

Senator Lyle W. Hillyard proposes the following substitute bill:

**UNIFORM BUILDING STANDARDS ACT -
MANUFACTURED HOUSING AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill amends the Occupations and Professions code by amending installation standards for manufactured homes and creating penalties for violations.

Highlighted Provisions:

This bill:

- ▶ requires general contractors who install manufactured homes to receive additional training;
- ▶ eliminates the current definition of "installation standard" for manufactured homes and requires the Division of Occupational and Professional Licensing to adopt a nationally recognized manufactured housing installation standard code;
- ▶ specifies the construction codes which the state and its political subdivisions shall follow;
- ▶ grants authority to the Division of Occupational and Professional Licensing to enforce manufactured housing installation standards and assess penalties for violations;
- ▶ adopts criminal penalties for violations of manufactured housing installation standards and assesses penalties for violations; and
- ▶ makes technical changes.



26 **Monies Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **58-55-102**, as last amended by Chapters 33 and 241, Laws of Utah 2002

33 **58-56-3**, as last amended by Chapter 75, Laws of Utah 2002

34 **58-56-4**, as last amended by Chapter 75, Laws of Utah 2002

35 **58-56-12**, as enacted by Chapter 293, Laws of Utah 1990

36 **58-56-15**, as enacted by Chapter 293, Laws of Utah 1990

37 **70D-1-19**, as enacted by Chapter 229, Laws of Utah 2003



39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **58-55-102** is amended to read:

41 **58-55-102. Definitions.**

42 In addition to the definitions in Section 58-1-102, as used in this chapter:

43 (1) (a) "Alarm business or company" means a person engaged in the sale, installation,
44 maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system,
45 except as provided in Subsection (1)(b).

46 (b) "Alarm business or company" does not include ~~[the activities of]~~:

47 (i) a person engaged in the manufacture and sale of alarm systems when that person is
48 not engaged in the installation, maintenance, alteration, repair, replacement, servicing, or
49 monitoring of alarm systems, and the manufacture or sale occurs only at a place of business
50 established by the person engaged in the manufacture or sale and does not involve site visits at
51 the place or intended place of installation of an alarm system; or

52 (ii) an owner of an alarm system, or an employee of the owner of an alarm system who
53 is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring
54 of the alarm system owned by that owner.

55 (2) "Alarm company agent" means any individual employed within this state by a
56 person engaged in the alarm business.

57 (3) "Alarm system" means equipment and devices assembled for the purpose of:

58 (a) detecting and signaling unauthorized intrusion or entry into or onto certain
59 premises; or

60 (b) signaling a robbery or attempted robbery on protected premises.

61 (4) "Apprentice electrician" means a person licensed under this chapter as an
62 apprentice electrician who is learning the electrical trade under approved supervision of a
63 master electrician, residential master electrician, a journeyman electrician, or a residential
64 journeyman electrician.

65 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice
66 plumber who is learning the plumbing trade under approved supervision of a journeyman
67 plumber.

68 (6) "Approved supervision" means the immediate supervision of apprentices by
69 qualified licensed electricians or plumbers as a part of a planned program of training.

70 (7) "Board" means the Electrician Licensing Board, Alarm System Security and
71 Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

72 (8) "Combustion system" means an assembly consisting of:

73 (a) components with a means for conveying, either continuously or intermittently,
74 natural gas from the shutoff valve of the piping system nearest the gas appliance to the burner
75 [and includes];

76 (b) electric control and combustion air supply and venting systems[~~, either~~
77 continuously or intermittently, and that incorporates]; and

78 (c) components intended to achieve control of quantity, flow, and pressure.

79 (9) "Commission" means the Construction Services Commission created under Section
80 58-55-103.

81 (10) "Construction trade" means any trade or occupation involving:

82 (a) construction, alteration, remodeling, repairing, wrecking or demolition, addition to,
83 or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or
84 other project, development, or improvement to other than personal property; or

85 (b) installation or repair of a residential or commercial natural gas appliance or [a]
86 combustion system.

87 (11) "Construction trades instructor" means a person licensed under this chapter to

88 teach one or more construction trades in both a classroom and project environment, where a
89 project is intended for sale to or use by the public and is completed under the direction of [am]
90 the instructor, who has no economic interest in the project.

