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TITLE 39. HEALTH AND SAFETY

CHAPTER 43. MODULAR BUILDINGS

§ 39-4301. Definitions

As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety for the state of Idaho.

(2) "Board" means the factory built structures advisory board, as created in *section 39-4302, Idaho Code*.

(3) "Building site" means any tract, parcel or subdivision of land upon which a modular building is installed or is to be installed.

(4) "Closed construction" means any manufactured building, structure or component thereof that may enclose factory installed structural, mechanical, electrical or plumbing systems and is not open for visual inspection at the building site.

(5) "Commercial coach" means a modular building with permanent running gear and a hitch assembly that is designed and constructed for nonresidential occupancy classifications only.

(6) "Division" means the Idaho division of building safety.

(7) "Factory built structure" means any building or building component, including a manufactured home, a mobile home or a modular building, that is of closed construction and is entirely or substantially prefabricated or assembled at a place other than the building site.

(8) "Manufactured home" means a structure as defined in *section 39-4105, Idaho Code*.

(9) "Mobile home" means a structure as defined in *section 39-4105, Idaho Code*.

(10) "Modular building" means any building or building component, other than a manufactured or mobile home, that is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

§ 39-4302. Factory Built Structures Advisory Board

(1) The factory built structures advisory board is established in the division of building safety to advise the administrator in the administration and enforcement of the provisions of this chapter and *chapter 40, title 39, and chapters 21, 22 and 25, title 44, Idaho Code*. The board shall consist of eight (8) members appointed by the governor. One (1) member shall represent a manufacturer of commercial modular buildings, one (1) member shall be a consumer who lives in a manufactured home, two (2) members shall be licensed as a retailer or installer of manufactured or mobile homes, one (1) member shall represent a manufacturer of manufactured homes, two (2) members shall be either a dealer or installer of modular buildings, and one (1) member shall be a consumer who uses or has used modular buildings. The board shall serve the following terms commencing July 1, 2016: two (2) members shall be appointed for a term of one

(1) year, three (3) members shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of three (3) years. The consumer member shall be a member appointed to a term beginning on July 1, 2007, or as soon thereafter as there is a vacancy on the board. Thereafter board members shall be appointed for a term of three (3) years. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term. The members of the board shall be compensated as provided in *section 59-509(n), Idaho Code*, for each day spent in attendance at meetings of the board. A majority of members shall constitute a quorum, and a quorum at any meeting called by the administrator shall have full and complete power to act upon and resolve in the name of the board any matter, thing or question referred to it by the administrator, or which by reason of any provision of this chapter, it has the power to determine.

(2) The board shall, on the first day of each July or as soon thereafter as practicable, elect a chairman, vice-chairman and secretary from among its members, and these officers shall hold office until their successors are elected. As soon as the board has elected its officers, the secretary shall certify the results of the election to the administrator. The chairman shall preside at all meetings of the board and the secretary shall make a record of the proceedings which shall be preserved in the offices of the division of building safety. If the chairman is absent from any meeting of the board, his duties shall be discharged by the vice-chairman. All members of the board present at a meeting shall be entitled to vote on any question, matter, or thing which properly comes before the board.

(3) The board shall have the authority to promulgate rules in accordance with *chapter 52, title 67, Idaho Code*, to implement the provisions of this chapter and *chapter 40, title 39*, and *chapters 21, 22 and 25, title 44, Idaho Code*.

§ 39-4303. Fees

(1) The following fees shall be paid by the manufacturer of a modular building:

(a) Per building, one (1) building permit, plan review and inspection fee for structural, plumbing, electrical and HVAC, based upon the modular building permit fee schedule as provided in rule, plus ninety dollars (\$90.00) and two and one-half percent (2.5%) of the plumbing, electrical and HVAC installation costs.

(b) The division may charge a one hundred dollar (\$100) insignia fee in instances where building permit fees are not charged for modular buildings.

(2) All fees collected by the division under the provisions of this chapter shall be paid into the factory built structures account, which is hereby created in the dedicated fund. The expenses incurred in administering and enforcing the provisions of this chapter shall be paid from the account. The fees set forth in subsection (1) of this section and the modular building permit fees as provided in rule shall be the exclusive fee requirements applicable to modular buildings governed by the provisions of this chapter, and shall supersede any program of any political subdivision of the state that sets fee requirements for the same inspections or services.

