

LEGISLATIVE BILL 313

Approved by the Governor March 29, 1985

Introduced by Wesely, 26

AN ACT relating to mobile homes and recreational vehicles; to amend sections 14-402, 15-902, 19-902, 71-4601 to 71-4604, 71-4605, 71-4606, 71-4608 to 71-4611, 71-4613 to 71-4621, 81-5,138, 81-5,140, and 81-5,142, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1557, 71-4604.01, 76-1463, 76-14,109, and 81-1615, Revised Statutes Supplement, 1984; to redesignate mobile homes as manufactured homes; to rename an act and a fund; to define and redefine terms; to provide for rules and regulations as prescribed; to provide for enforcement; to provide powers and duties; to change a provision relating to removal of a mobile home; to harmonize provisions; to eliminate a provision authorizing requirements more stringent than state standards; and to repeal the original sections, and also section 71-4607, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 14-402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-402. For any or all of said such purposes, the city council may divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of sections 14-401 to 14-418. Within such districts it may regulate, restrict, or prohibit the erection, construction, reconstruction, alteration, or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts. At least one such district in the municipality shall include both land zoned for mobile manufactured home subdivisions and individually owned lots in such mobile manufactured home subdivisions. A political subdivision or a municipality may prescribe reasonable and necessary requirements of the site development for mobile manufactured homes, as defined in section 71-4603, in such districts in accordance with local standards.

Sec. 2. That section 15-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-902. Every city of the primary class shall

have power in the area which is within the city or within three miles of the corporate limits of the city and outside of any organized city or village to regulate and restrict the location, height, bulk, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the locations, and uses of buildings, structures, and land for trade, industry, business, residences, and other purposes. Such city shall have power in this area to divide the area zoned into districts of such number, shape, and area as may be best suited to carry out the purposes of this section, and to regulate, restrict, or prohibit the erection, construction, reconstruction, alteration, or use of buildings, structures, or land within the total area zoned or within districts. All ~~7~~ PROVIDED, that all such regulations shall be uniform for each class or kind of buildings throughout each district, even though regulations for one district may differ from those applicable to other districts. At least one district in the city shall provide for the use of land for ~~mobile~~ manufactured home courts and individually owned lots in ~~mobile~~ manufactured home courts. The city may prescribe reasonable and necessary requirements of the site development for ~~mobile~~ manufactured homes, as defined in section 71-4603, in such districts in accordance with local standards. Such zoning regulations shall be designed to secure safety from fire, flood, and other dangers and to promote the public health, safety, and general welfare, and shall be made with consideration having been given to the character of the various parts of the area zoned and their peculiar suitability for particular uses and types of development, and with a view to conserving property values and encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan. Such zoning regulations may include reasonable provisions regarding nonconforming uses and their gradual elimination.

Sec. 3. That section 19-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-902. (1) For any or all of the purposes designated in section 19-901, the local legislative body may divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of sections 19-901 to 19-914, and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. At least one district in the municipality shall provide for the use of land for ~~mobile~~ manufactured home courts and individually owned lots in ~~mobile~~ manufactured home courts. The municipality may prescribe reasonable and necessary requirements of the site development for ~~mobile~~ manufactured homes, as defined

in section 71-4603, in such districts in accordance with local standards. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

(2) Subdivision regulations and building, plumbing, electrical, housing, fire, or health codes, or similar regulations and the adoption thereof shall not be subject to the provisions of sections 19-901 to 19-915.

Sec. 4. That section 71-1557, Revised Statutes Supplement, 1984, be amended to read as follows:

71-1557. As used in the Nebraska Uniform Standards for Modular Housing Units Act, unless the context otherwise requires:

(1) Modular housing unit shall mean any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities. Modular housing units shall be taxed as real estate. The term modular housing unit shall not include a mobile manufactured home as defined in section 71-4603;

(2) Living unit shall mean any portion of a modular housing unit which contains living facilities including provisions for sleeping, eating, cooking, and sanitation for no more than one family;

(3) Seal shall mean a device or insignia issued by the Department of Health to be displayed on the exterior of the modular housing unit to evidence compliance with departmental standards;

(4) Dealer shall mean any person other than a manufacturer who sells, offers to sell, distributes, or leases modular housing units primarily to persons who in good faith purchase or lease a modular housing unit for purposes other than resale;

(5) Manufacturer shall mean any person who manufactures or produces modular housing units;

(6) Person shall mean any individual, partnership, company, corporation, or association engaged in manufacturing, selling, offering to sell, or leasing modular housing units; and

(7) Department shall mean the Department of Health.

Sec. 5. That section 71-4601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4601. Sections 71-4601 to 71-4620 shall be known and may be cited as the Uniform Standard Code for Manufactured Mobile Homes and Recreational Vehicles.

