

24.39.31 – RULES FOR FACTORY BUILT STRUCTURES

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 39-4003, 39-4302, 44-2102, 44-2104, 44-2201, and 44-2202, Idaho Code. ()

001. SCOPE.

~~Sections 100 through 199 of these rules apply to~~ These rules govern the manufacture and installation of modular buildings in Idaho. ~~Sections 200 through 299 of these rules~~ apply to persons engaged in the business of manufacturing, selling, or installing manufactured or mobile homes for purposes of human habitation in Idaho. ~~Sections 300 through 399 of these rules~~ apply to disputes between persons licensed as manufacturers, retailers, and installers of manufactured homes. ~~Sections 400 through 499 of these rules~~ and apply to the installation of manufactured or mobile homes in Idaho. ()

002. INCORPORATION BY REFERENCE.

The Idaho Manufactured Home Installation Standard (January 1, 2018 edition), is hereby adopted and incorporated by reference and is available on the DOPL website: <https://dopl.idaho.gov>. ()

~~002. – 009. (RESERVED)~~

01003. DEFINITIONS.

The terms defined in this section have the following meaning, unless the context clearly indicates another meaning. ()

01. Alterations to Manufactured Homes. The replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a retailer but prior to sale by a retailer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. ~~It includes any modification made in a manufactured home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance “plug-in” to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring “plug-in” to an electrical receptacle, which appliance was not provided with the manufactured home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.~~ ()

~~02. Branch Office. An enclosed structure accessible and open to the public, at which the business of the manufactured/mobile home retailer is conducted simultaneously with and physically separated from his principal place of business. There must be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign must provide the business name of the retailer. ()~~

~~03. Business. Occupation, profession, or trade. ()~~

Commented [MH1]: Unnecessary rule language.

042. Deceptive Practice. Intentionally publishing or circulating any advertising concerning mobile or manufactured homes which: ()

- a. Is misleading or inaccurate in any material respect; ()

b. Misrepresents any of the products or services sold or provided by a manufacturer, manufactured/mobile home retailer, or installation company. ()

~~05. Insignia. A label or tag issued by the Division to indicate compliance with the codes, standards, rules, and regulations established for Modular Buildings and Commercial Coaches. ()~~

06.3. Installation. The term includes “setup” and is t[he complete operation of fixing in place a modular building or manufactured or mobile home for occupancy. ()

~~07. **Manufactured Home.** A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term must include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. Section 5401, et seq. ()~~

Commented [MH2]: Duplicative 39-4105(8)

~~08. **Manufactured Home Retailer.** Except as otherwise provided in these rules: ()~~

Commented [MH3]: Duplicative 44-2101A(10)

~~a. Any person engaged in the business of selling or exchanging new and used units; or ()~~

~~b. Any person or who buys, sells, lists, or exchanges three (3) or more new and used units in any one (1) calendar year. ()~~

~~09. **Mobile Home.** A factory assembled structure or structures generally constructed prior to June 15, 1976, the date of enactment of the National Manufactured Housing Construction and Safety Standards Act (HUD Code), and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. ()~~

Commented [MH4]: Duplicative 39-4105(9)

10. Principal Place of Business. The primary physical location at which the business of a manufactured home retailer is lawfully conducted. Each of the following requirements must be met to qualify as the principal place of business: ()

~~a. The business of the manufactured or mobile home retailer is lawfully conducted here; ()~~

~~b. The office or offices of the retailer is or are located here; ()~~

~~c. The public may contact the retailer here; ()~~

~~d. The offices are accessible and open to the public; and ()~~

~~e. The greatest portion of the retailer’s business is conducted here. The books and other records of a retailer must be kept and maintained at the retailer’s principal place of business and be open to inspection during normal business hours by any authorized agent of the Division. Moreover, there must be displayed on the exterior a sign permanently affixed to the land or building with letters providing the business name of the retailer clearly visible to the major avenue of traffic. ()~~

~~11. **Transit Damage.** Application to manufactured home means that damage encountered en route from the place of manufacture to the dealer or first owner involving structural integrity or any repair that does not result in return to the same construction or assembly as specified in the manufacturer's design approval without additional reinforcement or change. ()~~

Commented [MH5]: Unnecessary rule language.

