

House Bill 1174

By: Representatives Sims of the 130<sup>th</sup>, Boggs of the 145<sup>th</sup>, and Stokes of the 72<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated,  
2 relating to factory built buildings and dwelling units, so as to change the provisions relating  
3 to retailers, retail brokers, and installers of manufactured and mobile homes; to provide an  
4 effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to  
8 factory built buildings and dwelling units, is amended by striking in its entirety Part 2,  
9 relating to manufactured homes, and inserting in lieu thereof a new Part 2 to read as follows:

10 "Part 2

11 8-2-130.

12 This part shall be known and may be cited as 'The Uniform Standards Code for  
13 Manufactured Homes Act.'

14 8-2-131.

15 As used in this part, the term:

16 (1) 'Commissioner' means the Georgia Safety Fire Commissioner.

17 (2) 'Installer' means a person responsible for performing an installation and who is  
18 required to obtain a license pursuant to the provisions of Code Section 8-2-160.

19 (3) 'Manufactured home' means a structure, transportable in one or more sections, which,  
20 in the traveling mode, is eight body feet or more in width or 40 body feet or more in  
21 length or, when erected on site, is 320 or more square feet and which is built on a  
22 permanent chassis and designed to be used as a dwelling with or without a permanent  
23 foundation when connected to the required utilities and includes the plumbing, heating,

1 air-conditioning, and electrical systems contained therein; except that such term shall  
 2 include any structure which meets all the requirements of this paragraph except the size  
 3 requirements and with respect to which the manufacturer voluntarily files a certification  
 4 required by the secretary of housing and urban development and complies with the  
 5 standards established under the National Manufactured Housing Construction and Safety  
 6 Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

7 (4) 'Manufacturer' means any person who constructs or assembles manufactured housing  
 8 homes.

9 (5) 'Mobile home' means a structure, transportable in one or more sections, which, in the  
 10 traveling mode, is eight body feet or more in width or 40 body feet or more in length or,  
 11 when erected on site, is 320 or more square feet and which is built on a permanent chassis  
 12 and designed to be used as a dwelling with or without a permanent foundation when  
 13 connected to the required utilities and includes the plumbing, heating, air-conditioning,  
 14 and electrical systems contained therein and manufactured prior to June 15, 1976.

15 (6) 'Person' means an individual, corporation, partnership, association, or any other legal  
 16 entity, but shall not include a trust or the state or any political subdivision thereof.

17 (7) 'Retail broker' means any person engaged in the business of selling or offering for  
 18 sale to consumers three or more new or used manufactured or mobile homes in a 12  
 19 month period and who does not maintain a display of manufactured or mobile homes.

20 As used in this paragraph, the terms 'selling' and 'sale' include lease-purchase  
 21 transactions, and the term 'retail broker' does not include banks and finance companies  
 22 that acquire manufactured or mobile homes incident to their regular business.

23 ~~(2)(8) 'Dealer Retailer'~~ means any person ~~who sells or offers for sale~~ engaged in the  
 24 business of selling or offering for sale to consumers three or more new or used  
 25 manufactured ~~homes~~ or mobile homes in a 12 month period and who maintains a display  
 26 of manufactured or mobile homes. ~~Such term shall not include a person who sells or~~  
 27 ~~offers for sale one or more manufactured homes or mobile homes in conjunction with the~~  
 28 ~~transfer of an interest in land.~~ As used in this paragraph, the terms 'selling' and 'sale'  
 29 include lease-purchase transactions, and the term 'retailer' does not include banks and  
 30 finance companies that acquire manufactured or mobile homes incident to their regular  
 31 business.

32 8-2-132.

