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
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.


(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 Division 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. The 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. The operations also include transporting the unit to the occupancy site by other than a motor carrier regulated by the West Virginia Public Service Commission.

Contractor does not include:

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

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

(d) "Dealer" means any person engaged in this state in the sale, leasing or distributing 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 of the home not fit for the ordinary use for which it was intended.

(f) "Distributor" means any 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, and
federal manufactured home construction and safety standards
and regulations promulgated by the Secretary of HUD to
implement that 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, transportable
in one or more sections, which in the traveling mode is eight
body feet or more in width or forty or more feet 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 manufacturer 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
projections when erected on site.

(k) "Purchaser" means the first person purchasing a
manufactured home in good faith for purposes other than
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 approved this the 1st day of April, 2008.

Governor
PRESENTED TO THE
GOVERNOR

MAR 19 2008

Time 10:15 AM