

Greiner
McKinley
Bolkeon

SSB-1076

Ways & Means
Succeeded By

SENATE FILE (SF) HF 185
BY (PROPOSED COMMITTEE ON WAYS
AND MEANS BILL BY CHAIRPERSON
MCKIBBEN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the definition of factory-built structures,
2 the relocation of factory-built structures, the certification
3 of installers of manufactured homes, and providing a fee, an
4 appropriation, and a civil penalty.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 Section 1. Section 103A.3, subsection 8, Code 2001, is
2 amended to read as follows:

3 8. "Factory-built structure" means any structure which is,
4 wholly or in substantial part, made, fabricated, formed, or
5 assembled in manufacturing facilities for installation or
6 assembly and installation, on a building site. "Factory-built
7 structure" includes the term terms "mobile home" as-defined-in
8 section-435.1, "manufactured home", and "modular home".

9 Sec. 2. Section 103A.3, Code 2001, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 15A. "Manufactured home", "mobile home",
12 and "modular home" mean the same as defined in section 435.1.

13 Sec. 3. Section 103A.9, subsection 4, Code 2001, is
14 amended to read as follows:

15 4. All factory-built structures, without regard to
16 manufacture date, shall be installed in accordance with the
17 code in the governmental subdivisions which have adopted the
18 state building code or any other building code. However, a
19 governmental subdivision shall not require that a factory-
20 built structure, that was manufactured in accordance with
21 federally mandated standards, be renovated in accordance with
22 the state building code or any other building code which the
23 governmental subdivision has adopted when the factory-built
24 structure is being moved from one lawful location within-the
25 state to another unless such required renovation is in
26 conformity with those specifications for the factory-built
27 structure which existed when it was manufactured or the
28 factory-built structure is being rented for occupancy.

29 Existing factory-built structures not constructed to be in
30 compliance with federally mandated standards may be moved from
31 one established mobile home park to another within-the-state
32 and shall not be required to be renovated to comply with the
33 state building code or any other building code which the
34 governmental subdivision has adopted unless the factory-built
35 structure is being rented for occupancy or has been declared a

1 public nuisance according to standards generally applied to
2 housing.

3 Sec. 4. NEW SECTION. 103A.26 MANUFACTURED HOME
4 INSTALLERS CERTIFICATION -- VIOLATION -- CIVIL PENALTY.

5 1. a. A person who installs a manufactured home for
6 another person shall be certified in accordance with rules
7 adopted by the commissioner pursuant to chapter 17A. The
8 commissioner may assess a fee sufficient to recover the costs
9 of administering the certification of manufactured home
10 installers. The commissioner may suspend or revoke the
11 certification of a manufactured home installer for failure to
12 perform installation of a manufactured home, pursuant to
13 certification standards as provided by rules of the
14 commissioner.

15 b. Notwithstanding section 103A.23, all fees collected by
16 the commissioner for the administration of the manufactured
17 home program shall be credited to the general fund of the
18 state and are appropriated to the commissioner for the purpose
19 of administering this certification program including the
20 employment of personnel for the enforcement and administration
21 of this program.

22 2. If a provision of this chapter or a rule adopted
23 pursuant to this chapter relating to the manufacture or
24 installation of a manufactured home is violated, the
25 commissioner may assess a civil penalty not to exceed one
26 thousand dollars for each offense. Each violation involving a
27 separate manufactured home, or a separate failure or refusal
28 to allow an act to be performed or to perform an act as
29 required by this chapter, or a rule adopted pursuant to this
30 chapter constitutes a separate offense. However, the maximum
31 amount of civil penalties which may be assessed for any series
32 of violations occurring within one year from the date of the
33 first violation shall not exceed one million dollars.

34 EXPLANATION

35 This bill modifies the definition of a factory-built

1 structure to specifically include a mobile home, manufactured
2 home, or a modular home as those terms are defined in Code
3 section 435.1, and provides for the certification of
4 manufactured home installers pursuant to rules adopted by the
5 state building code commissioner. The amendment to the
6 definition adds modular homes to current law governing
7 factory-built structures. A person who installs manufactured
8 homes shall be certified by the state building code
9 commissioner. The commissioner may establish a fee for
10 certification of the installers. All fees collected are
11 credited to the general fund of the state and appropriated to
12 the commissioner to pay the costs of administering the
13 certification process.

14 The bill also provides that a governmental subdivision
15 shall not require that a factory-built structure, which was
16 manufactured in accordance with federally mandated standards,
17 be renovated to meet the state building code or another
18 building code adopted by the subdivision when the factory-
19 built structure is moved from one location to another unless
20 the renovation is in conformity with those specifications for
21 the factory-built structure which existed when it was
22 manufactured, or the factory-built structure is being rented
23 for occupancy. Currently, this exemption applies only to
24 intrastate relocations.