91 (12) (a) "Contractor" means any person who for compensation other than wages as an
92 employee undertakes any work in the construction, plumbing, or electrical trade for which
93 licensure is required under this chapter and includes:

94 (i) a person who builds any structure on his own property for the purpose of sale or
95 who builds any structure intended for public use on his own property;

96 (ii) any person who represents himself to be a contractor by advertising or any other
97 means;

98 (iii) any person engaged as a maintenance person, other than an employee, who
99 regularly engages in activities set forth under the definition of "construction trade";

100 (iv) any person engaged in any construction trade for which licensure is required under
101 this chapter; or

102 (v) a construction manager who performs management and counseling services on a
103 construction project for a fee.

104 (b) "Contractor" does not include an alarm company or alarm company agent.

105 (13) (a) "Electrical trade" means the performance of any electrical work involved in the
106 installation, construction, alteration, change, repair, removal, or maintenance of facilities,
107 buildings, or appendages or appurtenances.

108 (b) "Electrical trade" does not include:

109 (i) transporting or handling electrical materials;

110 (ii) preparing clearance for raceways for wiring; or

111 (iii) work commonly done by unskilled labor [or] on any installations under the
112 exclusive control of electrical utilities.

113 (c) For purposes of Subsection (13)(b):

114 (i) no more than one unlicensed person may be so employed unless more than five
115 licensed electricians are employed by the shop; and

116 (ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio
117 permitted by this Subsection (13)(c).

118 (14) "Employee" means an individual as defined by the division by rule giving

119 consideration to the definition adopted by the Internal Revenue Service and the Department of
120 Workforce Services.

121 (15) "Engage in a construction trade" means to:

122 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged
123 in a construction trade; or

124 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person
125 to believe one is or will act as a contractor.

126 (16) "Financial responsibility" means a demonstration of a current and expected future
127 condition of financial solvency evidencing a reasonable expectation to the division and the
128 board that an applicant or licensee can successfully engage in business as a contractor without
129 jeopardy to the public health, safety, and welfare. Financial responsibility may be determined
130 by an evaluation of the total history concerning the licensee or applicant including past,
131 present, and expected condition and record of financial solvency and business conduct.

132 (17) "Gas appliance" means any device that uses natural gas to produce light, heat,
133 power, steam, hot water, refrigeration, or air conditioning.

134 (18) "General building contractor" means a person licensed under this chapter as a
135 general building contractor qualified by education, training, experience, and knowledge to
136 perform or superintend construction of structures for the support, shelter, and enclosure of
137 persons, animals, chattels, or movable property of any kind or any of the components of that
138 construction except plumbing, electrical~~[-and]~~ work, mechanical~~[-]~~ work, and manufactured
139 housing installation, for which the general building contractor shall employ the services of a
140 contractor licensed in the particular specialty, except that a general building contractor engaged
141 in the construction of single-family and multifamily residences up to four units may perform
142 the mechanical work and hire a licensed plumber or electrician as an employee. The division
143 may by rule exclude general building contractors from engaging in the performance of other
144 construction specialties in which there is represented a substantial risk to the public health,
145 safety, and welfare, and for which a license is required unless that general building contractor
146 holds a valid license in that specialty classification.

147 (19) "General engineering contractor" means a person licensed under this chapter as a
148 general engineering contractor qualified by education, training, experience, and knowledge to
149 perform construction of fixed works in any ~~[or all]~~ of the following: irrigation, drainage, water,

150 power, water supply, flood control, inland waterways, harbors, railroads, highways, tunnels,
151 airports and runways, sewers and bridges, refineries, pipelines, chemical and industrial plants
152 requiring specialized engineering knowledge and skill, piers, and foundations, or any of the
153 components of those works. However, a general engineering contractor may not perform
154 construction of structures built primarily for the support, shelter, and enclosure of persons,
155 animals, and chattels.

156 (20) "Immediate supervision" means reasonable direction, oversight, inspection, and
157 evaluation of the work of a person, in or out of the immediate presence of the supervising
158 person, so as to ensure that the end result complies with applicable standards.

159 (21) "Individual" means a natural person.

160 (22) "Journeyman electrician" means a person licensed under this chapter as a
161 journeyman electrician having the qualifications, training, experience, and knowledge to wire,
162 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

163 (23) "Journeyman plumber" means a person licensed under this chapter as a
164 journeyman plumber having the qualifications, training, experience, and technical knowledge
165 to engage in the plumbing trade.

166 (24) "Master electrician" means a person licensed under this chapter as a master
167 electrician having the qualifications, training, experience, and knowledge to properly plan,
168 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment
169 for light, heat, power, and other purposes.

170 (25) "Person" means a natural person, sole proprietorship, joint venture, corporation,
171 limited liability company, association, or organization of any type.