§ 39-4304. Insignia of approval -- Cost -- Placement

(1) No modular building shall be installed on a building site in this state on or after July 1, 2007, unless it is approved and bears the insignia of approval of the division.

(2) Any modular building bearing an insignia of approval of the division shall be deemed to comply with codes, laws, or rules enacted by the state of Idaho which govern the manufacture and construction of such building.

(3) The cost of the insignia, if issued, shall be included as a part of the permit fee as set forth in *section 39-4303, Idaho Code*.

(4) No modular building which has been approved by the division shall be in any way modified prior to its initial occupancy unless approval of that modification is first made by the division.

(5) Insignias shall be placed on the front, left-hand side of the building.

§ 39-4304A. Appointment and qualifications of modular building inspectors

The administrator may appoint such number of modular building inspectors as is necessary for the effective enforcement of this chapter. Each modular building inspector shall:

- (1) Be knowledgeable regarding the type of installation being inspected;
- (2) Be certified as an inspector by an organization designated in administrative rule promulgated by the board. Each inspection certification shall correspond to the type of installation being inspected;
- (3) Demonstrate knowledge of the provisions of the Idaho Code and the administrative rule governing the type of installation being inspected; and
- (4) Not be permitted to:
 - (a) Be engaged or be financially interested in any business, trade, practice or work related to this chapter;
 - (b) Sell any supplies connected to the electrical, plumbing or heating, ventilation and air conditioning (HVAC) business; or
 - (c) Act as an agent, directly or indirectly, for any person, firm, copartnership, association or corporation engaged in the electrical, plumbing or HVAC business.

§ 39-4305. Reciprocity of standards with other states

(1) If the administrator determines that standards for modular buildings that have been adopted by the statutes or rules of another state are at least equal to the standards adopted by the administrator, the administrator may so provide by rule.

(2) If the administrator determines that standards for modular buildings have not been adopted by another state, and modular buildings from that state are transported into this state to be offered for sale, the administrator may certify reciprocal states to inspect such modular buildings. If there is no reciprocity agreement with a state of manufacture, then Idaho will inspect the building, plumbing, electrical and HVAC, provided that the out-of-state manufacturer

shall bear the costs of travel and inspection services related to such inspection. If the administrator shall then determine that the modular buildings meet the standards of this state, the product shall be acceptable and the administrator may issue insignia for said modular buildings.

§ 39-4306. Violations misdemeanors -- Civil penalties

Any person, partnership, company, firm, association or corporation who shall willfully violate any of the provisions of this chapter, or the rules of the factory built structures advisory board or of the administrator herein provided for, or who shall refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time; or who shall fail, neglect, or refuse to obey any lawful order given or made by the administrator, shall be guilty of a misdemeanor. In addition to any criminal proceedings, the administrator is authorized to bring either an administrative action or a civil proceeding in the courts against the violator and impose and recover a civil penalty against the violator as established by administrative rule, but not to exceed one thousand dollars (\$1,000). Each day of such violation shall constitute a separate offense. A violation will be considered a second or additional offense only if it occurs within one (1) year from the previous violation.

TITLE 39. HEALTH AND SAFETY
CHAPTER 40. MANUFACTURED HOMES -- STANDARDS

§ 39-4001. Enforcement of law

The administrator of the division of building safety shall enforce the provisions of this chapter. It shall be the responsibility and duty of the factory built structures advisory board to assist the administrator in the administration and enforcement of the provisions of this chapter as hereinafter provided.

§ 39-4002. Compliance with law required

It is unlawful for any person, firm, partnership, association or corporation to sell or offer for sale within this state any manufactured home that is not manufactured in compliance with this chapter after March 8, 1971.

§ 39-4003. Administrator -- Duties

The administrator shall by rule define the term "manufactured home" to be consistent with 24 CFR 3280 (housing and urban development manufactured home construction and safety standards) and may seek assistance from the factory built structures advisory board in the enforcement and administration of those standards.