25 The bill also provides that an existing factory-built
26 structure which is not constructed in compliance with
27 federally mandated standards may be moved from one mobile home
28 park to another without being required to be renovated to
29 comply with the state building code or another building code
30 adopted by a governmental subdivision unless the factory-built
31 structure is being rented for occupancy or has been declared a
32 public nuisance. Currently, this exemption applies only to
33 intrastate relocations.

34 The bill establishes a civil penalty, not exceeding \$1,000
35 per violation, which may be assessed by the state building

1 code commissioner against a person who violates a
 2 manufacturing or installation standard or fails to allow or
 3 perform an act required by Code chapter 103A or rules of the
 4 commissioner. Each violation involving a separate
 5 manufactured home or a separate failure or refusal to allow an
 6 act to be performed or to perform an act as required by Code
 7 chapter 103A or a rule constitutes a separate offense. The
 8 maximum civil penalties for a series of violations occurring
 9 within one year from the date of the first violation shall not
 10 exceed \$1 million.

- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

H. 2/28/01 Local Gov

H. 3-19-01 Referred To: Ways & Means

H. 3/29/01 Do Pass
FILED FEB 14 2001

SENATE FILE 185
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1076)

Passed Senate (P. 440) Date 2/27/01 Passed House (P. 1565) Date 4-26-01
Vote: Ayes 49 Nays 0 Vote: Ayes 98 Nays 1
Approved 5/2/01

A BILL FOR

1 An Act relating to the definition of factory-built structures,
2 the relocation of factory-built structures, the certification
3 of installers of manufactured homes, and providing a fee, an
4 appropriation, and a civil penalty.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

SF 185

1 Section 1. Section 103A.3, subsection 8, Code 2001, is
2 amended to read as follows:

3 8. "Factory-built structure" means any structure which is,
4 wholly or in substantial part, made, fabricated, formed, or
5 assembled in manufacturing facilities for installation or
6 assembly and installation, on a building site. "Factory-built
7 structure" includes the ~~term terms~~ "mobile home" ~~as defined in~~
8 ~~section-435.1~~, "manufactured home", and "modular home".

9 Sec. 2. Section 103A.3, Code 2001, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 15A. "Manufactured home", "mobile home",
12 and "modular home" mean the same as defined in section 435.1.

13 Sec. 3. Section 103A.9, subsection 4, Code 2001, is
14 amended to read as follows:

15 4. All factory-built structures, without regard to
16 manufacture date, shall be installed in accordance with the
17 code in the governmental subdivisions which have adopted the
18 state building code or any other building code. However, a
19 governmental subdivision shall not require that a factory-
20 built structure, that was manufactured in accordance with
21 federally mandated standards, be renovated in accordance with
22 the state building code or any other building code which the
23 governmental subdivision has adopted when the factory-built
24 structure is being moved from one lawful location ~~within the~~
25 ~~state~~ to another unless such required renovation is in
26 conformity with those specifications for the factory-built
27 structure which existed when it was manufactured or the
28 factory-built structure is being rented for occupancy.

29 Existing factory-built structures not constructed to be in
30 compliance with federally mandated standards may be moved from
31 one established mobile home park to another ~~within the state~~
32 and shall not be required to be renovated to comply with the
33 state building code or any other building code which the
34 governmental subdivision has adopted unless the factory-built
35 structure is being rented for occupancy or has been declared a

1 public nuisance according to standards generally applied to
2 housing.

3 Sec. 4. NEW SECTION. 103A.26 MANUFACTURED HOME
4 INSTALLERS CERTIFICATION -- VIOLATION -- CIVIL PENALTY.

5 1. a. A person who installs a manufactured home for
6 another person shall be certified in accordance with rules
7 adopted by the commissioner pursuant to chapter 17A. The
8 commissioner may assess a fee sufficient to recover the costs
9 of administering the certification of manufactured home
10 installers. The commissioner may suspend or revoke the
11 certification of a manufactured home installer for failure to
12 perform installation of a manufactured home, pursuant to
13 certification standards as provided by rules of the
14 commissioner.

15 b. Notwithstanding section 103A.23, all fees collected by
16 the commissioner for the administration of the manufactured
17 home program shall be credited to the general fund of the
18 state and are appropriated to the commissioner for the purpose
19 of administering this certification program including the
20 employment of personnel for the enforcement and administration
21 of this program.

22 2. If a provision of this chapter or a rule adopted
23 pursuant to this chapter relating to the manufacture or
24 installation of a manufactured home is violated, the
25 commissioner may assess a civil penalty not to exceed one
26 thousand dollars for each offense. Each violation involving a
27 separate manufactured home, or a separate failure or refusal
28 to allow an act to be performed or to perform an act as
29 required by this chapter, or a rule adopted pursuant to this
30 chapter constitutes a separate offense. However, the maximum
31 amount of civil penalties which may be assessed for any series
32 of violations occurring within one year from the date of the
33 first violation shall not exceed one million dollars.

