

RECEIVED

96 MAR 21 PM 3:29

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

—●—
ENROLLED

SENATE BILL NO. 586

(By Senator WOOTON, ET AL)

—●—
PASSED MARCH 7, 1996

In Effect FROM Passage

985 BS

RECEIVED
96 MAR 21 PM 3:29
OFFICE OF THE CLERK
SECRETARY OF STATE

ENROLLED

Senate Bill No. 586

(BY SENATORS WOOTON, ANDERSON, BOWMAN, BUCKALEW,
DEEM, DITTMAR, GRUBB, MILLER, ROSS, SCOTT, WAGNER,
WHITE AND WIEDEBUSCH)

[Passed March 7, 1996; in effect from passage.]

AN ACT to amend and reenact section twelve, 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; providing technical corrections in section numbers; and civil and criminal penalties for violations thereof.

Be it enacted by the Legislature of West Virginia:

That section twelve, 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.

§21-9-12. Civil penalties; criminal penalties.

1 (a) Any person who violates any of the following
2 provisions relating to manufactured homes or any rule
3 promulgated by the board pursuant to the provisions of
4 this article is liable to the state for a penalty, as deter-
5 mined by the court, not to exceed one thousand dollars
6 for each violation. Each violation constitutes a separate
7 violation with respect to each manufactured home,
8 except that the maximum penalty may not exceed one
9 million dollars for any related series of violations
10 occurring within one year from the date of the first
11 violation. No person may:

12 (1) Manufacture for sale, lease, sell, offer for sale or
13 lease, or introduce or deliver, or import into this state
14 any manufactured home which is manufactured on or
15 after the effective date of any applicable standard
16 established by a rule promulgated by the board pursuant
17 to the provisions of this article, or any applicable federal
18 standard, which does not comply with that standard.

19 (2) Fail or refuse to permit access to or copying of
20 records, or fail to make reports or provide information or
21 fail or refuse to permit entry or inspection as required by
22 the provisions of this article.

23 (3) Fail to furnish notification of any defect as required
24 by the provisions of 42 U.S.C. §5414.

25 (4) Fail to issue a certification required by the provi-
26 sions of 42 U.S.C. §5415 or issue a certification to the
27 effect that a manufactured home conforms to all applica-
28 ble federal standards, when the person knows or in the
29 exercise of due care would have reason to know that the
30 certification is false or misleading in a material respect.

31 (5) Fail to establish and maintain records, make reports
32 and provide information as the board may reasonably
33 require to enable the board to determine whether there
34 is compliance with the federal standards; or fail to

35 permit, upon request of a person duly authorized by the
36 board, the inspection of appropriate books, papers,
37 records and documents relative to determining whether
38 a manufacturer, dealer, distributor or contractor has
39 acted or is acting in compliance with the provisions of
40 this article or applicable federal standards.

41 (6) Issue a certification pursuant to the provisions of 42
42 U.S.C. §5403(a), when the person knows or in the exer-
43 cise of due care would have reason to know that the
44 certification is false or misleading in a material respect.

45 (b) Subdivision (1), subsection (a) of this section does
46 not apply to: (i) The sale or the offer for sale of any
47 manufactured home after the first purchase of it in good
48 faith for purposes other than resale; (ii) any person who
49 establishes that he did not have reason to know in the
50 exercise of due care that such manufactured home is not
51 in conformity with applicable federal standards; or (iii)
52 any person who, prior to the first purchase, holds a
53 certificate by the manufacturer or importer of the
54 manufactured home to the effect that such manufactured
55 home conforms to all applicable federal standards,
56 unless that person knows that the manufactured home
57 does not conform to those standards.

58 (c) Any manufacturer, dealer, distributor or contractor
59 who engages in business in this state without a current
60 license as required by the provisions of this article or
61 without furnishing a bond or other form of assurance as
62 required by the provisions of this article is guilty of a
63 misdemeanor, and, upon conviction thereof, shall be
64 fined not more than fifty dollars for each day the viola-
65 tion continues.

66 (d) Any person or officer, director, partner or agent of
67 a corporation, partnership or other entity who willfully
68 or knowingly violates any of the provisions listed in
69 subsection (a) of this section, in any manner which
70 threatens the health or safety of any purchaser, is guilty
71 of a misdemeanor, and, upon conviction thereof, shall be
72 fined not more than one thousand dollars or confined in

73 the county or regional jail for a period of not more than
74 one year, or both fined and imprisoned: *Provided*, That
75 nothing in this article may apply to any bank or financial
76 institution engaged in the disposal of foreclosed or
77 repossessed manufactured home(s).

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

Wendy Schoonvelts
.....
Chairman Senate Committee

Rudy Seacrest
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Barbara Adams
.....
Clerk of the Senate

Bryan W. Brown
.....
Clerk of the House of Delegates

Carl Roy Tomblin
.....
President of the Senate

Paul E. Blunt
.....
Speaker House of Delegates

The within *is approved* this the *21st* day of *March*, 1996.

Gaston Caputo
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/15/96

Time 3:25 pm