§ 39-4003A. Right of entry

In order to carry out the purposes of this chapter, the administrator or his authorized representative shall, during regular working hours and at other reasonable times, have the right of entry to conduct the inspections required by this chapter; the right of entry to make inspections to carry out the duties and responsibilities as an in-plant inspection agency (IPIA) by the authority granted by the U.S. department of housing and urban development pursuant to 24 CFR 3282.352 and 362; and the right of entry to make inspections to carry out the duties and responsibilities as a state administrative agency (SAA) by the authority granted by the U.S. department of housing and urban development pursuant to 24 CFR 3282.305.

§ 39-4004. Inspection and enforcement fees -- Schedule authorized

(1) The administrator is authorized to establish a schedule of fees to pay the cost of inspection and enforcement of this chapter without recourse to tax subsidies. Such fee schedule shall be consistent with the actual cost of maintaining the program.

(2) The administrator shall be authorized to participate in the fee distribution system of

the U.S. department of housing and urban development set out in 24 CFR 3282. The administrator shall establish a monitoring inspection fee in an amount established by the secretary of the U.S. department of housing and urban development. This monitoring inspection fee shall be an amount paid by each manufactured home manufacturer in the state for each manufactured home produced by the manufacturer in the state. This fee shall be in addition to any in-plant inspection agency (IPIA) fees assessed by the administrator, which shall be consistent with the actual cost of providing such inspections.

(3) The monitoring inspection fee shall be paid by the manufacturer to the secretary of the U.S. department of housing and urban development who shall distribute the fees collected from all manufactured home manufacturers among the approved and conditionally-approved states based on the number of new manufactured homes whose first location after leaving the manufacturing plant is on the premises of a distributor, dealer, or purchaser in that state.

§ 39-4005. Issuance of insignia -- Cost. [Repealed.]

§ 39-4006. Conversion of system following issuance of insignia prohibited. [Repealed.]

§ 39-4007. Reciprocity of standards with other states. [Repealed.]

§ 39-4008. Exemption from local ordinances or regulations. [Repealed.]

§ 39-4009. Certification of plant supervisor -- Basis of examination -- Issuance of certificate of competency -- Fees -- Number of supervisors required -- Automatic certification. [Repealed.]

§ 39-4010. Warranty by manufacturers

Any person, firm, partnership, association or corporation constructing, in whole or in part, a manufactured home in this state, or constructing outside of this state but selling at retail in this state, shall issue a warranty in writing to the buyer containing the following terms:

(1) That the manufactured home is free from any substantial defects in materials or workmanship in the structure, plumbing, heating and electrical systems and all appliances and other equipment installed or included therein or thereon by the manufacturer.

(2) That the manufacturer shall take appropriate corrective action at the site of the manufactured home in instances of substantial defects in materials or workmanship which become evident within one (1) year from the date of delivery of the manufactured home to the buyer, provided the buyer gives written notice of such defects to the manufacturer or dealer at their business address not later than one (1) year and ten (10) days after date of delivery.

The warranty provided herein shall be in addition to and not in derogation of any other right or

privilege which the buyer may have as otherwise provided by law or instrument. The manufacturer shall not require the buyer to waive his rights under this section and any waiver shall be deemed contrary to public policy and shall be void and unenforceable. Any action instituted by a buyer for failure of the manufacturer to comply with the provisions of this act shall be considered as an action within the provisions of *section 12-120, Idaho Code*, providing for recovery of attorney fees.

§ 39-4011. Violations

(1) Any person who violates any of the following provisions relating to manufactured homes, or any rule promulgated by the administrator of the division of building safety to administer the provisions of this chapter shall be liable for a civil penalty of not to exceed one thousand dollars (\$1,000) for each such violation. Each such violation shall constitute a separate violation with respect to each manufactured home, except that the maximum penalty shall not exceed one million dollars (\$1,000,000) for any related series of violations occurring within one (1) year from the date of the first violation. Violations include:

(a) Manufacturing for sale, leasing, selling, offering for sale, or introducing or delivering or importing, in the state of Idaho, any manufactured home that is manufactured on or after the effective date of any applicable federal manufactured home construction and safety standard which does not comply with such standard;

(b) Failure or refusal to permit entry or inspection as required by *section 39-4003A, Idaho Code*;

(c) Failure of manufacturer to give notification of any defects in any manufactured home, in the manner required by 42 USC 5414;