34 EXPLANATION
35 This bill modifies the definition of a factory-built

1 structure to specifically include a mobile home, manufactured
2 home, or a modular home as those terms are defined in Code
3 section 435.1, and provides for the certification of
4 manufactured home installers pursuant to rules adopted by the
5 state building code commissioner. The amendment to the
6 definition adds modular homes to current law governing
7 factory-built structures. A person who installs manufactured
8 homes shall be certified by the state building code
9 commissioner. The commissioner may establish a fee for
10 certification of the installers. All fees collected are
11 credited to the general fund of the state and appropriated to
12 the commissioner to pay the costs of administering the
13 certification process.

14 The bill also provides that a governmental subdivision
15 shall not require that a factory-built structure, which was
16 manufactured in accordance with federally mandated standards,
17 be renovated to meet the state building code or another
18 building code adopted by the subdivision when the factory-
19 built structure is moved from one location to another unless
20 the renovation is in conformity with those specifications for
21 the factory-built structure which existed when it was
22 manufactured, or the factory-built structure is being rented
23 for occupancy. Currently, this exemption applies only to
24 intrastate relocations.

25 The bill also provides that an existing factory-built
26 structure which is not constructed in compliance with
27 federally mandated standards may be moved from one mobile home
28 park to another without being required to be renovated to
29 comply with the state building code or another building code
30 adopted by a governmental subdivision unless the factory-built
31 structure is being rented for occupancy or has been declared a
32 public nuisance. Currently, this exemption applies only to
33 intrastate relocations.

34 The bill establishes a civil penalty, not exceeding \$1,000
35 per violation, which may be assessed by the state building

1 code commissioner against a person who violates a
2 manufacturing or installation standard or fails to allow or
3 perform an act required by Code chapter 103A or rules of the
4 commissioner. Each violation involving a separate
5 manufactured home or a separate failure or refusal to allow an
6 act to be performed or to perform an act as required by Code
7 chapter 103A or a rule constitutes a separate offense. The
8 maximum civil penalties for a series of violations occurring
9 within one year from the date of the first violation shall not
10 exceed \$1 million.

- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

SENATE FILE 185

AN ACT

RELATING TO THE DEFINITION OF FACTORY-BUILT STRUCTURES, THE RELOCATION OF FACTORY-BUILT STRUCTURES, THE CERTIFICATION OF INSTALLERS OF MANUFACTURED HOMES, AND PROVIDING A FEE, AN APPROPRIATION, AND A CIVIL PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 103A.3, subsection 8, Code 2001, is amended to read as follows:

8. "Factory-built structure" means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. "Factory-built structure" includes the term terms "mobile home" ~~as defined in section 435.1~~, "manufactured home", and "modular home".

Sec. 2. Section 103A.3, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 15A. "Manufactured home", "mobile home", and "modular home" mean the same as defined in section 435.1.

Sec. 3. Section 103A.9, subsection 4, Code 2001, is amended to read as follows:

4. All factory-built structures, without regard to manufacture date, shall be installed in accordance with the code in the governmental subdivisions which have adopted the state building code or any other building code. However, a governmental subdivision shall not require that a factory-built structure, that was manufactured in accordance with federally mandated standards, be renovated in accordance with the state building code or any other building code which the governmental subdivision has adopted when the factory-built structure is being moved from one lawful location ~~within the state~~ to another unless such required renovation is in

conformity with those specifications for the factory-built structure which existed when it was manufactured or the factory-built structure is being rented for occupancy.

Existing factory-built structures not constructed to be in compliance with federally mandated standards may be moved from one established mobile home park to another ~~within the state~~ and shall not be required to be renovated to comply with the state building code or any other building code which the governmental subdivision has adopted unless the factory-built structure is being rented for occupancy or has been declared a public nuisance according to standards generally applied to housing.

Sec. 4. NEW SECTION. 103A.26 MANUFACTURED HOME INSTALLERS CERTIFICATION -- VIOLATION -- CIVIL PENALTY.

1. a. A person who installs a manufactured home for another person shall be certified in accordance with rules adopted by the commissioner pursuant to chapter 17A. The commissioner may assess a fee sufficient to recover the costs of administering the certification of manufactured home installers. The commissioner may suspend or revoke the certification of a manufactured home installer for failure to perform installation of a manufactured home, pursuant to certification standards as provided by rules of the commissioner.

b. Notwithstanding section 103A.23, all fees collected by the commissioner for the administration of the manufactured home program shall be credited to the general fund of the state and are appropriated to the commissioner for the purpose of administering this certification program including the employment of personnel for the enforcement and administration of this program.

2. If a provision of this chapter or a rule adopted pursuant to this chapter relating to the manufacture or installation of a manufactured home is violated, the commissioner may assess a civil penalty not to exceed one

thousand dollars for each offense. Each violation involving a separate manufactured home, or a separate failure or refusal to allow an act to be performed or to perform an act as required by this chapter, or a rule adopted pursuant to this chapter constitutes a separate offense. However, the maximum amount of civil penalties which may be assessed for any series of violations occurring within one year from the date of the first violation shall not exceed one million dollars.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 185, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 5/2, 2001

THOMAS J. VILSACK
Governor