Sec. 6. That section 71-4602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4602. The Legislature recognizes that uniformity in the manner of the body and frame design,

construction, assembly, and use of manufactured mobile homes and recreational vehicles and that of their systems, components, and appliances including their plumbing, heating, and electrical systems is desirable, in order that owners may not be burdened with differing requirements, and in order to promote construction suitable for the health of the numerous persons living in manufactured mobile homes and recreational vehicles.

Sec. 7. That section 71-4603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4603. As used in sections 71-4601 to 71-4620 the Uniform Standard Code for Manufactured Homes and Recreational Vehicles, unless the context otherwise requires:

(1) Mobile home shall mean a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed without a permanent foundation for year-around living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit. Manufactured home shall mean a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more 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 that meets all of the requirements of this definition other than the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. sections 5401 et seq. Manufactured home shall also include any manufactured home designed and manufactured with more than one separate living unit for the purpose of multifamily living:

(2) Recreational vehicle shall mean a vehicular type structure unit, primarily designed as temporary living quarters for travel, recreational, camping, or travel vacation use, which either has its own motive power or is mounted on or towed drawn by another vehicle, which is self-propelled. The term recreational vehicle shall include, but not be limited to, travel trailer, park trailer, camping trailer, truck camper, and motor home, and van conversion;

(3) Travel trailer shall mean a vehicular, portable structure built on a chassis, of such size or weight as not to require special highway movement permits

when drawn by a motorized vehicle, primarily designed to be used as a temporary dwelling for travel, camping, recreational, and vacation use. When factory equipped for the road, it has a body width not exceeding eight feet unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when towed by a motor vehicle and with a living area of less than two hundred and twenty square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath and toilet rooms;

(4) Camping trailer shall mean a vehicular portable unit structure mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for travel, recreational, camping, or travel vacation use;

(5) Truck camper shall mean a portable unit or structure, designed to be loaded onto or affixed to the bed or chassis of a truck, constructed to provide temporary living quarters for travel, recreational, camping, or vacation use constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, and designed to be loaded onto and unloaded from the bed of a pickup truck;

(6) Motor home shall mean a vehicular unit built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for travel, recreational, camping, or vacation use which are built into an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van, containing permanently installed independent life-support systems that meet the departmental standard for recreational vehicles and providing at least four of the following facilities: cooking; refrigeration or ice box; self-contained toilet; heating, air conditioning, or both; a potable water supply system including a faucet and sink; separate one hundred twenty nominal volt electrical power supply; or LP gas supply;

(7) Park trailer shall mean a vehicular unit which meets the following criteria:

(a) Built on a single chassis mounted on wheels;
 (b) Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances;

(c) A size or weight not required to have special highway movement permits when towed by a motor vehicle;

(d) Constructed to permit setup by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices; and

(e) Width not exceeding eight body feet and

length not exceeding forty body feet when in the traveling mode;

(8) Van conversion shall mean a completed vehicle permanently altered cosmetically, structurally, or both which has been recertified by the state as a multipurpose passenger vehicle, but does not conform to or otherwise meet the definition of a motor home in this section, and that contains at least one plumbing, heating, or one hundred twenty nominal volt electrical component subject to the provisions of the department standard for recreational vehicles, but shall not include any such vehicle that lacks any plumbing, heating, or one hundred twenty nominal volt electrical system, but contains an extension of the low voltage automotive circuitry;

(9) ~~(7)~~ Seal shall mean a device or insignia issued by the Department of Health to be displayed on the exterior of a manufactured ~~the mobile~~ home or recreational vehicle to evidence compliance with the departmental standards. The federal manufactured home label shall be recognized as a seal;

(10) ~~(8)~~ Dealer shall mean a person licensed by the state pursuant to Chapter 60, article 14, as a dealer in manufactured ~~mobile~~ homes or recreational vehicles or any other person, other than a manufacturer, who sells, offers to sell, distributes, or leases manufactured ~~mobile~~ homes or recreational vehicles primarily to persons who in good faith purchase or lease a manufactured ~~mobile~~ home or recreational vehicle for purposes other than resale;

(11) ~~(9)~~ Distributor shall mean any person engaged in the sale and distribution of manufactured ~~mobile~~ homes or recreational vehicles for resale;

(12) ~~(10)~~ Manufacturer shall mean any person engaged in manufacturing, assembling, or completing manufactured ~~who manufactures or assembles mobile~~ homes or recreational vehicles;

(13) Manufactured ~~(11)~~ ~~Mobile~~ home construction shall mean all activities relating to the assembly and manufacture of a manufactured ~~mobile~~ home, including, but not limited to, those relating to durability, quality, and safety;

(14) Manufactured ~~(12)~~ ~~Mobile~~ home safety shall mean the performance of a manufactured ~~mobile~~ home in such a manner that the public is protected against any unreasonable risk of the occurrence of accidents due to the design or construction of such ~~mobile~~ manufactured home, or any unreasonable risk of death or injury to the user or to the public if such accidents do occur;

(15) ~~(13)~~ Defect shall mean any defect in the performance, construction, components, or material of a manufactured ~~mobile~~ home ~~which~~ that renders the home or any part thereof not fit ~~unfit~~ for the ordinary use for which it was intended;

(16) ~~(14)~~ Imminent safety hazard shall mean a

hazard that presents an imminent and unreasonable risk of death or severe personal injury;

(17) ~~(15)~~ Purchaser shall mean the first person purchasing a manufactured mobile home in good faith for purposes other than resale;

(18) ~~(16)~~ Person shall mean any individual, partnership, company, corporation, or association engaged in manufacturing, selling, offering to sell, or leasing manufactured mobile homes or recreational vehicles; and

(19) ~~(17)~~ Department shall mean the Department of Health.