~~12. **Used Manufactured Home or Mobile Home.** A manufactured home or mobile home, respectively, which has been: ()~~

Commented [MH6]: Unnecessary rule language.

~~a. Sold, rented, or leased and occupied prior to or after the sale, rental, or lease; or ()~~

~~b. Registered with or been the subject of a certificate of title issued by the Idaho Department of Transportation or the appropriate authority of any state, the District of Columbia, or foreign state or country. ()~~

~~011. – 099. (RESERVED)~~

SUBCHAPTER A – MODULAR BUILDINGS
(Rules 100 through 199)

1500. PERMITS.

Building permits must be obtained from the Division prior to the construction of structures governed by ~~Title 39, Chapter 43~~ 39-4303, 44-2202, and 39-4004, Idaho Code, ~~or Sections 100 through 199 of these rules.~~ ()

1501. MODULAR PLAN REVIEW.

01. Jurisdiction. The Division has exclusive jurisdiction and authority to conduct plan reviews of the in-plant construction of Modular Buildings. ()

02. Application Provisions. The provisions of this section apply only to plans for work that will be accomplished at the place of manufacture. ()

1502. FEES.

~~The following fees apply to the functions cited: ()~~

01. Modular Building Permit Fees. Other than as ~~herein~~ specified in this section, the permit fee schedule for Modular Buildings is as provided ~~herein~~ in Table 1-A plus ninety dollars (\$90) and two and one-half percent (2.5%) of the plumbing, electrical, and HVAC installation costs. The determination of value or valuation is based on the total value of all construction work for which a permit is issued.

TOTAL VALUATION		FEE
\$1 to \$500	=	\$23.50
\$501 to \$2,000	=	\$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	=	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000

\$25,001 to \$50,000	=	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	=	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	=	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	=	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up		\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof

()

02. Plan Review. The Modular Building fee includes an additional amount equal to sixty-five percent (65%) of the permit fee calculated in accordance with Table 1-A. A fee of sixty-five dollars (\$65) per hour applies to additional plan review required by changes, additions, or revisions to plans. ()

03. Manufactured/Mobile Home Installation Permit Fees. A city or county whose installation inspection program has been approved by the Division establishes their own fee schedule for installation permits within their jurisdiction. Permits obtained from the Division are in accordance with the following schedule:

- a. Single Section Unit.** The permit fee is one hundred fifty dollars (\$150). ()
- b. Double Section Unit.** The permit fee is two hundred dollars (\$200). ()
- c. More Than Two Sections.** The permit fee for a home consisting of more than two (2) sections is two hundred fifty dollars (\$250). ()

4503. MODULAR BUILDINGS.

01. Enforcement and Administration. Any officer, agent, or employee of the Division is authorized to enter any premises during any normal or operational hours where Modular Buildings are manufactured for the purpose of examining any records pertaining to quality control and may inspect any such units, equipment, or installations to ensure compliance, ~~with the provisions of these rules and codes enumerated in Title 39, Chapter 43, Idaho Code.~~ ()

02. Inspections. ()

a. Inspections at Manufacturing Plants. The Division conducts inspections at the manufacturing plant to determine compliance with ~~Sections 100 through 199 of~~ these rules and with codes adopted by Title 39, Chapter 41, Idaho Code, and Title 54, Chapters 10, 26, and 50, Idaho Code. ()

b. Qualifications of Inspectors. All inspectors performing inspections of modular buildings must be properly certified for the type of inspection being conducted. The Factory Built Structures Board recognizes

certifications granted through the National Certification Program Construction Code Inspector program (NCPCCI), the National Inspection Testing Certification program (NITC), the International Association of Electrical Inspectors (IAEI), and the International Code Council (ICC). Certifications must be current and of the proper classification for the structure or subsystem being inspected. ()

03. Installation Inspection. In order to complete the installation of an Idaho approved Modular Building, approval and inspection of the installation by the enforcement agency having jurisdiction over the site location is required. ()

