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
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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.

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

(b) Limited period for exclusive administrative remedy. — The board has a period of ninety days, commencing with the date of filing of the complaint, to investigate and take administrative action to order the correction of any defects in the manufacture or installation of a manufactured home. A purchaser or owner of a manufactured home may not file any civil
action seeking monetary recovery or damages for claims related
to or arising out of the manufacture, acquisition, sale or
installation of the manufactured home, until the expiration of
ninety days after the consumer or owner has filed a written
complaint with the board. This period of exclusive administra-
tive authority may not prohibit the purchaser or owner of the
manufactured home from seeking equitable relief in any court
of competent jurisdiction to prevent or address an immediate
risk of personal injury or property damage. The filing of a
complaint under this article shall toll any applicable statutes of
limitation during the ninety day period but only if the applica-
able limitation period has not expired prior to the filing of the
complaint.

(c) Notice of consumer rights. — Every dealer or contractor
who moves homes from one place to another shall provide
written notification to every purchaser of a manufactured home
of the availability of administrative assistance from the board
in investigating and ordering corrections of any defect in the
manufacture or installation of a manufactured home and the
period of exclusive jurisdiction given to the board. The board
may prescribe that the notice contain any information the board
determines to be beneficial to the purchaser or owner of the
manufactured home in exercising that person’s rights under this
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 41st
day of , 2000.

Governor