

24.39.31 – RULES FOR FACTORY BUILT STRUCTURES

00. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 39-4003, 39-4302, 44-2102, 44-2104, 44-2201, and 44-2202, Idaho Code. (7-1-24)

01. SCOPE.

These rules govern the manufacture and installation of modular buildings in Idaho, apply to persons engaged in the business of manufacturing, selling, or installing manufactured or mobile homes for purposes of human habitation in Idaho, apply to disputes between persons licensed as manufacturers, retailers, and installers of manufactured homes, and apply to the installation of manufactured or mobile homes in Idaho. (7-1-24)

02. 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>. (7-1-24)

03. DEFINITIONS.

The terms defined in this section have the following meaning, unless the context clearly indicates another meaning. (7-1-24)

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 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. (7-1-24)

02. Deceptive Practice. Intentionally publishing or circulating any advertising concerning mobile or manufactured homes which: (7-1-24)

- a. Is misleading or inaccurate in any material respect; (7-1-24)
- b. Misrepresents any of the products or services sold or provided by a manufacturer, manufactured/mobile home retailer, or installation company. (7-1-24)

03. 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. (7-1-24)

04. Installation. The complete operation of fixing in place a modular building or manufactured or mobile home for occupancy. (7-1-24)

05. 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: (7-1-24)

- a. The business of the manufactured or mobile home retailer is lawfully conducted here; (7-1-24)
- b. The office or offices of the retailer is or are located here; (7-1-24)
- c. The public may contact the retailer here; (7-1-24)
- d. The offices are accessible and open to the public; and (7-1-24)
- 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. (7-1-24)

06. Used Manufactured Home or Mobile Home. A manufactured home or mobile home, respectively, which has been: (7-1-24)

- a. Sold, rented, or leased and occupied prior to or after the sale, rental, or lease; or (7-1-24)

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. (7-1-24)

04. -- 099. (RESERVED)

100. LICENSURE.

01. Manufactured/Mobile Home Licensure. (7-1-24)

a. Minimum Age Requirement. No license will be issued to a person under eighteen (18) years of age at the time of license application. (7-1-24)

b. Designated License Holder. Any applicant for a license under 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 these rules including, but not limited to, testing and education. No issued licenses are transferable. (7-1-24)

i. Any person 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. (7-1-24)

ii. The applicant 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. (7-1-24)

iii. 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. (7-1-24)

iv. To engage in business in the state of Idaho, each manufacturer must be licensed by the Division. (7-1-24)

v. 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 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 constitutes the maintenance of a branch office. A retailer must obtain a license from the Division to operate the branch office. (7-1-24)

vi. Applicants for a manufacturer's, retailers, or installer's license must furnish: Any proof the Division may deem necessary that the applicant is a manufacturer, retailer, or installer; any proof the Division may require that the applicant has a principal place of business; 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; The fee and proof of the bond required by Section 44-2103, Idaho Code; and Proof of passing the examination required by these rules, as applicable. (7-1-24)

vii. Within thirty (30) days after receipt of a completed application, the Division will issue or deny the license. (7-1-24)

viii. Each license is valid for a period of one (1) year from the date of issuance. (7-1-24)

02. Proof of Education Required. (7-1-24)

a. 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: (7-1-24)

- i. Installers and retailers who are installers: eight (8) hours. (7-1-24)
- ii. The course of initial education must be approved by the Division and must include information relating to the provisions of these rules, Title 44, Chapters 21, Idaho Code, and the National Manufactured Housing Construction and Safety Standards Act of 1974. (7-1-24)

b. 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 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. (7-1-24)

- i. The course of continuing education must be approved by the Division and include information germane to the profession. (7-1-24)

03. Examination Of Applicant For License. (7-1-24)

a. Required Examinations. The Division requires a written examination of each applicant for an initial license as a manufactured/mobile home retailer or installer. (7-1-24)

b. Examination and Grade. No license will be issued unless an applicant receives a final grade of seventy percent (70%) or higher. (7-1-24)

101. -- 299. (RESERVED)

300. DISCIPLINARY ACTION AGAINST LICENSEES, CIVIL PENALTIES, AND CONSUMER COMPLAINT AND DISPUTE RESOLUTION.

01. The Division may deny, suspend, refuse to renew, or revoke any license or reissue the license subject to reasonable conditions upon any of the following grounds: (7-1-24)

a. Failure to Provide Business Name. Failure to include in any advertising the name of the licensed retailer or installer. (7-1-24)

b. Poor Workmanship. Performing workmanship which is grossly incompetent or repeatedly below the standards adopted by Title 44, Chapters 21 and 22, the provisions of these rules, or the National Manufactured Housing Construction and Safety Standards Act of 1974. (7-1-24)

c. 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. (7-1-24)

d. Failure to Respond to Notice. Failure to respond to a notice served by the Division. (7-1-24)

e. 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. (7-1-24)

f. Conviction of Misdemeanor. Conviction of a misdemeanor for violation of any of the provisions of Title 44, Chapters 21 or 22, Idaho Code. (7-1-24)

g. Conviction of Felony. Conviction or withheld judgment for a felony in this state, any U.S. territory, or country. (7-1-24)

h. Violation of Permit or Inspection Requirements. To knowingly violate any permit or inspection requirements of any city or county of this state. (7-1-24)

