

House Bill 1174 (COMMITTEE SUBSTITUTE)

By: Representatives Sims of the 130th, Boggs of the 145th, and Stokes of the 72nd

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 style="text-align:center">**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 style="text-align:center">"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) 'Lending institutions' means lenders that acquire manufactured or mobile homes
20 incident to their regular business, including national and state chartered banks, federal
21 and state chartered credit unions, lenders that are licensed under Article 13 of Chapter 1
22 of Title 7, and lenders that are involved in manufactured or mobile home chattel lending.

1 ~~(3)~~(4) 'Manufactured home' means a structure, transportable in one or more sections,
 2 which, in the traveling mode, is eight body feet or more in width or 40 body feet or more
 3 in length or, when erected on site, is 320 or more square feet and which is built on a
 4 permanent chassis and designed to be used as a dwelling with or without a permanent
 5 foundation when connected to the required utilities and includes the plumbing, heating,
 6 air-conditioning, and electrical systems contained therein; except that such term shall
 7 include any structure which meets all the requirements of this paragraph except the size
 8 requirements and with respect to which the manufacturer voluntarily files a certification
 9 required by the secretary of housing and urban development and complies with the
 10 standards established under the National Manufactured Housing Construction and Safety
 11 Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

12 ~~(4)~~(5) 'Manufacturer' means any person who constructs or assembles manufactured
 13 housing homes.

14 ~~(5)~~(6) 'Mobile home' means a structure, transportable in one or more sections, which, in
 15 the traveling mode, is eight body feet or more in width or 40 body feet or more in length
 16 or, when erected on site, is 320 or more square feet and which is built on a permanent
 17 chassis and designed to be used as a dwelling with or without a permanent foundation
 18 when connected to the required utilities and includes the plumbing, heating,
 19 air-conditioning, and electrical systems contained therein and manufactured prior to June
 20 15, 1976.

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

23 (8) 'Retail broker' means any person engaged in the business of selling or offering for
 24 sale to consumers three or more new or used manufactured or mobile homes in a 12
 25 month period and who does not maintain a display of manufactured or mobile homes.
 26 As used in this paragraph, the terms 'selling' and 'sale' include lease-purchase
 27 transactions, and the term 'retail broker' does not include lending institutions.

28 (9) 'Retailer' (2) 'Dealer' means any person who sells or offers for sale engaged in the
 29 business of selling or offering for sale to consumers three or more new or used
 30 manufactured homes or mobile homes in a 12 month period and who maintains a display
 31 of manufactured or mobile homes. Such term shall not include a person who sells or
 32 offers for sale one or more manufactured homes or mobile homes in conjunction with the
 33 transfer of an interest in land. As used in this paragraph, the terms 'selling' and 'sale'
 34 include lease-purchase transactions, and the term 'retailer' does not include lending
 35 institutions.

1 8-2-132.

2 (a) ~~Because of the manner of construction, assembly, and use of manufactured homes and~~
3 ~~their systems, components, and appliances (including heating, plumbing, and electrical~~
4 ~~systems), these types of dwellings may, like other finished products having concealed vital~~
5 ~~parts, present hazards to the health, life, and safety of persons and to the safety of property~~
6 ~~unless properly manufactured. In the sale of manufactured homes, there is also the~~
7 ~~possibility of defects not readily ascertainable when inspected by purchasers. Accordingly,~~
8 ~~it is the policy and purpose of this state to provide protection to the public against those~~
9 ~~possible hazards and, for that purpose, to forbid the manufacture and sale of new~~
10 ~~manufactured homes which are not so constructed as to provide reasonable safety and~~
11 ~~protection to their owners and users. The Commissioner is authorized and empowered to~~
12 ~~contract or enter into cooperative agreements with any agency, department, or~~
13 ~~instrumentality of the United States; any agency, board, department, or commission of the~~
14 ~~state; any county, municipality, or local government of the state, or any combination of~~
15 ~~same; any public or private corporation, firm, or any persons whatsoever; or any public~~
16 ~~authority, agency, commission, or institution to participate in the enforcement of~~
17 ~~manufactured home construction and safety standards which may be promulgated pursuant~~
18 ~~to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42~~
19 ~~U.S.C. Section 5401, et seq.; provided, however, that the Commissioner shall notify the~~
20 ~~United States Department of Housing and Urban Development by July 1 of his or her~~
21 ~~intention to terminate any such contract or agreement which termination shall become~~
22 ~~effective on July 1 of the following year.~~