33 ~~(a) Because of the manner of construction, assembly, and use of manufactured homes and~~  
 34 ~~their systems, components, and appliances (including heating, plumbing, and electrical~~  
 35 ~~systems), these types of dwellings may, like other finished products having concealed vital~~  
 36 ~~parts, present hazards to the health, life, and safety of persons and to the safety of property~~

1 ~~unless properly manufactured. In the sale of manufactured homes, there is also the~~  
2 ~~possibility of defects not readily ascertainable when inspected by purchasers. Accordingly,~~  
3 ~~it is the policy and purpose of this state to provide protection to the public against those~~  
4 ~~possible hazards and, for that purpose, to forbid the manufacture and sale of new~~  
5 ~~manufactured homes which are not so constructed as to provide reasonable safety and~~  
6 ~~protection to their owners and users. The Commissioner is authorized and empowered to~~  
7 ~~contract or enter into cooperative agreements with any agency, department, or~~  
8 ~~instrumentality of the United States; any agency, board, department, or commission of the~~  
9 ~~state; any county, municipality, or local government of the state, or any combination of~~  
10 ~~same; any public or private corporation, firm, or any persons whatsoever; or any public~~  
11 ~~authority, agency, commission, or institution, as may be necessary to implement his or her~~  
12 ~~responsibilities under this part, to further the stated policy and purposes of this part, or to~~  
13 ~~participate in the enforcement of manufactured home construction and safety standards~~  
14 ~~which may be promulgated pursuant to the National Manufactured Housing Construction~~  
15 ~~and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.; provided, however, that~~  
16 ~~the Commissioner shall notify the United States Department of Housing and Urban~~  
17 ~~Development by July 1 of his or her intention to terminate any such contract or agreement~~  
18 ~~which termination shall become effective on July 1 of the following year.~~

19 (b) ~~The Commissioner is authorized and directed to investigate and examine engineering~~  
20 ~~and construction practices and techniques; the properties of construction materials used in~~  
21 ~~the construction and assembly of manufactured homes; electrical, plumbing, heating, and~~  
22 ~~other systems and appliances used in manufactured homes; fire prevention and protective~~  
23 ~~techniques; and other measures to promote the safety of persons and property and to protect~~  
24 ~~the health of users of manufactured homes. It is the policy of this state and purpose of this~~  
25 ~~part to forbid the manufacture and sale of new manufactured homes which are not~~  
26 ~~constructed in accordance with the National Manufactured Housing Construction and~~  
27 ~~Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.~~

28 (c) The Commissioner is authorized and empowered to issue and promulgate all rules and  
29 procedures which in his or her judgment are necessary and desirable to make effective the  
30 construction standards ~~so~~ established by the National Manufactured Housing Construction  
31 and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

32 (d) ~~The Commissioner is authorized and empowered to contract or enter into cooperative~~  
33 ~~agreements with any agency, department, or instrumentality of the United States; any~~  
34 ~~agency, board, department, or commission of this state; any county, municipality, or local~~  
35 ~~government of the state, or any combination of same; any public or private corporation,~~  
36 ~~firm, or any persons whatsoever; or any public authority, agency, commission, or institution,~~  
37 ~~as may be necessary to implement his responsibilities under this part, to further the stated~~

1 ~~policy and purposes thereof, or to participate in the enforcement of manufactured home~~  
2 ~~construction and safety standards which may be promulgated pursuant to the National~~  
3 ~~Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section~~  
4 ~~5401, et seq.~~

5 8-2-133.

6 The Commissioner is charged with the administration of this part. ~~He~~ and may make,  
7 amend, alter, and repeal general rules and regulations of procedure to carry into effect this  
8 part, to obtain statistical data concerning manufactured homes, and to prescribe means,  
9 methods, and practices to make this part effective. The Commissioner may also make such  
10 investigations and inspections as in his or her judgment are necessary to enforce and  
11 administer this part.

12 8-2-134.

13 No person may manufacture, sell, or offer for sale any manufactured home unless such  
14 manufactured home and its components, systems, and appliances have been constructed and  
15 assembled in accordance with rules issued by the Commissioner ~~for the purpose of affording~~  
16 ~~reasonable protection to persons and property~~ with respect to the construction, assembly,  
17 and sale of such manufactured homes and unless compliance with such rules is shown in the  
18 manner required by the Commissioner's rules.

