

CHAPTER 365 — S.F.No. 694

An act relating to commerce; regulating the manufacture, importation, distribution, sale, leasing and alteration of manufactured homes; conforming state regulatory practices and the state manufactured home building code to federal law; providing for enforcement of the code; prohibiting certain practices; providing civil and criminal penalties; amending Minnesota Statutes 1980, Sections 327.31; 327.32; 327.33; and 327.34, Subdivisions 1, 3, and 4, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 327; repealing Minnesota Statutes 1980, Section 327.34, Subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1980, Section 327.31, is amended to read:

327.31 DEFINITIONS.

Subdivision 1. **TERMS.** Unless clearly indicated otherwise by the context, the terms defined by this section have the meanings given them.

Subd. 2. **AUTHORIZED REPRESENTATIVE.** "Authorized representative" ~~includes~~ means any person, firm or corporation, or employee thereof, approved or hired by the commissioner to perform inspection services.

Subd. 3. **MANUFACTURED HOME BUILDING CODE.** "Manufactured home building code" means, for manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect on May 21, 1971, or the provisions of the National Fire Protection Association and identified as NFPA 501B, and further revisions adopted by the commissioner.

"Manufactured home building code" means, for manufactured homes constructed after June 14, 1976, the manufactured home construction and safety standards promulgated by the United States Department of Housing and Urban Development which are in effect at the time of the manufactured home's manufacture.

Subd. 4. **COMMISSIONER.** "Commissioner" means the commissioner of administration.

Subd. 5. **DEALER.** "Dealer" means any person, ~~other than a manufacturer, as defined in sections 327.31 to 327.34, who sells three or more mobile homes in any consecutive twelve month period engaged in the sale, leasing, or distribution of a manufactured home primarily to persons who purchase or lease for other than resale.~~

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 6. **MANUFACTURED HOME.** "Mobile home" means a factory-built structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be a relocatable structure or structures used for any occupancy without a permanent foundation, but shall not include motor vehicles as defined in Minnesota Statutes 1971, Section 169.01, Subdivision 3, or recreational camping vehicles as defined in Minnesota Statutes 1971, Section 327.14, Subdivision 7. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 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 the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter.

Subd. 7. **PERSON.** "Person" means a person, partnership, corporation or other legal entity.

Subd. 8. **SEAL.** "Seal" means a device or insignia issued by the commissioner to be displayed on the mobile manufactured home to evidence compliance with the manufactured home building code.

Subd. 9. **SUPPORT SYSTEM.** "Support system" means any device placed beneath foundation system or other structural method used for the purpose of supporting a mobile manufactured home at the site of occupancy for the purpose of providing support.

Subd. 10. **ANCHORING SYSTEM.** "Ground Anchoring system" is means any device connected to a mobile home and designed method used for the purpose of securing the mobile manufactured home to a foundation system or the ground.

Subd. 11. **MANUFACTURED HOME INSTALLER.** "Mobile Manufactured home installer" means any person, firm, or corporation who, within any consecutive twelve month period, which installs manufactured homes for others three mobile homes at site of occupancy by making necessary service connections or attaching support systems or ground anchoring systems, except manufactured homes installed on a foundation system.

Subd. 12. **INSTALLATION SEAL.** "Installation seal" means a device or insignia issued by the commissioner to a manufactured home installer to be

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

displayed on the ~~mobile~~ manufactured home to evidence compliance with the commissioner's rules and regulations pertaining to support systems and ground anchoring systems manufactured home installations.

Subd. 13. **LABEL.** "Label" means the approved form of certification required by the secretary or its agents to be affixed to each transportable section of each manufactured home manufactured for sale, after June 14, 1976, to a purchaser in the United States.

Subd. 14. **MANUFACTURER.** "Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for sale.

Subd. 15. **PURCHASER.** "Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

Subd. 16. **DISTRIBUTOR.** "Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

Subd. 17. **INSTALLATION.** "Installation" of a manufactured home means assembly, at the site of occupancy, of all portions of a manufactured home, connection of the manufactured home to existing utility connections and installation of support and/or anchoring systems.

