

As Passed by the House

**125th General Assembly
Regular Session
2003-2004**

Sub. S. B. No. 102

**Senators Wachtmann, Jacobson, Prentiss
Representatives Distel, McGregor, Schaffer, Barrett, Brown, Cates, Chandler,
D. Evans, Flowers, Harwood, Martin, Niehaus, Otterman, Raga**

A B I L L

To amend sections 3733.02, 3781.06, and 4743.05 and 1
to enact sections 117.251, 4781.01, 4781.02, 2
4781.03, 4781.04, 4781.05, 4781.06, 4781.07, 3
4781.08, 4781.09, 4781.10, 4781.11, 4781.12, 4
4781.13, 4781.14, and 4781.15 of the Revised Code 5
to establish the Ohio Manufactured Homes 6
Commission to regulate the installation of 7
manufactured housing in Ohio and to require the 8
Auditor of State to make a notation on the audit 9
report of any county treasurer's office that 10
invested at least ten per cent in local 11
institutions during the previous fiscal year. 12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3733.02, 3781.06, and 4743.05 be 13
amended and sections 117.251, 4781.01, 4781.02, 4781.03, 4781.04, 14
4781.05, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 4781.11, 15
4781.12, 4781.13, 4781.14, and 4781.15 of the Revised Code be 16
enacted to read as follows: 17

Sec. 117.251. When applicable, the auditor of state shall 18

make a notation on the audit report prepared under section 117.25
of the Revised Code for any county treasurer's office, that the
county treasurer invested at least ten per cent of the county's
money in eligible institutions as described in Chapter 135. of the
Revised Code, located within the county during the previous fiscal
year.

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Sec. 3733.02. (A)(1) The public health council, subject to
Chapter 119. of the Revised Code, shall adopt, and has the
exclusive power to adopt, rules of uniform application throughout
the state governing the review of plans, issuance of flood plain
management permits, and issuance of licenses for manufactured home
parks; the location, layout, density, construction, drainage,
sanitation, safety, and operation of those parks; ~~blocking and~~
~~tiedowns of mobile and manufactured homes in those parks;~~ and
notices of flood events concerning, and flood protection at, those
parks. The rules pertaining to flood plain management shall be
consistent with and not less stringent than the flood plain
management criteria of the national flood insurance program
adopted under the "National Flood Insurance Act of 1968," 82 Stat.
572, 42 U.S.C.A. 4001, as amended. The rules shall not apply to
the construction, erection, or manufacture of any building to
which section 3781.06 of the Revised Code is applicable.

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(2) The rules pertaining to manufactured home parks
constructed after June 30, 1971, shall specify that each home must
be placed on its lot to provide not less than fifteen feet between
the side of one home and the side of another home, ten feet
between the end of one home and the side of another home, and five
feet between the ends of two homes placed end to end.

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(3) The department of health shall determine compliance with
the installation, blocking, tiedown, foundation, and base support

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system standards for manufactured housing located in manufactured home parks adopted by the manufactured homes commission pursuant to section 4781.04 of the Revised Code. All inspections of the installation, blocking, tiedown, foundation, and base support systems of manufactured housing in a manufactured home park that the department of health or a licensor conducts shall be conducted by a person who has completed an installation training course approved by the manufactured homes commission pursuant to division (B)(12) of section 4781.04 of the Revised Code.

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As used in division (A)(3) of this section, "manufactured housing" has the same meaning as in section 4781.01 of the Revised Code.

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(B) The public health council, subject to Chapter 119. of the Revised Code, shall adopt rules of uniform application throughout the state governing the review of plans and issuance of licenses for and the location, layout, construction, drainage, sanitation, safety, and operation of recreational vehicle parks, recreation camps, and combined park-camps. The rules shall not apply to the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code is applicable.

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(C) The public health council, subject to Chapter 119. of the Revised Code, shall adopt rules of uniform application throughout the state governing the review of plans and issuance of licenses for and the layout, sanitation, safety, and operation of temporary park-camps. The rules shall not apply to the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code is applicable.

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(D) The public health council, in accordance with Chapter 119. of the Revised Code, shall adopt rules of uniform application throughout the state establishing requirements and procedures in accordance with which the director of health may authorize

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licensors for the purposes of sections 3733.022 and 3733.025 of 80
the Revised Code. The rules shall include at least provisions 81
under which a licensor may enter into contracts for the purpose of 82
fulfilling the licensor's responsibilities under either or both of 83
those sections. 84

