August 1, 2017

Manufactured Housing License Law

PART XIV. MANUFACTURED HOUSING

§911.21. Short title

This Part shall be known and may be cited as "Uniform Standards Code for Manufactured Housing and Modular Housing".

911.22. Definitions

As used in this Part, unless the context requires a different definition:

(1)(a) "Code" for manufactured housing means the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended, and federal regulations promulgated pursuant thereto, along with any construction or installation-related standards adopted by the Louisiana Manufactured Housing Commission.

(b) "Code" for modular housing means the International Residential Code as adopted by the Louisiana State Uniform Construction Code Council.

(2) "Commission" means the Louisiana Manufactured Housing Commission.

(3) "Criminal history record information" means conviction information collected by criminal justice agencies on individuals.

(4)(a) "Developer" means any person, group of persons, firm, partnership, corporation, association, company, or legal entity who sells or offers for sale to the public a lot together with a manufactured home permanently installed and fixed on a foundation on the lot and designed as a single family residence. For purposes of this Part, "developer" shall include "contractors" and "residential contractors" as defined in R.S. 37:2157.

(b) "Developer" shall not include an individual selling his personal residence, or a real estate broker or real estate salesman retained by a person to sell a manufactured home together with a lot on which the manufactured home has been installed and fixed on a foundation.

(4.1) "Distributor" means any person, firm, association, corporation, limited liability company, or trust, resident or nonresident, who in whole or in part sells or supplies manufactured housing to dealers or who maintains distributor sales representatives.

(4.2) "Distributor sales representative" means any officer, agent, or employee employed for the purpose of promoting the sale of manufactured housing or for supervising or contacting their dealers or prospective dealers.

(5) "Manufactured home" and "manufactured housing" mean a factory-built, residential dwelling unit constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401 et seq., as amended. Further, the terms "manufactured home" and "manufactured housing" may be used interchangeably and apply to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development.

(6) "Manufactured home broker" means an individual agent who acts as an intermediary or negotiator between a buyer and a seller.

(7) "Manufacturer" means any person who manufactures manufactured or modular housing.

(8) "Mobile home" means a factory-built, residential dwelling unit built to voluntary standards prior to the passage of the National Manufactured Housing Construction and Safety Standards Act of 1974. This term includes and is interchangeable with the term "house trailer", but does not include the term "manufactured home", as only manufactured homes are built to federal construction standards.

(8.1) "Modular home" means a factory-built, residential dwelling unit built to the International Residential Code as adopted by the Louisiana State Uniform Construction Code Council.

(9) "Person" means a natural person, association, or group of natural persons, partnership, company, corporation, institution, or legal entity.

(10) "Retailer" means any person who is engaged wholly or in part in the business of buying, selling, distributing, brokering, or exchanging an interest in a manufactured or modular home with the intent to make a profit, monetary gain, or any thing of economic value. Any person who buys, sells, distributes, brokers, or exchanges an interest in more than one such manufactured or modular home in any twelve-month period shall be presumed to be a retailer. "Retailer" shall not include any of the following:

(a) Public officers while performing their official duties.

(b) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court.

(c) Banks, finance companies, or other loan agencies whose principal place of business is in Louisiana that acquire manufactured housing as an incident to their regular business.

(d) A developer, or a contractor licensed as a developer under the provisions of R.S. 51:911.24, or a real estate broker or real estate salesman retained by a person to sell a manufactured home together with immovable property on which the manufactured home is located.

(e) A manufactured housing community or park owner that sells less than three manufactured homes in a twelve-month period, provided the community or park owner has owned and leased the manufactured home being sold for more than one year.

(11) "Salesman" means any person employed by a retailer or developer for purposes of selling manufactured or modular housing to the public.

(12) "Seal" or "label" means the permanently affixed device or insignia issued by the United States Department of Housing and Urban Development (HUD) or other authority having jurisdiction that is displayed on the exterior of a factory-built manufactured or modular home, certifying that the home is in compliance with the applicable Code.

(13) “Transporter” means an individual who transports a manufactured or modular home to a site of installation but does not perform any blocking or anchoring of the home, except a transporter is allowed to put blocks under the hitch on the tongue of the frame.

§911.23. Establishment of Uniform Standards Code

All new manufactured or modular homes, as defined in R.S. 51:911.22, which are sold or offered for sale in this state shall be in compliance with the Code and the requirements of this Part.

§911.24. License required; qualifications; application; issuance; transfer; criminal history record information

A.(1) No manufacturer, retailer, or salesman within or without this state shall sell or offer for sale in Louisiana any mobile home, modular home or manufactured housing unless he has obtained a valid manufacturer's, retailer's, or salesman's license, whichever is applicable, from the commission as provided in this Part.

(2) No developer shall sell or offer for sale to the public any manufactured or modular home unless he has obtained a license from the commission, as provided in this Part. No employee of a developer shall offer manufactured or modular housing for sale to the general public without first obtaining a salesman license or being a licensed real estate agent.

(3) No manufacturer within or without this state shall sell or offer for sale to a person any manufactured or modular housing for resale to the public unless the person has obtained a valid retailer's or developer's license from the commission as provided in this Part.

(4) A license shall be issued when the requirements of this Part are met as herein provided.

(5) The commission may, by rule and regulation promulgated in accordance with the Administrative Procedure Act, provide for staggered renewal and collection of the annual license fees imposed under R.S. 51:911.28.

(6) No retailers or developers shall offer for sale to the public any new manufactured or modular home unless the manufacturer of the home has obtained a valid manufacturer's license.

B. Application for a manufacturer's license shall be made upon the form prescribed by the commission and shall contain all of the following:

(1) The name and address of the applicant.

(2) The name and address of each partner if the applicant is a partnership.

(3) The names of the principal officers and the state in which incorporated, if the applicant is a corporation.

(4) The place or places where the applicant's business is to be conducted.

(5) Such other reasonable information as may be required by the commission.

C.(1) No retailer's, developer's, or salesman's license shall be issued to any person who has not attained the age of eighteen years.

(2) Each applicant for an original retailer's license or an original developer's license shall have first served actively for one year as a salesman or shall have purchased an existing licensed retail dealership.

(3) All retailers and developers are required to have at least one licensed salesman.

D. Every application for license shall be verified by the oath or affirmation of the applicant if an individual or if the applicant is a partnership or corporation, by a partner or officer thereof. The applications for licenses shall be in such form and detail as the commission shall prescribe, setting forth the following:

(1) The name and address of the applicant and the name under which he intends to conduct business.

(2) The place or places, including the city or village with the street and street number, if any, where the business is to be conducted.

(3) Such other information as the commission may require.

(4) A list of all directors and officers and shareholders with more than twenty percent interest if said applicant is a corporation or a list of all principals if the applicant is a partnership.

E. A license shall be granted only to a person who bears a good reputation for honesty, trustworthiness, integrity, and competence to transact business in such a manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the commission. If an applicant for a license is a partnership or a corporation, the qualifications of each member of a partnership or officer of a corporation may be considered by the commission in issuing or refusing to issue a license.

F. The commission may, after giving the applicant notice and opportunity for a hearing as provided for in this Part, refuse to issue a license when it is satisfied that the applicant has done one of the following:

(1) Made a false statement of a material fact in his application.

(2) Been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or theft, or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction.