19 8-2-135.

20 (a) Every manufacturer who manufactures manufactured homes outside the State of  
21 Georgia and who sells or offers for sale a manufactured home in Georgia shall apply for and  
22 obtain a license.

23 (b) Every manufacturer who manufactures manufactured homes in Georgia shall apply for  
24 and obtain a license.

25 (c) Every ~~dealer~~ retailer and retail broker who sells or offers for sale new or used  
26 manufactured homes or mobile homes in Georgia shall apply for and obtain a license.

27 (d) Applications for licenses and renewal licenses shall be obtained from the Commissioner  
28 and submitted ~~to him~~ on or before January 1 of each year. All applicants shall certify in the  
29 application that all construction, electrical, heating, and plumbing standards will be  
30 complied with as set forth in this part and in the rules and regulations of the Commissioner.

31 (e) The license and renewal license fee shall be ~~\$200.00~~ \$300.00 per manufacturing plant  
32 which manufactures manufactured homes within the State of Georgia; ~~\$200.00~~ \$300.00 per  
33 out-of-state manufacturing plant which manufactures manufactured homes for the purpose  
34 of offering for sale, or having such homes sold, within the State of Georgia; and ~~\$100.00~~

1 \$200.00 per ~~dealer~~ retailer location and retail broker which sells, offers for sale, or  
 2 transports to sell such homes within the State of Georgia. The license shall be valid from  
 3 January 1 through December 31 of the year in which it was issued. The fee for delinquent  
 4 renewal applications received after January 10 of each year shall be double the regular  
 5 annual renewal fee.

6 (f) During such time as the Commissioner's office is acting as a the primary inspection  
 7 agency pursuant to Section 623 of the National Manufactured Housing Construction and  
 8 Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., or the regulations issued  
 9 thereunder, every manufacturer who manufactures manufactured homes in Georgia shall  
 10 pay to the Commissioner a manufacturing inspection fee for each manufactured home  
 11 manufactured in Georgia, irrespective of whether the manufactured home is offered for sale  
 12 in this state. This manufacturing inspection fee shall be \$20.00 for each certification label,  
 13 as defined in Section 623 of the National Manufactured Housing Construction and Safety  
 14 Standards Act of 1974, 42 U.S.C. Section 5401, et seq. applied as follows: \$15.00 for each  
 15 single-wide unit, \$20.00 for each double-wide unit with two transportable sections, and  
 16 \$25.00 for each triple-wide unit with three transportable sections. For any reinspection, a  
 17 \$10.00 additional fee shall be charged.

18 (g) During such time as the Commissioner's office is acting as a ~~primary inspection~~ the  
 19 state administrative agency pursuant to Section 623 of the National Manufactured Housing  
 20 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., ~~the~~  
 21 ~~Commissioner may adopt a monitoring inspection fee not to exceed the amount established~~  
 22 ~~by the secretary of housing and urban development. This~~ a monitoring inspection fee shall  
 23 ~~be an amount~~ paid by each ~~manufactured home~~ manufacturer in Georgia for each  
 24 manufactured home manufactured in this state. ~~The monitoring inspection fee shall be paid~~  
 25 ~~by the manufacturer to the secretary of housing and urban development~~ the United States  
 26 Department of Housing and Urban Development or to the secretary's agent for distribution  
 27 to the State of Georgia in accordance with the National Manufactured Housing Construction  
 28 and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., and the regulations  
 29 promulgated thereunder.

30 8-2-136.