02. 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: (7-1-24)

a. Installation. Any person who 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. (7-1-24)

b. 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. (7-1-24)

03. Manufactured Home Civil Penalties. 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: (7-1-24)

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. (7-1-24)

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. (7-1-24)

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). (7-1-24)

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. (7-1-24)

e. Violation of Rules and Statutes. Any person who knowingly violates these rules or Title 44, Chapters 21 or 22, Idaho Code. (7-1-24)

f. Gross Violation. In case of continued, repeated, or gross violations 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. (7-1-24)

04. Consumer Complaints and Dispute Resolution. (7-1-24)

a. 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. (7-1-24)

b. 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. (7-1-24)

c. Inspection Report. Following a site inspection, the inspector will prepare a final report and include photographs. (7-1-24)

d. Action. A notification letter and copies of the complaint form and investigation findings may be provided to all involved parties and HUD. (7-1-24)

i. Any Division action, notification and follow-up are completed according to HUD guidelines. (7-1-24)

ii. 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. (7-1-24)

iii. 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.

(7-1-24)

e. 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.

(7-1-24)

f. Appeals. Decisions of the administrator are final orders for purposes of appeal.

(7-1-24)

g. 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.

(7-1-24)

301. -- 399. (RESERVED)

400. 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:

(7-1-24)

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.

(7-1-24)

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

(7-1-24)

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

(7-1-24)

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

(7-1-24)

401. -- 499. (RESERVED)

500. PERMITS, PLAN REVIEWS, AND INSPECTIONS.

01. Modular Building Permit Fees. Permits must be obtained from the Division prior to the construction of structures governed by 39-4303, Idaho Code. Other than as specified in this section, the permit fee schedule for Modular Buildings is as provided 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.

TABLE 1-A – MODULAR BUILDING PERMIT FEES		
TOTAL VALUATION		FEE
\$1 to \$500	=	\$23-50 18.80
\$501 to \$2,000	=	\$23-50 18.80 for the first \$500 plus \$3-05 2.44 for each additional \$100, or fraction thereof, to and including \$2,000

TABLE 1-A – MODULAR BUILDING PERMIT FEES		
TOTAL VALUATION		FEE
\$2,001 to \$25,000	=	\$69,255.40 for the first \$2,000 plus \$441.20 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	=	\$391.75 313.40 for the first \$25,000 plus \$10.49 8.09 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	=	\$643.75 515 for the first \$50,000 plus \$75.60 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	=	\$993.75 795 for the first \$100,000 plus \$5.60 4.48 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	=	\$3,233.75 2,587 for the first \$500,000 plus \$4.75 3.80 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	=	\$5,608.75 4,487 for the first \$1,000,000 plus \$3.65 2.92 for each additional \$1,000, or fraction thereof

(7-1-24)

02. Modular 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. (7-1-24)

03. Manufactured/Mobile Home Installation Permit Fees. Permits must be obtained from the Division prior to the site installation governed by 44-2202, and 39-4004, Idaho Code in accordance with the following schedule: (7-1-24)

- a. Single Section Unit. The permit fee is one hundred ~~fifty~~~~twenty~~ dollars (~~\$150~~~~20~~). (7-1-24)
- b. Double Section Unit. The permit fee is ~~two~~~~one~~ hundred ~~sixty~~ dollars (~~\$200~~~~160~~). (7-1-24)
- c. More Than Two Sections. The permit fee for a home consisting of more than two (2) sections is two hundred ~~fifty~~ dollars (~~\$250~~~~00~~). (7-1-24)

04. In-Plant Inspection Agency Fees. In-plant inspection fees for manufactured homes produced by Idaho Manufactures as per 39-4003A and 39-4004 of Idaho Code is set at forty-five dollars (\$45) per floor. (7-1-24)

05. Inspections at Manufacturing Plants. The Division conducts inspections at the manufacturing plant to determine compliance with codes adopted by Title 39, Chapters 40 and 41, Idaho Code, and Title 54, Chapters 10, 26, and 50, Idaho Code. (7-1-24)

06. Manufactured Home Site Installation Inspections. 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. (7-1-24)

- a. Installation inspections shall be conducted in accordance with the Idaho Manufactured Home Installation Standard or the Design Approval Primary Inspection Agency of the manufactured home. (7-1-24)

07. Modular Site 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. (7-1-24)

08. Qualifications of Inspectors. All inspectors 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). (7-1-24)

09. Minimum Training Requirements for Inspectors. All manufactured home installation inspectors must complete eight (8) hours of training or instruction germane to the profession. (7-1-24)

10. Rights and Limitations of Local Enforcement Agencies for Modular Buildings. (7-1-24)

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. (7-1-24)

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. (7-1-24)

11. 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: (7-1-24)

a. Inspections are conducted by the city or county employing inspectors holding a valid certification as residential building inspector from the International Code Council; (7-1-24)

b. Inspectors attended training sessions provided or approved by the Division and receive a certificate evidencing successful completion thereof. (7-1-24)

c. 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. (7-1-24)

d. 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. (7-1-24)

i. All inspectors and approved programs are subject to review. (7-1-24)

12. Modular Insignia and Serial Number. (7-1-24)

a. Assigned Insignia are not transferable and are void when not affixed as assigned. (7-1-24)

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. (7-1-24)

501. -- 999. (RESERVED)