(3) Has no established place of business which is used or will be used for the purpose of selling, displaying, and offering for sale or dealing in manufactured housing.

(4) Is violating the provisions of this Part.

G.(1) Any manufacturer or retailer before removing any one or more of his places of business or opening any additional place of business shall apply to the commission and obtain a separate license for each place of business to which he intends to move and for each additional place of business and pay the applicable fee, as provided in this Part, for each place of business to which he moves and for each additional place of business.

(2) A licensed salesman transferring employment from one retailer to another retailer shall apply to the commission for a transfer of his salesman's license within fifteen days after the date of his transfer of employment and shall pay the applicable fee as provided in this Part. The application for transfer shall be in a form prescribed by the commission.

H.(1) Except as provided in Paragraph (2) of this Subsection, beginning January 1, 1983, every license issued under this Part shall be issued annually and shall expire on December thirty-first following the date upon which it was issued. Each such license issued shall be renewed annually, and failure to apply for a renewal license by January first of the ensuing license period shall automatically suspend such license until a renewal license is applied for. During the period of suspension any practice by the licensee under the color of such license shall be deemed a violation of this Part. Applications made during the period of suspension shall require the payment of a fee equal to twice the amount of the license renewal fee as set forth in R.S. 51:911.28. Failure to obtain renewal license within twelve months after the date of suspension shall automatically revoke such license. Renewal of a retailer's license shall require such retailer to certify that he has maintained a record of providing satisfactory service to consumers.

(2) Beginning January 1, 1992, the commission may, by rule and regulation promulgated in accordance with the Administrative Procedure Act, provide for staggered renewal and collection of the annual license fees imposed under R.S. 51:911.28. Any rule and regulation promulgated under the provisions of this Paragraph providing for the staggered issuance and renewal of a license shall require that the license be renewed twelve months after issuance annually, and failure to apply for such renewal license shall automatically suspend such license until a renewal license is applied for. During the period of suspension any practice by the licensee under the color of such license shall be deemed a violation of this Part. Applications made during the period of suspension shall require the payment of a fee equal to twice the amount of the license renewal fee as set forth in R.S. 51:911.28. Failure to obtain renewal license within twelve months after the date of suspension shall automatically revoke such license. Renewal of a retailer's license shall require such retailer to certify that he has maintained a record of providing satisfactory service to consumers.

I. The commission shall have the authority to:

(1) Request and obtain from the Department of Public Safety and Corrections, Bureau of Criminal Identification and Information, criminal history record information as defined in R.S.

51:911.22(3) on any person applying for any license which the commission is authorized by law to issue and shall pay a fee as specified in R.S. 15:587.

(2) Charge and collect from an applicant for any license which the board is authorized to issue, in addition to all other applicable fees and costs, such amount as may be incurred by the commission in requesting and obtaining criminal history record information on the applicant.

J.(1) Prior to January 1, 2005, and each year thereafter, all retailers and developers shall annually take a commission-approved continuing education course. The individual required to attend the continuing education course is the individual license holder; for corporations, an officer or manager; for partnerships, a partner or manager. The commission shall set the educational requirements and approve providers and the course materials for all continuing education classes.

(2) Any person applying for an original retailer's license or an original developer's license after January 1, 2004, shall submit a financial statement prepared by an independent third-party accounting firm evidencing a minimum net worth of fifty thousand dollars or post a fifty thousand dollar surety bond with the commission. Further, each of these persons shall take a class and pass an accompanying test prior to receiving his original license. The commission shall develop the class and test. The fee for the retailer and developer class and test shall be set by rule and shall not exceed one hundred dollars.

K. The commission shall require that retailers, developers, transporters, and installers show proof of continued and ongoing general liability insurance coverage of at least one hundred thousand dollars. Manufacturers shall be required to show proof of continued and ongoing liability insurance coverage of at least one million dollars.

§911.24.1. Manufactured home retailer manufacturer relationship; warranty work; requirements upon termination; penalty; indemnity

A.(1) In the event that a retailer ceases to do business with a manufacturer due to any of the following: the manufacturer refuses to honor an agreed upon sales territory; the manufacturer refuses to pay warranty claims within sixty days or perform major warranty work beyond the scope expected of a retailer within sixty days; or the manufacturer can no longer deliver the product requested by the retailer in a reasonable and timely manner, then after notice thereof to the manufacturer by registered or certified mail return receipt requested within thirty days thereafter, the manufacturer, at a minimum, shall repurchase all new and unused manufactured homes of the current or immediately prior model year and parts on hand that have not been damaged or substantially altered to the prejudice of the manufacturer while in the possession of the retailer and all required demonstrators.

(2) The manufacturer shall make the required repurchase after the retailer terminates his franchise, sales, or other contractual agreement and within sixty days of the submission by the retailer to the manufacturer, by registered or certified mail return receipt requested, of a final inventory of manufactured homes and parts on hand.

(3) Failure to make said repurchase without just cause shall subject the manufacturer to a penalty of one and one-half percent per month or fraction thereof of the inventory value of returnable manufactured homes and parts, payable to the retailer, as long as said repurchase is not made.

B. Any warranty work performed by a manufactured home retailer pursuant to a manufacturer's warranty shall be reimbursed by the manufacturer within sixty days of invoicing for such services at a labor rate equal to but not in excess of the labor rate in effect at that retail dealership at the time that the warranty work is performed. The reimbursement amount shall also include reasonable costs for parts and mileage related to the performance of such warranty work.

C. Notwithstanding the terms of any franchise, sales, or other contractual agreement, each manufacturer shall indemnify and hold harmless its retailers against any judgment for damages, including but not limited to court costs and reasonable attorney fees of the retailer, arising out of complaints, claims, or lawsuits including but not limited to strict liability, negligence, misrepresentation, express or implied warranty, or rescission of sale to the extent that the judgment arises out of alleged defective or negligent manufacture, assembly, or design of manufactured homes, parts, or accessories or other functions of the manufacturer, which are beyond the control of the retailer.

D. Prior to making a change in the area of responsibility described in the franchise, sales, or other contractual agreement or sales and service agreement of a retailer, the franchisor or manufacturer shall give said retailer no less than sixty days prior written notice by certified or registered mail.

§911.25. Repealed by Acts 2012, No. 112, §2.

§911.26. Louisiana Manufactured Housing Commission

A.(1) The Louisiana Manufactured Housing Commission is hereby created. The commission shall be composed of seven members, with at least one member appointed from each Public Service Commission district and two at-large members, all appointed by the governor with the consent of the Senate as provided in this Section.

(2) Three members shall be appointed by the governor from a list of six individuals submitted by the Louisiana Manufactured Housing Association or its successor. Each nominee shall have a minimum of five years of industry experience as a manufacturer, retailer, or installer as provided in this Part or Part XIV-B[1] of this Chapter.

(3) The remaining four members of the commission shall be members at large appointed by the governor, one of whom shall be an individual residing during the term of his appointment in a manufactured home.

B.(1) The term of office of each commissioner shall be coterminous with that of the governor making his appointment, and each commissioner shall serve until his successor is appointed and is qualified. However, the term of office of any member appointed from within a specific Public Service Commission district as provided above shall automatically expire if that member moves out of such Public Service Commission district. In the event of any vacancy, whether by death, resignation, removal, expiration of term, or otherwise, the vacancy shall be filled for the unexpired portion of the term in the manner in which the original appointment was made.