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

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

36 (d) ~~The Commissioner is authorized and empowered to contract or enter into cooperative~~
37 ~~agreements with any agency, department, or instrumentality of the United States; any~~

1 ~~agency, board, department, or commission of this state; any county, municipality, or local~~
 2 ~~government of the state, or any combination of same; any public or private corporation,~~
 3 ~~firm, or any persons whatsoever, or any public authority, agency, commission, or institution,~~
 4 ~~as may be necessary to implement his responsibilities under this part, to further the stated~~
 5 ~~policy and purposes thereof, or to participate in the enforcement of manufactured home~~
 6 ~~construction and safety standards which may be promulgated pursuant to the National~~
 7 ~~Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section~~
 8 ~~5401, et seq.~~

9 8-2-133.

10 During such time as the Commissioner has contracted or entered into cooperative
 11 agreements pursuant to his or her authority under Code Section 8-2-132, the Commissioner
 12 ~~The Commissioner is charged with the administration of this part. He may make, amend,~~
 13 ~~alter, and repeal general rules and regulations of procedure to carry into effect this part, to~~
 14 ~~obtain statistical data concerning manufactured homes, and to prescribe means, methods,~~
 15 ~~and practices to make this part effective. The Commissioner may also make such~~
 16 ~~investigations and inspections as in his or her judgment are necessary to enforce and~~
 17 ~~administer this part.~~

18 8-2-134.

19 During such time as the Commissioner has contracted or entered into cooperative
 20 agreements pursuant to his or her authority under Code Section 8-2-132, no ~~No~~ person may
 21 manufacture, sell, or offer for sale any manufactured home unless such manufactured home
 22 and its components, systems, and appliances have been constructed and assembled in
 23 accordance with rules issued by the Commissioner ~~for the purpose of affording reasonable~~
 24 ~~protection to persons and property~~ with respect to the construction, assembly, and sale of
 25 such manufactured homes and unless compliance with such rules is shown in the manner
 26 required by the Commissioner's rules.

27 8-2-135.

28 During such time as the Commissioner has contracted or entered into cooperative
 29 agreements pursuant to his or her authority under Code Section 8-2-132:

30 ~~(a)~~(1) Every manufacturer who manufactures manufactured homes outside the State of
 31 Georgia and who sells or offers for sale a manufactured home in Georgia shall apply for
 32 and obtain a license;

33 ~~(b)~~(2) Every manufacturer who manufactures manufactured homes in Georgia shall apply
 34 for and obtain a license;

1 ~~(c)~~(3) Every ~~dealer~~ retailer and retail broker who sells or offers for sale new or used
2 manufactured homes or mobile homes in Georgia shall apply for and obtain a license; ;

3 ~~(d)~~(4) Applications for licenses and renewal licenses shall be obtained from the
4 Commissioner and submitted ~~to him~~ on or before January 1 of each year. All applicants
5 shall certify in the application that all construction, electrical, heating, and plumbing
6 standards will be complied with as set forth in this part and in the rules and regulations of
7 the Commissioner; and

8 ~~(e)~~(5) The license and renewal license fee shall be ~~\$200.00~~ \$300.00 per manufacturing
9 plant which manufactures manufactured homes within the State of Georgia; ~~\$200.00~~
10 \$300.00 per out-of-state manufacturing plant which manufactures manufactured homes
11 for the purpose of offering for sale, or having such homes sold, within the State of
12 Georgia; and ~~\$100.00~~ \$200.00 per ~~dealer~~ retailer location and retail broker which sells,
13 offers for sale, or transports to sell such homes within the State of Georgia. The license
14 shall be valid from January 1 through December 31 of the year in which it was issued. The
15 fee for delinquent renewal applications received after January 10 of each year shall be
16 double the regular annual renewal fee.

17 8-2-135.1.