Sec. 8. That section 71-4604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4604. All body and frame design and construction and all plumbing, heating, and electrical systems installed in manufactured mobile homes or recreational vehicles manufactured more than four months after May 27, 1975, and sold, offered for sale, or leased in this state shall be at least equal to the standards adopted and approved by the department by regulation. The standards adopted by the department pertaining to manufactured homes shall conform to the Manufactured Home Construction and Safety Standards, 24 C.F.R. section 3280, and the Manufactured Home Procedural and Enforcement Regulations, 24 C.F.R. section 3282, adopted by the United States Department of Housing and Urban Development pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. sections 5401 et seq. The department may adopt standards pertaining to manufactured homes designed and manufactured for the purpose of multifamily living which shall protect the health and safety of persons living in multifamily manufactured homes and which may include, but not be limited to, requirements for fire safety, thermal protection, water and fuel shutoff valves, fuel supply inlets, circulation air systems, and electrical systems. Multifamily manufactured homes manufactured in this state solely for purposes of sale in any other state or jurisdiction shall be exempt from the requirements of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles. The standards pertaining to recreational vehicles shall (1) protect the health and safety of persons living in recreational vehicles, (2) assure reciprocity with other states that have adopted standards which protect the health and safety of persons living in recreational vehicles the purpose of which is to make uniform the law of those states which adopt them, and (3) allow variations from such uniform standards as will reduce unnecessary costs of construction or increase safety, durability, or efficiency, including energy efficiency, of the recreational vehicle without jeopardizing such reciprocity. of the department.

Sec. 9. That section 71-4604.01, Revised

Statutes Supplement, 1984, be amended to read as follows:

71-4604.01. (1) Every manufactured mobile home or recreational vehicle manufactured more than four months after May 27, 1975, which is sold, offered for sale, or leased in this state shall bear a seal issued by the department certifying that the body and frame design; and construction; and the plumbing, heating, and electrical systems of such manufactured mobile home or recreational vehicle have been installed in compliance with the standards adopted by the department, applicable at the time of manufacture. The department shall issue the seal upon an inspection of the plans and specifications for the mobile manufactured home or recreational vehicle or upon an actual inspection of the manufactured mobile home or recreational vehicle during or after construction, if in compliance with the departmental standards. Each seal issued by the department shall remain the property of the department and may be revoked by the department in the event of a violation of the conditions of issuance.

(2) A fee of not less than ten fifteen dollars nor more than thirty-five dollars, as determined by departmental regulation, shall be charged for each seal issued by the department. A seal shall be placed on each living unit within a multifamily manufactured home, and the seal fee assessed for each living unit shall be one half of the seal fee for a single family manufactured home. Inspection fees shall be paid for all departmental inspections of manufacturing plants located outside of the State of Nebraska. Such fees shall consist of a reimbursement by the manufacturer of actual departmental travel and inspection expenses only and shall be paid prior to any issuance of seals.

(3) The department shall adopt and promulgate rules and regulations governing the submission of plans and specifications of manufactured homes and recreational vehicles. A person who submits plans and specifications to the department for review and approval shall be charged for departmental engineering services provided for performing the review of the plans and specifications and related functions at a rate of not less than fifteen dollars per hour nor more than thirty dollars per hour as determined by rule and regulation based on the number of hours of review time allotted to the type of plan submitted as follows:

- (a) Manufactured home:
 - (i) New model, two hours;
 - (ii) Quality control manual, six hours;
 - (iii) Typicals, one and one half hours;
 - (iv) Revisions, one hour;
 - (v) Engineering calculations, one and one half
hours;
 - (vi) New component, one and one half hours;
 - (vii) Initial certification, sixty hours; and
 - (viii) Recertification, forty hours; and

(b) Recreational vehicle:

- (i) New model, one hour;
- (ii) Quality control manual, two hours;
- (iii) Typicalals, one half hour;
- (iv) Revisions, three-fourths hour;
- (v) Engineering calculations, three-fourths

hour;

(vi) Initial package, fifteen hours; and(vii) Yearly renewal, two hours plus the three-fourths hour for revisions.

(4) (3) The department shall charge each manufacturer a fee of seventy-five dollars for each inspection of any new recreational vehicle manufactured by such manufacturer and not bearing a seal issued by the State of Nebraska or some reciprocal state.