Subd. 18. **SECRETARY.** "Secretary" means the secretary of the United States Department of Housing and Urban Development or the head of any successor agency with responsibility for enforcement of federal laws relating to manufactured homes.

Subd. 19. **MANUFACTURED HOME ACCESSORY STRUCTURE.** "Manufactured home accessory structure" means a factory built building or structure which is an addition or supplement to a manufactured home and, when installed, becomes a part of the manufactured home.

Subd. 20. **FOUNDATION SYSTEM.** "Foundation system" means a permanent foundation constructed in conformance with the state building code.

Sec. 2. Minnesota Statutes 1980, Section 327.32, is amended to read:

327.32 CODE COMPLIANCE.

Subdivision 1. **REQUIREMENT.** After July 1, 1972, No person shall:
 (a) sell, or offer for sale, in this state, any mobile manufactured home manufactured after July 1, 1972; (b) manufacture any mobile manufactured home in this state; or (c) park any mobile manufactured home manufactured after July 1, 1972, in any mobile manufactured home park in this state; unless the mobile manufactured home complies with the manufactured home building code and;

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(a) Bears a seal issued by the commissioner, and is, whenever possible, accompanied by a certificate by the manufacturer or dealer, both evidencing that it ~~so~~ complies with the manufactured home building code; or

(b) If manufactured after June 14, 1976, bears a label as required by the secretary.

Subd. 2. **SEALS.** The commissioner shall issue seals for any manufactured home manufactured after July 1, 1972, and prior to June 15, 1976, to any manufacturer or dealer person upon application supported by such evidence as the commissioner deems necessary to establish that the seals will be affixed only to mobile manufactured homes which comply with the manufactured home building code.

Subd. 3. **SEAL ALTERATIONS.** No person shall alter any mobile manufactured home to which a seal or label has been affixed if such the alteration causes such the mobile manufactured home to be in violation of the manufactured home building code. The commissioner may make rules regarding alterations and permits therefor.

Subd. 4. **EXCEPTION.** Notwithstanding the provisions of subdivision 1, a manufactured home dwelling unit bearing a label issued by the secretary shall not be required to bear a seal of this state. Upon a showing that another state provides for the sealing of mobile manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, upon compliance with standards which are at least equal to those provided in the manufactured home building code, the commissioner may shall, by rule, provide that a seal affixed under the authority of such that state shall have has the same effect as a seal affixed under authority of this state, and thereafter any mobile manufactured home which bears the seal of such that state shall not be required to bear the seal of this state as provided in subdivision 1 hereof. The commissioner may make any such rule contingent upon such the other state granting reciprocal effect to seals affixed under authority of this state.

Subd. 5. **EFFECT OF COMPLIANCE.** No mobile manufactured home which bears a seal or label as provided herein in this section shall be required by any agency or political subdivision of this state to comply with any other building, plumbing, heating, or electrical code or any construction standards other than the manufactured home building code as defined in sections 327.31 to 327.34 nor be subject to any other state or local building inspection, except as the commissioner shall, by rule, provide in the case of alterations, manufactured home accessory structures and installations, or except as otherwise provided by federal or state law. No mobile manufactured home which bears an installation seal as provided herein or manufactured home accessory structure shall be required by any agency or political subdivision of this state to comply with any support system or ground anchoring system installation standards other than those adopted and promulgated by the com-

missioner. Nothing in this section shall be construed to inhibit the application of zoning, subdivision, architectural, or esthetic requirements pursuant to chapter 462.

Subd. 6. **PROHIBITION.** After September 1, 1974, No person shall install or connect to any mobile manufactured home a support system or ground anchoring system which is or manufactured home accessory structure in violation of any rules and regulations rule promulgated by the commissioner which pertain to support systems and ground anchoring systems. The commissioner shall issue installation seals to any dealer or mobile manufactured home installer upon application supported by such evidence as the commissioner deems necessary to establish that the seals will be affixed only to those mobile manufactured homes where the installation support system and ground anchoring system comply with the commissioner's rules and regulations. No person shall install a manufactured home in a manufactured home park as defined in section 327.14, subdivision 3, which is located within a governmental subdivision which has enacted an ordinance requiring that manufactured homes within its jurisdiction be secured by an anchoring system, unless the manufactured home is secured by an anchoring system which complies with the commissioner's rules.