Sec. 3781.06. (A)(1) Any building that may be used as a place 85
of resort, assembly, education, entertainment, lodging, dwelling, 86
trade, manufacture, repair, storage, traffic, or occupancy by the 87
public, and all other buildings or parts and appurtenances thereof 88
erected within this state, shall be so constructed, erected, 89
equipped, and maintained that they shall be safe and sanitary for 90
their intended use and occupancy, except that sections 3781.06 to 91
3781.18 and 3791.04 of the Revised Code shall be considered as 92
model provisions with no force and effect when applied to 93
single-family, two-family, and three-family dwelling houses, and 94
accessory structures incidental to those dwelling houses, that 95
have not been constructed or erected as industrialized one-family, 96
two-family, or three-family units or structures within the meaning 97
of the term "industrialized unit" as provided in division (C)(3) 98
of this section, except where the context specifies mandatory 99
applicability. 100

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 101
Revised Code shall be construed to limit the power of the public 102
health council to adopt rules of uniform application governing 103
manufactured home parks pursuant to section 3733.02 of the Revised 104
Code. 105

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 106
Code shall not apply to either of the following: 107

(1) Buildings or structures that are incident to the use for 108
agricultural purposes of the land on which such buildings or 109
structures are located, provided such buildings or structures are 110

not used in the business of retail trade. For purposes of this 111
division, a building or structure is not considered used in the 112
business of retail trade if fifty per cent or more of the gross 113
income received from sales of products in the building or 114
structure by the owner or operator is from sales of products 115
produced or raised in a normal crop year on farms owned or 116
operated by the seller. 117

(2) Existing single-family, two-family, and three-family 118
detached dwelling houses for which applications have been 119
submitted to the director of job and family services pursuant to 120
section 5104.03 of the Revised Code for the purposes of operating 121
type A family day-care homes as defined in section 5104.01 of the 122
Revised Code. 123

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 124
Revised Code: 125

(1) "Agricultural purposes" include agriculture, farming, 126
dairying, pasturage, apiculture, horticulture, floriculture, 127
viticulture, ornamental horticulture, olericulture, pomiculture, 128
and animal and poultry husbandry. 129

(2) "Building" means any structure consisting of foundations, 130
walls, columns, girders, beams, floors, and roof, or a combination 131
of any number of these parts, with or without other parts or 132
appurtenances. 133

(3) "Industrialized unit" means a building unit or assembly 134
of closed construction fabricated in an off-site facility, that is 135
substantially self-sufficient as a unit or as part of a greater 136
structure, and that requires transportation to the site of 137
intended use. "Industrialized unit" includes units installed on 138
the site as independent units, as part of a group of units, or 139
incorporated with standard construction methods to form a 140
completed structural entity. "Industrialized unit" does not 141

include a manufactured home as defined by division (C)(4) of this 142
section or a mobile home as defined by division (O) of section 143
4501.01 of the Revised Code. 144

(4) "Manufactured home" means a building unit or assembly of 145
closed construction that is fabricated in an off-site facility and 146
constructed in conformance with the federal construction and 147
safety standards established by the secretary of housing and urban 148
development pursuant to the "Manufactured Housing Construction and 149
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 150
5403, and that has a permanent label or tag affixed to it, as 151
specified in 42 U.S.C.A. 5415, certifying compliance with all 152
applicable federal construction and safety standards. 153

(5) "Permanent foundation" means permanent masonry, concrete, 154
or a ~~locally approved~~ footing or foundation approved by the 155
manufactured homes commission pursuant to Chapter 4781. of the 156
Revised Code, to which a manufactured or mobile home may be 157
affixed. 158

(6) "Permanently sited manufactured home" means a 159
manufactured home that meets all of the following criteria: 160

(a) The structure is affixed to a permanent foundation and is 161
connected to appropriate facilities; 162

(b) The structure, excluding any addition, has a width of at 163
least twenty-two feet at one point, a length of at least 164
twenty-two feet at one point, and a total living area, excluding 165
garages, porches, or attachments, of at least nine hundred square 166
feet; 167

(c) The structure has a minimum 3:12 residential roof pitch, 168
conventional residential siding, and a six-inch minimum eave 169
overhang, including appropriate guttering; 170

(d) The structure was manufactured after January 1, 1995; 171

(e) The structure is not located in a manufactured home park 172
as defined by section 3733.01 of the Revised Code. 173

(7) "Safe," with respect to a building, means it is free from 174
danger or hazard to the life, safety, health, or welfare of 175
persons occupying or frequenting it, or of the public and from 176
danger of settlement, movement, disintegration, or collapse, 177
whether such danger arises from the methods or materials of its 178
construction or from equipment installed therein, for the purpose 179
of lighting, heating, the transmission or utilization of electric 180
current, or from its location or otherwise. 181

(8) "Sanitary," with respect to a building, means it is free 182
from danger or hazard to the health of persons occupying or 183
frequenting it or to that of the public, if such danger arises 184
from the method or materials of its construction or from any 185
equipment installed therein, for the purpose of lighting, heating, 186
ventilating, or plumbing. 187

