Senate Engrossed

FILED
JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
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Forty-sixth Legislature
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CHAPTER 43

SENATE BILL 1172

AN ACT

AMENDING SECTION 41-2144, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF MANUFACTURED HOUSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-2144, Arizona Revised Statutes, is amended to read:

41-2144. Powers and duties of board

A. The board shall:

1. Adopt rules imposing minimum construction requirements for factory-built buildings, subassemblies and components thereof which shall be reasonably consistent with nationally recognized and accepted publications or generally accepted manufacturing practices pertinent to the construction and safety standards for such item to be manufactured. Such standards shall include minimum requirements for the safety and welfare of the public.

2. Adopt rules imposing requirements for body and frame design and construction and installation of plumbing, heating and electrical systems for manufactured homes which are consistent with the rules and regulations for construction and safety standards adopted by the United States department of housing and urban development.

3. Adopt rules relating to plan approvals as to requirements for the design, construction, alteration, reconstruction and installation of units or accessory structures as deemed necessary by the board to carry out ~~the provisions of~~ this chapter.

4. Establish a schedule of fees, payable by persons, licensees or owners of units regulated by this chapter, for inspections, licenses, permits, plan reviews, administrative functions and insignia so that the total annual income derived from such fees will not be less than ninety-five per cent and not more than one hundred five per cent of the anticipated expenditures for the operation of the office of manufactured housing.

5. Adopt rules relating to the inspection throughout the state by the assistant director of the office of manufactured housing of the installation of manufactured homes, mobile homes, factory-built buildings and accessory structures included as part of a sales contract for a new or used mobile or manufactured home or part of an agreement to move a new or used mobile or manufactured home.

6. Establish and maintain licensing standards and bonding requirements for all manufacturers of manufactured homes, factory-built buildings and subassemblies regulated pursuant to this chapter.

7. Establish and maintain licensing standards and bonding requirements for all dealers and brokers of manufactured homes, mobile homes, factory-built buildings and subassemblies thereof who sell or arrange the sale of such products within this state.

8. Establish and maintain licensing standards and bonding requirements for all installers of manufactured homes, mobile homes and accessory structures and certified standards for all persons who repair these homes and structures under warranties and who are not employees of the manufacturer.

9. Establish and maintain licensing standards for all salespersons of manufactured homes, mobile homes and factory-built buildings. These standards shall not include educational requirements.

10. Adopt rules consistent with the United States department of housing and urban development procedural and enforcement regulations and enter into such contracts necessary to administer the federal manufactured home regulations.

11. Adopt rules imposing minimum fire and life safety requirements in the categories of fire detection equipment, flame spread for gas furnace and water heater compartments, egress windows, electrical system and gas system for mobile homes entering this state.

12. Adopt rules for inspections and permits for minimum fire and life safety requirements and establish fees for such inspections and permits for mobile homes entering this state.

13. Adopt such other rules as the board deems necessary for the director to carry out this chapter and, to the extent not authorized by other provisions of this section, adopt rules as necessary to interpret, clarify, administer or enforce this article and articles 2 and 4 of this chapter.

14. Adopt rules relating to the installation of manufactured homes, mobile homes, factory-built buildings and accessory structures included as part of a sales contract for a new or used mobile or manufactured home or part of an agreement to move a new or used mobile or manufactured home. This paragraph does not apply to:

(a) Single wide factory-built buildings that are used for construction project office purposes and that are not used by the public.

(b) Storage buildings of less than one hundred sixty-eight square feet that are not used by the public.

(c) Equipment buildings that are not used by the public.

15. Adopt rules relating to acceptable workmanship standards.

16. Adopt rules relating to issuing permits to licensees, owners of units or other persons for the installation of manufactured homes, mobile homes, factory-built buildings and accessory structures.

17. Adopt rules including a requirement that a permit shall be obtained before the installation of a mobile or manufactured home.

18. ESTABLISH STANDARDS FOR THE PERMANENT FOUNDATION OF A MANUFACTURED HOME, MOBILE HOME OR FACTORY-BUILT BUILDING.

B. In adopting rules pursuant to subsection A, paragraph 3, the board shall consider for adoption any amendments to the codes and standards referred to in subsection A, paragraphs 1 and 2. If the board adopts the amendments to such codes and standards, the director shall notify the manufacturers licensed pursuant to article 4 of this chapter ninety or more days prior to the effective date of such amendments.

C. Chapter 6 of this title does not apply to the setting of fees under subsection A, paragraph 4.

D. Rules adopted pursuant to subsection A, paragraph 14 shall be standard throughout this state and may be enforced by the local enforcement agencies upon installation to ensure a standard of safety. The board may make an exception to the standard if, on petition by a local jurisdiction participating in the installation inspection program, local conditions justify the exemption or it is necessary to protect the health and safety of the public. On its own motion, the board may revise or repeal any exception.

APPROVED BY THE GOVERNOR APRIL 5, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2004.