Subd. 7. **ENFORCEMENT.** All jurisdictions enforcing the state building code, in accordance with sections 16.83 to 16.867, shall undertake or provide for the administration and enforcement of the manufactured home installation rules promulgated by the commissioner.

Subd. 8. **EVIDENCE OF COMPLIANCE.** Each manufacturer, distributor, and dealer shall establish and maintain records, make reports, and provide information as the commissioner or the secretary may reasonably require to be able to determine whether the manufacturer, distributor, or dealer has acted or is acting in compliance with sections 327.31 to 327.34, section 5, and sections 327.51 to 327.55, and shall, upon request of a person duly designated by the commissioner or the secretary, permit that person to inspect appropriate books, papers, records, and documents relevant to determining whether that manufacturer, distributor, or dealer has acted or is acting in compliance with sections 327.31 to 327.34, section 5, sections 327.51 to 327.55, and the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401, et seq., as amended, or other applicable federal or state law.

Sec. 3. Minnesota Statutes 1980, Section 327.33, is amended to read:

327.33 ADMINISTRATION.

Subdivision. 1. **INSPECTIONS.** The commissioner shall, through his own inspectors or through a designated recognized inspection service acting as his authorized representative perform sufficient inspections of manufacturing

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

premises and mobile manufactured homes to insure that the provisions of compliance with sections 327.31 to 327.34 are being complied with and section 5. The commissioner shall have the exclusive right to conduct such inspections, except for the inspections conducted or authorized by the secretary.

Subd. 2. FEES. The commissioner shall by rule establish reasonable fees for seals, installation seals and ~~inspection~~ inspections which are sufficient to cover all costs incurred in the administration of sections 327.31 to 327.34, section 5, and sections 327.51 to 327.55. The commissioner shall also establish by rule a monitoring inspection fee in an amount that will comply with the secretary's fee distribution program. This monitoring inspection fee shall be an amount paid by the manufacturer for each manufactured home produced in Minnesota. The monitoring inspection fee shall be paid by the manufacturer to the secretary. The rules of the fee distribution program require the secretary to distribute the fees collected from all manufactured home manufacturers among states approved and conditionally approved based on the number of new manufactured homes whose first location after leaving the manufacturer is on the premises of a distributor, dealer or purchaser in that state. All fees received by the commissioner shall be deposited in the state treasury and credited to the general fund.

Subd. 3. ADMINISTRATION AND ENFORCEMENT RULES. The commissioner may adopt such other rules as may be necessary to administer and enforce sections 327.31 to 327.34, including such periodic revisions of the code as he may deem necessary to protect the health and safety of the public and section 5. Revisions The rules shall, to the extent practicable, be uniform with those adopted by other states. All rules shall be adopted in the manner prescribed by Minnesota Statutes 1969, sections 15.0411 to 15.0417 15.052.

Subd. 4. INSTALLATION RULES. The commissioner shall adopt rules governing the installation of manufactured homes, and shall include them in the state building code. The rules may include a list of specific safety items to be inspected at the time of installation.

Subd. 5. ACCESSORY STRUCTURES RULES. The commissioner shall adopt rules governing the construction and installation of manufactured home accessory structures including, but not limited to, rules relating to the certification of prefabricated manufactured home accessory structures. Upon showing that another state provides for certification of prefabricated manufactured home accessory structures manufactured in compliance with standards at least equal to those established by the commissioner, the commissioner may by rule provide that any structure bearing certification affixed under the authority of that state shall not be required to bear the certification of this state.

