

ADOPTED REGULATION OF THE MANUFACTURED HOUSING

DIVISION OF THE DEPARTMENT OF BUSINESS

AND INDUSTRY

LCB File No. R060-01

Effective October 30, 2001

ADOPTION OF PERMANENT REGULATIONS

Pursuant to Nevada Revised Statutes 233B, the Manufactured Housing Division proposed changes to Nevada Administrative Code chapters 489.360, 489.370, 489.380 and 461.210. Required notices were posted and mailed for workshops and hearings held on October 5, 2001, in Las Vegas and in Carson City (teleconference). Small businesses were consulted regarding the impact of the changes.

Pursuant to NRS 489.211 the Administrator hereby adopts the temporary regulations as permanent regulations. No written comments were received and no one attended the hearings for oral comment. A copy of the regulations as adopted is attached hereto.

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 461.180 and 489.481; §§2-4, NRS 489.481.

Section 1. NAC 461.210 is hereby amended to read as follows:

461.210 1. The division will charge and collect fees for its services as follows:

For inspecting a plant	[\$500] <i>\$600</i>
For performing any other kind of inspection or service	[\$50, or \$25] <i>\$70, or \$35</i> per half hour or fraction thereof, whichever amount is greater.

For checking plans for an approved system of construction.....	[\$50, or \$25] \$70, or \$35 per half hour or fraction thereof, whichever amount is greater.
For considering and approving a system of construction.....	[\$400] \$500
For issuing each insigne of approval for each module.....	\$50
For replacing an insigne	\$50
For recording a change in the name of a manufacturer or owner.....	\$50

2. In addition to the listed fee for performing an inspection, the division will charge for each inspection the inspector's:

- (a) Actual expenses for travel;
- (b) Salary; and
- (c) Allowance for per diem.

3. The division will not refund any fee it has collected unless:

- (a) The division has not incurred the expense for which the fee is charged;
- (b) The fee was paid in error; or
- (c) A written request for a refund which is justifiable is submitted to the division.

4. For the sale of copies of documents, the division will charge and collect:

For each page of a copy	\$0.25
For each copy of a regulation.....	[\$5.00] \$5

Sec. 2. NAC 489.360 is hereby amended to read as follows:

489.360 1. The following fees for the issuance and renewal of a license will be charged:

(a) Biennially, for a license as a dealer	[\$385] \$500
For each additional officer or partner	[35] 75
Biennially, for each branch office	[95] 125
(b) Biennially, for a license as a limited dealer.....	[35] 150
(c) Biennially, to do business as a manufacturer of manufactured homes, mobile homes, commercial coaches or travel trailers	[440] 600
(d) Biennially, for a rebuilder’s license	385
For each additional officer or partner	[35] 75
Biennially, for each branch office	[95] 125
(e) Biennially, for a serviceman’s or an installer’s license	[110] 150
For each additional officer or partner	[35] 75
Biennially, for each serviceman’s or installer’s branch office	[95] 125
(f) Biennially, for a license as a salesman of manufactured homes, mobile homes or commercial coaches.....	[60] 75
(g) Biennially, for a responsible managing employee’s license	[70] 100
(h) For each examination of an applicant for a license	[25] 50
(i) For a change of address by a licensee	25
(j) For a change of name by a licensee.....	25

(k) To activate a license from inactive or suspended status.....50

2. If a licensee fails to apply for the renewal of his license before the license expires, he must pay a fee equal to one and one-half times the fee otherwise required for renewal. If a licensee does not apply for the renewal of his license within 30 days after the license expires, he must retake and pass the applicable oral or written examination and submit the application and all of the fees required for an original license.

3. The division may collect a fee from any licensee who is involved in a complaint from a consumer to recover the costs of investigating and hearing the complaint. The fee will be based upon the rates established in this section.

