

1 SENATE BILL 246

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Mark Moores

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10 AN ACT

11 RELATING TO MANUFACTURED HOUSING; CHANGING THE COMPOSITION OF
12 THE MANUFACTURED HOUSING COMMITTEE; ELIMINATING THE DUAL
13 LICENSING REQUIREMENT.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 60-14-2 NMSA 1978 (being Laws 1978,
17 Chapter 79, Section 1, as amended) is amended to read:

18 "60-14-2. DEFINITIONS.--As used in the Manufactured
19 Housing Act:

20 A. "broker" means any person who, for a fee,
21 commission or valuable consideration, lists, sells, offers for
22 sale, exchanges, offers to exchange, rents or leases or offers
23 to rent or lease pre-owned manufactured homes for another
24 person or who negotiates, offers to negotiate, locates or
25 brings together a buyer and a seller or offers to locate or

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1 bring together a buyer and a seller in conjunction with the
2 sale, exchange, rental or lease of a pre-owned manufactured
3 home. A broker may or may not be an agent of any party
4 involved in the transaction. No person shall be considered a
5 broker unless engaged in brokerage activities related to the
6 sale, exchange or lease-purchase of two or more pre-owned
7 manufactured homes to consumers in any consecutive twelve-month
8 period;

9 B. "certificate of qualification" means a
10 certificate issued by the division to a qualifying party;

11 C. "committee" means the manufactured housing
12 committee;

13 D. "consumer" means any person who seeks or
14 acquires by purchase, exchange or lease-purchase a manufactured
15 home;

16 E. "dealer" means any person engaged in the
17 business of buying for resale, selling or exchanging
18 manufactured homes or offering manufactured homes for sale,
19 exchange or lease-purchase to consumers. No person shall be
20 considered a dealer unless engaged in the sale, exchange or
21 lease-purchase of two or more manufactured homes to consumers
22 in any consecutive twelve-month period. A dealer may also
23 engage in any brokerage activities included under the
24 definition of broker in this section; provided, "dealer" shall
25 not include:

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1 (1) receivers, trustees, administrators,
2 executors, guardians or other persons appointed by or acting
3 under judgment, decree or order of any court;

4 (2) public officers while performing their
5 duties as such officers; and

6 (3) finance companies, banks and other lending
7 institutions covering sales of repossessed manufactured houses;

8 F. "director" means the director of the
9 manufactured housing division and the construction industries
10 division of the regulation and licensing department;

11 G. "division" means the manufactured housing
12 division of the regulation and licensing department;

13 H. "inspection agency" means any firm, partnership,
14 corporation, association or any combination thereof approved in
15 accordance with regulations adopted by the division as having
16 the personnel and equipment available to adequately inspect for
17 the proper construction of manufactured homes or house trailers
18 not used exclusively for recreational purposes;

19 I. "inspector" means a person appointed by the
20 division as being qualified to adequately inspect the
21 construction, electrical installations and mechanical
22 installations of manufactured homes and their repair and
23 modification, as well as the installation, tie-downs, blocking,
24 skirting and water, gas and sewer connections of any
25 manufactured homes in New Mexico;

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1 J. "installer" means any person who installs
2 manufactured homes for remuneration;

3 K. "installation" means, but is not limited to,
4 preparation by an installer of a manufactured home site,
5 construction of tie-down facilities and connection to on-site
6 utility terminals;

7 L. "manufacturer" means any resident or nonresident
8 person who manufactures or assembles manufactured homes or any
9 component of manufactured homes;

10 M. "manufactured home" means a movable or portable
11 housing structure over thirty-two feet in length or over eight
12 feet in width constructed to be towed on its own chassis and
13 designed to be installed with or without a permanent foundation
14 for human occupancy as a residence and ~~which~~ that may include
15 one or more components that can be retracted for towing
16 purposes and subsequently expanded for additional capacity or
17 may be two or more units separately towable but designed to be
18 joined into one integral unit, as well as a single unit.