(2) The commission shall meet at Baton Rouge and complete its organization immediately after the entire membership has been appointed. The commission shall elect a chairman and vice

chairman at its organizational meeting and as needed thereafter as determined by a majority of the commission.

(3) The chairman and each member of the commission shall take and subscribe to the oath of office required of public officers.

(4) When dealing with commission matters, a commissioner may recuse himself in the event of a real or perceived conflict of interest.

C. The chairman and members of the commission shall receive seventy-five dollars for each and every day actually and necessarily spent in attending meetings of the commission, including any commission committee meetings, and shall be reimbursed for subsistence and traveling expenses incurred in the performance of their duties as provided by the travel regulations issued by the commissioner of administration. Such meeting payments shall not exceed the sum of five thousand dollars per annum to any one person within a calendar year.

D.(1) The commission may hire a qualified person to serve as executive director who shall have had sufficient management and organizational experience to direct the day-to-day operations of the commission. The commission shall fix the salary and shall define and prescribe the duties of the executive director.

(2) The executive director shall be in charge of the commission's office and shall devote such time as directed by the commission to fulfill the duties thereof.

(3) The commission may employ such clerical, technical, legal, and other help and incur such expenses as may be necessary for the proper discharge of its duties as provided in this Part and Part XIV-B of this Chapter.

(4) The commission shall maintain its office and transact its business in Baton Rouge and is authorized to adopt and use a seal.

E. The commission is hereby vested with the powers and duties necessary and proper to enable it to fully and effectively carry out and enforce the provisions and objectives of this Chapter, and is hereby authorized and empowered to make and enforce all reasonable rules and regulations and to adopt and prescribe all forms necessary to accomplish said purpose. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage, or limit any others necessary to the attainment thereof. All rules and regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act.[2] Oversight review shall be conducted by the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs.

F. The powers and duties of the commission shall include but are not limited to the following:

(1) Licensing of manufacturers, retailers, developers, salesmen, transporters, and installers as provided in this Part and Part XIV-B of this Chapter.

(2) Inspecting a reasonable sample of installations of manufactured and modular homes within this state to insure compliance with state and federal standards.

(3) Working with consumers, manufacturers, retailers, developers, salesmen, transporters, and installers to hear complaints and make determinations relating to construction defects, warranty issues, service complaints, and other matters which are not set forth pursuant to 24 CFR Part 3280 and 24 CFR Part 3282.

(4) Establishing an alternative dispute resolution process for manufactured and modular home consumers in Louisiana. The commission may charge a reasonable fee to defray the cost of establishing the alternative dispute resolution process.

(5) Requiring all licensees to maintain their records for a period of three years and to keep their records open to inspection by any authorized employee of the commission during reasonable hours.

(6) Holding and conducting hearings on any violation of the provisions of this Part or Part XIV-B of this Chapter and on the imposition of a civil penalty, fine, suspension, or revocation for any such violation.

(7) The ability to issue cease and desist orders, and to subpoena individuals and records as it deems necessary.

(8) The ability to take action against any licensee that hires an individual that has been found to be in violation of the law and has a license that is either suspended or revoked.

(9) Review and approve continuing education course work, required under this Part or Part XIV-B of this Chapter, offered in other states, if the other state allows for reciprocity of Louisiana continuing education course work.

(10) The authority to establish a mandatory uniform written transportation and installation contract that is required to be used by all transporters and installers when moving or installing a manufactured or modular home in this state. Transporters and installers shall be required to give their customers a copy of the contract, itemizing all services being provided and the cost associated with those services, prior to beginning work or moving a home. These records shall be maintained for at least three years and shall be made available to the commission for inspection. Transporters who are only passing through the state or are delivering a home from a manufacturer to a licensee of the commission, are not required to comply with the provisions of this Paragraph. The commission has the authority to promulgate rules and regulations in accordance with the Administrative Procedure Act in order to implement the provisions of this Paragraph.

(11) The authority to adopt rules governing the repairs or renovations of manufactured homes.

G. All expenses incurred by the commission in carrying out the provisions of this Part including but not limited to per diem, wages, salaries, rent, postage, supplies, bond premiums, travel and subsistence for the commissioners and the executive director, printing, and utilities shall be proper charges against the fund.

H. The commission shall, in addition to the powers herein conferred, be constituted a body politic or political corporation, invested with the powers inherent in corporations. It may sue and be sued under the style of the Louisiana Manufactured Housing Commission, and all process against the corporation shall be served on the chairman or executive director, and all suits on

behalf of the commission shall be brought by the chairman or his designee. The domicile for the purpose of being sued shall be in East Baton Rouge Parish. Service of process shall be made upon the chairman or upon the executive director of the commission in person. No member of the board shall be held liable as an individual in any suit against the board.

I. Repealed by Acts 2007, No. 441, §2.

J. Upon establishment of the commission, the office of state fire marshal, code enforcement and building safety in the Department of Public Safety and Corrections shall transfer all records, assets, and equipment in use by the manufactured housing division to the Louisiana Manufactured Housing Commission within the office of the governor.

§911.27. Repealed by Acts 2001, No. 718, §4.

§911.28. Fees; disposition

A. The commission shall impose and collect the following schedule of fees:

(1) Original manufacturer's license

$ 250.00

(2) Manufacturer's renewal license

$ 250.00

(3) Original retailer's license

$ 150.00

(4) Retailer's renewal license

$ 150.00

(5) Original salesman's license

$ 50.00

(6) Salesman's renewal license

$ 50.00

(7) Transfer of salesman's license

$ 5.00

(8) Retailer's branch office license

$ 75.00

(9) Developer's original or renewal license

$ 150.00

(10) Manufactured home broker license

$ 150.00

B. All fees or fines collected under the provisions of this Part or Part XIV-B of this Chapter shall be collected and received by the executive director of the commission and, upon receipt, shall be deposited by him into the state treasury and, after compliance with the provisions of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, shall be credited to the Louisiana Manufactured Housing Commission Fund which is hereby created as a special fund in the state treasury. Monies in the Louisiana Manufactured Housing Commission Fund shall be appropriated by the legislature for use solely for the purposes of the activities of the commission in implementing and enforcing the provisions of this Part and Part XIV-B of this Chapter.

C. Repealed by Acts 2003, No. 661, §2.

§911.29. Motor vehicle inspection; exception

The provisions of Chapter 7 of Title 32 of the Louisiana Revised Statutes of 1950 relative to inspections shall not apply to manufactured or modular housing.

§911.30. Serial numbers on manufactured and modular homes

A serial number shall be stamped by the manufacturer on the Header Plate or front cross member of the frame so that it can be easily read. It may not contain more than fifteen digits. Any multiple units shall contain the same serial number with letters of the alphabet designating that each is a different separate unit. Starting with the letter "A", each unit addition shall be in alphabetical order. The letter shall be stamped at the end of the serial number.

§911.31. Repealed by Acts 1976, No. 125, §1

§911.32. Administration and enforcement of Part; powers of commission; cease and desist orders; applicability of Administrative Procedure Act

A.(1) The commission is charged with the adoption, administration, and enforcement of manufactured housing construction and safety standards and any other rules and regulations necessary for the administration and enforcement of this Part which are not set forth pursuant to 24 CFR Part 3280 and CFR Part 3282, Subpart I.