Sec. 3. NAC 489.370 is hereby amended to read as follows:

489.370 In addition to the fees for a license required by the provisions of NAC 489.360, the division will charge the following fees for processing an original application for a license:

- 1. As a dealer.....~~[\$115]~~ **\$250**
 - For each additional officer or partner~~[\$5]~~ **25**
 - For each branch office~~[\$5]~~ **25**
- 2. As a limited dealer~~[\$15]~~ **\$100**
- 3. To do business as a manufacturer of manufactured homes, mobile homes, commercial coaches or travel trailers.....~~[\$115]~~ **\$400**
- 4. As a rebuilder\$115
 - For each additional officer or partner~~[\$5]~~ **25**
 - For each branch office~~[\$5]~~ **25**
- 5. As a serviceman or installer~~[\$50]~~ **\$100**
 - For each additional officer or partner~~[\$5]~~ **25**

For each branch office	15	25
6. As a salesman	15	25
7. As a responsible managing employee	25	50

Sec. 4. NAC 489.380 is hereby amended to read as follows:

489.380 1. The *division will charge the* following fees ~~will be charged:~~ :

(a) For each certificate and label of compliance	30.00	50
(b) For each certificate and label of installation.....	30.00	40
(c) For each original or duplicate certificate of ownership issued.....	20.00	30
(d) For each notice of conversion of real property issued.....	20.00	30
(e) For a replacement of a label :		
(1) <i>Label</i> of compliance label		50
(2) <i>Label</i> of installation for license	30.00	40
(3) <i>License</i>		30
(f) For the inspection and approval of a set of plans:		
For the first hour	50.00	70
For each additional <i>half</i> hour or fraction thereof	25.00	35
(g) For the inspection and approval of a modification of an approved plan, per hour or fraction thereof.....	50.00	70
(h) For the inspection at the site and approval of the installation of a :		
(1) <i>A commercial coach with a plumbing system, a</i> manufactured home or a mobile home for commercial coach <i>if the inspection is</i> conducted within 25 miles of the inspector's station of duty	75.00	100

(2) A commercial coach without a plumbing system if the inspection is conducted within 25 miles of the inspector's station of duty75

(i) For the reinspection and approval of the installation of a manufactured home, mobile home or commercial coach, in addition to the original fee for inspection~~50.00~~ **75**

(j) For inspection or reinspection at the site of a manufactured home, mobile home, mobile home park, commercial coach or travel trailer, or of the installation of a device which burns solid fuel or for any other inspection or service for which a fee is not prescribed:

 For the first hour~~50.00~~ **70**

 For each additional ~~30 minutes or fractional part thereof~~~~25.00~~

half hour or fraction thereof**35**

(k) For an inspection of a plant used to manufacture manufactured homes, commercial coaches or travel trailers~~200.00~~ **600**

(l) For each search conducted to determine title~~5.00~~ **10**

(m) For the sale of printed material:

 For each page of a copy0.25

 For each study guide for an examination~~10.00~~ **10**

 For each copy of a regulation~~5.00~~ **5**

(n) For filing a lien asserted upon a manufactured home, mobile home or commercial coach~~20.00~~ **30**

(o) For collecting a fee after a check given for payment is dishonored~~25.00~~ **35**

(p) For the inspection and approval of a set of plans for an attachment pursuant to NAC 489.470:	
For the first hour	[50.00] 70
For each additional <i>half</i> hour or fraction thereof.....	[25.00] 35
(q) For filing an affidavit of the sale of a manufactured home, mobile home or commercial coach to satisfy a lien	[20.00] 30
(r) For recording the sale of a manufactured home, mobile home or commercial coach without the immediate transfer of the certificate of title or certificate of ownership.....	[20.00] 30
(s) <i>For filing a notice of sale by auction of a manufactured home, mobile home or commercial coach</i>	<i>30</i>
(t) For a copy of the monthly report prepared by the division on the record of sales of a dealer [printed on:	
Paper	75.00
Magnetic tape.....	50.00
—(t)]	75
(u) For a list of the certificates of ownership issued by the division for a period of:	
Less than 2 years	[75.00] 75
Two years but not more than 5 years.....	[125.00] 150
More than 5 years	[375.00]
—(u)]	375
(v) For a list of all licenses issued by the division	[75.00]
—(v)]	75

(w) For a list of all mobile home parks or for a history of a mobile home park~~[75.00]~~ 75

2. For each inspection or reinspection conducted more than 25 miles from the inspector's station of duty , the division will charge, in addition to the fee listed, the inspector's:

- (a) Actual expenses for travel;
- (b) Salary; and
- (c) Allowance for per diem.