Sec. 4743.05. Except as otherwise provided in sections 188
4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all 189
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 190
4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 191
4741., 4753., 4755., 4757., 4758., 4759., 4761., 4771., ~~and~~ 4779., 192
and 4781. of the Revised Code shall be paid into the state 193
treasury to the credit of the occupational licensing and 194
regulatory fund, which is hereby created for use in administering 195
such chapters. 196

At the end of each quarter, the director of budget and 197
management shall transfer from the occupational licensing and 198
regulatory fund to the nurse education assistance fund created in 199
section 3333.28 of the Revised Code the amount certified to the 200
director under division (B) of section 4723.08 of the Revised 201
Code. 202

At the end of each quarter, the director shall transfer from 203
the occupational licensing and regulatory fund to the certified 204
public accountant education assistance fund created in section 205
4701.26 of the Revised Code the amount certified to the director 206
under division (H)(2) of section 4701.10 of the Revised Code. 207

Sec. 4781.01. As used in this chapter: 208

(A) "Industrialized unit" has the same meaning as in division 209
(C)(3) of section 3781.06 of the Revised Code. 210

(B) "Installation" means any of the following: 211

(1) The temporary or permanent construction of stabilization, 212
support, and anchoring systems for manufactured housing; 213

(2) The placement and erection of a manufactured housing unit 214
or components of a unit on a structural support system; 215

(3) The supporting, blocking, leveling, securing, anchoring, 216
underpinning, or adjusting of any section or component of a 217
manufactured housing unit; 218

(4) The joining or connecting of all sections or components 219
of a manufactured housing unit. 220

(C) "Manufactured home" has the same meaning as in division 221
(C)(4) of section 3781.06 of the Revised Code. 222

(D) "Manufactured home park" has the same meaning as in 223
division (A) of section 3733.01 of the Revised Code. 224

(E) "Manufactured housing" means manufactured homes and 225
mobile homes. 226

(F) "Manufactured housing installer" means an individual who 227
installs manufactured housing. 228

(G) "Mobile home" has the same meaning as in division (O) of 229
section 4501.01 of the Revised Code. 230

(H) "Model standards" means the federal manufactured home installation standards established pursuant to 42 U.S.C. 5404. 231
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(I) "Permanent foundation" has the same meaning as in division (C)(5) of section 3781.06 of the Revised Code. 233
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Sec. 4781.02. (A) There is hereby created the manufactured homes commission which consists of nine members, with three members appointed by the governor, three members appointed by the president of the senate, and three members appointed by the speaker of the house of representatives. 235
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(B)(1) Commission members shall be residents of this state, except for members appointed pursuant to divisions (B)(3)(b) and (B)(4)(a) of this section. Members shall be selected from a list of persons the Ohio manufactured homes association, or any successor entity, recommends, except for appointments made pursuant to division (B)(2) of this section. 240
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(2) The governor shall appoint the following members: 246

(a) One member to represent the board of building standards, who may be a member of the board or a board employee not in the classified civil service, with an initial term ending December 31, 2007; 247
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(b) One member to represent the department of health, who may be a department employee not in the classified civil service, with an initial term ending December 31, 2005; 251
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(c) One member whose primary residence is a manufactured home, with an initial term ending December 31, 2006. 254
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(3) The president of the senate shall appoint the following members: 256
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(a) Two members who are manufactured housing installers who have been actively engaged in the installation of manufactured 258
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housing for the five years immediately prior to appointment, with 260
the initial term of one installer ending December 31, 2007 and the 261
initial term of the other installer ending December 31, 2005. 262

(b) One member who manufactures manufactured homes in this 263
state or who manufactures manufactured homes in another state and 264
ships homes into this state, to represent manufactured home 265
manufacturers, with an initial term ending December 31, 2006. 266

(4) The speaker of the house of representatives shall appoint 267
the following members: 268

(a) One member who operates a manufactured or mobile home 269
retail business in this state to represent manufactured and mobile 270
home retailers, with an initial term ending December 31, 2007; 271

(b) One member who is a manufactured home park operator or is 272
employed by an operator, with an initial term ending December 31, 273
2005; 274

(c) One member to represent the Ohio manufactured home 275
association, or any successor entity, who may be the president or 276
executive director of the association or the successor entity, 277
with an initial term ending December 31, 2006. 278

(C)(1) After the initial term, each term of office is for 279
four years ending on the thirty-first day of December. A member 280
holds office from the date of appointment until the end of the 281
term. No member may serve more than two consecutive four-year 282
terms. 283

(2) Any member appointed to fill a vacancy that occurs prior 284
to the expiration of a term continues in office for the remainder 285
of that term. Any member continues in office subsequent to the 286
expiration date of the term until the member's successor takes 287
office or until sixty days have elapsed, which ever occurs first. 288