(d) Failure to furnish to distributor or dealer at the time of delivery of each manufactured home produced by such manufacturer, certification that said manufactured home conforms to all applicable federal construction and safety standards or issuance of a certification to the effect that a manufactured home conforms to all applicable federal manufactured home construction and safety standards, if such person in the exercise of due care has reason to know that such certification is false or misleading in a material respect;

(e) Failure of any manufacturer, distributor or dealer of manufactured homes to establish and maintain such records, make such reports, and provide such information as the administrator of the division of building safety may reasonably require to enable him to determine whether such manufacturer, distributor or dealer has acted or is acting in compliance with this chapter and with federal manufactured home construction and safety standards; or failure to permit, upon request of a person duly designated by the administrator, inspection of appropriate books, papers, records and documents relative to determining whether such manufacturer, distributor or dealer has acted or is acting in compliance with federal manufactured home construction or safety standards.

(2) Any person or officer, director or agent of a corporation who willfully or knowingly violates the provisions enumerated in subsection [subsections] 1(a) through (e) of this section, in any manner which threatens the health or safety of any purchaser shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one (1) year, or both.

(3) Violations of this chapter may be tried in any court of competent jurisdiction within the state of Idaho.

TITLE 44. LABOR
CHAPTER 21. MANUFACTURED HOME DEALER
AND INSTALLER LICENSING

§ 44-2101. Purpose -- License required -- Reinstatement

(1) The legislature finds that the regulation and control of those persons engaged in the business of manufacturing, selling or installing manufactured and mobile homes is necessary to protect the health and safety of the citizens of Idaho. To that end, it shall be unlawful for any person to engage in business as a manufacturer, retailer, or installer without being duly licensed as provided in this chapter.

(2) If the licensee fails to submit a completed application for renewal or to pay the renewal fee on or before the expiration date, the administrator may accept a later application for reinstatement subject to such conditions as the board may require by rule including, but not limited to, the assessment of a late fee; provided that between the license expiration date and the date of reinstatement of the license, the rights of the licensee under such license shall be expired, and during such period of expiration it shall be unlawful for such licensee to do or attempt to offer to do any of the acts of the kind and nature described in the definitions in *section 44-2101A, Idaho Code*, in consideration of compensation of any kind or expectation thereof. An expired license that is not reinstated within six (6) months of the expiration date shall be automatically terminated by the administrator and may not be reinstated.

§ 44-2101A. Definitions

As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety of the state of Idaho.

(2) "Board" means the factory built structures advisory board established in *section 39-4302, Idaho Code*.

(3) "Engaged in the business" means the individual or entity buys, sells, brokers, trades, or offers for resale a manufactured or mobile home.

(4) "Installer" means a person who owns a business that installs a manufactured home or mobile home at the site where it is to be used for occupancy.

(5) "Manufactured home" or "manufactured house" means a structure as defined in *section 39-4105, Idaho Code*.

(6) "Manufacturer" means any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease or exchange in the state of Idaho.

(7) "Mobile home" means a structure as defined in *section 39-4105, Idaho Code*.

(8) "Person" means a natural person, corporation, partnership, trust, society, club, association or other organization.

(9) "Place of business" refers to any physical location at which the business is lawfully conducted.

(10) "Retailer" means any person engaged in the business of selling or exchanging new, used, resale, third-party-owned, or brokered manufactured or mobile homes.

§ 44-2102. Administration -- Powers and duties

The administrator is charged with the administration of the provisions of this chapter and shall:

(1) In accordance with the provisions of *chapter 52, title 67, Idaho Code*, promulgate, adopt, amend, and repeal necessary rules for the establishment of a mandatory statewide manufactured home setup code. The administrator may also define and prohibit any practice which is found to be deceptive.

(2) Prescribe the form and content of a new manufactured home buyer's information and disclosure form. Unless otherwise provided by the administrator, the form shall be presented by the retailer to each purchaser of a new manufactured home, and shall be executed by the retailer and purchaser at the time the initial purchase order is signed for the sale of a new manufactured home.

(3) (a) A used unit that has been determined to be or declared by the owner to be real property under the provisions of *section 63-304, Idaho Code*, may be offered for sale, listed, bought for resale, negotiated for, either directly or indirectly, by a licensed real estate broker or a real estate salesman representing a licensed real estate broker, but not a retailer.