(2) The commission may adopt, pursuant to the Administrative Procedure Act, such rules and regulations as are necessary to enforce the standards promulgated under this Section and any other rules and regulations necessary for the administration and enforcement of this Part not inconsistent with the provisions of this Part.

(3) For the performance of duties required under the provisions of this Part including but not limited to the inspections necessary to administer and enforce the standards, rules, or regulations adopted under this Subsection, the commission may adopt fees of not more than fifty dollars per inspection and not more than twenty-five dollars per hour for services performed in conducting the inspections.

B. The commission may contract for professional services and may hire employees as it deems necessary for the performance of its functions required or authorized by the provisions of this Part, to the extent that funds are available therefor. To the extent practicable, and not inconsistent with civil service requirements, the commission may utilize for the administration and enforcement of this Part the services of its assistants, deputies, counsel, officers, and employees whose appointment, contract, or employment is authorized by other laws.

C. Except as otherwise provided in this Part, the provisions of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950 shall apply to the administration and enforcement of this Part.

D. Any person who interferes with, obstructs, or hinders the commission or its authorized representative in the performance of the duties or exercise of powers as set forth in the provisions of this Part shall upon conviction be fined not more than five hundred dollars or imprisoned for not more than six months.

E. The commission or its authorized representatives may enter any place, establishment, or location where manufactured or modular homes are manufactured, sold, offered for sale, transported, or installed, for the purpose of ascertaining whether the requirements of the Code and of this Part, and Part XIV-B of this Chapter, and the rules and regulations of the commission, have been or are being complied with.

§911.33. Agent for service of process

Every person licensed by the commission domiciled outside of the state of Louisiana who does not maintain an office or place of business in Louisiana and who does not have any other agent designated for service of process shall by his application for a license appoint the secretary of state of Louisiana as his agent for service of process in an action or proceeding on a cause of action related to the business activity of such license.

§911.34. Suit by commission for violations; venue; relief obtainable

A. Whenever it appears that a person is violating or is threatening to violate the Code or a provision of this Part, Part XIV-B of this Chapter, or any rule or regulation adopted and promulgated by the commission in accordance with the Administrative Procedure Act, the commission shall bring suit to restrain that person from continuing the violation or from carrying out the threat.

B. Venue is permissible in the district court in the parish of the residence of any one of the defendants or in the parish where the violation is alleged to have occurred or is threatened or in the Nineteenth Judicial District Court for the parish of East Baton Rouge.

C. In the suit, the commission may obtain injunctions, prohibitory and mandatory, including temporary restraining orders and preliminary injunctions, as the facts warrant, including, when

appropriate, injunctions restraining a person from moving or disposing of a manufactured home that is subject to the requirements of this Part, Part XIV-B of this Chapter, or any rule or regulation adopted and promulgated by the commission in accordance with the Administrative Procedure Act, or to restrain a person from engaging in any business for which a license has been or should be issued under this Part or Part XIV-B of this Chapter. Any such manufactured home may, in the court's discretion, be ordered impounded or placed under the control of an agent appointed by the court.

D. All costs incurred by the commission, including reasonable attorney fees, may be borne by the person or licensee who has been enjoined, or found in violation of the provisions of the Code, or any provision of this Part or Part XIV-B of this Chapter, or any rule or regulation adopted and promulgated by the commission in accordance with the Administrative Procedure Act.

§911.35. Suit by party in interest upon commission's failure to sue

If the commission fails to bring suit within ten days to restrain a violation as provided in R.S. 51:911.34, any person in interest adversely affected by the violation who has notified the commission in writing of the violation or threat thereof and has requested it to sue, may bring suit to prevent any or further violations, in the district court of any parish in which the commission could have brought suit. If the court holds that injunctive relief should be granted, the commission shall be made a party and shall be substituted for the person who brought the suit and the injunctions shall be issued as if the commission had at all times been the complaining party.

§911.36. Hearings to investigate and determine violations; orders prohibiting violations and requiring compliance

A. Whenever in the opinion of the commission the Code or the requirements of this Part or Part XIV-B of this Chapter are being violated, it may conduct hearings to investigate and determine whether the violation has occurred or is occurring and may issue orders prohibiting such violation and requiring compliance with the Code and the provisions of this Part or Part XIV-B of this Chapter.

B. All costs incurred by the commission, including reasonable attorney fees, may be borne by the person or licensee who has been found in violation of the provisions of the Code, or any provision of this Part or Part XIV-B of this Chapter, or any rule or regulation adopted and promulgated by the commission in accordance with the Administrative Procedure Act.

§911.37. Repealed by Acts 2001, No. 718, §4.

§911.38. Suspension or revocation of licenses for violation

After prior notice and hearing, the commission may suspend or revoke the license of any manufactured or modular home licensee licensed pursuant to the provisions of this Part or Part XIV-B of this Chapter for violations of the Code or the manufactured or modular home provisions of this Part or Part XIV-B of this Chapter. The notice, hearing, and actions as prescribed in this Section shall be governed by the provisions of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950, and particularly R.S. 49:961(C) relative to emergency action.

§911.39. Penalties for violations

A. Whoever is found guilty of violating the Code or any manufactured or modular housing provision of this Part, Part XIV-B of this Chapter, any rule, or any regulation or final order issued thereunder shall be liable to the state of Louisiana through the commission for a civil penalty not in excess of two thousand five hundred dollars for each violation. If the commission determines a violation was intentional or the violator is a habitual offender, the commission may double the civil penalty up to five thousand dollars for each violation. Each violation shall constitutes a separate violation with respect to each manufactured home, or with respect to each failure or refusal to allow or perform an act required thereby, 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.

B. Any individual or director, officer, or agent of a corporation who knowingly and willingly violates any provision of the Code or of this Part, Part XIV-B of this Chapter, or any applicable rule or regulation issued thereunder in a manner which threatens the health and safety of any purchaser shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.

§911.40. Severability

If any provision or item of this Part or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Part that can be given effect without the invalid provision, item or application and to this end the provisions of this Part are hereby declared severable.

§911.41. Supremacy of the Part

Notwithstanding any provision of law to the contrary, the codes and standards referenced in R.S. 51:911.21 et seq. and R.S. 51:912.21 et seq. and those adopted by the commission shall be the only construction and installation standards used for manufactured or modular housing in Louisiana, and these standards shall preempt all local standards as they relate to the construction and installation of manufactured or modular homes in Louisiana.

§911.42. Repealed by Acts 2008, No. 825, §2.

§911.43. Maintenance of records; reports required

Each licensee shall establish and maintain such records, make such reports, and provide such information as the commission may reasonably require in order to be able to determine whether such licensee has acted or is acting in compliance with the Code and the manufactured or modular housing provisions of this Part, Part XIV-B of this Chapter, or any rule or regulation adopted by the commission. Upon request of the commission, each licensee shall permit the commission or its representative to inspect appropriate books, papers, records, and documents relevant to determining whether the licensee has acted or is acting in compliance with the provisions of this Part, Part XIV-B of this Chapter, or any rule, as well as any regulation or order issued thereunder.

§911.44. Repealed by Acts 2008, No. 825, §2.