(5) (4) All fees collected pursuant to the Uniform Standard Code for Manufactured Homes and Recreational Vehicles sections 71-4601 to 71-4620 shall be paid into the state treasury and credited by the State Treasurer to the Manufactured Mobile Home and Recreational Vehicle Cash Fund, which fund is hereby created. Such fund shall be used by the department for the purpose of administering sections 71-4601 to 71-4620 the Uniform Standard Code for Manufactured Homes and Recreational Vehicles. Funds in the Mobile Home and Recreational Vehicle Cash Fund on the effective date of this act shall be transferred to the Manufactured Home and Recreational Vehicle Cash Fund.

Sec. 10. That section 71-4605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4605. Except as provided in section 71-4606, no dealer shall sell, offer for sale, or lease in this state any new or used manufactured mobile home or recreational vehicle manufactured more than four months after May 27, 1975, unless such manufactured mobile home or recreational vehicle meets or exceeds the standards with respect to body and frame design, and construction, and plumbing, heating, and electrical systems established under the provisions of sections 71-4601 to 71-4620 Uniform Standard Code for Manufactured Homes and Recreational Vehicles.

Sec. 11. That section 71-4606, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4606. If any other state has plumbing, heating, electrical, or body and frame design and construction codes for manufactured mobile homes or recreational vehicles at least equal to those established under the provisions of sections 71-4601 to 71-4620 Uniform Standard Code for Manufactured Homes and Recreational Vehicles, the department, upon determining that such standards are being enforced by such other state, shall place such other state on a reciprocity list, which list shall be available to any interested person. Any

manufactured mobile home or recreational vehicle which bears the seal of any state which has been placed on the reciprocity list shall not be required to bear the seal issued by this state. A manufactured mobile home or recreational vehicle manufactured more than four months after May 27, 1975, which does not bear the seal issued by the department or by a state which has been placed on the reciprocity list shall not be permitted to be manufactured, offered for sale, sold, or leased by a manufacturer, dealer, or any other person anywhere within this state nor delivered from this state into any other state or jurisdiction. If a manufactured mobile home or recreational vehicle has a certificate of title or other certification from a state on the reciprocity list, a dealer may sell it unless he or she has actual knowledge that the mobile manufactured home or recreational vehicle does not meet the standards of the state which has issued a certificate of title or other certification for it, so long as it bears the seal issued by the department or a state on the reciprocity list.

Sec. 12. That section 71-4608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4608. (1) Any person who is in violation of any provision of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles regarding a used manufactured home or new or used multifamily manufactured home or recreational vehicle sections 71-4601 to 71-4620 or who manufactures, sells, offers for sale, or leases in this state any used manufactured home or new or used multifamily manufactured mobile home or recreational vehicle manufactured more than four months after May 27, 1975, which does not bear the seal issued by the department or by a state which has been placed on the reciprocity list as required by the provisions of sections 71-4601 to 71-4620 Uniform Standard Code for Manufactured Homes and Recreational Vehicles shall be guilty of a Class I misdemeanor.

(2) Any person who violates any of the provisions enumerated in this section or rules and regulations adopted and promulgated by the department relating to manufactured homes shall be liable for a civil penalty not to exceed one thousand dollars for each violation. Each such violation shall constitute a separate violation with respect to each manufactured home, except that the maximum penalty shall not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation. No person shall:

(a) Manufacture for sale, lease, sell, offer for sale or lease, or introduce, deliver, or import into this state any manufactured home which is manufactured on or after the effective date of any applicable Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280,

which does not comply with such standards;

(b) Fail or refuse to permit access to or copying of records, fail to make reports or provide information, or fail or refuse to permit entry or inspection as provided in section 71-4610;

(c) Fail to furnish notification to the purchaser of any defect as required by 42 U.S.C. section 5414;

(d) Fail to issue a certification required by 42 U.S.C. section 5415 or issue a certification to the effect that a manufactured home conforms to all applicable Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280, if such person in the exercise of due care has reason to know that such certification is false or misleading in a material respect;

(e) Fail to establish and maintain such records, make such reports, and provide such information as the department may reasonably require to enable it to determine whether there is compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. sections 5401 et seq., or fail to permit, upon request of a person duly authorized by the department, inspection of appropriate books, papers, records, and documents relative to determining whether a manufacturer, distributor, or dealer has acted or is acting in compliance with the Uniform Standard Code for Manufactured Homes and Recreational Vehicles or with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. sections 5401 et seq.; or

(f) Issue a certification pursuant to 42 U.S.C. section 5403(a) if such person in the exercise of due care has reason to know that such certification is false or misleading in a material respect. Any person who violates any provision of sections 71-4601 to 71-4620, in addition to any criminal penalty, shall be liable to the department on behalf of the state for a civil penalty not to exceed one thousand dollars for each such violation. Each violation of a provision of sections 71-4601 to 71-4620 shall constitute a separate violation with respect to each mobile home or with respect to each failure or refusal to allow or perform an act required by sections 71-4601 to 71-4620, except that the maximum civil penalty may not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation.