(b) A used unit that has been determined to be and is carried on the tax rolls as personal property may be offered for sale, listed, bought for resale, negotiated for, either directly or indirectly, by a licensed real estate broker or a real estate salesman, pursuant to *chapter 20, title 54, Idaho Code*, or by a licensed retailer, but with respect to a licensed retailer only to the extent such sale does not involve the purchase or sale of an interest in real estate.

(c) A licensed real estate broker or real estate salesman representing a licensed real estate broker pursuant to *chapter 20, title 54, Idaho Code*, may participate in new manufactured home sales that include real estate if the real estate broker or salesman has a valid, written agreement with a licensed retailer to represent the interests of the retailer in this type of transaction.

(4) Promulgate rules establishing a program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes. The rules shall be consistent with the United States department of housing and urban development's procedural and enforcement authority in 42 U.S.C. 5422(c)(12), and shall include identifying the respective responsibilities of manufacturers, retailers, and installers; providing for the issuance of appropriate orders for the correction or repair of defects in manufactured homes that are reported during the one (1) year period following the date of installation; and may include an appropriate schedule of fees.

§ 44-2102A. Exceptions to chapter. [Repealed.]

§ 44-2103. Fees -- Deposit of fees

(1) Fees for licensing of retailers, installers, and manufacturers shall not exceed:

(a) Retailer license \$ 500.00

(b) Manufacturer license \$ 500.00

(c) Installer license \$ 300.00

(2) All license fees collected by the division of building safety under the provisions of this chapter shall be paid into the factory built structures account established in *section 39-4303, Idaho Code*. The expenses incurred in administering and enforcing the provisions of this chapter shall be paid from the account.

(3) The following performance bonding requirements shall be met before the issuance of these licenses:

(a) Manufacturer \$ 20,000 bond

(b) Retailer \$ 40,000 bond

(c) Installer \$ 5,000 bond

(4) The administrator is authorized to provide by rule, in accordance with the provisions of *section 44-2102, Idaho Code*, for the acceptance of a deposit of cash or securities in lieu of a bond in satisfaction of the bonding requirements of this section.

(5) Fees and bond requirements of this section shall be the exclusive fee and bond requirements for retailers, installers, and manufacturers governed by the provisions of this chapter, and shall supersede any program of any political subdivision of the state that sets fee or bond requirements for the same services.

(6) A retailer must obtain a separate installer license, pay the license fee set forth in subsection (1)(c) of this section and meet the bonding requirements of subsection (3)(c) of this section in order to provide the services covered by an installer license.

§ 44-2104. Factory Built Structures Advisory Board

(1) The factory built structures advisory board, established in the division of building safety in accordance with the provisions of *section 39-4302, Idaho Code*, shall advise the administrator in the administration and enforcement of the provisions of this chapter.

(2) The board shall have the authority to promulgate rules in accordance with *chapter 52, title 67, Idaho Code*.

§ 44-2105. Discipline -- Hearing -- Judicial review -- Reapplication

(1) The administrator may refuse to issue, renew, or reinstate or may suspend, revoke or take other disciplinary action against any license, if the license was obtained through error or fraud, or if the holder thereof is shown to be grossly incompetent, or has willfully violated any provision of this chapter or the rules adopted thereunder, or has been convicted of conduct constituting a felony or any theft or fraud offense, or has ever had a business license revoked in this or any other state or territory of the United States.

(2) The administrator shall have the power to appoint, by an order in writing, any

competent person to take testimony at any disciplinary hearing. The administrator, and any hearing officer appointed by the administrator, shall have the power to administer oaths, issue subpoenas and compel the attendance of witnesses and the production of documents and records.

(3) Before any license shall be suspended, revoked or otherwise disciplined, the holder thereof shall be served with written notice enumerating the charges against him, and shall be afforded an opportunity for an appropriate contested case in accordance with the provisions of *chapter 52, title 67, Idaho Code*. The notice shall specify the time and place for hearing, which time shall not be less than five (5) days after the service thereof.

(4) Any party aggrieved by an order of the administrator disciplining a license shall be entitled to judicial review thereof in accordance with the provisions of *chapter 52, title 67, Idaho Code*.

(5) 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.