18 ~~(f)~~(a) During such time as the Commissioner's office is acting as a the primary inspection
19 agency pursuant to Section 623 of the National Manufactured Housing Construction and
20 Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., or the regulations issued
21 thereunder, every manufacturer who manufactures manufactured homes in Georgia shall
22 pay to the Commissioner a manufacturing inspection fee for each manufactured home
23 manufactured in Georgia, irrespective of whether the manufactured home is offered for sale
24 in this state. This manufacturing inspection fee shall be \$20.00 for each certification label,
25 as defined in Section 623 of the National Manufactured Housing Construction and Safety
26 Standards Act of 1974, 42 U.S.C. Section 5401, et seq. applied as follows: ~~\$15.00 for each~~
27 ~~single-wide unit; \$20.00 for each double-wide unit with two transportable sections; and~~
28 ~~\$25.00 for each triple-wide unit with three transportable sections.~~ For any reinspection, a
29 \$10.00 additional fee shall be charged.

30 ~~(g)~~(b) During such time as the Commissioner's office is acting as a primary inspection the
31 state administrative agency pursuant to Section 623 of the National Manufactured Housing
32 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., ~~the~~
33 ~~Commissioner may adopt a monitoring inspection fee not to exceed the amount established~~
34 ~~by the secretary of housing and urban development. This~~ a monitoring inspection fee shall
35 ~~be an amount paid by each manufactured home manufacturer in Georgia for each~~
36 ~~manufactured home manufactured in this state. The monitoring inspection fee shall be paid~~

1 ~~by the manufacturer~~ to the secretary of ~~housing and urban development~~ the United States
2 Department of Housing and Urban Development or to the secretary's agent for distribution
3 in accordance with the National Manufactured Housing Construction and Safety Standards
4 Act of 1974, 42 U.S.C. Section 5401, et seq., and the regulations promulgated thereunder.

5 8-2-136.

6 Each manufacturer, ~~distributor, and dealer~~ retailer, retail broker, and installer of
7 manufactured homes shall establish and maintain such records, make such reports, and
8 provide such information as the Commissioner or the secretary of ~~housing and urban~~
9 ~~development~~ the United States Department of Housing and Urban Development may
10 reasonably require in order to be able to determine whether the manufacturer, ~~distributor,~~
11 ~~or dealer~~ retailer, retail broker, or installer has acted or is acting in compliance with this
12 part or with the National Manufactured Housing Construction and Safety Standards Act of
13 1974, 42 U.S.C. Section 5401, et seq. Upon the request of a person duly designated by the
14 Commissioner or the secretary of ~~housing and urban development~~ the United States
15 Department of Housing and Urban Development, each manufacturer, ~~distributor, and dealer~~
16 retailer, retail broker, and installer shall permit that person to inspect appropriate books,
17 papers, records, and documents relevant to determining whether the manufacturer,
18 ~~distributor, or dealer~~ retailer, retail broker, or installer has acted or is acting in compliance
19 with this part or with the National Manufactured Housing Construction and Safety
20 Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

21 8-2-137.

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

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

30 (c) The Commissioner may, through regulations, establish a dispute resolution program
31 in compliance with 42 U.S.C. Section 5422, the National Manufactured Housing
32 Construction and Safety Standards Act of 1974.

1 8-2-138.

2 Dealers During such time as the Commissioner has contracted or entered into cooperative
3 agreements pursuant to his or her authority under Code Section 8-2-132, retailers, retail
4 brokers, and installers are expressly prohibited from altering or modifying any
5 manufactured home certified under this part and under the rules and regulations of the
6 Commissioner, except that alterations, changes, or modifications may be made by ~~dealers~~
7 retailers, retail brokers, or installers certified to make such alterations, changes, or
8 modifications in accordance with rules and regulations promulgated by the Commissioner.

9 8-2-139.

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

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

18 (c) The Commissioner or any of his or her authorized representatives, upon showing
19 proper credentials and in the discharge of their duties pursuant to this part, are authorized
20 during regular business hours and without advance notice to enter upon and inspect all
21 premises in the State of Georgia in which manufactured homes are being sold.

22 8-2-140.

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

28 8-2-141.