172 (26) (a) "Plumbing trade" means the performance of any mechanical work pertaining to
173 the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within
174 three feet beyond the outside walls of buildings of pipes, fixtures, and fittings for:

175 (i) delivery of the water supply[;];

176 (ii) discharge of liquid and water carried waste[;]; or

177 (iii) the building drainage system within the walls of the building. [It]

178 (b) "Plumbing trade" includes [that] work pertaining to the water supply, distribution
179 pipes, fixtures[;] and fixture traps, [the] soil, waste and vent pipes, and the building drain and
180 roof drains together with their devices, appurtenances, and connections where installed within

181 the outside walls of the building.

182 (27) "Ratio of apprentices" means, for the purpose of determining compliance with the
183 requirements for planned programs of training and electrician apprentice licensing applications,
184 the shop ratio of apprentice electricians to journeyman or master electricians shall be one
185 journeyman or master electrician to one apprentice on industrial and commercial work, and one
186 journeyman or master electrician to three apprentices on residential work. [~~All on-the-job~~]
187 On-the-job training shall be under circumstances in which the ratio of apprentices to
188 supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to three
189 apprentices to one supervisor on residential projects.

190 (28) "Residential and small commercial contractor" means a person licensed under this
191 chapter as a residential and small commercial contractor qualified by education, training,
192 experience, and knowledge to perform or superintend the construction of single-family
193 residences, multifamily residences up to four units, and commercial construction of not more
194 than three stories above ground and not more than 20,000 square feet, or any of the components
195 of that construction except plumbing, electrical[~~;~~and] work, mechanical[~~;~~] work, and
196 manufactured housing installation, for which the residential and small commercial contractor
197 shall employ the services of a contractor licensed in the particular specialty, except that a
198 residential and small commercial contractor engaged in the construction of single-family and
199 multifamily residences up to four units may perform the mechanical work and hire a licensed
200 plumber or electrician as an employee.

201 (29) "Residential apprentice plumber" means a person licensed under this chapter as a
202 residential apprentice plumber who is learning the residential plumbing trade while working on
203 residential buildings under the approved supervision of a residential journeyman plumber or a
204 journeyman plumber.

205 (30) "Residential building," as it relates to the license classification of residential
206 apprentice plumber and residential journeyman plumber, means a single or multiple family
207 dwelling of up to four units.

208 (31) "Residential journeyman electrician" means a person licensed under this chapter
209 as a residential journeyman electrician having the qualifications, training, experience, and
210 knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power,
211 and other purposes on buildings using primarily nonmetallic sheath cable.

212 (32) "Residential journeyman plumber" means a person licensed under this chapter as a
213 residential journeyman plumber having the qualifications, training, experience, and knowledge
214 to engage in the plumbing trade as limited to the plumbing of residential buildings.

215 (33) "Residential master electrician" means a person licensed under this chapter as a
216 residential master electrician having the qualifications, training, experience, and knowledge to
217 properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus
218 and equipment for light, heat, power, and other purposes on residential projects.

219 (34) "Residential project," as it relates to an electrician or electrical contractor, means
220 buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules
221 and regulations governing this work, including the National Electrical Code, and in which the
222 voltage does not exceed 250 volts line to line and 125 volts to ground.

223 (35) "Specialty contractor" means a person licensed under this chapter under a
224 specialty contractor classification established by rule, who is qualified by education, training,
225 experience, and knowledge to perform those construction trades and crafts requiring
226 specialized skill, the regulation of which are determined by the division to be in the best
227 interest of the public health, safety, and welfare. A specialty contractor may perform work in
228 crafts or trades other than those in which he is licensed if they are incidental to the performance
229 of his licensed craft or trade.

230 (36) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-55-501.

231 (37) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-55-502 and as
232 may be further defined by rule.

233 (38) "Wages" means [aH] amounts due to an employee for labor or services whether
234 the amount is fixed or ascertained on a time, task, piece, commission, or other basis for
235 calculating the amount.

236 Section 2. Section **58-56-3** is amended to read:

237 **58-56-3. Definitions.**

238 In addition to the definitions in Section 58-1-102, as used in this chapter:

239 (1) "Building" means a structure used or intended for supporting or sheltering any use
240 or occupancy and any improvements attached to it.

241 (2) "Code(s)" means the following codes, including the standards and specifications
242 contained in them:

243 (a) codes adopted by the commission under Subsection 58-56-4(2); and

244 (b) codes approved by the commission under Subsection 58-56-4(4)(a).