3. The division will collect a fee for the sale of reports not listed in subsection 1 based upon the cost to the division to produce these reports, plus a minimum fee for handling of \$40 for the first report.

4. The division will collect a fee for inspection, pursuant to a schedule established by the Secretary of Housing and Urban Development, from each manufacturer of manufactured homes who has a plant located in this state. The division will pay the fee to the Secretary of Housing and Urban Development.

**LEGISLATIVE REVIEW OF PERMANENT REGULATIONS CONVERTED FROM
ADOPTED TEMPORARY REGULATIONS AS REQUIRED BY ADMINISTRATIVE
PROCEDURES ACT, NRS 233B.066**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 489.360, 489.370, 489.380 and 461.210.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

The Notice of Intent to Convert a Temporary Regulation to a Permanent Regulation, which included hearing and workshop notification, was mailed on August 22, 2001, to 800 licensees and other interested parties. A Certificate of Mailing is on file at Division offices in Las Vegas. This notice of hearing was posted and additional copies were available at the following locations: Manufactured Housing Division, 2501 E Sahara Avenue, Las Vegas, Nevada 89104; Manufactured Housing Division, 1923 North Carson Street #203, Frontier Plaza, Carson City, Nevada 89701; Manufactured Housing Division, 850 Elm Street, Elko, Nevada 89801; State Library, 100 Stewart Street, Carson City, Nevada 89710; Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101; Bradley Building, 2501 East Sahara Avenue, Las Vegas, Nevada 89104; Legislative Building, 401 South Carson Street, Carson City, Nevada, 89710; Clark County Library, 833 N Las Vegas Blvd, Las Vegas Nevada 89101; Department of Business and Industry, 788 Fairview Drive, Carson City, Nevada 89710. A copy of this notice and the amended regulations were on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the amended regulations were available in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. There was no public response to the notices.

2. The number persons who:

(a) Attended each hearing:

Las Vegas	0
Carson City (teleconference)	0

(b) Testified at each hearing:

Las Vegas	0
Carson City (teleconference)	0

(c) Submitted to the agency written comments: No additional written comments were submitted. A letter of support from the Nevada Manufactured Housing Association was submitted for the hearing for Temporary Regulation.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

The Division consulted with the Nevada Manufactured Housing Association. The Association's membership includes seventy-seven (77) dealers representing 85% of sales in Nevada, fifteen (15) servicemen/installers as well as all lenders and manufacturers doing business in Nevada. The Director and Board of the Association approved the proposed fee increases. Comments were solicited from affected businesses by the posted notices, as outlined in #1, and by direct mail to interested persons subscribing to the Division's mailing list. Workshops and hearings were held for the temporary regulation

process and the conversion to permanent regulations. No substantive changes were made to the adopted temporary regulations.

There were no attendees at the workshop and hearing which was conducted in Las Vegas and connected via teleconference in Carson City. Additionally, no written comments were received prior to the hearing and workshop.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Administrator of the Division adopted the permanent regulation on October 8, 2001 without changes to proposed amendments because there was no opposition to the conversion of the temporary regulation to permanent regulations.

5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

- a. The proposed revisions are expected to have an immediate or long-term beneficial economic effect upon the regulated community because the Division will be able to maintain a sustained level of quality services and safety inspections.
- b. There is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long-term.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed amendments duplicate.

8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The proposed regulation amendments are in compliance with federal regulations and are not more stringent than federal requirements and regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

These regulation amendments will generate an estimated \$291,884 annually to maintain a sustained level of quality services.