§911.45. Repealed by Acts 1997, No. 1116, §2 and No. 1294, §6, eff. July 15, 1997.

§911.46. Down payments, sale of manufactured housing

It is unlawful for a retailer or developer to set forth in any retail installment sales contract, chattel mortgage, or security agreement any down payment unless all of the down payment has actually been received by the retailer or developer at the time of execution of such document. If any part of the down payment is represented by a loan, trade-in, or any consideration other than cash, this fact shall be expressly set forth on the retail installment sales contract, chattel mortgage, or security agreement. No amount of the cash down payment shall be from any rebate or other consideration received by or to be given to the consumer from the retailer or developer, or his respective agent.

PART XIV-A NEW MANUFACTURED AND MODULAR

HOME WARRANTY ACT

§912.1. Purpose

The legislature finds a need to promote commerce in Louisiana by providing clear, concise, and mandatory warranties for the purchasers and occupants of new manufactured and modular homes in Louisiana and by providing for the use of homeowners' insurance as additional protection for the public against defects in the construction of new manufactured and modular homes. This need can be met by providing a warranty for a new manufactured or modular home purchaser defining the responsibility of the builders to that purchaser and subsequent purchasers during the warranty periods provided herein. The warranty, which is mandatory in most cases, shall promote uniformity of defined building standards. Additionally, all provisions of this Part shall apply to any defect, although there is no building standard directly regulating the defective workmanship or materials.

Acts 2012, No. 112, §1.

§912.2. Short title

This Part shall be known and may be cited as the "New Manufactured and Modular Home Warranty Act".

§912.3. Definitions

For purposes of this Part, the following words, phrases, and terms shall be defined and construed as follows:

(1) "Builder" means a person or an entity that designs, manufactures, or constructs homes, including dealers, developers, manufacturers, and installers, whether or not the consumer

purchased the underlying real estate with the home or the builder initially occupied the home as his residence.

(2)(a) "Building standards" for manufactured housing means the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended, and federal regulations promulgated pursuant thereto, along with any construction or installation-related standards adopted by the Louisiana Manufactured Housing Commission, together with any additional performance standards, if any, which the builder may undertake to be in compliance.

(b) "Building standards" for modular housing means the International Residential Code as adopted by the Louisiana State Uniform Construction Code Council.

(3) "Commission" means the Louisiana Manufactured Housing Commission.

(4) "Home" means a manufactured home or modular home as defined in this Section.

(5) "Initial purchaser" means any person for whom a home is built or the first person to whom a home is sold upon completion of construction.

(6) "Major structural defect" means any actual physical damage to the following designated load-bearing portions of a home caused by failure of the load-bearing portions which affects their load-bearing functions to the extent the home becomes unsafe, unsanitary, or is otherwise unlivable:

(a) Foundation systems and footings.

(b) Beams.

(c) Girders.

(d) Lintels.

(e) Columns.

(f) Walls and partitions.

(g) Floor systems.

(h) Roof framing systems.

(7) "Manufactured home" or "manufactured housing" means a factory-built, residential dwelling unit constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development, under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended. Further, the terms "manufactured home" and "manufactured housing" may be used interchangeably and apply to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development.

(8) "Modular home" means a factory-built, residential dwelling unit built to the International Residential Code as adopted by the Louisiana State Uniform Construction Code Council.

(9) "Owner" means the initial purchaser of a home and any of his successors in title, heirs, invitees, or assigns to a home during the time the warranties provided under this Part are in effect.

(10) "Warranty commencement date" means the date that legal title to a home is conveyed to its initial purchaser or the date the home is first occupied, whichever occurs first.

§912.4. Warranties; exclusions

A. Subject to the exclusions provided in Subsection B of this Section, every builder warrants the following to the owner:

(1) One year following the warranty commencement date, the home will be free from any defect due to noncompliance with the building standards or due to other defects in materials or workmanship not regulated by building standards.

(2) Two years following the warranty commencement date, the plumbing, electrical, heating, cooling, and ventilating systems exclusive of any appliance, fixture, and equipment will be free from any defect due to noncompliance with the building standards or due to other defects in materials or workmanship not regulated by building standards.

(3) Five years following the warranty commencement date, the home will be free from major structural defects due to noncompliance with the building standards or due to other defects in materials or workmanship not regulated by building standards.

B. Unless the parties otherwise agree in writing, the builder's warranty shall exclude the following items:

(1) Fences, landscaping, including but not limited to sodding, seeding, shrubs, existing and new trees, and plantings, as well as off-site improvements, all driveways and walkways, or any other improvement not a part of the home itself.

(2) After the first year, the concrete floor of a basement and the concrete floor of an attached or unattached garage that is built separate from a foundation wall or other structural element of the home.

(3) Damage to real property which is not part of the home covered by the warranty and which is not included in the purchase price of the home.

(4) Any damage to the extent it is caused or made worse by any of the following:

(a) Negligence, improper maintenance, neglect, or improper operation by anyone other than the builder or any employee, agent, or subcontractor of the builder.

(b) Failure by anyone other than the builder or any employee, agent, or subcontractor of the builder to comply with the warranty requirements of manufacturers of appliances, equipment, or fixtures.

(c) Failure by the owner to give written notice by registered or certified mail to the commission of any defect within the time set forth in this Section; however, the provisions of this Subparagraph shall not be construed to change either the warranty periods enumerated in Subsection A of this Section or the notice requirements provided by this Section.

(d) Any change of the grading of the ground by anyone other than the builder, or any employee, agent, or subcontractor of the builder.

(e) Any change, alteration, or addition made to the home by anyone after the initial occupancy by the owner, except any change, alteration, or addition performed by the builder or any employee, agent, or subcontractor of the builder.

(f) Dampness, condensation, or other damage due to the failure of the owner to maintain adequate ventilation or drainage.

(5) Any loss or damage which the owner has not taken timely action to minimize.

(6) Any defect in, or any defect caused by, materials or work supplied by anyone other than the builder or any employee, agent, or subcontractor of the builder.

(7) Normal wear and tear or normal deterioration.

(8) Loss or damage which does not constitute a defect in the construction of the home by the builder or any employee, agent, or subcontractor of the builder.

(9) Loss or damage resulting from war, accident, riot and civil commotion, water escape, falling objects, aircraft, vehicles, acts of God, lightning, windstorm, hail, flood, mudslide, earthquake, volcanic eruption, wind-driven water, and changes in the level of the underground water table which are not reasonably foreseeable.

(10) Any damage caused by soil movement which is covered by other insurance.

(11) Insect damage.

(12) Any loss or damage which arises while the home is being used primarily for a nonresidential purpose.

(13) Any condition which does not result in actual physical damage to the home.

(14) Bodily injury or damage to personal property.

(15) Any cost of shelter, transportation, food, moving, storage, or other incidental expense related to relocation during repair.

(16) Any defect not reported in writing by registered or certified mail to the commission or insurance company, as appropriate, prior to the expiration of the period specified in Subsection A of this Section for such defect plus thirty days.

(17) Consequential damages.

(18) Any loss or damage to a home caused by soil conditions or soil movement if the home is constructed on land owned by the initial purchaser and the builder obtains a written waiver from the initial purchaser for any loss or damage caused by soil conditions or soil movement.

(19) Mold and mold damage.