04. Rights and Limitations of Local Enforcement Agencies. ()

a. A local enforcement agency has the right to require a complete set of plans and specifications approved by the Division for each Modular Building to be installed within its jurisdiction, to require that all permits be obtained before delivery of any unit. ()

b. A local enforcement agency does not have the right to: open for inspection any Modular Building or component bearing an Insignia to determine compliance with any codes or ordinances; require by ordinance or otherwise that Modular Buildings meet any requirements not equally applicable to on-site construction; or to charge permit or plan review fees for any portion of the structure prefabricated or assembled at a place other than the Building Site. ()

05. Insignia and Serial Number. ()

a. Each Modular Building section must bear a Division Insignia prior to leaving the manufacturing facility. Assigned Insignia are not transferable and are void when not affixed as assigned. ()

b. Each Modular Building must bear a legible identifying serial number. Each section of a multiple Modular Building must have the same identifying serial number followed by a numerical sequence identifier or a letter suffix, or both. ()

504. MANUFACTURED/MOBILE HOME INSPECTIONS.

01. Manufactured Homes Construction And Safety Standards. Effective June 15, 1976, the latest published edition of the National Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations are in effect for all manufactured homes manufactured within the state of Idaho, and for all new manufactured homes for sale within the state of Idaho. All new manufactured homes offered for sale within Idaho after the effective date of this section bear the Housing and Urban Development (H.U.D.) label as authorized in the Manufactured Home Procedural and Enforcement Regulations. ()

02. Use Of Manufacturers' Installation Instructions. In any instance in which there is a conflict between the DAPIA installation instructions and the Idaho Manufactured Home Installation Standards, the DAPIA installation instructions supersede and serve as the controlling authority. ()

03. Minimum Training Requirements for Inspectors. All installation inspectors employed by the Division or a city or county must complete eight (8) hours of training or instruction approved by the Division every three (3) years dedicated to the installation and inspection of manufactured and mobile homes. ()

505. APPROVAL OF LOCAL MANUFACTURED HOME INSTALLATION INSPECTION PROGRAMS.

01. Installation Permits and Inspections Required. Installation permits must be obtained from the Division for installations in areas where there is no approved local program, or from a city or county that has by ordinance adopted building codes pursuant to Section 39-4116, Idaho Code, and whose installation program has been approved by the Division. All installations must be inspected and approved by the authority having jurisdiction before the manufactured home is occupied. ()

02. Division Approval. A city or county that has by ordinance adopted a building code pursuant to Section 39-4116, Idaho Code, is eligible to participate in the inspection of manufactured and mobile homes. Such local installation inspection program must be approved by the Division to provide inspection services if the following minimum criteria is met: ()

a. Inspections are conducted by the city or county employing inspectors holding a valid certification as residential building inspector from the International Code Council; ()

b. Inspectors attended training sessions provided or approved by the Division and receive a certificate evidencing successful completion thereof. ()

03. Voluntary Withdrawal. A city or county may voluntarily withdraw from participation in the program to inspect manufactured homes upon providing to the Administrator of the Division thirty (30) days written notice of its intention to do so. ()

04. Quality Assurance. Any inspected installation is subject to quality assurance reviews by Division of Occupational and Professional Licenses. Findings made by the Division pursuant to such reviews will be forwarded to the inspection authority having jurisdiction. ()

a. All inspectors and approved programs are subject to review. ()

104303. MODULAR CIVIL PENALTIES.

The following acts subject the violator to penalties of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense thereafter: ()

01. Installation. Any person who transports a modular building to or installs a modular building on a building site in this state without first receiving approval and securing to the structure insignia evidencing such approval from the Division. ()

02. Modification. Any person who in any way modifies or alters a modular building prior to its initial occupancy which has previously been approved by the Division without first having received approval to do so from the Division. ()

03. Lawful Orders. Any person who fails, neglects, or refuses to obey any lawful order issued by the Administrator or his representative under Section 39-4306, Idaho Code, or who refuses to perform any duty lawfully enjoined upon him by the Administrator or his representative under Section 39-4306, Idaho Code. ()

~~105. – 199. (RESERVED)~~

SUBCHAPTER B – MANUFACTURED/MOBILE HOME INDUSTRY LICENSING
(Rules 200 through 299)

Commented [MH7]: Suggestion received to remove this because the category could also include truck drivers, etc.

