

RECEIVED

MAR -5 11:26

TELEPHONE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000

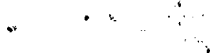


# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 4753**

(By Delegate Beane)



Passed March 10, 2000

In Effect July 1, 2000

PROPERTY  
MAY 11 11:28  
LEGISLATIVE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**H. B. 4753**

(BY DELEGATE BEANE)

[Passed March 10, 2000; in effect July 1, 2000.]

AN ACT to amend article nine, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eleven-a, relating to protection of consumers who purchased manufactured housing; required notification to consumers of inspection services offered by the West Virginia manufactured housing construction and safety board; requirements for written reports to consumers of inspections conducted of manufactured housing; administrative deference to the West Virginia manufactured housing construction and safety board to inspect for defects in response to consumer complaints; providing ninety-day deference period by consumers to the board for alleged defects in manufactured housing; and tolling the statute of limitations during the ninety day period.

*Be it enacted by the Legislature of West Virginia:*

That article nine, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eleven-a, to read as follows:

**ARTICLE 9. MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS.**

**§21-9-11a. Inspection of manufactured housing; deferral period for inspection and administrative remedies; notification to consumers of rights.**

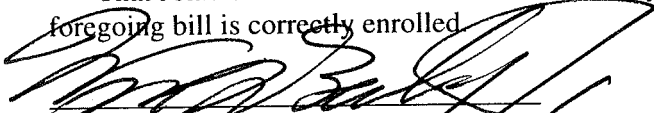
1       (a) *Inspection of manufactured housing.* — When a  
2 purchaser or owner of a manufactured home files a written  
3 complaint with the board alleging defects in the manufacture,  
4 construction or installation of the manufactured home, and any  
5 additional information the board considers necessary to conduct  
6 an investigation, the board shall within sixty days, to the extent  
7 feasible, cause an inspection of the manufactured home by one  
8 or more of its employees or person authorized and supervised  
9 by the board. The board shall provide the consumer a written  
10 report indicating whether the defects alleged by the complaint  
11 constitute violations of federal or state statutory or regulatory  
12 standards or good and customary manufacturing standards in  
13 the construction, design, manufacture or installation of the  
14 manufactured home. If the report indicates that the alleged  
15 defects do constitute any of these violations, the board shall  
16 take such further administrative action as provided for in this  
17 article including, but not limited to, ordering the manufacturer,  
18 dealer or contractor to correct any defects;

19       (b) *Limited period for exclusive administrative remedy.* —  
20 The board has a period of ninety days, commencing with the  
21 date of filing of the complaint, to investigate and take adminis-  
22 trative action to order the correction of any defects in the  
23 manufacture or installation of a manufactured home. A pur-  
24 chaser or owner of a manufactured home may not file any civil

25 action seeking monetary recovery or damages for claims related  
26 to or arising out of the manufacture, acquisition, sale or  
27 installation of the manufactured home, until the expiration of  
28 ninety days after the consumer or owner has filed a written  
29 complaint with the board. This period of exclusive administra-  
30 tive authority may not prohibit the purchaser or owner of the  
31 manufactured home from seeking equitable relief in any court  
32 of competent jurisdiction to prevent or address an immediate  
33 risk of personal injury or property damage. The filing of a  
34 complaint under this article shall toll any applicable statutes of  
35 limitation during the ninety day period but only if the applica-  
36 ble limitation period has not expired prior to the filing of the  
37 complaint.

38 (c) *Notice of consumer rights.* — Every dealer or contractor  
39 who moves homes from one place to another shall provide  
40 written notification to every purchaser of a manufactured home  
41 of the availability of administrative assistance from the board  
42 in investigating and ordering corrections of any defect in the  
43 manufacture or installation of a manufactured home and the  
44 period of exclusive jurisdiction given to the board. The board  
45 may prescribe that the notice contain any information the board  
46 determines to be beneficial to the purchaser or owner of the  
47 manufactured home in exercising that person's rights under this  
48 section.

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


  
Chairman Senate Committee

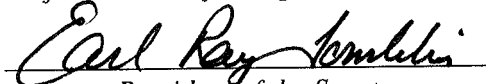
  
Chairman House Committee

Originating in the House.

In effect July 1, 2000.

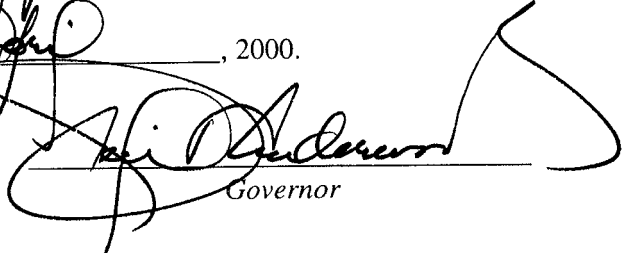
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within approved this the 4th  
day of July, 2000.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/00

Time 3:50pm