

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO MANUFACTURED HOUSING; CHANGING THE DEFINITION OF
"DIRECTOR" IN THE MANUFACTURED HOUSING ACT.

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

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

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

A. "broker" means any person who, for a fee,
commission or valuable consideration, lists, sells, offers
for sale, exchanges, offers to exchange, rents or leases or
offers to rent or lease pre-owned manufactured homes for
another person or who negotiates, offers to negotiate,
locates or brings together a buyer and a seller or offers to
locate or bring together a buyer and a seller in conjunction
with the sale, exchange, rental or lease of a pre-owned
manufactured home. A broker may or may not be an agent of
any party involved in the transaction. No person shall be
considered a broker unless engaged in brokerage activities
related to the sale, exchange or lease-purchase of two or
more pre-owned manufactured homes to consumers in any
consecutive twelve-month period;

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

1 C. "committee" means the manufactured housing
2 committee;

3 D. "consumer" means any person who seeks or
4 acquires by purchase, exchange or lease-purchase a
5 manufactured home;

6 E. "dealer" means any person engaged in the
7 business of buying for resale, selling or exchanging
8 manufactured homes or offering manufactured homes for sale,
9 exchange or lease-purchase to consumers. No person shall be
10 considered a dealer unless engaged in the sale, exchange or
11 lease-purchase of two or more manufactured homes to consumers
12 in any consecutive twelve-month period. A dealer may also
13 engage in any brokerage activities included under the
14 definition of broker in this section; provided that "dealer"
15 shall not include:

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

19 (2) public officers while performing their
20 duties as such officers; and

21 (3) finance companies, banks and other
22 lending institutions covering sales of repossessed
23 manufactured houses;

24 F. "director" means the director of the division;

25 G. "division" means the manufactured housing

1 division of the regulation and licensing department;

2 H. "inspection agency" means any firm,
3 partnership, corporation, association or any combination
4 thereof approved in accordance with regulations adopted by
5 the division as having the personnel and equipment available
6 to adequately inspect for the proper construction of
7 manufactured homes or house trailers not used exclusively for
8 recreational purposes;

9 I. "inspector" means a person appointed by the
10 division as being qualified to adequately inspect the
11 construction, electrical installations and mechanical
12 installations of manufactured homes and their repair and
13 modification, as well as the installation, tie-downs,
14 blocking, skirting and water, gas and sewer connections of
15 any manufactured homes in New Mexico;

16 J. "installer" means any person who installs
17 manufactured homes for remuneration;

18 K. "installation" means, but is not limited to,
19 preparation by an installer of a manufactured home site,
20 construction of tie-down facilities and connection to on-site
21 utility terminals;

22 L. "manufacturer" means any resident or
23 nonresident person who manufactures or assembles manufactured
24 homes or any component of manufactured homes;

25 M. "manufactured home" means a movable or portable

1 housing structure over thirty-two feet in length or over
2 eight feet in width constructed to be towed on its own
3 chassis and designed to be installed with or without a
4 permanent foundation for human occupancy as a residence and
5 that may include one or more components that can be retracted
6 for towing purposes and subsequently expanded for additional
7 capacity or may be two or more units separately towable but
8 designed to be joined into one integral unit, as well as a
9 single unit. "Manufactured home" does not include
10 recreational vehicles or modular or premanufactured homes,
11 built to Uniform Building Code standards, designed to be
12 permanently affixed to real property. "Manufactured home"
13 includes any movable or portable housing structure over
14 twelve feet in width and forty feet in length that is used
15 for nonresidential purposes;

16 N. "permit" means a certificate issued by the
17 division to the dealer or installer of a manufactured home
18 indicating that the manufactured home meets the minimum
19 requirements for occupancy provided for by codes or
20 regulations of the division;

21 O. "person" includes an individual, firm,
22 partnership, corporation, association or other legal entity
23 or any combination thereof;

24 P. "qualifying party" means any individual who
25 submits to the examination for a license, other than a

1 broker's or salesperson's license, to be issued under the
2 Manufactured Housing Act to a licensee, other than an
3 individual, and who after passing such an examination is
4 responsible for the licensee's compliance with the
5 requirements of that act and with the rules, regulations,
6 codes and standards adopted and promulgated in accordance
7 with the provisions of the Manufactured Housing Act;

8 Q. "repairman" means any person who, for
9 remuneration or consideration, modifies, alters or repairs
10 the structural, mechanical or electrical systems of a
11 manufactured home; and

12 R. "salesperson" means any person who for any form
13 of compensation sells or lease-purchases or offers to sell or
14 lease-purchase manufactured homes to consumers as an employee
15 or agent of a dealer."

16 SECTION 2. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2019. _____