Subd. 6. AUTHORIZATION AS AGENCY. The commissioner shall apply to the secretary for approval of the commissioner as the administrative agency for the regulation of manufactured homes under the rules of the

secretary. The commissioner may make rules for the administration and enforcement of his responsibilities as a state administrative agency including, but not limited to, rules for the handling of citizen's complaints. All moneys received for services provided by the commissioner or his authorized agents as a state administrative agency shall be deposited in the general fund. The commissioner is charged with the adoption, administration, and enforcement of the Manufactured Home Construction and Safety Standards, consistent with rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The commissioner may adopt the rules, regulations, codes, and standards necessary to enforce the standards promulgated under this section. The commissioner is authorized to conduct hearings and presentations of views consistent with regulations adopted by the U.S. Department of Housing and Urban Development and to adopt rules and regulations in order to carry out this function.

Subd. ~~4~~7. **EMPLOYEES.** The commissioner may appoint such employees within the department of administration as he may deem necessary for the administration of sections 327.31 to 327.34, section 5, and sections 327.51 to 327.55.

Sec. 4. Minnesota Statutes 1980, Section 327.34, Subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** It shall be a misdemeanor for any person,

(a) to sell, lease, or offer to sell or lease, any mobile manufactured home manufactured after July 1, 1972 which does not comply with the manufactured home building code or if manufactured after July 1, 1972 which does not bear a seal or label as required by sections 327.31 to 327.34, unless the action is subject to the provisions of section 5;

(b) to affix a seal or ~~installation seal label~~, or cause a seal or ~~installation seal label~~ to be affixed, to any mobile manufactured home which does not comply with the manufactured home building code or the commissioner's rules and regulations pertaining to support systems and ground anchoring systems unless the action is subject to the provisions of section 5;

(c) to alter a mobile manufactured home manufactured after July 1, 1972, in a manner prohibited by sections 327.31 to 327.34;

(d) to fail to correct a manufactured home building code violation in a mobile manufactured home manufactured after July 1, 1972, which is owned, manufactured, or sold by him, within 90 40 days of being ordered to do so in writing by an authorized representative of the commissioner, unless the correction is subject to the provisions of section 5; or

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(e) to interfere with, obstruct, or hinder any authorized representative of the commissioner in the performance of his duties; or relating to manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976.

(f) ~~to fail to correct a violation in the installation of a support system or ground anchoring system in a mobile home owned, manufactured, or sold by him within 90 days of being ordered to do so in writing by an authorized representative of the commissioner.~~

Sec. 5. Minnesota Statutes 1980, Section 327.34, Subdivision 3, is amended to read:

Subd. 3. **REMOVAL OF SEALS.** ~~Manufactured home seals and installation seals~~ remain the property of the department of administration and may be removed by the commissioner from any mobile manufactured home which is in violation of the manufactured home building code.

Sec. 6. Minnesota Statutes 1980, Section 327.34, is amended by adding a subdivision to read:

Subd. 3a. FAILURE TO COMPLY WITH INSTALLATION RULES. No person may install a manufactured home or manufactured home accessory structure at a site of occupancy which does not comply with the rules of the commissioner or the laws of this state relating to manufactured home installation or manufactured home accessory structures. A violation of this subdivision is a misdemeanor.

Sec. 7. Minnesota Statutes 1980, Section 327.34, Subdivision 4, is amended to read:

Subd. 4. **FAILURE TO AFFIX INSTALLATION SEAL.** It shall be a misdemeanor for any ~~manufacturer, dealer or mobile~~ manufactured home installer to install ~~in or connect to any mobile~~ manufactured home at the site of occupancy a ~~support system or ground anchoring system after September 1, 1974, which does not comply with the commissioner's rules and regulations or to install a support system or ground anchoring system~~ without affixing an installation seal seals to the mobile manufactured home immediately upon completion of installation.