§ 44-2106. Violations

(1) It shall be unlawful to engage in business as a manufacturer, retailer, or installer without being duly licensed by the division of building safety pursuant to this chapter, except that an individual may buy, sell, broker, trade or offer for resale up to two (2) manufactured or mobile homes, or a combination thereof, in any one (1) calendar year without being licensed under this chapter if all of the units have been properly titled in the name of that individual.

(2) It shall be unlawful for a manufacturer, retailer, installer or those employed by such to:

(a) Intentionally publish or circulate any advertising that is misleading or inaccurate in any material particular or that misrepresents any of the products or services sold or provided by a manufacturer, retailer, or installer;

(b) Violate any of the provisions of this chapter or any rule adopted by the division of building safety pursuant to this chapter;

(c) Knowingly purchase, sell or otherwise acquire or dispose of a stolen manufactured or mobile home;

(d) With respect only to a retailer, to engage in the business for which such retailer is licensed without at all times maintaining a principal place of business located within the state.

§ 44-2107. Penalty provisions

(1) Whoever shall violate any of the provisions of this chapter, or any laws or rules adopted pursuant to this chapter, or who shall refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time, or who shall fail, neglect, or refuse to obey any lawful order given or made by the administrator, shall be guilty of a misdemeanor and shall be subject to the civil penalties established by administrative rule but not to exceed one thousand dollars (\$1,000) in accordance with the following:

(a) Each day of such violation shall constitute a separate offense. A violation will be considered a second or additional offense only if it occurs within one (1) year from the first violation.

(b) The same penalties shall apply, upon conviction, to any member of a copartnership, or to any construction, managing or directing officer of any corporation, limited liability company or limited liability partnership or other such organization consenting to, participating in, or aiding or abetting any such violation of this chapter.

(c) Proceedings related to the imposition of civil penalties shall be governed by the provisions of *chapter 52, title 67, Idaho Code*.

(2) In addition to any other penalties specified in this section, whenever any person violates the provisions of this chapter by acting as a retailer or installer without a license, the administrator may maintain an action in the name of the state of Idaho to enjoin the person from any further violations in accordance with the following:

(a) Such action may be brought either in the county in which the acts are claimed to have been or are being committed, in the county where the defendant resides, or in Ada County.

(b) Upon the filing of a verified complaint in the district court, the court, if satisfied that the acts complained of have been or probably are being or may be committed, may issue a temporary restraining order and/or preliminary injunction, without bond, enjoining the defendant from the commission of any such act or acts constituting the violation.

(c) A copy of the complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other similar civil actions. If the commission of the act or acts is established, the court shall enter a decree permanently enjoining the defendant from committing such act or acts. If an injunction issued under this section is violated, the court, or the judge thereof at chambers, may summarily try and punish the offender for contempt of court.

§ 44-2108. Retailer -- Additional licensure requirements

(1) Each business office or retail sales location shall be owned or leased by the retailer and shall comply with all local building codes, zoning, and other applicable land use regulatory ordinances, and:

(a) If the location is on leased property, the retailer must provide written confirmation of the term and existence of the lease, signed by the lessor; and

(b) An exterior sign that identifies the retailer by the name shown on the license must be prominently affixed to the location or the office building and be clearly visible and easily readable from the nearest major avenue of traffic; and

(c) The retailer must prominently display his license, or a true and correct copy of that license, in each location; and

(d) The licensee must post, in a clearly visible and readily accessible location, written information concerning regular hours of business and emergency contact information.

(2) Regardless of the number of locations at which a retailer engages in business, he must maintain a principal place of business that complies with the requirements set forth in subsection (1) (a) of this section, and at which the records of the business are maintained on a permanent basis.

(3) The retailer must promptly notify the division of building safety, in writing, of any change in ownership, business name, location of business, mailing address or telephone numbers.

(4) For each new product sold, the retailer must provide proof, satisfactory to the board, of the retailer's current authority to sell that manufacturer's products.

(5) Failure to adhere to the requirements of this section, or any other requirement

pertaining to licensure as set forth in law or rule, shall constitute grounds for the imposition of discipline up to and including revocation of licensure.

