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FILED

2007 MAR 28 PM 3: 35

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007



ENROLLED

House Bill No. 2710

(By Delegates Tucker, Martin, Shook, Yost,
Perry, Stemple, Caputo, Hamilton, Marshall,
Sobonya and Perdue)



Passed March 10, 2007

In Effect Ninety Days from Passage

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H. B. 2710

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(BY DELEGATES TUCKER, MARTIN, SHOOK, YOST,
PERRY, STEMPLE, CAPUTO, HAMILTON, MARSHALL,
SOBONYA AND PERDUE)

[Passed March 10, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §21-9-2 of the Code of West Virginia, 1931, as amended, relating to the elimination of the licensure exemption for certain contractors of manufactured housing installation.

Be it enacted by the Legislature of West Virginia:

That §21-9-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9. MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS.

§21-9-2. Definitions.

1 (a) “Board” means the West Virginia Manufactured
2 Housing Construction and Safety Board created in this
3 article.

4 (b) “Commissioner” means the Commissioner of the
5 West Virginia State Division of Labor.

6 (c) "Contractor" means any person who performs
7 operations in this state at the occupancy site which render a
8 manufactured home fit for habitation. The operations
9 include, without limitation, installation or construction of the
10 foundation, positioning, blocking, leveling, supporting, tying
11 down, connecting utility systems, making minor adjustments
12 or assembling multiple or expandable units. The operations
13 also include transporting the unit to the occupancy site by
14 other than a motor carrier regulated by the West Virginia
15 Public Service Commission.

16 Contractor does not include:

17 A person who personally does work on a manufactured
18 home which the person owns or leases.

19 (d) "Dealer" means any person engaged in this state in
20 the sale, leasing or distributing of new or used manufactured
21 homes, primarily to persons who in good faith purchase or
22 lease a manufactured home for purposes other than resale.

23 (e) "Defect" includes any defect in the performance,
24 construction, components or material of a manufactured
25 home that renders the home or any part of the home not fit
26 for the ordinary use for which it was intended.

27 (f) "Distributor" means any person engaged in this state
28 in the sale and distribution of manufactured homes for resale.

29 (g) "Federal standards" means the National Manufactured
30 Housing Construction and Safety Standards Act of 1974, and
31 federal manufactured home construction and safety standards
32 and regulations promulgated by the secretary of HUD to
33 implement that act.

34 (h) "HUD" means the United States Department of
35 Housing and Urban Development.

36 (i) "Manufacturer" means any person engaged in
37 manufacturing or assembling manufactured homes, including
38 any person engaged in importing manufactured homes for
39 resale.

40 (j) “Manufactured home” means a structure, transportable
41 in one or more sections, which in the traveling mode is eight
42 body feet or more in width or forty or more feet in length or,
43 when erected on site, is three hundred twenty or more square
44 feet, and which is built on a permanent chassis and designed
45 to be used as a dwelling with or without a permanent
46 foundation when connected to the required utilities, and
47 includes the plumbing, heating, air-conditioning and
48 electrical systems contained therein; except that such term
49 shall include any structure which meets all the requirements
50 of this definition except the size requirements and with
51 respect to which the manufacturer voluntarily files a
52 certificate which complies with the applicable federal
53 standards. Calculations used to determine the number of
54 square feet in a structure will be based on the structure’s
55 exterior dimensions measured at the largest horizontal
56 projections when erected on site.

57 (k) “Purchaser” means the first person purchasing a
58 manufactured home in good faith for purposes other than
59 resale.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



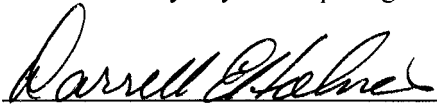
Chairman Senate Committee



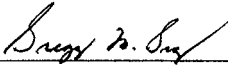
Chairman House Committee

Originating in the House.

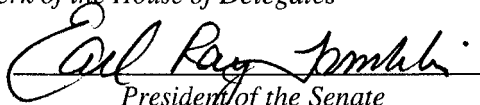
In effect ninety days from passage.



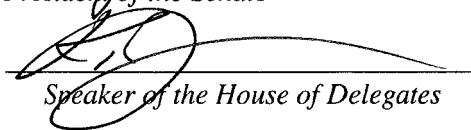
Clerk of the Senate



Clerk of the House of Delegates

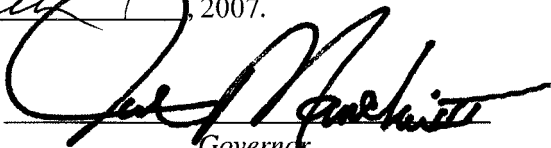


President of the Senate



Speaker of the House of Delegates

The within is approved this the 28th
day of March, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 21 2007

Time 4:00pm