245 (3) "Commission" means the Uniform Building Code Commission created under this
246 chapter.

247 (4) "Compliance agency" means an agency of the state or any of its political
248 subdivisions which ~~[issue]~~ issues permits for construction regulated under the codes, or any
249 other agency of the state or its political subdivisions specifically empowered to enforce
250 compliance with the codes.

251 (5) "Factory built housing" means manufactured homes or mobile homes.

252 (6) "Factory built housing set-up contractor" means an individual licensed by the
253 division to set up or install factory built housing on a temporary or permanent basis. The scope
254 of the work included under the license includes the placement and or securing of the factory
255 built housing on a permanent or temporary foundation, securing the units together if required,
256 and connection of the utilities to the factory built housing unit, but does not include site
257 preparation, construction of a permanent foundation, and construction of utility services to the
258 near proximity of the factory built housing unit. If a dealer is not licensed as a factory built
259 housing set up contractor, that individual must subcontract the connection services to
260 individuals who are licensed by the division to perform those specific functions under Title 58,
261 Chapter 55, Utah Construction Trades Licensing Act.

262 (7) "HUD code" means the ~~[Federal]~~ National Manufactured Housing Construction and
263 Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.

264 ~~[(8) "Installation standard" means the standard adopted and published by the National
265 Conference of States on Building Codes and Standards (NCSBCS), for the installation of
266 manufactured homes titled "The Standard for Manufactured Home Installations," the
267 accompanying manufacturer's instructions for the installation of the manufactured home, or
268 such equivalent standard as adopted by rule.]~~

269 ~~[(9)]~~ (8) "Local regulator" means each political subdivision of the state which is
270 empowered to engage in the regulation of construction, alteration, remodeling, building, repair,
271 and other activities subject to the codes.

272 ~~[(10)]~~ (9) "Manufactured home" means a transportable factory built housing unit
273 constructed on or after June 15, 1976, according to the ~~[Federal Home Construction and Safety~~

274 ~~Standards Act of 1974~~ (~~HUD Code~~), in one or more sections, which, in the traveling mode,
275 is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is
276 400 or more square feet, and which is built on a permanent chassis and designed to be used as a
277 dwelling with or without a permanent foundation when connected to the required utilities, and
278 includes the plumbing, heating, air-conditioning, and electrical systems. [~~All-manufactured~~
279 Manufactured homes constructed on or after June 15, 1976, shall be identifiable by the
280 manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached
281 to the exterior of the home certifying the home was manufactured to HUD standards.

282 [~~(11)~~] (10) "Mobile home" means a transportable factory built housing unit built prior
283 to June 15, 1976, in accordance with a state mobile home code which existed prior to the
284 [~~Federal Manufactured Housing and Safety Standards Act~~] (~~HUD Code~~).

285 [~~(12)~~] (11) "Modular unit" means a structure built from sections which are
286 manufactured in accordance with the construction standards adopted pursuant to Section
287 58-56-4 and transported to a building site, the purpose of which is for human habitation,
288 occupancy, or use.

289 [~~(13)~~] (12) "Opinion" means a written, nonbinding, and advisory statement issued by
290 the commission concerning an interpretation of the meaning of the codes or the application of
291 the codes in a specific circumstance issued in response to a specific request by a party to the
292 issue.

293 [~~(14)~~] (13) "State regulator" means an agency of the state which is empowered to
294 engage in the regulation of construction, alteration, remodeling, building, repair, and other
295 activities subject to the codes adopted pursuant to this chapter.

296 [~~(15)~~] (14) "Unlawful conduct" is as defined in Subsection 58-1-501(1) and includes:

- 297 (a) engaging in the sale of factory built housing without being registered with the
298 division as a dealer, unless the sale is exempt under Section 58-56-16; and
299 (b) selling factory built housing within the state as a dealer without collecting and
300 remitting to the division the fee required by Section 58-56-17.