Sec. 8. **[327.35] VIOLATIONS; MANUFACTURED HOMES MANUFACTURED AFTER JUNE 14, 1976.**

Subdivision 1. CIVIL PENALTY. Any person who violates any provision of this section is liable to the state of Minnesota for a civil penalty of not to exceed \$1,000 for each offense. Each violation involving a separate manufactured home or involving a separate failure or refusal to allow or perform any act required by this section constitutes a separate offense, except that the maximum civil penalties for any related series of violations occurring within one year from the date of the first violation may not exceed \$1,000,000.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. WILLFUL VIOLATIONS. Any individual or a director, officer, or agent of a corporation who knowingly and willfully violates any provision of this section in a manner which threatens the health or safety of any purchaser shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Subd. 3. GENERAL PROHIBITION. No person shall manufacture for sale, lease, sell, offer for sale or lease, or introduce or deliver into the state of Minnesota any manufactured home manufactured after June 14, 1976, which does not comply with the manufactured home construction and safety standards promulgated by the secretary. This subdivision does not apply:

(a) To any sale or offer for sale made after the first purchase of a manufactured home in good faith for purposes other than resale;

(b) To any person who establishes that he did not have reason to know in the exercise of due care that a manufactured home is not in conformity with applicable federal manufactured home construction and safety standards;

(c) To any person, who prior to first purchase, holds a certificate issued by the manufacturer or importer of the manufactured home certifying that the manufactured home conforms to all applicable federal manufactured home construction and safety standards, unless the person knows that the manufactured home does not conform; or

(d) To any manufactured home intended solely for export, and so labeled or tagged on the manufactured home itself and on the outside of the container, if any, in which it is to be exported.

Subd. 4. ACCESS FOR INFORMATION GATHERING. No person shall fail or refuse to permit the commissioner or his authorized agent access at any reasonable time to or the copying of records, or fail to make reports available or provide information, or fail or refuse to permit reasonable entry or inspection at any reasonable time of any manufactured home manufactured after June 14, 1976 or reasonable inspection of any related records pertaining to the manufactured home.

Subd. 5. NOTICE OF DEFECTS. No manufacturer, dealer, or distributor shall fail to notify the purchaser of any manufactured home manufactured after June 14, 1976, of any defect in the manufactured home which the manufacturer, dealer, or distributor determines, in good faith, constitutes a violation of any federal manufactured home construction and safety standard or constitutes an imminent safety hazard to the purchaser of the manufactured home, within a reasonable time after the manufacturer, dealer, or distributor discovers the defect.

Subd. 6. COMPLIANCE WITH FINAL ORDER. No person shall fail to comply with a final order issued under the requirements of the federal

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401, et seq., as amended.

Subd. 7. ISSUANCE OF LABELS. No person shall fail to issue a label if required to do so under the rules adopted by and pursuant to the federal Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C., Section 5401, et seq., as amended. No person shall issue a label to the effect that a manufactured home conforms to all applicable federal manufactured home construction and safety standards if that person in the exercise of due care has reason to know that the labeling is false or misleading in any material respect.

Sec. 9. INSTRUCTIONS TO THE REVISOR.

In the next and subsequent additions of Minnesota Statutes, the revisor of statutes shall substitute the term "manufactured home" for the term "mobile home" wherever that term appears except in section 10.

Sec. 10. [327.36] APPLICATION TO LOCAL OFFICIAL CONTROLS.

For purposes of local land use controls adopted before the effective date of this act pursuant to chapters 462, 394, and 366 or special law, mobile homes shall be defined to include the term "manufactured homes" as used in sections 327.31 to 327.34 and sections 8 and 10.

Sec. 11. REPEALER.

Minnesota Statutes 1980, Section 327.34, Subdivision 2, is repealed.

Approved June 1, 1981

CHAPTER 366 — S.F.No. 1164

An act relating to crimes; providing for application for relief of sentences imposed prior to adoption of sentencing guidelines; amending Minnesota Statutes 1980, Section 590.01, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1980, Section 590.01, is amended by adding a subdivision to read:

Subd. 3. A person who has been convicted and sentenced for a crime committed before May 1, 1980 may institute a proceeding applying for relief under this chapter upon the ground that a significant change in substantive or procedural law has occurred which, in the interest of justice, should be applied retrospectively, including re-sentencing under subsequently enacted law.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.