C. The provisions of Subsection A of this Section establish minimum required warranties and shall not be waived by the owner or reduced by the builder provided the home is a single- or multiple-family dwelling to be occupied by an owner as his home.

§912.5. Required notice

A. Before undertaking any repair himself or instituting any action for breach of warranty, the owner shall give the commission written notice by filling out the consumer complaint form provided by the commission and submitting it, by registered or certified mail, within one year after knowledge of the defect, advising the commission of all defects. The commission shall then have the home inspected and a determination made on all defects listed by the owner. Thereafter, the commission shall give the appropriate builder a reasonable opportunity to comply with the provisions of this Part. Once the repairs are made, the commission shall have the home reinspected to determine if the repairs have been made in compliance with the building standards.

B. The dealer or developer licensee shall give the owner written notice of the requirements of this Part at the time of the closing between the dealer or developer and the owner, or if there is no such closing, at the time of the execution of the purchase agreement between the dealer or developer and the owner. The commission shall adopt and promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Subsection.

§912.6. Peremption

Any action to enforce any warranty provided in this Part shall be subject to a peremptive period of thirty days after the expiration of the appropriate time period provided in R.S. 51:912.4.

§912.7. Insurance

All or part of the builder's obligation under any warranty required in this Part may be insured by the builder for the benefit of the purchaser through an insurance company authorized to transact business in this state.

§912.8. Transfer of warranty and insurance

Any warranty imposed pursuant to this Part and any insurance benefit shall automatically transfer without charge to a subsequent owner who acquires title to the home. Any transfer of the home shall not extend the duration of any warranty or insurance coverage.

§912.9. Violations; limitations

A. If a builder violates this Part by failing to perform as required by the warranties provided in this Part, any affected owner shall have a cause of action against the builder for actual damages, including attorney fees and court costs, arising out of the violation. The damages with respect to a single defect shall not exceed the reasonable cost of repair or replacement necessary to cure the defect, and damages with respect to all defects in the home shall not exceed the original purchase price of the home.

B. The parties may provide for the arbitration of any claim in dispute. Any arbitration shall comply with and may be binding only to the extent provided in R.S. 9:4201 et seq.

§912.10. Exclusiveness

This Part provides the exclusive remedies, warranties, and peremptive periods as between the builders and owner relative to the construction of homes as defined in this Part, and no other provisions of law relative to warranties and redhibitory vices and defects shall apply. Nothing herein shall be construed as affecting or limiting any warranty of title to land or improvements.

PART XIV-B. MINIMUM STANDARDS FOR INSTALLATION

OF MANUFACTURED AND MODULAR HOMES AND TRANSPORTATION REQUIREMENTS

§912.21. Definitions

For the purposes of this Part, the following words shall have the following meanings:

(1) "Frame tie" or "tie down" means any device approved and used for the purpose of securing manufactured or modular homes to ground anchors in order to resist wind forces.

(2) "Ground anchor" means any device approved and used for the purpose of securing manufactured or modular homes to the ground in order to resist wind forces.

(3) "Ground level" means an anchor has been fully installed so the head is at the surface of the soil.

(4) "Installation permit" means a permit issued by the commission to a licensed installer or the homeowner who shall certify that the home is in compliance with this Part.

(5) "Installation permit sticker" means a sticker issued by the commission, along with an installation permit, which is to be affixed to the home to signify that the home is in compliance with this Part.

(6) "Installer" means a person licensed by the commission to install a manufactured or modular home.

(7) "Manufactured home" or "manufactured housing" means a factory-built, residential dwelling unit constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C. §5401 et seq., as amended. Notwithstanding any law to the contrary, the terms "manufactured home" and "manufactured housing" may be used interchangeably and apply only to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development.

(8) "Mobile home" means a factory-built, residential dwelling unit built to voluntary standards prior to passage of the National Manufactured Housing Construction and Safety Standards Act of 1974.

(9) “Modular home” and “modular housing” mean a factory-built, residential dwelling unit built to the International Residential Code as adopted by the Louisiana State Uniform Construction Code Council.

(10) "Over-roof tie" means a certain device approved by the manufactured homes manufacturer and used for the purpose of securing the manufactured homes systems to ground anchors in order to resist wind forces. Ties may be installed only under roof material.

(11) "Setup" or "installation" means the operations performed at the occupancy site which render manufactured and modular homes fit for habitation. Such operations include but are not limited to, positioning, blocking, leveling, supporting, tying down, making minor adjustments and trim out, and assembling multiple or expandable units in the final construction process.

(12) "Stabilizer device" means an approved device or method that is used to resist lateral movement of manufactured homes and anchors.

(13)"Transporter" means an individual who transports a manufactured or modular home to the site of installation but does not perform any blocking or anchoring of the home, except a transporter is allowed to put blocks under the hitch on the tongue of the frame.

Acts 1997, No. 970, §1; Acts 2000, 1st Ex. Sess., No. 92, §1; Acts 2001, No. 718, §2; Acts 2008, No. 217, §1.

§912.22. Installation standards for manufactured and modular homes

All manufactured and modular homes shall be installed to meet the following standards, unless otherwise specified in this Part:

(1) Installation standards for the setup of new manufactured homes or new or used modular homes shall be in compliance with the manufacturer's installation instructions.

(2) Installation standards for the setup of used manufactured homes shall be in compliance with the manufacturer's installation instructions, if available. In the absence of the manufacturer's installation instructions, used manufactured homes shall comply with the provisions of this Part.

(3) All anchors, piers, and tie-down components used in the installation of manufactured homes shall be tested and meet the minimum industry standards. Installation of such anchors and components shall be in accordance with the manufacturer's instructions.

(4) As to site preparation, the under-home grade, or ground, shall be cleaned of all vegetation and organic material, such as stumps, roots, etc., except grass not exceeding three inches in height. The area beneath and around the home shall be crowned, sloped or properly drained so that water will not flow or accumulate under the home. All grass and organic material shall be removed and the pier foundation placed on stable soil or compacted fill. When the soil compaction or soil-bearing capacity is not known, the local building authority in the locale may be consulted or a reading by the use of a pocket penetrometer may be obtained. The bottom of the footer or footers shall be placed on stable soil. The pier foundation shall be a minimum of three and one-half inches by sixteen inches by sixteen inches solid concrete pad or equivalent, precast or poured in place, or approved material by the regulatory agency. The regulatory agency, or its duly authorized representatives, shall cause products to be analyzed or tested to require that the pier foundation products have a deflection of not more than three-eighths inch under design load. Such testing may be conducted by an independent third party qualified and approved by the agency. Previous testing data submitted in other jurisdictions may be considered by the agency. Where the manufacturer's specifications have additional requirements other than the above, the more stringent shall apply. The landowner shall be responsible for proper site preparation in accordance with this Paragraph.

(5) All manufactured homes shall be anchored with an approved anchor system. All auger systems shall be installed to a minimum depth of thirty inches, or two and one-half feet, in undisturbed or compacted soil. Piers are to be installed off center of the anchors so as not to interfere with the proper alignment of the strapping. Anchors may be installed in predrilled holes, provided the anchor penetrates a minimum of two feet into undisturbed soil beyond the predrilled hole. When the anchor manufacturer's installation instructions permit, the hole is then backfilled with soil compacted in layers not exceeding six inches. For manufactured homes produced after July 13, 1994, the installer shall refer to the manufacturer's setup manual for the ultimate load requirements for anchors at the different tie points on the manufactured home. For used manufactured homes when the manufacturer's setup manual is not available, all anchor points at side walls, shear walls, end walls, centerline, and other points as identified by the manufacturer, shall be certified for an ultimate load of four thousand seven hundred twenty-five pounds. Anchors are required one at each end of shear walls; one on each end of each I-beam; one frame tie at each vertical tie point; one in each end of each marriage wall, centerline; and on each ridge beam support post.