31 Each manufacturer, ~~distributor, and dealer~~ retailer, retail broker, and installer of  
 32 manufactured homes shall establish and maintain such records, make such reports, and  
 33 provide such information as the Commissioner or the secretary of ~~housing and urban~~  
 34 ~~development~~ the United States Department of Housing and Urban Development may  
 35 reasonably require in order to be able to determine whether the manufacturer, ~~distributor,~~  
 36 ~~or dealer~~ retailer, retail broker, or installer has acted or is acting in compliance with this part

1 or with the National Manufactured Housing Construction and Safety Standards Act of 1974,  
 2 42 U.S.C. Section 5401, et seq. Upon the request of a person duly designated by the  
 3 Commissioner or the secretary of ~~housing and urban development~~ the United States  
 4 Department of Housing and Urban Development, each manufacturer, ~~distributor, and dealer~~  
 5 retailer, retail broker, and installer shall permit that person to inspect appropriate books,  
 6 papers, records, and documents relevant to determining whether the manufacturer,  
 7 ~~distributor, or dealer~~ retailer, retail broker, or installer has acted or is acting in compliance  
 8 with this part or with the National Manufactured Housing Construction and Safety  
 9 Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

10 8-2-137.

11 (a) Any hearing conducted under the provisions of this chapter or of the rules and  
 12 regulations promulgated under this part shall be in accordance with Chapter 13 of Title 50,  
 13 the 'Georgia Administrative Procedure Act.'

14 (b) The Commissioner shall be authorized to determine by regulation the manner in which  
 15 he or she will conduct presentations of views as required during his or her participation as  
 16 the ~~Georgia State Administrative Agency~~ state administrative agency pursuant to the  
 17 National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.  
 18 Section 5401, et seq.

19 (c)(1) There shall be established a hearing committee to be comprised of six members as  
 20 follows:

21 (A) Two consumers to be appointed by the Governor;

22 (B) Two manufactured housing industry representatives: one to be appointed by the  
 23 Speaker of the House of Representatives and one to be appointed by the Lieutenant  
 24 Governor; and

25 (C) Two local government officials to be appointed by the Commissioner.

26 (2) The members of the hearing committee shall elect from its membership a chairperson  
 27 who shall serve for a term of one year.

28 (3) Members of the hearing committee shall serve for a four-year term of office  
 29 beginning on January 1, 2005; provided, however, that at the time of the appointment the  
 30 appointing officer shall designate the term of office of one consumer, one industry  
 31 representative, and one local government official to expire on December 31, 2006.

32 (4) The hearing committee shall have the following duties and functions:

33 (A) Conduct hearings and investigate claims against any retailer, retail broker,  
 34 manufacturer, or installer of manufactured homes when procedures have been exhausted  
 35 under the state administrative agency pursuant to the National Manufactured Housing  
 36 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.;

1 (B) Conduct hearings and investigate new license applications for retailers, retail  
 2 brokers, manufacturers, and installers when primary owners or principals have  
 3 previously held a manufactured home license in this state or another state; and

4 (C) Make a written report to the Commissioner on its findings. Such report shall be  
 5 submitted to the Commissioner within 30 days of the hearing and shall include any  
 6 recommendation to the Commissioner for any action to be taken, provided that any  
 7 recommendation is in compliance with rules and regulations issued by the  
 8 Commissioner.

9 (5) The Commissioner must issue a decision within 30 days from receipt of a  
 10 recommendation from the hearing committee. If the Commissioner issues a decision  
 11 contrary to the recommendation of the hearing committee, then the Commissioner must  
 12 issue a written explanation of his or her reasons. If the Commissioner fails to issue a  
 13 decision within 30 days of receipt of a report from the hearing committee, then the hearing  
 14 committee's recommendations must be enacted.

15 (6) Each member of the hearing committee shall serve without compensation.

16 (7) There shall be no more than six hearing committee meetings each calendar year.

17 8-2-138.

18 ~~Dealers~~ Retailers, retail brokers, and installers are expressly prohibited from altering or  
 19 modifying any manufactured home certified under this part and under the rules and  
 20 regulations of the Commissioner, except that alterations, changes, or modifications may be  
 21 made by ~~dealers~~ retailers, retail brokers, or installers certified to make such alterations,  
 22 changes, or modifications in accordance with rules and regulations promulgated by the  
 23 Commissioner.