2100. MANUFACTURED/MOBILE HOME LICENSE REQUIRED.

~~01. Minimum Age Requirement. No license will be issued to a person under eighteen (18) years of age at the time of license application. ()~~

021. Designated License Holder. Any applicant for a license under ~~Sections 200 through 299 of these rules~~ who is not a natural person must designate a natural person to be license holder and represent the corporation, partnership, trust, society, club, association, or other organization for all licensing purposes under ~~Sections 200 through 299~~ these rules including, but not limited to, testing and education. No issued licenses are transferable. ()

a. The authorization to act as designated license holder must be in writing, signed by the applicant and the person designated, and filed with the Division along with the application. ()

b. Any person ~~designated under Subsection 200.02 of these rules~~ represents one (1) applicant only, and must immediately notify the Division in writing if his working relationship with the applicant has been terminated. The license will be issued in the name of the designated license holder with the name of the organization he represents also noted on the license. The license holder is considered by the Division to be the licensee, ~~even if the license holder is the designated representative of an organization.~~ ()

c. The applicant ~~and the person designated under Subsection 200.02 of these rules~~ agrees by acceptance of the designation that the designated person acts as agent of the applicant for all purposes under Title 44, Chapters 21 and 22, Idaho Code, and all rules promulgated thereunder. ()

03. Proof of License. ~~Proof of the existence of any license issued pursuant to Sections 200 through 299 of these rules is carried upon the person of any installation at all times during the performance of the installation work. Moreover, a~~ Any license issued to a manufactured/mobile home retailer must be posted in a conspicuous place on the business premises of the employer for whom the holder of the license is licensed. The license of a manufacturing facility or branch office must also be posted in a conspicuous place at the location licensed. ()

04. Real Estate Brokers. Licensed real estate brokers or real estate salesmen ~~representing licensed real estate brokers~~ are not required to obtain a license under ~~Sections 200 through 299 of these rules~~ to sell or lease a used unit that is currently carried on the tax rolls as personal property and that otherwise falls within the exemption contained in Section 44-2102(2), Idaho Code. ()

05. License for Manufacturers. To engage in business in the state of Idaho, each manufacturer must be licensed by the Division. ()

06. License for Branch Office of Manufactured/Mobile Home Retailer. ()

a. The Division requires as a condition of licensing any information it deems necessary for each location where a manufactured/mobile home retailer maintains a branch office. ~~The mere listing of manufactured/mobile homes for sale does not constitute a branch office, but t~~ The use of a mobile home park or a state sales office by a licensee for the sale or offering for sale of manufactured/mobile homes ~~does constitute~~ the maintenance of a branch office. ~~A branch office manager may not manage more than one (1) branch office.~~ ()

b. ~~To open a branch office, a~~ A retailer must obtain a license from the Division to operate the branch office. ()

07. License to Engage in Business as Manufactured/Mobile Home Retailer, Manufacturer, or

Installer; Application; Bond; Issuance, Expiration, and Renewal. ()

- a. Applicants for a manufacturer's, retailers, or installer's license must furnish: ()
 - i. Any proof the Division may deem necessary that the applicant is a manufacturer, retailer, or installer; ()
 - ii. Any proof the Division may require that the applicant has a principal place of business; ()
 - iii. In the case of a retailer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise retailer for the make concerned; ()
 - iv. The fee and proof of the bond required by Section 44-2103, Idaho Code; and ()
 - v. Proof of passing the examination required by ~~Sections 200 through 299~~ of these rules, as applicable. ()
- ~~b. Within thirty (30) days after receipt of a completed application, the Division will issue or deny the license. ()~~
- c. Each license is valid for a period of ~~one (1)~~ two (2) years from the date of issuance ~~and may be renewed for like consecutive period upon application to and approval by the Division.~~ ()

2101. PROOF OF EDUCATION REQUIRED.

01. Satisfactory Proof for Initial Application Submission. An application for a license as a manufactured/mobile home installer must include proof satisfactory to the Division that the applicant has completed the following number of hours of initial education in order to be approved: ()