(3) Subdivision (2)(a) of this section shall not apply to the sale or the offer for sale of any manufactured home after the first purchase of it in good faith for purposes other than resale. An individual, or any director, officer, or agent of a corporation who knowingly and willfully violates any provision of sections 71-4601 to 71-4620 in a manner which threatens the health and

safety of any purchaser shall be guilty of a Class I misdemeanor.

(4) Subdivision (2)(a) of this section shall not apply to any person who establishes that he or she did not have reason to know in the exercise of due care that such manufactured home was not in conformity with applicable Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280, or any person who, prior to such first purchase, holds a certificate by the manufacturer or importer of such manufactured home to the effect that such manufactured home conforms to all applicable Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280, unless such person knows that such manufactured home does not so conform.

(5) Any person or officer, director, or agent of a corporation who willfully or knowingly violates subsection (2) of this section in any manner which threatens the health or safety of any purchaser shall be guilty of a Class I misdemeanor. Subsections (2) and (3) of this section shall not apply to situations involving recreational vehicles.

Sec. 13. That section 71-4609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4609. (1) The department is hereby charged with the administration of the provisions of sections 71-4601 to 71-4620 Uniform Standard Code for Manufactured Homes and Recreational Vehicles. The department may adopt and promulgate, amend, alter, or repeal general rules and regulations of procedure for (a) administering the provisions of sections 71-4601 to 71-4620 the code, (b) the issuance issuing of seals, (c) the submission of plans and specifications of mobile homes and recreational vehicles, (d) obtaining statistical data respecting the manufacture and sale of manufactured mobile homes and recreational vehicles, and (d) (e) prescribing means, methods, and practices to make effective such provisions.

(2) The department shall appoint an advisory committee of seven members which shall have the authority to review the rules, regulations, and standards of the department pertaining to manufactured mobile homes and recreational vehicles and to recommend changes relative thereto. The committee shall represent a cross section of those having an extensive interest in manufactured mobile home or recreational vehicle body and frame design, and construction, or plumbing, heating, or electrical systems. The committee shall serve at the pleasure of the department.

(3) The department shall refuse to issue a seal to any manufacturer or other person for any manufactured mobile home or recreational vehicle found to be not in compliance with departmental standards governing body and frame design, and construction, or plumbing, heating, or electrical systems for manufactured mobile homes or

recreational vehicles or for which fees have not been paid. Except in case of failure to pay the required fees, any such manufacturer or other person may request a hearing before the department on the issue of such refusal. Procedures for notice and opportunity for a hearing before the department shall be pursuant to ~~the provisions of~~ Chapter 84, article 9, and continued departmental refusal subsequent to such a hearing shall also be subject to review pursuant to such provisions.

(4) The issuance of seals may be suspended or revoked as to any manufacturer or other person who has not complied with any provision of ~~sections 71-4601 to 71-4620~~ the Uniform Standard Code for Manufactured Homes and Recreational Vehicles or with any rule, regulation, or standard adopted and promulgated under the code ~~sections 71-4601 to 71-4620~~ or who is convicted of violating section 71-4608, and issuance of the seals shall not be resumed until such manufacturer or other person submits sufficient proof that the conditions which caused the lack of compliance or the violation have been remedied. Any manufacturer or other person may request a hearing before the department on the issue of such suspension or revocation. Procedures for notice and opportunity for a hearing before the department shall be pursuant to ~~the provisions of~~ Chapter 84, article 9, and continued departmental suspension or revocation subsequent to such a hearing shall also be subject to review pursuant to such provisions.

(5) The department is authorized to conduct hearings and presentations of views consistent with the regulations adopted by the United States Department of Housing and Urban Development and to adopt and promulgate such rules and regulations as are necessary to carry out this function.

(6) The department shall establish a monitoring inspection fee in an amount established by the United States Secretary of Housing and Urban Development. This monitoring inspection fee shall be an amount paid by the manufacturer for each manufactured home produced in the state. The monitoring inspection fee shall be paid by the manufacturer to the United States Secretary of Housing and Urban Development who shall distribute the fees collected from all manufactured home manufacturers from among the approved and conditionally approved states based on the number of new manufactured homes whose first location after leaving the manufacturing plant is on the premises of a distributor, dealer, or purchaser in such state.

Sec. 14. That section 71-4610, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4610. (1) The department is authorized to conduct inspections and investigations as may be necessary to enforce the standards adopted under the Uniform Standard Code for Manufactured Homes and Recreational

Vehicles sections 71-4601 to 71-4620 or to carry out its duties pursuant thereto. The department shall furnish the appropriate state and county officials any information obtained indicating noncompliance with such standards for appropriate action.