24 8-2-139.

25 (a) No person may interfere with, obstruct, or hinder an authorized representative of the  
 26 Commissioner who displays proper department credentials in the performance of his or her  
 27 duties as set forth in this part.

28 (b) The Commissioner or any of his or her authorized representatives, upon showing proper  
 29 credentials and in the discharge of their duties pursuant to this part, are authorized during  
 30 regular business hours and without advance notice to enter and inspect all facilities,  
 31 warehouses, or establishments in the State of Georgia in which manufactured homes are  
 32 manufactured.

33 (c) The Commissioner or any of his or her authorized representatives, upon showing proper  
 34 credentials and in the discharge of their duties pursuant to this part, are authorized during

1 regular business hours and without advance notice to enter upon and inspect all premises  
2 in the State of Georgia in which manufactured homes are being sold.

3 8-2-140.

4 Any authorized representative of the Commissioner may, upon displaying proper  
5 department credentials, stop and inspect any new manufactured home in transit in order to  
6 ascertain if the manufactured home complies with this part and the rules and regulations  
7 promulgated hereunder, provided that the manufactured home has been manufactured in this  
8 state or has been transported into this state for the purpose of sale within this state.

9 8-2-141.

10 (a) Any ~~dealer~~ retailer, retail broker, or manufacturer who fails to apply for or obtain a  
11 license as required by Code Section 8-2-135 or who fails to remit the appropriate license fee  
12 as stated in Code Section 8-2-135 shall be subject to a civil penalty not to exceed \$100.00  
13 for each day that such violation persists, except that the maximum civil penalty shall not  
14 exceed \$20,000.00 for any one violation.

15 (b) Any such civil penalty may be imposed by the Commissioner only after notice and  
16 hearing as provided for in Code Section 8-2-137. The amount of such penalty may be  
17 collected by the Commissioner in the same manner that money judgments are now enforced  
18 in the superior courts of this state.

19 (c) In addition to any such civil penalty, the Commissioner may bring a civil action to  
20 enjoin any violation of Code Section 8-2-135, and it shall not be necessary for the  
21 Commissioner to allege or prove the absence of an adequate remedy at law.

22 8-2-142.

23 If any state or foreign country imposes upon Georgia-domiciled manufactured home  
24 manufacturers (or upon their agents or representatives) any taxes, licenses, or other fees in  
25 the aggregate, or any fines, penalties, or other material obligations, prohibitions, or  
26 restrictions, for the privilege of doing business in that state or country, which costs,  
27 obligations, prohibitions, or restrictions are in excess of similar costs, obligations,  
28 prohibitions, or restrictions imposed by the State of Georgia upon manufactured home  
29 manufacturers (or their agents or representatives) which are domiciled in that state or  
30 foreign country and which are doing business or are seeking to do business in the State of  
31 Georgia, then so long as that state or foreign country continues to impose such costs,  
32 obligations, prohibitions, or restrictions upon Georgia-domiciled manufactured home  
33 manufacturers (or their agents or representatives), the State of Georgia shall impose upon  
34 manufactured home manufacturers (or their agents or representatives) which are domiciled

1 in that state or foreign country and which are doing business or are seeking to do business  
 2 in Georgia the same costs, obligations, prohibitions, or restrictions which are imposed by  
 3 that state or foreign country on Georgia-domiciled manufactured home manufacturers (or  
 4 their agents or representatives) which are doing business or seeking to do business in that  
 5 state or foreign country. Any tax, license, or other fee or other obligation imposed by any  
 6 city, county, or other political subdivision or agency of such other state or country on  
 7 manufactured home manufacturers domiciled in Georgia (or their agents or representatives)  
 8 shall be deemed to be imposed by such state or country within the meaning of this Code  
 9 section.

10 8-2-143.