301 [~~(16)~~] (15) "Unprofessional conduct" is as defined in Subsection 58-1-501(2) and
302 includes:

- 303 (a) any nondelivery of goods or services by a registered dealer which constitutes a
304 breach of contract by the dealer;

305 (b) the failure of a registered dealer to pay a subcontractor or supplier any amounts to
306 which that subcontractor or supplier is legally entitled; and

307 (c) any other activity which is defined as unprofessional conduct by division rule in
308 accordance with the provisions of Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

309 Section 3. Section **58-56-4** is amended to read:

310 **58-56-4. Definitions -- Adoption of building codes -- Amendments -- Approval of**
311 **other codes -- Exemptions.**

312 (1) As used in this section:

313 (a) "agricultural use" means a use that relates to the tilling of soil and raising of crops,
314 or keeping or raising domestic animals, for the purpose of commercial food production;

315 (b) "not for human occupancy" means use of a structure for purposes other than
316 protection or comfort of human beings, but allows people to enter the structure for:

317 (i) maintenance and repair; and

318 (ii) the care of livestock, crops, or equipment intended for agricultural use which are
319 kept there; and

320 (c) "residential area" means land that is not used for an agricultural use and is:

321 (i) (A) within the boundaries of a city or town; and

322 (B) less than five contiguous acres;

323 (ii) (A) within a subdivision for which the county has approved a subdivision plat
324 under Title 17, Chapter 27, Part 8, Subdivision; and

325 (B) less than two contiguous acres; or

326 (iii) not located in whole or in part in an agricultural protection area created under Title
327 17, Chapter 41, Agricultural Protection Area.

328 (2) (a) Subject to the provisions of Subsections (4) and (5), the following codes, each
329 of which must be promulgated by a nationally recognized code authority, shall be adopted, in
330 the manner described in Subsection (2)(b), as the construction codes which the state and each
331 political subdivision of the state shall follow in the circumstances described in Subsection (3):

332 (i) a building code;

333 (ii) the National Electrical Code promulgated by the National Fire Protection
334 Association;

335 (iii) a plumbing code; [~~and~~]

336 (iv) a mechanical code[-]; and

337 (v) a manufactured housing installation standard code.

338 (b) The division, in collaboration with the commission, shall adopt by rule specific
339 editions of the codes described in Subsection (2)(a), and may adopt by rule successor editions
340 of any adopted code.

341 (c) The division, in collaboration with the commission, may, in accordance with
342 Section 58-56-7, adopt amendments to the codes adopted under Subsection (2)(a), to be
343 applicable to the entire state or within one or more political subdivisions.

344 (3) Subject to the provisions of Subsections (4) and (5), the codes and amendments
345 adopted under Subsection (2) shall be followed when:

346 (a) new construction is involved;

347 (b) the owner of an existing building, or the owner's agent, is voluntarily engaged in:

348 (i) the repair, renovation, remodeling, alteration, enlargement, rehabilitation,
349 conservation, or reconstruction of the building; or

350 (ii) changing the character or use of the building in a manner which increases the
351 occupancy loads, other demands, or safety risks of the building.

352 (4) (a) The division, in collaboration with the commission, shall have discretion to
353 approve, without adopting, certain codes in addition to those described in Subsection (2)(a),
354 including specific editions of the codes, for use by a compliance agency.

355 (b) If the applicable code is one which the division has approved under Subsection
356 (4)(a), a compliance agency has the discretion to:

357 (i) adopt an ordinance requiring removal, demolition, or repair of a building, according
358 to a code;

359 (ii) adopt, by ordinance or rule, a dangerous building code; or

360 (iii) adopt, by ordinance or rule, a building rehabilitation code.

361 (5) (a) Except in a residential area, a structure used solely in conjunction with
362 agriculture use, and not for human occupancy, is exempted from the permit requirements of
363 any code adopted by the division.

364 (b) Notwithstanding Subsection (5)(a), unless otherwise exempted, plumbing,
365 electrical, and mechanical permits may be required when that work is included in the structure.

366 Section 4. Section **58-56-12** is amended to read:

367 **58-56-12. Factory built housing units.**

368 [~~Factory built housing unit construction, permit issuance for set-up, set-up and set-up~~
 369 ~~inspection shall be in accordance with the following:~~]

370 [~~(1) Manufactured homes:~~]

371 (1) (a) Manufactured homes constructed, sold, or set-up in the state shall be
 372 constructed in accordance with the HUD code[;].

373 (b) Manufactured homes set-up in the state shall be installed in accordance with the
 374 [~~"installation standard" defined in Section 58-56-3;~~] manufactured housing installation
 375 standard code referred to in Section 58-56-4.

376 (c) The authority and responsibility for the issuance of building permits for the
 377 modification or set-up of manufactured homes within a political subdivision of the state shall
 378 be with the local regulator within that political subdivision[; ~~and~~].

379 (d) The inspection of modifications to or the set-up of manufactured homes shall be
 380 conducted and approvals given by the local regulator within the political subdivision in which
 381 the set-up takes place.