(2) For purposes of enforcement of the Uniform Standard Code for Manufactured Homes and Recreational Vehicles sections 71-4601 to 71-4620 and the rules, regulations, and standards adopted and promulgated by the department pursuant thereto, persons duly designated by the department, upon presenting appropriate credentials to the owner, operator, or agent in charge, are authorized to:

(a) Enter, at reasonable times and without advance notice, any factory, warehouse, or other establishment or place in which manufactured mobile homes or recreational vehicles are manufactured, stored, offered for sale, or held for lease or sale; and

(b) Inspect, at reasonable times and within reasonable limits and in a reasonable manner, any such factory, warehouse, or other establishment or place, and to inspect such books, papers, records, and documents as are set forth in section 71-4611. Each such inspection shall be commenced and completed with reasonable promptness.

(3) The department may contract with private inspection organizations to carry out its functions under this section. If the department appoints nongovernmental inspectors or inspection agencies as its authorized representatives to carry out such inspections, the department shall at all times exercise supervisory control over such inspectors or agencies to insure effective and uniform enforcement of departmental standards. No person may interfere with, obstruct, or hinder an authorized representative of the department in the performance of such an inspection.

Sec. 15. That section 71-4611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4611. For the purpose of carrying out the provisions of sections 71-4601 to 71-4620 Uniform Standard Code for Manufactured Homes and Recreational Vehicles, the department is authorized to:

(1) Hold such hearings, take such testimony, act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memoranda, contracts, agreements, or other records, as the department deems advisable. Witnesses summoned pursuant to this section shall be paid the same fees as are paid witnesses in the district courts of the state and mileage as provided in section 84-306.03 for state employees;

(2) Examine and copy any documentary evidence of any person having materials or information relevant to any

function of the department under sections 71-4601 to 71-4620 the code;

(3) Require, by general or special orders, any person to file, in such form as the department may prescribe, reports or answers in writing to specific questions relating to any function of the department under sections 71-4601 to 71-4620 the code. Such reports and answers shall be made under oath or otherwise, and shall be filed with the department within such reasonable period as the department may prescribe; and

(4) Make available to the public any information which may indicate the existence of a defect which relates to mobile manufactured home construction or safety or of the failure of a manufactured mobile home to comply with applicable standards. The department shall disclose so much of other information obtained under this subdivision to the public as it determines will assist in carrying out the provisions of sections 71-4601 to 71-4620 code, but it shall not under the authority of this subdivision make available or disclose to the public any information which contains or relates to a trade secret or any information the disclosure of which would put the person furnishing such information at a substantial competitive disadvantage, unless the department determines that it is necessary to carry out the purposes of sections 71-4601 to 71-4620 the code.

Sec. 16. That section 71-4613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4613. Each manufacturer of manufactured mobile homes shall:

(1) Submit the building plans for every model of its manufactured mobile homes to the department for the purpose of inspection. The manufacturer shall certify that each building plan meets the standards in force at that time before the respective model is produced;

(2) Establish and maintain records, make reports, and provide information as the department may reasonably require to enable it to determine whether such manufacturer or any distributor or dealer has acted or is acting in compliance with the Uniform Standard Code for Manufactured Homes and Recreational Vehicles provisions of sections 71-4601 to 71-4620 and standards adopted pursuant thereto;

(3) Upon request of a person duly designated by the department, permit such person to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer or any distributor or dealer has acted or is acting in compliance with the code provisions of sections 71-4601 to 71-4620 and standards adopted pursuant thereto; and

(4) Provide to the department all performance data and other technical data related to performance and safety as may be required by the department to carry out

the purposes of ~~sections 71-4601 to 71-4620~~ the code. Such data shall include records of tests and test results which the department may require to be performed.

Sec. 17. That section 71-4614, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4614. The department may require the manufacturer to give notification of performance and technical data to:

(1) Each prospective purchaser of a manufactured mobile home before its first sale for purposes other than resale at each location where any such manufacturer's manufactured mobile homes are offered for sale by a person with whom such manufacturer has a contractual, proprietary, or other legal relationship and in a manner determined by the department to be appropriate, which may include, but not be limited to, printed matter that is both available for retention by such prospective purchaser and sent by mail to such prospective purchaser upon his or her request; and

(2) The first person who purchases a manufactured mobile home for purposes other than resale, at the time of such purchase or in printed matter placed in the manufactured mobile home.

Sec. 18. That section 71-4615, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4615. All information reported to or otherwise obtained by the department or its duly authorized representatives pursuant to the Uniform Standard Code for Manufactured Homes and Recreational Vehicles sections 71-4601 to 71-4620 which contains or relates to a trade secret, or which, if disclosed, would put the person furnishing such information at a substantial competitive disadvantage, shall be considered confidential, except that such information may be disclosed to other officers or employees concerned with carrying out the code provisions of sections 71-4601 to 71-4620 or, when relevant, in any proceeding under sections 71-4601 to 71-4620 the code.

Sec. 19. That section 71-4616, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4616. (1) Every manufacturer of manufactured mobile homes shall furnish notification of any defect in any manufactured mobile home produced by such manufacturer which he or she determines, in good faith, violates a standard adopted by the department or contains a defect which constitutes an imminent safety hazard to the purchaser of such manufactured mobile home, within a reasonable time after such manufacturer has discovered the defect.