TITLE 44. LABOR
CHAPTER 22. MANUFACTURED HOME
INSTALLATION STANDARD

§ 44-2201. Mobile/manufactured homes installation

(1) All new manufactured homes must be installed in accordance with the manufacturer's approved installation instructions. All used mobile and manufactured homes shall be installed in accordance with the Idaho manufactured home installation standard, as provided by rule pursuant to this chapter. All mobile and manufactured homes must be installed in accordance with all other applicable state laws or rules pertaining to utility connection requirements.

(2) The administrator of the division of building safety may promulgate rules in accordance with the provisions of *chapter 52, title 67, Idaho Code*, specifying standardized installation instructions for mobile/manufactured homes. Upon the effective date of such rules, the rules shall prevail over any conflicting provisions in this chapter.

§ 44-2202. Installation permits and inspections required

(1) The owner or the installer of a mobile or manufactured home must obtain an installation tag and permit as applicable before installing a mobile or manufactured home that will be used as a residence on a building site or in a park. The installer's license must be in effect at the time of the application for the installation permit.

(2) Installation tags shall be obtained from the division of building safety and are required for each installation of a new manufactured home. The fee for the installation tag shall be prescribed in administrative rules promulgated by the administrator of the division of building safety.

(3) Installation permits shall be issued by the division of building safety or a city or county that has by ordinance adopted a building code and whose installation inspection programs have been approved by the division. All installations shall be inspected by the authority having jurisdiction for compliance.

(4) Permit fees shall be prescribed in administrative rules promulgated by the administrator of the division of building safety or as established by the city or county having jurisdiction and whose installation inspection program has been approved by the division, as applicable.

(5) Immediately upon completion of the installation of a mobile or manufactured home, a licensed installer shall perform an inspection of the completed installation to ensure compliance with the applicable installation standard. Such inspection shall be recorded on an inspection record document approved by the division and a copy shall be provided to the homeowner upon completion of the inspection.

§§ 44-2203-- 44-2205. Manufacturer's instructions on stabilizing system may be used -- Requirements for installing stabilizing systems -- Requirements for permanent foundations. [Repealed.]

§ 44-2206. Installation of electrical service equipment. [Repealed.]

TITLE 44. LABOR
CHAPTER 25. MOBILE HOME REHABILITATION

§ 44-2501. Legislative intent

In order to ensure a continued supply of safe, affordable housing, the state of Idaho hereby adopts a rehabilitation program for existing mobile homes constructed prior to June 15, 1976, the effective date of the federal manufactured housing and safety standards act (HUD code), that are currently sited within Idaho or that may be brought into the state after the effective date of this act. It is legislative intent that the relocation and installation of these homes be approved when the rehabilitation on the home has been completed as required in this chapter and proof of compliance has been issued by the administrator of the division of building safety of the state of Idaho.

§ 44-2502. Application of chapter -- Rehabilitation required -- Certificate of compliance

(1) This chapter shall apply to the installation of mobile homes constructed prior to June 15, 1976, within the jurisdiction of a city or county requiring an installation permit pursuant to *section 44-2202, Idaho Code*.

(2) Before a permit for the installation of the mobile home may be issued, the home must meet the rehabilitation requirements specified in this chapter and receive a certificate of compliance from the administrator of the division of building safety of the state of Idaho.

(3) Upon submission of the rehabilitation form required pursuant to *section 44-2504, Idaho Code*, and any other information required by the administrator to establish compliance with this chapter, the administrator shall issue a certificate of compliance to the homeowner. The certificate of compliance must be presented to the local jurisdiction before a permit for the installation of the home may be issued.

(4) Upon receipt of the certificate of compliance, the local jurisdiction shall issue the installation permit in the same manner as the permit would be issued with respect to a mobile/manufactured home for which rehabilitation is not required. No zoning or other ordinance or policy of the local jurisdiction prohibiting relocation or installation of a mobile home to which this chapter applies shall be effective to prohibit the relocation or installation of a mobile home for which a certificate of compliance has been issued in accordance with this chapter.

§ 44-2503. Rehabilitation requirements

The mobile home shall meet the following rehabilitation requirements:

(1) A smoke detector (which may be a single station alarm device) shall be installed on any wall in a hallway or space communicating with each bedroom area and the living area on the living area side and, when located in a hallway, the detector shall be between the return air intake and the living area. Each smoke detector shall be installed in accordance with its listing and the top of the detector shall be located on a wall four (4) inches to twelve (12) inches below the ceiling. The detector may be battery-powered or may be connected to an electrical outlet box by a permanent wiring method into a general electrical branch circuit, without any switch between the over current protection device protecting the branch circuit and the detector.