(6) Frame tie ground anchors shall have approved stabilizing devices installed on the inside, in the direction of pull, with the top of the stabilizing plate driven flush with the soil unless otherwise specified by the manufacturer's guidelines.

(7) Piers or load-bearing supports or devices shall be installed and constructed to evenly distribute the loads. Steel piers with mechanical adjustments shall be securely attached to the frame of all manufactured homes. Manufactured load-bearing supports or devices shall be listed and approved for the use intended, or piers shall be constructed as outlined in this Part.

Concrete products shall comply with the minimum dimensional and structural requirements for load-bearing. Solid and cell concrete blocks shall be to the standard specification for load-bearing concrete masonry units, ASTM C-90, 1993 Edition. Poured concrete shall be a minimum of FCL = 2500 PSI. All plastic products shall be conditioned at ASTM D 618-61, reapproved 1990, standard practice for conditioning plastics and electrical insulating materials for testing. Plastics shall be tested to the ASTM D 790-92 standard test methods for flexural properties or unreinforced and reinforced plastics and electrical insulating materials, ASTM D 732-85 standard test method for shear strength or plastics by punch tool, and ASTM G 53-88 standard practice for operating light and water exposure apparatus for exposure of nonmetallic materials.

(8) In flood-prone areas, the foundation shall comply with the requirements set forth in the manual, Manufactured Home Installation In Flood Hazard Areas, published by the Federal Emergency Management Agency (FEMA).

(9) The marriage line on all multisectional homes shall be sealed with industry-approved materials at the ceiling line, the floor line, and the end walls to restrict any air infiltration into the home.

§912.23. Foundations and piers

The following guidelines shall be used when the installation of foundations and piers is not specified in the manufacturer's instructions or when the manufacturer's installation instructions are not available:

(1) Piers:

(a) Piers shall be centered under the I-beam and installed as provided by rules promulgated by the commission. The first pier shall be within two feet of either end of the home. The pier foundation shall be a minimum of three and one-half inches by sixteen inches by sixteen inches solid concrete pad precast or poured in place, or other pad meeting the 2,500 PSI rating, or other approved material.

(b) Piers may be constructed of regular eight inches by eight inches by sixteen inches concrete blocks, open cells, solid (minimum eight inches by ten inches top), centered on the footing or foundation. A one inch or two inch by eight inch by sixteen inch treated or hardwood plate, or other approved material shall completely cover the top of the pier with shims, one-fourth inch minimum and one and one-half inch maximum, centered and driven tight from both sides of the I-beam between the wood plate or cap and the main frame. Single-tiered block piers shall be installed perpendicular to the main I-beam. However, when a pier has been capped with at least a four inch (three and one-half inch) solid concrete block or other approved material, one- fourth inch of wood stock or wood shims shall be installed between the pier and steel I-beam.

(c) Center line piers shall be located at each end of center line and shall be located on each end of the opening within six inches of jamb studs or ridge beam posts where openings four feet wide or greater occur. Any openings four feet or larger in the exterior sidewall or marriage wall shall require blocking at each end of the opening with four inch by sixteen inch by sixteen inch pads. Piers shall also be installed on each side of any perimeter door or fireplace. Bay windows or any opening forty-eight inches or more shall require blocking at each end. Fourteen feet or wider units with an I-beam spread of less than eighty-two inches and twelve feet wide units with

an I-beam spread of less than seventy-five and one-half inches shall have perimeter blocking installed at a minimum of eight foot on center. Piers shall not be required under the clear, open, spans between ridge beam posts.

(d) All piers over thirty-six inches and corners over twenty-four inches in height shall be double tiered with blocks interlocked and capped with two four inch by eight inch by sixteen inch solid concrete blocks side by side and perpendicular to the I-beam, or other approved material and cushioned with wood shims or treated plate. Pier height is measured from the top of the footer or foundation to the top of the cement block stack, including four inch cap blocks.

(e) All piers over fifty-two inches shall be designed by an architect or engineer.

(f) Metal or precast support piers shall be installed on a base or footer of a minimum size of four inch by sixteen inch by sixteen inch solid concrete or other approved material.

(g) Metal or precast support piers shall be restricted to a maximum two inch locking mechanical height adjustment and shall be restricted to a maximum height of not more than twenty-four inches measured from the ground base or footer. This twenty-four inch maximum shall not include the two inch mechanical extension or adjustment. However, center line or perimeter supports are permitted to exceed the twenty-four inch maximum.

(h) The minimum distance between the finished grade under the manufactured home and the bottom of the I-beam shall be twelve inches.

(2) Foundations:

(a) Concrete, precast, sand and gravel pads or foundations shall be a minimum of two thousand five hundred pounds per square inch (PSI).

(b) Plastic pads or foundations shall be tested in the lower fifty percent of each soil class. (1,000-1,500 PSF soil type).

§912.24. Installation standards for anchors and tie-downs

The following specifications are standards set for used manufactured homes when manufacturer's installation instructions and specifications are not available:

(1) Anchors:

(a) All auger anchors shall be a minimum of thirty inches in height.

(b) All anchors shall be tested to an ultimate load of four thousand seven hundred twenty-five pounds.

(2) Frame ties:

(a) Used units where the manufacturer's specifications are not available shall be anchored every ten feet in Zone I, eight feet in Zone II, and six feet in Zone III, with anchors placed within two feet of each end.

(b) Frame ties shall make at least one complete wrap around the chassis or frame and shall be looped from the top of the I-beam to the anchor. However, some frame tie straps may have to extend from the bottom of the I-beam or the I-beam on the opposite side to assure the proper angle due to the height of the home.

(c) Each frame tie shall be installed to the component manufacturer's instructions.

(d) All frame ties shall be secured to one of the main steel I-beams that run the length of the home.

(3) Marriage wall or centerline ridge beam column ties, shear wall ties, and frames ties:

(a) Multiple section homes are to be secured at the centerline with straps or cables to the specifications in the manufacturer's manual or at the locations designated on the home.

(b) Used multiple section homes shall have anchors installed at all factory-installed anchor strap connections, including ridge beam column straps, shear wall straps or attachments, or other locations designated by the manufacturer.

(4) Multiple section homes shall be mechanically fastened every twenty-four inches at the bottom, end walls, and roof. A minimum thirty-gauge, eight-inch-wide, galvanized strip shall be centered over the peak and fastened with galvanized roofing nails at two inches on center at both sides of center line.

§912.25. Installation standards for used manufactured homes in hurricane zones

When the manufacturer's printed setup requirements are not available for the applicable wind zone, the following guidelines are to be used:

(1) All anchors shall be listed for four thousand seven hundred twenty-five pounds ultimate load.

(2) Longitudinal ties only are required at each end of each unit. The minimum number of ties at a minimum angle of forty-five degrees from vertical is three each for Zone II and four each for Zone III.

