

HB 4394

FILED

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OFFICE OF THE CLERK
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008



ENROLLED

House Bill No. 4394

(By Delegates Tucker, Martin, Perry, Stemple, Perdue,
Shook, Hamilton and Sobonya)



Passed March 7, 2008

In Effect from Passage

ENROLLED

H. B. 4394

(BY DELEGATES TUCKER, MARTIN, PERRY, STEMPLE,
PERDUE, SHOOK, HAMILTON AND SOBONYA)

[Passed March 7, 2008; in effect from passage.]

AN ACT to amend and reenact §21-9-2 of the Code of West Virginia, 1931, as amended, relating to the restoration of the licensure exemption for certain contractors of manufactured housing installation.

Be it enacted by the Legislature of West Virginia:

That §21-9-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9. MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS.

§21-9-2. Definitions.

1 (a) "Board" means the West Virginia Manufactured
2 Housing Construction and Safety Board created in this
3 article.

4 (b) "Commissioner" means the Commissioner of the
5 West Virginia State Division of Labor.

6 (c) "Contractor" means any person who performs
7 operations in this state at the occupancy site which render a
8 manufactured home fit for habitation. The operations
9 include, without limitation, installation or construction of the
10 foundation, positioning, blocking, leveling, supporting, tying
11 down, connecting utility systems, making minor adjustments
12 or assembling multiple or expandable units. The operations
13 also include transporting the unit to the occupancy site by
14 other than a motor carrier regulated by the West Virginia
15 Public Service Commission.

16 Contractor does not include:

17 (1) A person who personally does work on a
18 manufactured home which the person owns or leases; or

19 (2) A person who is licensed under article eleven of this
20 chapter and is performing work on a manufactured home
21 pursuant to a contract with a person licensed under section
22 nine of this article.

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

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

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

33 (g) "Federal standards" means the National Manufactured
34 Housing Construction and Safety Standards Act of 1974, and

35 federal manufactured home construction and safety standards
36 and regulations promulgated by the Secretary of HUD to
37 implement that act.

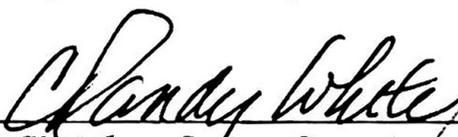
38 (h) "HUD" means the United States Department of
39 Housing and Urban Development.

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

44 (j) "Manufactured home" means a structure, transportable
45 in one or more sections, which in the traveling mode is eight
46 body feet or more in width or forty or more feet in length or,
47 when erected on site, is three hundred twenty or more square
48 feet, and which is built on a permanent chassis and designed
49 to be used as a dwelling with or without a permanent
50 foundation when connected to the required utilities, and
51 includes the plumbing, heating, air-conditioning and
52 electrical systems contained therein; except that such term
53 shall include any structure which meets all the requirements
54 of this definition except the size requirements and with
55 respect to which the manufacturer voluntarily files a
56 certificate which complies with the applicable federal
57 standards. Calculations used to determine the number of
58 square feet in a structure will be based on the structure's
59 exterior dimensions measured at the largest horizontal
60 projections when erected on site.

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

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



Chairman Senate Committee



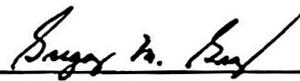
Chairman House Committee

Originating in the House.

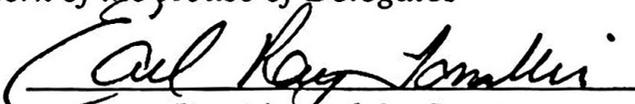
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates

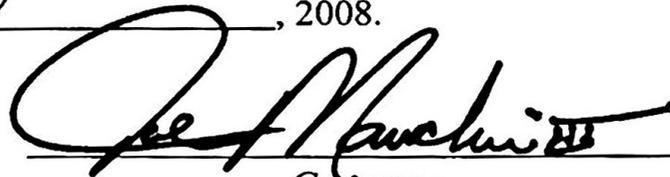


President of the Senate



Speaker of the House of Delegates

The within is approved this the 15th
day of April, 2008.



Governor

PRESENTED TO THE
GOVERNOR

MAR 19 2008

Time 10:15 am