- a. Installers and retailers who are installers: eight (8) hours. ()
- b. The course of initial education must be approved by the Division and must include information relating to the provisions of ~~Sections 200 through 299~~ of these rules, Title 44, Chapters 21, Idaho Code, and the National Manufactured Housing Construction and Safety Standards Act of 1974. ()

02. Satisfactory Proof for License Renewal. The Division will not renew any installer license, or retailer license of any retailer who is also an installer, issued pursuant to Title 44, Chapters 21 or 22, Idaho Code, or ~~Sections 200 through 299~~ of these rules until the licensee has submitted proof satisfactory to the Division that he has, during the three (3) years immediately preceding the renewal of the license, completed at least eight (8) hours of continuing education. ()

03. Continuing Education Course. The course of continuing education must be approved by the Division and include information germane to the profession, relating to the following: ()

- ~~a. Manufactured housing or mobile home parks; ()~~
- ~~b. The construction, including components and accessories, rebuilding, servicing, installation, or sale of manufactured/mobile homes; ()~~

~~c. Legislative issues concerning manufactured/mobile home housing and manufactured/mobile home parks, including pending and recently enacted state or federal legislation; and ()~~

~~d. Sections 200 through 299 of these rules, Title 44, Chapters 21 or 22, Idaho Code, and the Manufactured Housing Safety Standards Act of 1974. ()~~

2102. EXAMINATION OF APPLICANT FOR LICENSE.

01. Required Examinations. The Division requires a written examination of each applicant for an initial license as a manufactured/mobile home retailer or installer. ~~To avoid the requirement of an examination and be considered a renewal, any licensee must renew his license within six (6) months of its expiration date. ()~~

02. Approval of Examination and Grade. ~~Examinations for all classifications under Sections 200 through 299 of these rules must be approved by the Division and the Board.~~ No license will be issued unless ~~the~~ applicant receives a final grade of seventy percent (70%) or higher. ()

203302. DISCIPLINARY ACTION AGAINST LICENSEES.

The Division may deny, suspend, refuse to renew, or revoke any license ~~issued under Title 44, Chapter 21, Idaho Code, or Sections 200 through 299 of these rules~~ or reissue the license subject to reasonable conditions upon any of the following grounds: ()

01. Violation of Rules and Statutes. For any willful or repeated violation of ~~Sections 200 through 299 or 400 through 499~~ of these rules, or Title 44, Chapters 21 or 22, Idaho Code. ()

02. Failure to Have Principal Place of Business. ~~With regards only to a manufactured/mobile home retailer, f~~ Failure of ~~a retailer applicant or licensee~~ ~~the applicant or licensee~~ to have a principal place of business. ()

03. False Information. Material misstatement in the application or otherwise furnishing false information to the Division. ()

04. Disclosing Contents of Examination. Obtaining or disclosing the contents of an examination given by the Division. ()

05. Deceptive Practice. The intentional publication, circulation, or display of any advertising which constitutes a deceptive practice as that term is defined in Subsection ~~01003.042~~ of these rules. ()

06. Failure to Provide Business Name. Failure to include in any advertising the name of the licensed retailer or installer. ()

07. Encouraging Falsification. Intentionally inducing an applicant or licensee to falsify an application. ()

08. Poor Workmanship. Performing workmanship which is grossly incompetent or repeatedly below the standards adopted by Title 44, Chapters 21 and 22, ~~Sections 200 through 299 or 400 through 499 of the provisions of~~ these rules, ~~or~~ the National Manufactured Housing Construction and Safety Standards Act of 1974, ~~or the latest Idaho adopted editions of and amendments to the International Residential Code, the National Electrical Code, the Idaho State Plumbing Code, and the International Mechanical Code.~~ ()

09. Installation Supervisor Required. Failure to have an employee personally supervise any installation of a manufactured/mobile home. ()

10. **Failure to Honor Warranties.** Failure to honor any warranty or other guarantee given by a licensee for construction, workmanship, or material as a condition of securing a contract, or of selling, leasing, reconstructing, improving, repairing, or installing any manufactured/mobile home. ()

