WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1979

ENROLLED
Committee Substitute for
SENATE BILL NO. 558

(By Mr. Rogers)

PASSED March 14, 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 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 shall also promulgate and adopt rules
and regulations requiring the installation of a smoke
detection system in any mobile home offered for sale in
this state by a dealer in mobile homes. The department
may adopt such other rules and regulations as it may
deed 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 promul-
gated 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 well as in any other
rules and regulations adopted by it, 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 pur-
suant 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.

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 and other rules and regu-
lations 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 mo-
obile home so sold, rented, transferred or leased complies
with the safety code and the other provisions of this article: Provided, That the provisions of this article dealing with the installation of smoke detection systems shall apply only to dealers in mobile homes in this state.

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

(a) Any person, dealer or manufacturer who violates any of the provisions of 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.

(b) If a dealer in mobile homes shall violate any of the rules or regulations promulgated by the department under the provisions of this article requiring the installation of a smoke detection system in any mobile home offered for sale in this state by such dealer, the purchaser of such mobile home has a cause of action to recover from such dealer a penalty in an amount of five hundred dollars, in addition to any other remedies to which he is entitled.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence E. Christian Jr.
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. H. Tollison
Clerk of the Senate

C. B. Blankenship
Clerk of the House of Delegates

J. D. Barthold
President of the Senate

Henry H. Salem Jr.
Speaker House of Delegates

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

John A. Rockhold
Governor