

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

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Lyle W. Hillyard**

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**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.

**Monies Appropriated in this Bill:**

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 ~~[an]~~

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 [a] 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[-];

337 (v) a residential building code;

338           (vi) an energy conservation code;

339           (vii) a fuel gas code; and

340           (viii) a manufactured housing installation standard code.

341           (b) The division, in collaboration with the commission, shall adopt by rule specific  
342 editions of the codes described in Subsection (2)(a), and may adopt by rule ~~[successor editions~~  
343 ~~of any adopted code]~~ other codes that may replace, subdivide, or combine any of the above  
344 codes.

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

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

350           (a) new construction is involved;

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

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

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

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

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

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

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

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

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

368           (b) Notwithstanding Subsection (5)(a), unless otherwise exempted, plumbing,

369 electrical, and mechanical permits may be required when that work is included in the structure.

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

371 **58-56-12. Factory built housing units.**

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

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

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

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

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

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

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

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

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

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

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

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

400           **58-56-15. Factory built housing and modular units -- Division responsibility --**  
401 **Unlawful conduct.**

402           (1) The division:

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

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

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

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

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

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

425           (f) shall implement by rule as required by the HUD Code;

426           (i) a dispute resolution program; and

427           (ii) a continuing education requirement for manufactured housing installation  
428 contractors.

429           (2) The Division may assess civil penalties payable to the state for violation of the  
430 HUD Code in an amount identical to those set forth in Section 611 of the National

431 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sec. 5410.

432 (3) The state may impose criminal sanctions for violations of the HUD Code identical  
433 to those set forth in Section 611 of the National Manufactured Housing Construction and  
434 Safety Standards Act of 1974, 42 U.S.C. Sec. 5410, provided that if the criminal sanction is a  
435 fine, the fine shall be payable to the state.

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

437 **70D-1-19. Definitions.**

438 As used in this chapter:

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

446 (2) "Mobile home" means a transportable factory built housing unit built prior to June  
447 15, 1976, in accordance with a state mobile home code which existed prior to the National  
448 Manufactured Housing Construction and Safety Standards Act of 1974.

449 (3) "Permanently affixed" means anchored to, and supported by, a permanent  
450 foundation or installed in accordance with [~~an installation standard as defined in Subsection~~  
451 ~~58-56-3(8)] the manufactured housing installation standard code referred to in Section 58-56-4.~~

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### Legislative Review Note

as of 12-5-03 10:19 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0088**

**Uniform Building Standards Act - Manufactured Housing  
Amendments**

*19-Jan-04*  
*10:06 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

Fiscal impact on affected individuals should be minor.

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**Office of the Legislative Fiscal Analyst**