11. **Revocation or Denial of License.** Revocation or denial of a license issued pursuant to Sections 200 through 299 of these rules or an equivalent license by any other state or U.S. territory. ()

12. **Failure to Respond to Notice.** Failure to respond to a notice served by the Division. ()

13. **Failure to Permit Access to Documentary Materials.** Failure or refusing to permit access by the Division to relevant documentary materials after being requested to do so by the Division. ()

14. **Conviction of Misdemeanor.** Conviction of a misdemeanor for violation of any of the provisions of Title 44, Chapters 21 or 22, Idaho Code. ()

15. **Conviction of Felony.** Conviction or withheld judgment for a felony in this state, any U.S. territory, or country. ()

16. **Dealing with Stolen Manufactured or Mobile Homes.** To knowingly purchase, sell, or otherwise acquire or dispose of a stolen manufactured or mobile home. ()

17. **Violation of Permit or Inspection Requirements.** To knowingly violate any permit or inspection requirements of any city or county of this state. ()

~~204. **PROCEDURES FOR LICENSING SUSPENSION, REVOCATION OR NONRENEWAL.**
Any proceeding to suspend, revoke, or not renew any license will be conducted as a contested case in accordance with the provisions of Title 67, Chapter 52, Idaho Code, and the "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA-04.11.01.000, et seq. ()~~

Commented [MH8]: Duplicative of Title 67 Chapter 52 Idaho Code.

~~205. **APPLICATION FOR NEW LICENSE.**
Any person whose license has been revoked may not apply for a new license until the expiration of one (1) year from the date of such revocation. ()~~

Commented [MH9]: Duplicative of 67-2614 Idaho Code.

206400. MANUFACTURED/MOBILE HOME LICENSE FEES.

01. **Fees for Issuance and Renewal of License.** The following fees for the issuance and renewal of a license will be charged: ()

a. Manufactured/mobile home retailer license: four hundred forty dollars (\$440). Retailers who are also installers will have to pay an installer's license fee to hold both licenses. ()

b. Manufacturer license: four hundred forty dollars (\$440); ()

c. Manufactured/mobile home installer license: two hundred twenty dollars (\$220); ()

02. **Performance Bonding Requirements.** Application for licensing will be accepted when accompanied by the performance bond required by Section 44-2103, Idaho Code. ()

~~207. **MANUFACTURED HOMES CONSTRUCTION AND SAFETY STANDARDS.**~~

Commented [MH10]: Relocated to another section of the rule chapter.

~~Effective June 15, 1976, the latest published edition of the National Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations are in effect for all manufactured homes manufactured within the state of Idaho, and for all new manufactured homes for sale within the state of Idaho. All new manufactured homes offered for sale within Idaho after the effective date of this section bear the Housing and Urban Development (H.U.D.) label as authorized in the Manufactured Home Procedural and Enforcement Regulations.~~ ()

208304. MANUFACTURED HOME CIVIL PENALTIES.

01. Type. Except as otherwise provided, the following acts subject the violator to penalties of not more than five hundred dollars (\$500) for the first offense and not more than one thousand dollars (\$1,000) for each offense thereafter: ()

a. Industry Licensing. Except as provided for by Section 44-2106, Idaho Code, any person who engages in the business of a manufacturer, retailer, or installer, as defined in Section 44-2101A, Idaho Code, without being duly licensed by the Division. ()

b. Deceptive Practice. Any retailer or installer who intentionally publishes or circulates any advertising that is misleading or inaccurate in any material respect or that misrepresents any of the products or services sold or provided by a manufacturer, retailer, or installer. ()

c. Dealing with Stolen Manufactured or Mobile Homes. Any person who knowingly purchases, sells, or otherwise acquires or disposes of a stolen manufactured or mobile home is subject to a civil penalty of not more than one thousand dollars (\$1,000). ()

d. Failure to Maintain a Principal Place of Business. Any person who is a retailer duly licensed by the Division and who fails to maintain a principal place of business within Idaho. ()

e. Violation of Rules and Statutes. Any person who knowingly violates ~~Sections 200 through 299 or 400 through 499~~ of these rules or Title 44, Chapters 21 or 22, Idaho Code. ()