29 (a) During such time as the Commissioner has contracted or entered into cooperative
30 agreements pursuant to his or her authority under Code Section 8-2-132, any retailer, retail
31 broker, Any dealer or manufacturer who fails to apply for or obtain a license as required
32 by Code Section 8-2-135 or who fails to remit the appropriate license fee as stated in Code
33 Section 8-2-135 shall be subject to a civil monetary penalty not to exceed \$100.00 for each

1 day that such violation persists, except that the maximum ~~civil~~ monetary penalty shall not
 2 exceed \$20,000.00 for any one violation.

3 (b) Any such ~~civil~~ monetary penalty may be imposed by the Commissioner ~~only~~ after
 4 notice and opportunity for hearing as provided ~~for in Code Section 8-2-137.~~ under Chapter
 5 13 of Title 50, the 'Georgia Administrative Procedure Act.' The amount of such penalty
 6 may be collected by the Commissioner in the same manner that money judgments are now
 7 enforced in the superior courts of this state.

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

11 8-2-142.

12 If any state or foreign country imposes upon Georgia-domiciled manufactured home
 13 manufacturers (or upon their agents or representatives) any taxes, licenses, or other fees in
 14 the aggregate, or any fines, penalties, or other material obligations, prohibitions, or
 15 restrictions, for the privilege of doing business in that state or country, which costs,
 16 obligations, prohibitions, or restrictions are in excess of similar costs, obligations,
 17 prohibitions, or restrictions imposed by the State of Georgia upon manufactured home
 18 manufacturers (or their agents or representatives) which are domiciled in that state or
 19 foreign country and which are doing business or are seeking to do business in the State of
 20 Georgia, then so long as that state or foreign country continues to impose such costs,
 21 obligations, prohibitions, or restrictions upon Georgia-domiciled manufactured home
 22 manufacturers (or their agents or representatives), the State of Georgia shall impose upon
 23 manufactured home manufacturers (or their agents or representatives) which are domiciled
 24 in that state or foreign country and which are doing business or are seeking to do business
 25 in Georgia the same costs, obligations, prohibitions, or restrictions which are imposed by
 26 that state or foreign country on Georgia-domiciled manufactured home manufacturers (or
 27 their agents or representatives) which are doing business or seeking to do business in that
 28 state or foreign country. Any tax, license, or other fee or other obligation imposed by any
 29 city, county, or other political subdivision or agency of such other state or country on
 30 manufactured home manufacturers domiciled in Georgia (or their agents or representatives)
 31 shall be deemed to be imposed by such state or country within the meaning of this Code
 32 section.

33 8-2-143.

34 (a) *Civil penalties.* Any person in this state who violates any provision of Section 610 of
 35 the National Manufactured Housing Construction and Safety Standards Act of 1974, 42

1 U.S.C. Section 5401, et seq., or any regulation or final order issued thereunder, shall be
 2 liable to the State of Georgia for a civil penalty not to exceed \$1,000.00 for each such
 3 violation. Each violation of Section 610 of the aforementioned act or of any regulation or
 4 order issued thereunder shall constitute a separate violation with respect to each
 5 manufactured home or with respect to each failure or refusal to allow or perform an act
 6 required thereby, except that the maximum civil penalty may not exceed \$1 million for any
 7 related series of violations occurring within one year from the date of the first violation.

8 (b) *Criminal penalties.* An individual or a director, officer, or agent of a corporation who
 9 knowingly and willfully violates any provision of Section 610 of the National
 10 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section
 11 5401, et seq., in a manner which threatens the health or safety of any purchaser shall be
 12 guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than
 13 \$1,000.00 or be imprisoned for not more than 12 months, or both.

14 8-2-144.

15 The Commissioner of Insurance shall file a report on or before December 15 of each year
 16 accounting for all fees received by the Commissioner under this part and Part 3 of this
 17 article for the preceding 12 month period and for the actual costs of the inspection
 18 programs for the preceding 12 month period under this part and Part 3 of this article for the
 19 preceding 12 month period. Such report shall be provided to the chairpersons of the House
 20 Appropriations Committee, the Senate Appropriations Committee, the House
 21 Governmental Affairs Committee, and the Senate Regulated Industries and Utilities
 22 Committee, the director of the Office of Planning and Budget, and the director of the
 23 Legislative Budget Office."

24 SECTION 2.

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

28 "Part 3

29 8-2-160.