(3) All designated tie points on the perimeter side walls shall be equipped with vertical and diagonal ties with stabilizer devices. When tie points are not designated on the side walls, diagonal ties with stabilizer devices shall be spaced a maximum of ten feet for Zone I, eight feet for Zone II, and six feet six inches for Zone III.

(4) Anchors and support piers shall be installed at the center line of each opening over five feet. Support piers shall be installed on each end of the marriage wall and at other locations that may be identified on the marriage wall.

(5) Shear wall interior partition wall which attaches to the side wall and is thirty-six inches or longer shall have vertical ties and support piers installed at each end.

(6) All foundations and piers shall comply with the requirements of this Part.

(7) Multiple section homes shall be mechanically fastened every twenty-four inches at the bottom, end walls, and roof.

(8) A minimum thirty gauge, eight inch wide, galvanized strip shall be centered over the peak and fastened with galvanized roofing nails at two inches on center at both sides of center line.

§912.26. Local installation standards preempted

The manufactured and modular home installation standards provided for in this Part shall preempt all local installation standards.

§912.27. Licensure of installers and transporters; adoption of rules; compliance with installation instructions; disposition of fees

A.(1) The commission shall, by rule adopted in accordance with the Administrative Procedure Act, provide for the licensure of installers and transporters of manufactured and modular homes and the implementation and collection of an annual license fee and an installation permit sticker fee. The installer's and transporter's license fee shall be one hundred twenty-five dollars per license, and the installation permit sticker fee shall be twenty dollars. Further, a licensed installer shall be allowed to perform the functions of a transporter without having to obtain that license.

(2) After January 1, 2004, prior to receiving an original license, installers shall attend a certification course offered by the commission or a commission-approved provider and pass an accompanying test. The fee for any course offered by the commission shall be set by rule and shall not exceed one hundred dollars.

(3) Installers shall be required to attend one continuing education course per year. The individual required to attend the continuing education course is the individual license holder. For corporations, an officer of the corporation shall attend the course. For partnerships, a partner shall attend the course. The commission shall set the educational requirements and approve educational course providers and the course materials for all continuing education classes.

B. It shall be unlawful for any person, other than the homeowner or a licensed installer, to perform an installation of a manufactured or modular home, whether or not such person receives compensation for such action. For the purposes of this Subsection, community owners or park operators of manufactured or modular homes shall not be considered homeowners if the home in question is or will be leased at any time.

C. Any installer or homeowner installing a manufactured or modular home in this state shall first obtain an installation permit sticker from the commission which shall be affixed to the side of the home at the point where electrical power is connected to the home. All installation permit stickers shall be affixed within ten days of delivery of the manufactured or modular home, unless extenuating circumstances are shown.

D. Any installation of a manufactured or modular home in this state shall be performed in strict compliance with this Part.

E. All fees collected pursuant to Subsection A of this Section or fines collected pursuant to this Part shall be used exclusively for the maintenance and operation of the commission.

§912.28. Violations; penalties

A. Any installer, transporter or other person who performs any work covered as described in this Part without the appropriate license or who installs a manufactured or modular home in a manner contrary to the requirements of this Part shall be in violation of the provisions of this Part. All such violators shall be subject to the penalty of revocation or suspension of their license or a civil fine of up to two thousand five hundred dollars, or both, for each violation. If the commission determines a violation was intentional or the violator is a habitual offender, then the commission may double the civil penalty up to five thousand dollars for each violation. Violators shall also be subject to any measures prescribed by any other applicable rule, regulation, or law.

B. Multiple violations of this Part occurring in a single installation shall constitute one violation. Each installation performed in violation of this Part shall constitute a separate violation.

§912.29. Administration and enforcement; powers of commission

The commission may adopt, pursuant to the Administrative Procedure Act, such rules and regulations as are necessary for the administration and enforcement of this Part.

§912.30. Mobile homes not covered

The provisions of this Part do not apply to the installation and setup of mobile homes in Louisiana.

§912.31. Installation inspections

Any commission licensee or a homeowner of a manufactured home may request an installation inspection of the home by the commission, for which the commission may charge a fee not to exceed fifty dollars.

PART XIV-C. MANUFACTURED HOUSING STATE

ADMINISTRATIVE AGENCY

§912.51. Definitions

As used in this Part, the following definitions shall apply:

(1) "Louisiana state plan" means the document which outlines the process by which the state administrative agent shall ensure the effective handling of consumer complaints and other information that relates to noncompliance, defects, or imminent safety hazards, involving manufactured housing, together with any responsibility delegated to the state administrative agent.

(2) "State administrative agency" means the office of the state fire marshal, code enforcement and building safety.

(3) "State administrative agent" or "agent" means the state fire marshal.

Acts 2007, No. 441, §1; Acts 2009, No. 438, §12.

§912.52. Louisiana state administrative agent

A. The agent is hereby vested with the powers and authority necessary and proper to enable the agent to fully and effectively carry out and enforce the provisions and objectives of the Louisiana state plan administered on behalf of the United States Department of Housing and Urban Development, hereafter referred to as "HUD". The agent is hereby authorized and empowered to adopt and promulgate all reasonable rules and regulations to accomplish the objectives of the Louisiana state plan. The enumeration of any power or authority herein shall not be construed to deny, impair, disparage, or limit any others necessary to the attainment thereof. All rules and regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act. Oversight review shall be conducted by the House Committee on Commerce and the Senate Committee on Commerce, Consumer Protection, and International Affairs.

B. The power and authority of the agent shall include but not be limited to the following:

(1) Working with manufactured home consumers, manufacturers, retailers, developers, salesmen, and installers to hear consumer complaints and other information that relates to noncompliance, defects, or imminent safety hazards as set forth in 24 CFR Part 3282, Subpart I. The agent may make final determinations regarding consumer complaints.

(2) The right to enter at a reasonable time and inspect all factories, warehouses, or establishments in the state in which manufactured homes are manufactured.

(3) Imposing civil and criminal penalties payable to the state through the Louisiana Manufactured Housing Commission as provided for in 42 U.S.C. 5410.

(4) Establishing necessary notification and corrective procedures under 24 CFR Part 3282, Subpart I.

(5) Providing oversight as prescribed by law of remedial actions carried out by manufacturers and a manufacturer's handling of consumer complaints.

(6) Establishing a monitoring inspection fee in accordance with the guidelines established by the secretary of HUD and providing for participation in the federal fee distribution system.

§912.53. Administrative and enforcement of the state plan; powers; applicability

A. The agent shall be charged with the adoption, administration, and enforcement of the state plan, pursuant to the federal standards enforcement program and any other rules and regulations necessary for the administration and enforcement of the state plan. The standards adopted shall be in conformity with the standards promulgated pursuant to 24 CFR Part 3280 and 24 CFR Part 3282. The agent shall discharge this duty consistent with the rules and regulations promulgated by HUD.

B. The agent may adopt, pursuant to the Administrative Procedure Act, such rules and regulations as are necessary to enforce the standards promulgated under the state plan and any other rules and regulations necessary for the administration and enforcement of the state plan not inconsistent with the provisions of the federal standards enforcement program.

C. Except as otherwise provided for in this Part, the provisions of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950 shall apply to the administration and enforcement of this Part.