02. Gross Violation. In case of continued, repeated, or gross violations of ~~Sections 200 through 299 or 400 through 499~~ of these rules, a license revocation may be initiated for licensed individuals under Title 44, Chapter 21, Idaho Code. Non-licensed individuals are subject to prosecution by the appropriate jurisdiction under Idaho law. ()

~~209. – 299. (RESERVED)~~

~~SUBCHAPTER C – MANUFACTURED HOMES –
CONSUMER COMPLAINTS – DISPUTE RESOLUTION
(Rules 300 through 399)~~

300. CONSUMER COMPLAINTS AND DISPUT RESOLUTION INVESTIGATION.

01. Site Inspection. The Division may perform a site inspection, based on the nature of a complaint or upon request of the complainant in accordance with HUD. ()

02. Fees. A charge for mileage to and from the inspection site, plus an hourly charge for the time spent conducting the inspection, is assessed the manufacturer, installer, or retailer if a site inspection is made upon a

request by the manufacturer, installer, or retailer, and does not involve a serious defect or imminent safety hazard. ()

03. Inspection Report. Following a site inspection, the inspector will prepare a final report and include photographs. ()

301. ACTION.
A notification letter and copies of the complaint form and investigation findings may be provided to all involved parties and HUD. ()

01. Division Action. Any Division action, notification and follow-up are completed according to HUD guidelines. ()

02. License File. If the nature of the complaint pertains to retailer contractual issues or installation problems, a copy of the complaint is to be consolidated with the appropriate Division license files. ()

03. Correction or Repair. A Division building inspector will issue a report concerning correction or repair of defects that are a matter of dispute between the homeowner, retailer, installer, or manufacturer. The report will include the likely cause of the defect and identify the party responsible for creating the defect that is in need of correction or repair. ()

30250. DECISIONS - APPEALS - INFORMAL DISPOSITION.

01. Decisions. The Administrator will review the inspector’s report and set forth the required corrective action and identify the party responsible for such action. The Administrator may initiate a contested case proceeding if, in his sole discretion, he determines that such a proceeding or further investigation would be of assistance in reaching a decision. The decision must direct the responsible party to complete the required corrective action within specified timelines and consider the needs of the involved parties including, but not limited to, safety, anticipated expense and availability of funds, time of year, and convenience to the parties. ()

02. Appeals. Decisions of the administrator are final orders for purposes of appeal. ()

03. Informal Disposition -- Arbitration -- Mediation. Unless otherwise prohibited by other provisions of law, informal disposition may be made of any complaint by negotiation, stipulation, agreed settlement, and consent order. The parties may agree to enter into binding arbitration or mediation. Informal settlement of matters is to be encouraged. ()

~~303. – 399. (RESERVED)~~

SUBCHAPTER D – MANUFACTURED OR MOBILE HOME INSTALLATIONS
(Rules 400 through 499)

~~400. – ADOPTION AND INCORPORATION BY REFERENCE.~~
The Idaho Manufactured Home Installation Standard (January 1, 2018 edition), is hereby adopted and incorporated by reference into these rules. ()

~~401. APPLICATION – COMPLIANCE.~~

~~01. Application – State Preemption. Cities and counties may not adopt or enforce more or less~~

Commented [MH11]: Relocated to the permit section of the rule chapter.

stringent standards, except as permitted by Section 67-6509(a), Idaho Code, as it pertains to the siting of manufactured homes in residential areas. ()

02. Compliance – Disciplinary Action Against Licensees. Failure to comply with these standards constitutes grounds for discipline as provided in Title 44, Chapter 21, Idaho Code. ()

402. **USE OF MANUFACTURERS’ INSTALLATION INSTRUCTIONS.**
In any instance in which there is a conflict between the DAPIA installation instructions and the Idaho Manufactured Home Installation Standards, the DAPIA installation instructions supersede and serve as the controlling authority. ()

Commented [MH12]: Relocated to Inspection section of rule chapter.

