

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-27-79

Time 9:50 AM.

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1979



ENROLLED

Committee Substitute for

SENATE BILL NO. 558

(By Mr. Royce)



PASSED March 10, 1979

In Effect ninty days from Passage



No. 558



ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 558
(MR. ROGERS, *original sponsor*)

[Passed March 10, 1979; in effect ninety days from passage.]

AN ACT to amend and reenact sections three, four and nine, article nine, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the mobile home safety act generally; promulgation of rules and regulations requiring a dealer in mobile homes to install a smoke detection system in mobile homes offered for sale in this state by such dealer; making the sale of a mobile home not equipped with a smoke detection system by a dealer unlawful; and establishing criminal and civil penalties against a dealer in mobile homes for the sale of mobile homes in this state not equipped with a smoke detection system.

Be it enacted by the Legislature of West Virginia:

That sections three, four and nine, article nine, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 9. MOBILE HOME SAFETY ACT.

21-9-3. Duties of department, adoption of safety standards for mobile homes; rules and regulations for installation of smoke detection system; additional rules and regulations; fees.

1 The department is hereby charged with the administra-
2 tion and enforcement of the provisions of this article and
3 shall promulgate and adopt a safety code, which shall
4 substantially conform to the national standards and any

5 amendments thereto. Nothing herein shall prevent the
6 department from adopting a safety code of more rigid
7 standards than those contained in the national standards.
8 The department shall also promulgate and adopt rules
9 and regulations requiring the installation of a smoke
10 detection system in any mobile home offered for sale in
11 this state by a dealer in mobile homes. The department
12 may adopt such other rules and regulations as it may
13 deem necessary and appropriate for the enforcement of
14 the provisions of this article.

15 All rules and regulations adopted by the department
16 pursuant to this article shall be so adopted and promul-
17 gated in accordance with the provisions of article three,
18 chapter twenty-nine-a of this code and the provisions of
19 said article three shall apply to this article to the same
20 extent as if said article three were set forth in extenso
21 herein. The department may, from time to time, adopt
22 such revisions in the safety code, as well as in any other
23 rules and regulations adopted by it, as it deems necessary
24 to protect the health, safety and welfare of the public
25 against unsafe and substandard mobile homes.

26 The department shall collect a fee of five dollars for
27 each seal issued by it, pursuant to section five of this
28 article which shall be collected from each mobile home
29 manufacturer. All sums collected by the department pur-
30 suant to this article shall be paid into the treasury of the
31 state.

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

1 It shall be unlawful, from and after the effective date
2 of this article, for any person to rent, sell, transfer or
3 lease in this state or offer for rent, sale, transfer or lease
4 in this state any mobile home unless such mobile home
5 complies with the safety code and other rules and regu-
6 lations adopted and promulgated by the department, nor
7 shall any person so rent, sell, transfer or lease any such
8 mobile home in this state unless it bears a seal issued by
9 the department pursuant to section five of this article
10 evidencing certification of the manufacturer that the mo-
11 bile home so sold, rented, transferred or leased complies

12 with the safety code and the other provisions of this ar-
13 ticle: *Provided*, That the provisions of this article dealing
14 with the installation of smoke detection systems shall
15 apply only to dealers in mobile homes in this state.

**§21-9-9. Violation of article, rules or regulations; criminal and
civil penalties.**

1 (a) Any person, dealer or manufacturer who violates
2 any of the provisions of this article shall be guilty of a
3 misdemeanor, and, upon conviction thereof, shall be fined
4 not less than one hundred dollars nor more than one
5 thousand dollars, or imprisoned in the county jail for a
6 term not to exceed one year, or both such fine and im-
7 prisonment. Each sale of a mobile home in violation of
8 the provisions of this article or of such rules and regula-
9 tions shall constitute a separate offense.

10 (b) If a dealer in mobile homes shall violate any of
11 the rules or regulations promulgated by the department
12 under the provisions of this article requiring the installa-
13 tion of a smoke detection system in any mobile home
14 offered for sale in this state by such dealer, the purchaser
15 of such mobile home has a cause of action to recover from
16 such dealer a penalty in an amount of five hundred dol-
17 lars, in addition to any other remedies to which he is
18 entitled.

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

James L. Davis
Chairman Senate Committee

Clarence C. Chestnut Jr.
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. S. Dillon
Clerk of the Senate

W. A. Blankschhip
Clerk of the House of Delegates

H. P. Burkholder
President of the Senate

Clyde M. See, Jr.
Speaker House of Delegates

The within *is approved* this the *27*
day of *March* 1979.

John F. Rahnell
Governor



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