19 "Manufactured home" does not include recreational vehicles or
20 modular or premanufactured homes, built to Uniform Building
21 Code standards, designed to be permanently affixed to real
22 property. "Manufactured home" includes any movable or portable
23 housing structure over twelve feet in width and forty feet in
24 length ~~which~~ that is used for nonresidential purposes;

25 N. "permit" means a certificate issued by the

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1 division to the dealer or installer of a manufactured home
2 indicating that the manufactured home meets the minimum
3 requirements for occupancy provided for by codes or regulations
4 of the division;

5 O. "person" includes an individual, firm,
6 partnership, corporation, association or other legal entity or
7 any combination thereof;

8 P. "qualifying party" means any individual who
9 submits to the examination for a license, other than a broker's
10 or salesperson's license, to be issued under the Manufactured
11 Housing Act to a licensee, other than an individual, and who
12 after passing such an examination is responsible for the
13 licensee's compliance with the requirements of that act and
14 with the rules, regulations, codes and standards adopted and
15 promulgated in accordance with the provisions of the
16 Manufactured Housing Act;

17 Q. "repairman" means any person who, for remuneration
18 or consideration, modifies, alters or repairs the structural,
19 mechanical or electrical systems of a manufactured home; and

20 R. "salesperson" means any person who for any form of
21 compensation sells or lease-purchases or offers to sell or
22 lease-purchase manufactured homes to consumers as an employee
23 or agent of a dealer."

24 SECTION 2. Section 60-14-5 NMSA 1978 (being Laws 1977,
25 Chapter 245, Section 220, as amended) is amended to read:

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1 "60-14-5. MANUFACTURED HOUSING COMMITTEE CREATED--
2 MEMBERSHIP--COMPENSATION--DUTIES.--

3 A. There is created within the division the
4 "manufactured housing committee". It shall be composed of
5 seven members who are residents of New Mexico and who shall
6 serve at the pleasure of the governor and be appointed by [~~him~~]
7 the governor as follows:

8 (1) one member who is or is the designated
9 representative of a manufacturer licensed under the
10 Manufactured Housing Act;

11 (2) one member who is or is the qualifying party
12 of a dealer licensed under the Manufactured Housing Act;

13 (3) one member who is or is the qualifying party
14 of an installer licensed under the Manufactured Housing Act;

15 (4) one member who is [~~a broker~~] the owner of a
16 manufactured housing dealership licensed under the Manufactured
17 Housing Act; [~~and~~]

18 (5) one member who is engaged in the business of
19 financing the purchase of manufactured housing units;

20 (6) one member who is a licensed realtor engaged
21 in the business of manufactured housing realty; and

22 [~~(5) three members~~] (7) one public member who
23 [~~are~~] is a manufactured housing unit [~~owners~~] owner not subject
24 to licensure under the Manufactured Housing Act.

25 The term of office of each member of the committee is four

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1 years; provided that members shall be appointed for staggered
2 terms beginning July 1, 1983 so that two terms end on June 30,
3 1985, two terms end on June 30, 1986 and three terms end on
4 June 30, 1987. Thereafter, all members shall be appointed to
5 four-year terms. Members shall be appointed to provide
6 adequate representation of all geographic areas of the state.

7 B. Each member of the committee shall receive per
8 diem and mileage as provided in the Per Diem and Mileage Act
9 and shall receive no other compensation, perquisite or
10 allowance.

11 C. The committee shall annually elect a [~~chairman~~]
12 chair and vice [~~chairman~~] chair from its membership. The
13 director of the division shall serve as the executive secretary
14 of the committee.

15 D. The committee shall meet at least bimonthly at the
16 call of the [~~chairman~~] chair.

17 E. The committee shall provide technical and policy
18 advice to the division, review and approve or disapprove all
19 rules, regulations, standards and codes subject to its approval
20 under the provisions of the Manufactured Housing Act and:

21 (1) establish by regulation classifications of
22 licenses issued by the division and qualifications and
23 examinations necessary for licensure under the Manufactured
24 Housing Act; [~~and~~]

25 (2) suspend or revoke for cause any license or

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1 certificate of qualification issued by the division; and
2 (3) eliminate the dual licensing requirement for
3 persons currently licensed to perform work regulated by the
4 construction industries division of the regulation and
5 licensing department."

6 SECTION 3. Section 60-14-7 NMSA 1978 (being Laws 1975,
7 Chapter 331, Section 8, as amended) is amended to read:

8 "60-14-7. LICENSE REQUIRED--CLASSIFICATION--
9 EXAMINATION.--

10 A. No person shall engage in business as a
11 manufacturer, dealer, broker, repairman, installer or
12 salesperson unless licensed as provided in the Manufactured
13 Housing Act or the Construction Industries Licensing Act.

14 B. The committee shall adopt regulations creating a
15 system of license classifications covering the occupations of
16 dealer, broker, manufacturer, repairman, installer and
17 salesperson and providing for the qualifications and
18 examination for each class of license.

19 C. No person shall import for sale or exchange, or
20 engage in the business of selling, leasing or exchanging or
21 offering for sale, lease or exchange, any manufactured home
22 manufactured by any person who is not licensed as a
23 manufacturer under the Manufactured Housing Act."