403. **INSTALLATION PERMITS AND INSPECTIONS REQUIRED.**
Installation permits must be obtained from the Division for installations in areas where there is no approved local program, or from a city or county that has by ordinance adopted building codes pursuant to Section 39-4116, Idaho Code, and whose installation program has been approved by the Division. All installations must be inspected and approved by the authority having jurisdiction before the manufactured home is occupied. ()

Commented [MH13]: Relocated to the Permit section of the rule chapter.

404. **INSTALLATION PERMIT FEES.**
A city or county whose installation inspection program has been approved by the Division establishes their own fee schedule for installation permits within their jurisdiction. Permits obtained from the Division are in accordance with the following schedule: ()

Commented [MH14]: Relocated to Permit section of the rule chapter.

01. **Single Section Unit.** The permit fee is one hundred fifty dollars (\$150). ()

02. **Double Section Unit.** The permit fee is two hundred dollars (\$200). ()

03. **More Than Two Sections.** The permit fee for a home consisting of more than two (2) sections is two hundred fifty dollars (\$250). ()

04. **Trade Permits.** Trade permits are administered separately from installation permits, and fees for such are separate from the fees identified in Section 404 of these rules. ()

Commented [MH15]: Unnecessary rule language.

405. **INSTALLATION TAGS REQUIRED.**
The owner or installer of a new manufactured home must purchase an installation tag for fifty dollars (\$50) from the Division prior to commencing the installation of a manufactured home in Idaho. Such tag is required regardless of which jurisdiction has authority to perform the installation inspection. ()

Commented [MH16]: Duplicative of 44-2202(2) Idaho Code.

406. **APPROVAL OF LOCAL MANUFACTURED HOME INSTALLATION INSPECTION PROGRAMS.**

Commented [MH17]: Relocated to the permit section of the rule chapter.

01. **Division Approval.** A city or county that has by ordinance adopted a building code pursuant to Section 39-4116, Idaho Code, is eligible to participate in the inspection of manufactured and mobile homes. Such local installation inspection program must be approved by the Division to provide inspection services if the following minimum criteria is met: ()

a. Inspections are conducted by the city or county employing inspectors holding a valid certification as residential building inspector from the International Code Council; ()

b. Inspectors attended training sessions provided or approved by the Division and receive a certificate evidencing successful completion thereof. ()

~~02. Voluntary Withdrawal. A city or county may voluntarily withdraw from participation in the program to inspect manufactured homes upon providing to the Administrator of the Division thirty (30) days written notice of its intention to do so. ()~~

~~407. MINIMUM TRAINING REQUIREMENTS FOR INSPECTORS:~~

~~All installation inspectors employed by the Division or a city or county must complete eight (8) hours of training or instruction approved by the Division every three (3) years dedicated to the installation and inspection of manufactured and mobile homes. ()~~

Commented [MH18]: Relocated to Inspection section of the rule chapter.

~~408. QUALITY ASSURANCE:~~

~~01. Inspected Installations. Any inspected installation is subject to quality assurance reviews by Division of Occupational and Professional Licenses. Findings made by the Division pursuant to such reviews will be forwarded to the inspection authority having jurisdiction. ()~~

Commented [MH19]: Relocated to Permit section of the rule chapter.

~~02. Inspectors and Programs. All inspectors and approved programs, including the Division, are subject to review. ()~~

~~409. MINIMUM SCOPE OF INSTALLATION INSPECTION:~~

~~01. Scope. At a minimum, the inspection of the installation of a manufactured home by an installer includes the inspection record document must verify that the installer has visually inspected the installation of the mobile or manufactured home. ()~~

Commented [MH20]: Relocated to Inspection section of the rule chapter.

~~02. Inspection Minimum Requirements. At a minimum, the inspection of the installation of a manufactured home must include the following by an inspector: ()~~

~~a. Verification that site location is suitable for home design and construction, and inspection of site-specific conditions, including preparation and grading for drainage; ()~~

~~b. Inspection of the foundation construction; ()~~

~~c. Verification that installed anchorage meets minimum requirements; and ()~~

~~d. Verification of completed inspection record document. ()~~

~~410. – 999. (RESERVED)~~