WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1992

ENROLLED

SENATE BILL NO. 606
(Originating in the Committee on Labor)

PASSED March 6, 1992
In Effect 90 days from Passage
Senate Bill No. 606
(Originating in the Committee on Labor.)

[Passed March 6, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact sections two, three and nine, article nine, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to manufactured housing construction and safety standards; dealer defined; reducing per diem compensation for West Virginia manufactured housing construction and safety board members; and license fee for contractors.

Be it enacted by the Legislature of West Virginia:

That sections two, three 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. MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS.


(a) “Board” means the West Virginia manufactured housing construction and safety board created in this article.

(b) “Commissioner” means the commissioner of the West Virginia state department of labor.
(c) "Contractor" means any person who performs operations in this state at the occupancy site which render a manufactured home fit for habitation. This definition does not include persons who do work on a manufactured home which is owned or leased by such person doing the work. Such operations include, without limitation, installation or construction of the foundation, positioning, blocking, leveling, supporting, tying down, connecting utility systems, making minor adjustments or assembling multiple or expandable units. Such operations also include transporting the unit to the occupancy site by other than a motor carrier regulated by the West Virginia public service commissioner.

(d) "Dealer" means any person engaged in this state in the sale, leasing or distribution of new or used manufactured homes, primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale.

(e) "Defect" includes any defect in the performance, construction, components or material of a manufactured home that renders the home or any part thereof not fit for the ordinary use for which it was intended.

(f) "Distributor" means person engaged in this state in the sale and distribution of manufactured homes for resale.

(g) "Federal standards" means the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401, et seq.), and federal manufactured home construction and safety standards and regulations promulgated by the secretary of HUD to implement such act.

(h) "HUD" means the United States department of housing and urban development.

(i) "Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for resale.

(j) "Manufactured home" means a structure, trans-
portable in one or more sections, which in the travel-
ing mode is eight body feet or more in width or forty
body feet or more in length or, when erected on site,
is three hundred twenty or more square feet, and
which is built on a permanent chassis and designed to
be used as a dwelling with or without a permanent
foundation when connected to the required utilities,
and includes the plumbing, heating, air-conditioning
and electrical systems contained therein; except that
such term shall include any structure which meets all
the requirements of this definition except the size
requirements and with respect to which the manufac-
turer voluntarily files a certificate which complies
with the applicable federal standards. Calculations
used to determine the number of square feet in a
structure will be based on the structure's exterior
dimensions measured at the largest horizontal projec-
tions when erected on site.

(k) "Purchaser" means the first person purchasing a
manufactured home in good faith for purposes other
than resale.

§21-9-3. Board created; appointment, qualifications, terms,
oath, etc., of members; quorum; meetings;
when members disqualified from participation;
compensation; records; office space;
personnel.

(a) There is hereby created the West Virginia board
of manufactured housing construction and safety,
which shall consist of six members and the commis-
sioner, who shall be chairman. At least two of the six
members of the said board shall represent and be
consumers who are not related or employed in the
manufactured housing and construction industry. The
six members shall be appointed by the governor by
and with the advice and consent of the Senate. No
more than three of the members so appointed may be
of the same political party.

(b) The members of the board shall be appointed for
overlapping terms of six years, except that of the
original appointments, two members shall be
15 appointed for a term of two years, two members shall
16 be appointed for a term of four years and two
17 members shall be appointed for a term of six years,
18 and in every instance until their respective successors
19 have been appointed and qualified. Before entering
20 upon the performance of his duties, each member
21 shall take and subscribe to the oath required by
22 section 5, article IV of the Constitution of the state of
23 West Virginia, and shall certify that he is and during
24 the term of his appointment shall remain free of any
25 conflict of interest. The governor shall, within sixty
26 days following the occurrence of a vacancy on the
27 board, fill the same by appointing a person for the
28 unexpired term of the person vacating said office. Any
29 member may be removed by the governor in case of
30 incompetency, neglect of duty, gross immorality or
31 malfeasance in office.
32
33 (c) A majority of the members of the board shall
34 constitute a quorum. The board shall meet at least
35 once in each calendar quarter on a date fixed by the
36 board. The commissioner may, upon his own motion,
37 or shall upon the written request of three members of
38 the board, call additional meetings of the board upon
39 at least twenty-four hours' notice. No member shall
40 participate in a proceeding before the board to which
41 a corporation, partnership or unincorporated associa-
42 tion is a party, and of which he is or was at any time
43 in the preceding twelve months a director, officer,
44 owner, partner, employee, member or stockholder. A
45 member may disqualify himself from participation in
46 a proceeding for any other cause deemed by him to be
47 sufficient. Each member shall receive fifty dollars for
48 each day or portion thereof spent in attending meet-
49 ings of the board and shall be reimbursed for all
50 reasonable and necessary expenses incurred incident
51 to his duties as a member of the board.
52
53 (d) The board shall keep an accurate record of all its
54 proceedings and make certificates thereupon as may
55 be required by law. The commissioner shall make
56 available necessary office space and secretarial and
57 other assistance as the board may reasonably require.
§21-9-9. License required; fees; form of license; display of license; denial, suspension or revocation.

(a) No manufacturer, dealer, distributor or contractor shall engage in business in this state without first having applied for and received a license pursuant to this section. The license shall authorize the holder to engage in the business permitted by the license. All license applications shall be accompanied by the required fee and surety bond or other form of assurance as required by rule or regulation promulgated by the board.

(b) All licenses shall be granted or refused within thirty days after proper and complete application. All licenses shall expire on the thirtieth day of June of each year, unless sooner revoked or suspended. Applications shall be deemed valid for a period of thirty days.

(c) The annual license fees shall be in the amounts prescribed from time to time by rules and regulations promulgated by the board but in no event less than the following amounts:

(1) For manufacturers, $300;
(2) For dealers, $100;
(3) For distributors, $100; and
(4) For contractors, $50: Provided, That if a contractor has met the licensing requirements of this article and the West Virginia contractor licensing act in article eleven of this chapter, has paid the annual license fee under section eight, article eleven of this chapter and has furnished bond or other assurance under section ten of this article, he or she shall not be required to pay the annual license fee set forth in this section.

(d) The board shall prescribe the form of license and each license shall have affixed thereon the seal of the state department of labor.

(e) Each licensee shall conspicuously display the license in its established place of business.
(f) Pursuant to such rules and regulations as may be promulgated by the board, the board may deny the issuance of a license or revoke or suspend any license.

(g) The proceeds of such fees shall be deposited in a special account in the state treasury to be used by the department of labor for the administration of the provisions of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approval this the 30th day of \[\text{signature}\], 1992.

Governor