11 (a) *Civil penalties.* Any person in this state who violates any provision of Section 610 of  
 12 the National Manufactured Housing Construction and Safety Standards Act of 1974, 42  
 13 U.S.C. Section 5401, et seq., or any regulation or final order issued thereunder, shall be  
 14 liable to the State of Georgia for a civil penalty not to exceed \$1,000.00 for each such  
 15 violation. Each violation of Section 610 of the aforementioned act or of any regulation or  
 16 order issued thereunder shall constitute a separate violation with respect to each  
 17 manufactured home or with respect to each failure or refusal to allow or perform an act  
 18 required thereby, except that the maximum civil penalty may not exceed \$1 million for any  
 19 related series of violations occurring within one year from the date of the first violation.

20 (b) *Criminal penalties.* An individual or a director, officer, or agent of a corporation who  
 21 knowingly and willfully violates any provision of Section 610 of the National Manufactured  
 22 Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.,  
 23 in a manner which threatens the health or safety of any purchaser shall be guilty of a  
 24 misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000.00 or be  
 25 imprisoned for not more than 12 months, or both."

26

## SECTION 2.

27 Said article is further amended by striking in its entirety Part 3, relating to the installation of  
 28 manufactured homes and mobile homes, and inserting in lieu thereof a new Part 3 to read as  
 29 follows:

30

"Part 3

31

8-2-160.

32

As used in this part, the term:

33

(1) 'Commissioner' means the Georgia Safety Fire Commissioner.

1 (2) 'Installation' means the construction of a foundation system and the placement or  
 2 erection of a manufactured home or a mobile home on the foundation system. Such term  
 3 includes, without limitation, supporting, blocking, leveling, securing, or anchoring such  
 4 home and connecting multiple or expandable sections of such home.

5 (3) 'Installer' means a person responsible for performing an installation and who is  
 6 required to obtain a license pursuant to the provisions of Code Section 8-2-164.

7 (4) 'Manufactured home' means a new or used structure, transportable in one or more  
 8 sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet  
 9 or more in length or, when erected on site, is 320 or more square feet and which is built  
 10 on a permanent chassis and designed to be used as a dwelling with or without a permanent  
 11 foundation when connected to the required utilities and includes the plumbing, heating,  
 12 air-conditioning, and electrical systems contained therein; except that such term shall  
 13 include any structure which meets all the requirements of this paragraph except the size  
 14 requirements and with respect to which the manufacturer voluntarily files a certification  
 15 required by the secretary of housing and urban development and complies with the  
 16 standards established under the National Manufactured Housing Construction and Safety  
 17 Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

18 (5) 'Manufacturer' means any person who constructs or assembles manufactured housing.

19 (6) 'Mobile home' means a new or used structure, transportable in one or more sections,  
 20 which, in the traveling mode, is eight body feet or more in width or 40 body feet or more  
 21 in length or, when erected on site, is 320 or more square feet and which is built on a  
 22 permanent chassis and designed to be used as a dwelling with or without a permanent  
 23 foundation when connected to the required utilities and includes the plumbing, heating,  
 24 air-conditioning, and electrical systems contained therein and built prior to June 15, 1976.

25 (7) 'Person' means an individual, corporation, partnership, association, or any other legal  
 26 entity, but shall not include a trust or the state or any political subdivision thereof.

27 8-2-160.1.

28 The Commissioner is authorized and empowered to contract or enter into cooperative  
 29 agreements with any agency, department, or instrumentality of the United States as may be  
 30 necessary to participate in the enforcement of manufactured home installation standards  
 31 which may be promulgated pursuant to the National Manufactured Housing Construction  
 32 and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

33 8-2-161.

34 It shall be the authority and duty of the Commissioner to:

1 (1) Establish rules and procedures for the licensure of installers as provided by Code  
 2 Section 8-2-164 and the implementation and collection of an annual license fee, which  
 3 shall be ~~\$100.00~~ \$200.00; and

4 (2) Establish and publish rules and regulations governing the installation of manufactured  
 5 homes and mobile homes to be followed in instances in which no manufacturer's  
 6 installation instructions are available. Such rules and regulations shall be equivalent to  
 7 usual and ordinary manufacturer's installation instructions ~~and Appendix II of the State~~  
 8 ~~Building Code.~~

9 8-2-162.