(2) The notification required by this section shall be accomplished:

(a) By mail to the first purchaser, not including any dealer or distributor of such manufacturer,

of the mobile manufactured home containing the defect; and to any subsequent purchaser to whom any warranty on such manufactured mobile home has been transferred;

(b) By mail to any other person who is a registered owner of such mobile manufactured home and whose name and address has been ascertained pursuant to procedures established under section 71-4619; and

(c) By mail or other more expeditious means to the dealer or dealers of such manufacturer to whom such manufactured mobile home was delivered.

(3) The notification required by subsection (1) of this section shall contain a clear description of such defect or failure to comply, an evaluation of the risk to mobile manufactured home occupants' safety reasonably related to such defect, and a statement of the measures needed to repair the defect. The notification shall also inform the owner whether the defect is a construction or safety defect which the manufacturer will have corrected at no cost to the owner of the mobile manufactured home, or is a defect which must be corrected at the expense of the owner.

Sec. 20. That section 71-4617, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4617. Every manufacturer of manufactured mobile homes shall furnish to the department a true or representative copy of all notices, bulletins, and other communications sent to the dealers of the manufacturer or to purchasers of mobile manufactured homes of the manufacturer regarding any defect in any mobile manufactured home produced by the manufacturer. The department shall disclose to the public so much of the information contained in such notices or other information obtained pursuant to sections 71-4601 to 71-4620 the Uniform Standard Code for Manufactured Homes and Recreational Vehicles as it deems will assist in carrying out the purposes of sections 71-4601 to 71-4620 the code, but it shall not disclose any information which contains or relates to a trade secret, or which, if disclosed, would put the manufacturer at a substantial competitive disadvantage, unless it determines that it is necessary to carry out the purposes of sections 71-4601 to 71-4620 the code.

Sec. 21. That section 71-4618, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4618. (1) If the department determines that any manufactured mobile home (a) does not comply with an applicable standard adopted by the department; or (b) contains a defect which constitutes an imminent safety hazard, it shall immediately notify the manufacturer of such manufactured mobile home of such defect or failure to comply. The notice shall contain the findings of the department and shall include all information upon which the findings are based.

(2) The department shall afford such manufacturer an opportunity to present his or her views and evidence in support thereof to establish that there is no failure of compliance. If, after such presentation by the manufacturer, the department determines that such mobile manufactured home does not comply with applicable departmental standards, or contains a defect which constitutes an imminent safety hazard, the department shall direct the manufacturer to furnish the notification specified in section 71-4616.

Sec. 22. That section 71-4619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4619. Every manufacturer of manufactured mobile homes shall maintain a record of the name and address of the first purchaser of each manufactured mobile home for purposes other than resale and, to the maximum extent feasible and reasonable, shall maintain procedures for ascertaining the name and address of any subsequent purchaser thereof and shall maintain a record of names and addresses so ascertained. Such records shall be kept for each manufactured mobile home produced by a manufacturer. The department may establish by rule and regulation procedures to be followed by manufacturers in establishing and maintaining such records, including procedures to be followed by distributors and dealers to assist manufacturers to secure the information required by this section.

Sec. 23. That section 71-4620, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-4620. (1) A manufacturer required to furnish notification of a defect under section 71-4616 or 71-4618 shall also bring the manufactured mobile home into compliance with applicable departmental standards and correct the defect or have the defect corrected within a reasonable period of time at no expense to the owner, ~~PROVIDED, that if the defect presents an unreasonable risk of injury or death to occupants of the affected~~ manufactured mobile home and the defect can be related to an error by the manufacturer in design or assembly of the manufactured mobile home.

(2) The department may direct the manufacturer to make such corrections after providing an opportunity for oral and written presentation of views by interested persons. Nothing in this section shall limit the rights of the purchaser or any other person under any contract or applicable law.

(3) The manufacturer shall submit a his remedy plan for repairing such defect to the department for its approval, or the manufacturer shall notify the department of the corrective action it has taken and request departmental approval. Whenever a manufacturer is required to correct a defect, the department shall approve with or without modification, after consultation with the

manufacturer of the manufactured mobile home involved, the manufacturer's remedy plan including the date when, and the method by which, the notification and remedy required pursuant to this section shall be effectuated. Such date shall be the earliest practicable one, but shall not be more than sixty days after the date of discovery or determination of the defect or failure to comply, unless the department grants an extension of such period for good cause shown. The manufacturer shall implement any remedy plan approved by the department.

(4) When a defect or failure to comply in a manufactured mobile home cannot be adequately repaired within sixty days from the date of discovery or determination of the defect, the department may require that the manufactured mobile home be replaced with a new or equivalent manufactured mobile home without charge, or that the purchase price be refunded in full, less a reasonable allowance for depreciation based on actual use if the mobile manufactured home has been in the possession of the owner for more than one year.