30 As used in this part, the term:

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

32 (2) 'Installation' means the construction of a foundation system and the placement or
 33 erection of a manufactured home or a mobile home on the foundation system. Such term

1 includes, without limitation, supporting, blocking, leveling, securing, or anchoring such
2 home and connecting multiple or expandable sections of such home.

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

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

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

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

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

25
26 8-2-160.1.

27 The Commissioner is authorized and empowered to contract or enter into cooperative
28 agreements with any agency, department, or instrumentality of the United States as may
29 be necessary to participate in the enforcement of manufactured home installation standards
30 which may be promulgated pursuant to the National Manufactured Housing Construction
31 and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.; provided, however, that
32 the Commissioner shall notify the United States Department of Housing and Urban
33 Development by July 1 of his or her intention to terminate any such contract or agreement
34 which termination shall become effective on July 1 of the following year.

1 8-2-161.

2 During such time as the Commissioner has contracted or entered into cooperative
 3 agreements pursuant to his or her authority under Code Section 8-2-160.1, It shall be the
 4 authority and duty of the Commissioner to may:

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

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

13 8-2-162.

14 During such time as the Commissioner has contracted or entered into cooperative
 15 agreements pursuant to his or her authority under Code Section 8-2-160.1, the ~~The~~
 16 Commissioner is charged with the has full authority to administer this part. ~~He~~ and may
 17 make, amend, alter, and repeal general rules and regulations of procedure to carry into
 18 effect this part, to obtain statistical data concerning manufactured homes and mobile
 19 homes, and to prescribe means, methods, and practices to make this part effective. The
 20 Commissioner may also make such investigations of consumer complaints relating to
 21 installations as in his or her judgment are necessary to enforce and administer this part.

22 8-2-163.

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

26 8-2-164.

27 During such time as the Commissioner has contracted or entered into cooperative
 28 agreements pursuant to his or her authority under Code Section 8-2-160.1:

29 (1) Any installer performing any installation of a manufactured home or a mobile home
 30 in this state shall first obtain a license from the Commissioner; provided, however, that
 31 persons employed by or contracting with a licensed installer to perform installations shall
 32 not be required to obtain such license. ~~The provisions of this Code section shall not apply~~
 33 to a person who installs a mobile home or manufactured home on real property owned
 34 by such person or a mobile home or manufactured home intended for use as such

1 ~~person's primary or secondary residence; provided, however, that any such person shall~~
 2 ~~comply with all other applicable provisions of this part.; and~~

3 (2) In addition to the requirements of paragraph (1) of this Code section, any installer
 4 performing any installation of any new or pre-owned manufactured or mobile home in
 5 this state shall first purchase a permit from the Commissioner. The cost of such permit
 6 shall be \$40.00 for each manufactured or mobile home. Each installer shall provide any
 7 information required by the Commissioner to be submitted to obtain a permit. A permit
 8 shall be attached by the installer to the panel box of each manufactured or mobile home
 9 upon completion of installation.

10 8-2-165.

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

16 (b) During such time as the Commissioner has contracted or entered into cooperative
 17 agreements pursuant to his or her authority under Code Section 8-2-160.1, the
 18 Commissioner or his or her agent shall perform random inspections on installations
 19 performed by each installer each year. The inspections required by this subsection shall
 20 be independent of any requirements under Subpart I of Part 3282 of the Manufactured
 21 Home Procedural and Enforcement Regulations of the National Manufactured Housing
 22 Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

23 8-2-166.

24 ~~Any person convicted of a~~ determined by the Commissioner to be in violation of this part
 25 ~~shall may be guilty of a misdemeanor and may be penalized by a fine of not more than~~
 26 ~~\$500.00 for each such violation, and by the suspension or revocation of licensure. Multiple~~
 27 ~~violations of this part occurring in a single installation shall constitute one violation. Each~~
 28 ~~installation performed in violation of this part shall constitute a separate violation. In~~
 29 ~~addition to any penalty imposed by the Commissioner, any person convicted of a violation~~
 30 ~~of this part shall be guilty of and may be punished as for a misdemeanor.~~

31 8-2-167.

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

1 8-2-168.

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

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

8 **SECTION 3.**

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

11 **SECTION 4.**

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