10 The Commissioner is charged with the full authority to administer this part. ~~He~~ and may  
 11 make, amend, alter, and repeal general rules and regulations of procedure to carry into effect  
 12 this part, to obtain statistical data concerning manufactured homes and mobile homes, and  
 13 to prescribe means, methods, and practices to make this part effective. The Commissioner  
 14 may also make such investigations of consumer complaints relating to installations as in his  
 15 or her judgment are necessary to enforce and administer this part.

16 8-2-163.

17 It shall be unlawful for any person to perform an installation of a manufactured home or a  
 18 mobile home, without regard to whether such person receives compensation for such action,  
 19 except as provided in this part.

20 8-2-164.

21 (a) Any installer performing any installation of a manufactured home or a mobile home in  
 22 this state shall first obtain a license from the Commissioner; provided, however, that persons  
 23 employed by or contracting with a licensed installer to perform installations shall not be  
 24 required to obtain such license. ~~The provisions of this Code section shall not apply to a~~  
 25 ~~person who installs a mobile home or manufactured home on real property owned by such~~  
 26 ~~person or a mobile home or manufactured home intended for use as such person's primary~~  
 27 ~~or secondary residence; provided, however, that any such person shall comply with all other~~  
 28 ~~applicable provisions of this part.~~

29 (b) In addition to the requirements of subsection (a) of this Code section, any installer  
 30 performing any installation of any new or pre-owned manufactured or mobile home in this  
 31 state shall first purchase a permit from the Commissioner. The cost of such permit shall be  
 32 \$40.00 for each manufactured or mobile home. Each installer shall provide any information  
 33 required by the Commissioner to be submitted to obtain a permit. A permit shall be

1 attached by the installer to the panel box of each manufactured or mobile home upon  
 2 completion of installation.

3 8-2-165.

4 (a) Any installation of a manufactured home or a mobile home in this state shall be  
 5 performed in strict compliance with the applicable manufacturer's installation instructions,  
 6 specifically including, without limitation, correctly installed tie-downs and anchors. In the  
 7 absence of such instructions, installations shall be performed in accordance with the  
 8 applicable rules and regulations adopted by the Commissioner.

9 (b) The Commissioner or his or her agent shall perform random inspections on installations  
 10 performed by each installer each year. The inspections required by this subsection shall be  
 11 independent of any requirements under Subpart I of Part 3282 of the Manufactured Home  
 12 Procedural and Enforcement Regulations of the National Manufactured Housing  
 13 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

14 8-2-166.

15 Any person ~~convicted of a~~ determined to be in violation of this part shall ~~may~~ be guilty of  
 16 ~~a misdemeanor and may be~~ penalized by a fine of not more than \$500.00 for each such  
 17 violation, and by the suspension or revocation of licensure. Multiple violations of this part  
 18 occurring in a single installation shall constitute one violation. Each installation performed  
 19 in violation of this part shall constitute a separate violation.

20 8-2-167.

21 No political subdivision may adopt or enforce any requirement not consistent with this part.

22 8-2-168.

23 (a) The adoption of rules and conduct of hearings under this part shall be in compliance  
 24 with the provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

25 (b) The Commissioner is authorized to provide by regulation the manner in which he or she  
 26 will conduct presentations of views during his or her participation as the Georgia state  
 27 administrative agency as required by the ~~federal~~ National Manufactured Home Housing  
 28 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq."

29

### SECTION 3.

30 This Act shall become effective on January 1, 2005, except, however, any provision relating  
 31 to the payment of fees shall become effective on October 1, 2004.

1

**SECTION 4.**

2 All laws and parts of laws in conflict with this Act are repealed.