382 [~~(2) Mobile homes:~~]

383 (2) (a) Mobile homes sold or set-up in the state shall be constructed in accordance with
 384 the mobile home construction code in existence in the state in which the mobile home was
 385 constructed at the time the mobile home was constructed[;].

386 (b) Mobile homes set-up in the state shall be installed in accordance with the
 387 [~~"installation standard" defined in Section 58-56-3;~~] manufactured housing installation
 388 standard code referred to in Section 58-56-4.

389 (c) The authority and responsibility for the issuance of building permits for the
 390 modification of or set-up of mobile homes within a political subdivision of the state shall be
 391 with the local regulator within that political subdivision[; ~~and~~].

392 (d) The inspection of[;] modification to[;] or the set-up of mobile homes shall be
 393 conducted and approvals given by the local regulator within the political subdivision in which
 394 the set-up takes place.

395 Section 5. Section **58-56-15** is amended to read:

396 **58-56-15. Factory built housing and modular units -- Division responsibility --**
 397 **Unlawful conduct.**

398 (1) The division:

399 [(4)] (a) shall maintain current [~~files with respect to~~] information on the HUD code
400 [~~and amendments thereto with respect to manufactured homes and the "installation standard"~~
401 ~~defined in Section 58-56-3 with respect to installation of factory built housing;~~] and the
402 manufactured housing installation standard code referred to in Section 58-56-4 and will
403 provide at reasonable cost [~~such~~] the information to [~~an~~] compliance agencies, local regulators,
404 or state regulators requesting such information;

405 [(2)] (b) shall provide qualified personnel to advise compliance agencies, local
406 regulators, and state regulators regarding the standards for construction and set-up, construction
407 and set-up inspection, and additions or modifications to factory built housing;

408 [(3)] ~~may regularly inspect the work of all factory built housing manufacturers in the~~
409 ~~state during the construction process to determine compliance of the manufacturer with the~~
410 ~~applicable standards of the HUD code or the American National Standards Institute, Inc. or~~
411 ~~equivalent standards adopted by rule; and upon a finding of any substantive deficiency furnish~~
412 ~~a written finding of such deficiency to the standards agency;~~

413 [(4)] (c) is [~~hereby~~] designated as the state administrative agency [~~and shall act as such~~]
414 for [~~an~~] purposes under the provisions of the HUD code; [~~and~~]

415 [(5)] (d) may inspect the work of [~~an~~] modular unit manufacturers in the state during
416 the construction process to determine compliance of the manufacturer with the Utah Uniform
417 Building Standard Act for those units to be installed within the state[;] and upon a finding of
418 [~~any~~] substantive deficiency, issue a corrective order to the manufacturer with a copy to the
419 local regulator in the state's political subdivision in which the unit is to be installed[-];

420 (e) shall have rights of entry and inspection as specified under the HUD Code; and

421 (f) shall implement by rule as required by the HUD Code:

422 (i) a dispute resolution program; and

423 (ii) a continuing education requirement for manufactured housing installation
424 contractors.

425 (2) The Division may assess civil penalties payable to the state for violation of the
426 HUD Code in an amount identical to those set forth in Section 611 of the National
427 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sec. 5410.

428 (3) The state may impose criminal sanctions for violations of the HUD Code identical

429 to those set forth in Section 611 of the National Manufactured Housing Construction and
430 Safety Standards Act of 1974, 42 U.S.C. Sec. 5410, provided that if the criminal sanction is a
431 fine, the fine shall be payable to the state.

432 Section 6. Section **70D-1-19** is amended to read:

433 **70D-1-19. Definitions.**

434 As used in this chapter:

435 (1) "Manufactured home" means a transportable factory built housing unit constructed
436 on or after June 15, 1976, according to the National Manufactured Housing Construction and
437 Safety Standards Act of 1974, in one or more sections, which, in the traveling mode, is eight
438 body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or
439 more square feet, and which is built on a permanent chassis and designed to be used as a
440 dwelling with or without a permanent foundation when connected to the required utilities, and
441 includes the plumbing, heating, air-conditioning, and electrical systems.

442 (2) "Mobile home" means a transportable factory built housing unit built prior to June
443 15, 1976, in accordance with a state mobile home code which existed prior to the National
444 Manufactured Housing Construction and Safety Standards Act of 1974.

445 (3) "Permanently affixed" means anchored to, and supported by, a permanent
446 foundation or installed in accordance with ~~[an installation standard as defined in Subsection~~
447 ~~58-56-3(8)]~~ the manufactured housing installation standard code referred to in Section 58-56-4.