Sec. 24. That section 71-4621, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows: 71-4621. As used in sections 71-4621 to 71-4634, unless the context otherwise requires:

(1) Mobile home shall mean a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit, and shall include a manufactured home as defined in section 71-4603;

(2) Mobile home lot shall mean a designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants;

(3) Mobile home park shall mean a parcel or contiguous parcels of land which have been so designated and improved that it contains two or more mobile home lots available to the general public for the placement thereon of mobile homes for occupancy. The term mobile home park shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by any individual, corporation, company, or other entity on its own premises and used exclusively to house its own labor force;

(4) Department shall mean the Department of Health; and

(5) Person shall mean any individual, firm, partnership, corporation, company, association, joint stock company or association, political subdivision,

governmental agency, or other legal entity, and shall include any trustee, receiver, assignee, or other legal representative thereof.

Sec. 25. That section 76-1463, Revised Statutes Supplement, 1984, be amended to read as follows:

76-1463. Mobile home shall mean a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit, and shall include a manufactured home as defined in section 71-4603.

Sec. 26. That section 76-14,109, Revised Statutes Supplement, 1984, be amended to read as follows:

76-14,109. If a tenant abandons a mobile home on a mobile home space, the mobile home may not be removed from the mobile home space by the tenant or his or her agent without a signed written authorization from the landlord granting clearance for removal, showing all money due and owing paid in full, or an agreement reached with the legal owner and the landlord. A mobile home shall be considered to be abandoned if the tenant has defaulted in rent and has, by absence of at least thirty days or by words or actions, reasonably indicated an intention not to continue the tenancy.

Nothing in this section shall prohibit a landlord from removing an abandoned mobile home from the mobile space and placing it in storage at the owner's expense or from utilizing any other legal remedy.

Sec. 27. That section 81-5,138, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-5,138. Mobile home shall mean every transportable or relocatable device of any description containing complete, independent living facilities for one or more persons whether or not permanently attached to the real estate upon which it is situated and shall include a manufactured home as defined in section 71-4603.

Sec. 28. That section 81-5,140, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-5,140. Notwithstanding any other provision of sections 81-5,132 to 81-5,146, mobile homes constructed after September 27, 1975, and modular manufactured housing units constructed pursuant to sections 71-1555 to 71-1567, after January 10, 1977, shall be exempt from the requirements of sections 81-5,132 to 81-5,146.

Sec. 29. That section 81-5,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-5,142. (1) Every dwelling unit within a dwelling or apartment house constructed or remodeled on or after January 1, 1982, every guest room in a lodging house or hotel constructed or remodeled on or after January 1,

1982, and every dormitory constructed or remodeled on or after January 1, 1982, shall be provided with one or more operating smoke detectors meeting the requirements of the State Fire Marshal's rules and regulations.

(2) Every guest room in a lodging house or hotel constructed prior to January 1, 1982, and every dormitory constructed prior to January 1, 1982, shall be provided with one or more operating smoke detectors meeting the requirements of the State Fire Marshal's rules and regulations on or before January 1, 1984.

(3) Every (a) dwelling unit within a dwelling or apartment house constructed prior to January 1, 1982, (b) mobile home, and (c) modular manufactured housing unit constructed pursuant to sections 71-1555 to 71-1567, shall be provided with one or more operating smoke detectors meeting the requirements of the State Fire Marshal's rules and regulations at the time of their remodeling or sale. In the event of a sale, the provision of smoke detectors shall be the sole responsibility of the seller, which responsibility shall not be assigned or imputed to any other party or the agent of any party to the sale.

Sec. 30. That section 81-1615, Revised Statutes Supplement, 1984, be amended to read as follows:

81-1615. (1) The following shall be exempt from sections 81-1608 to 81-1626:

(a) Any building which has a peak design rate of energy usage for all purposes of less than one watt, or three and four-tenths British Thermal Units per hour, per square foot of floor area;

(b) Any building which is neither heated nor cooled;

(c) Any building or portion thereof which is owned by the United States of America;

(d) Any ~~mobile~~ manufactured home as defined by section 71-4603;

(e) Any modular manufactured housing unit as defined by subsection (1) of section 71-1557;

(f) Any building (i) listed on the National Register of Historic Places, (ii) determined to be eligible for the National Register of Historic Places by the State Historic Preservation Officer, or (iii) designated as an individual landmark or heritage preservation site by a municipality or located within a designated landmark or heritage preservation district; and

(g) Any building to be renovated that is located within an area that has been designated blighted by a municipality.

(2) All residential buildings shall be exempt from lighting efficiency standards.

Sec. 31. That original sections 14-402, 15-902, 19-902, 71-4601 to 71-4604, 71-4605, 71-4606, 71-4608 to 71-4611, 71-4613 to 71-4621, 81-5,138, 81-5,140, and 81-5,142, Reissue Revised Statutes of Nebraska, 1943, and

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sections 71-1557, 71-4604.01, 76-1463, 76-14,109, and 81-1615, Revised Statutes Supplement, 1984, and also section 71-4607, Reissue Revised Statutes of Nebraska, 1943, are repealed.