal" means a device or insignia issued by the department to be displayed on the exterior of the mobile home to evidence compliance with the safety code.

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

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

All rules and regulations adopted by the department pursuant to this article shall be so adopted and promulgated in accordance with the provisions of article three, chapter twenty-nine-a of this code and the provisions of said article three shall apply to this article to the same extent as if said article
three were set forth in extenso herein. The department may, from time to time, adopt such revisions in the safety code as it deems necessary to protect the health, safety and welfare of the public against unsafe and substandard mobile homes.

The department shall collect a fee of five dollars for each seal issued by it, pursuant to section five of this article, which shall be collected from each mobile home manufacturer. All sums collected by the department pursuant to this article 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.

(a) Subject to the provisions of subsection (c) of this section, and except as provided in subsection (b) of this section, it shall be unlawful, from and after the effective date of this article, for any person to rent, sell, transfer or lease in this state or offer for rent, sale, transfer or lease in this state any mobile home unless such mobile home complies with the safety code adopted and promulgated by the department, nor shall any person so rent, sell, transfer or lease any such mobile home in this state unless it bears a seal issued by the department pursuant to section five of this article evidencing certification of the manufacturer that the mobile home so sold, rented, transferred or leased complies with the safety code.

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

(c) The provisions of this article shall not apply to any mobile home manufactured prior to the first day of January, 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 application upon forms approved by the department. Such applications shall be supported by affidavit or such other evidence as the department may deem necessary in order to satisfy itself that such seals shall be affixed to only those mobile homes which conform to the requirements of the safety code. Such seals shall be in the form prescribed by the department.

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

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

The issuance of seals may be suspended as to any manufacturer who manufactures mobile homes that do not conform with the safety code and issuance of seals shall not be resumed until such manufacturer submits proof satisfactory to the department that the conditions which caused the nonconformity to the safety code have been remedied.

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

The department is authorized to perform inspections from time to time as it may deem necessary of the facilities and products of manufacturers and dealers. In order to carry out such inspections the department may and is hereby authorized to appoint nongovernmental individuals or agencies to perform such inspections under such terms and conditions as the department deems appropriate. The department shall at all times maintain supervisory control over all such nongovernmental individuals or agencies performing such inspections and shall take such steps as may be necessary to insure effective and uniform enforcement of the safety code. Such inspections shall be performed in accordance with the rules and regulations promulgated by the department. No person shall interfere with
or obstruct or hinder the inspection by or on behalf of the department.

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

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


It shall be unlawful for any person:

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

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

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

Any person, dealer or manufacturer who shall violate any of the provisions of this article or who shall violate any rule or regulation promulgated by the department pursuant to this
article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned in the county jail for a term not to exceed one year, or both such fine and imprisonment. Each sale of a mobile home in violation of the provisions of this article or of such rules and regulations shall constitute a separate offense.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Darrell Denby  
Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Howard Roberts  
Clerk of the Senate

C A Blankenship  
Clerk of the House of Delegates

W. T. Estephton J  
President of the Senate

Speaker House of Delegates

The within approved this the 41th day of March, 1974.

Audie Thompso J.  
Governor
PRESENTED TO THE GOVERNOR

Date 3/1/74
Time 4:20 p.m.