(2) The walls, ceilings and doors of each compartment containing a gas-fired furnace or water heater shall be lined with five-sixteenth (5/16) inch gypsum board, unless the door opens to the exterior of the home, in which case, the door may be all metal construction. All exterior compartments shall seal to the interior of the mobile home.

(3) Each room designated expressly for sleeping purposes shall have an exterior exit door or at least one (1) outside egress window or other approved exit device with a minimum clear dimension of twenty-two (22) inches and a minimum clear opening of five (5) square feet. The bottom of the exit shall not be more than thirty-six (36) inches above the floor.

(4) All electrical systems shall be tested for continuity to assure that metallic parts are properly bonded, tested for operation to demonstrate that all equipment is connected and in working order, and given a polarity check to determine that connections are proper. The electrical system shall be properly protected for the required amperage load. If the unit wiring is of aluminum conductors, all receptacles and switches rated twenty (20) amperes or less directly connected to the aluminum conductors shall be marked CO/ALR. Exterior receptacles other than heat tape receptacles shall be of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum or copper clad aluminum) must be connected in accordance with section 110-14 of the national electrical code.

(5) The mobile home's gas piping shall be tested with the appliance valves removed from the piping system and piping capped at those areas. The piping system shall withstand a pressure of at least six (6) inch mercury or three (3) psi gauge for a period of not less than ten (10) minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or a slope gauge calibrated so as to read in increments of not greater than one-tenth (1/10) pound or an equivalent device. The source of normal operating pressure shall be isolated before the pressure test is made. After the appliance connections are reinstalled, the piping system and connections shall be tested with line pressure of not less than ten (10) inches nor more than fourteen (14) inches water column air pressure. The appliance connections shall be tested for leakage with soapy water or a bubble solution. All gas furnaces and water heaters shall be vented to the exterior in accordance with chapter 9 of the uniform mechanical code.

(6) A full water or air pressure test will be performed on the mobile home's water and sewer system.

(a) Water piping shall be tested and proven tight under a water pressure not less than the working pressure under which it is to be used. The water used for tests shall be obtained from a potable source of supply. A fifty (50) pound per square inch (344.5kPa) air pressure may be substituted for the water test. In either method of test, the piping shall withstand a test without leaking for a period of not less than fifteen (15) minutes.

(b) A water test shall be applied to the drainage and vent system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except at the highest opening, and the system filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest opening of the section under the test and each section shall be filled with water, but no section shall be tested with less than a ten (10) foot (3m) head of water. In testing successive sections, at least the upper ten (10) feet (3m) of the next preceding section shall be tested, so that no joint or pipe in the structure, except the uppermost ten (10) feet (3m) of the system, shall have been submitted to a test of less than a ten (10) foot (3m) head of water. The water shall be kept in the system or in the portion under testing for at least fifteen (15) minutes before inspection starts. The system shall be tight at all points.

(7) All repairs or other work necessary to bring the mobile home into compliance with the requirements of this section shall be completed before a certificate of compliance may be issued.

§ 44-2504. Rehabilitation form and checklist -- Administrative fee -- Rules

(1) The administrator of the division of building safety shall, by rule, establish a mobile home rehabilitation form and checkoff list. The form shall be completed and signed by an authorized representative of an Idaho licensed manufactured home service company or installer or dealer holding an installer's license. Electrical, gas, water and sewer inspections and any necessary repairs must be performed by a person or company properly licensed and authorized to perform the work under Idaho law, with the person or company performing the inspections and repairs to be noted on the rehabilitation form. A properly completed rehabilitation form shall be presented to the division of building safety before a certificate of compliance may be issued.

(2) The administrator of the division of building safety may, by rule, establish an administrative fee to cover the costs of administering the provisions of this chapter.

(3) In addition to the rulemaking authority provided in this section, the administrator of the division of building safety may promulgate rules in accordance with the provisions of *chapter 52, title 67, Idaho Code*, deemed necessary to implement the provisions of this chapter.