(3) A vacancy on the commission does not impair the authority 289

of the remaining members to exercise all of the commission's 290
powers. 291

(D)(1) The governor may remove any member from office for 292
incompetence, neglect of duty, misfeasance, nonfeasance, 293
malfeasance, or unprofessional conduct in office. 294

(2) Vacancies shall be filled in the manner of the original 295
appointment. 296

Sec. 4781.03. (A) No member of the manufactured homes 297
commission may participate in any vote regarding a contract or 298
license the commission awards if the member has a direct pecuniary 299
or fiduciary interest in that contract or license. 300

(B) The commission shall meet at least three times each 301
calendar year, upon the call of the chairperson or the written 302
request of a majority of the members. The chairperson shall 303
establish the time and place for each meeting. Five members 304
constitute a quorum, and at least five votes are necessary for the 305
commission to take action. 306

(C)(1) The commission shall elect a member as chairperson and 307
a member as vice-chairperson, with each serving for one year. 308

(2) The chairperson shall preside at all meetings with the 309
vice-chairperson presiding in the chairperson's absence. At any 310
time the chairperson and vice-chairperson are absent from a 311
meeting when a quorum exists, the members present shall elect a 312
presiding officer to act during the absence of the chairperson and 313
vice-chairperson. 314

(D) Members of the commission receive no compensation for 315
serving on the commission. Members are entitled to reimbursement 316
for actual and necessary expenses incurred in the discharge of 317
their official duties, including travel expenses. 318

(E) The commission may employ administrative staff, not in 319

the classified civil service, including an executive director, to 320
serve at the pleasure of the commission to carry out duties and 321
functions the commission authorizes. 322

(F) Serving as a member of the manufactured homes commission 323
does not constitute holding a public office or position of 324
employment, and service on the commission is not grounds for 325
removing a commission member from a public office or position of 326
employment. 327

Sec. 4781.04. (A) The manufactured homes commission shall 328
adopt rules pursuant to Chapter 119. of the Revised Code to do all 329
of the following: 330

(1) Establish uniform standards that govern the installation 331
of manufactured housing. The standards shall be consistent with, 332
and not less stringent than, the model standards for the design 333
and installation of manufactured housing adopted by the secretary 334
of the United States department of housing and urban development 335
or manufacturers' standards that the secretary determines are 336
equal to or not less stringent than the model standards. 337

(2) Govern the inspection of the installation of manufactured 338
housing. The rules shall specify that the department of health or 339
a licenser, as determined by the director of health, shall conduct 340
all inspections of the installation of manufactured housing 341
located in manufactured home parks to determine compliance with 342
the uniform installation standards the commission establishes 343
pursuant to this section. The rules shall specify that all 344
installation inspections in a manufactured home park the 345
department of health or the licenser conducts shall be conducted 346
by a person who has completed an installation training course 347
approved by the commission pursuant to division (B) of section 348
4781.04 of the Revised Code. 349

As used in division (A)(2) of this section, "licensor" has 350
the same meaning as in section 3733.01 of the Revised Code. 351

(3) Govern the design, construction, installation, approval, 352
and inspection of foundations and the base support systems for 353
manufactured housing. The rules shall specify that the department 354
of health or the licensor, as determined by the director of 355
health, shall conduct all inspections of the installation, 356
foundations, and base support systems of manufactured housing 357
located in manufactured home parks to determine compliance with 358
the uniform installation standards and foundation and base support 359
system design the commission establishes pursuant to this section. 360
The rules shall specify that all foundation and base support 361
system inspections in a manufactured home park the department of 362
health or the licensor conducts shall be conducted by a person who 363
has completed an installation training course approved by the 364
commission pursuant to division (B) of section 4781.04 of the 365
Revised Code. 366

As used in division (A)(3) of this section, "licensor" has 367
the same meaning as in section 3733.01 of the Revised Code. 368

(4) Govern the training, experience, and education 369
requirements for manufactured housing installers; 370

(5) Establish a code of ethics for manufactured housing 371
installers; 372

(6) Govern the issuance, revocation, and suspension of 373
licenses to manufactured housing installers; 374

(7) Establish fees for the issuance and renewal of licenses, 375
for conducting inspections to determine an applicant's compliance 376
with this chapter and the rules adopted pursuant to it, and for 377
the commission's expenses incurred in implementing this chapter; 378

(8) Establish conditions under which a licensee may enter 379

<u>into contracts to fulfill the licensee's responsibilities;</u>	380
<u>(9) Govern the investigation of complaints concerning any</u>	381
<u>violation of this chapter or the rules adopted pursuant to it or</u>	382
<u>complaints involving the conduct of any licensed manufactured</u>	383
<u>housing installer or person installing manufactured housing</u>	384
<u>without a license;</u>	385
<u>(10) Establish a dispute resolution program for the timely</u>	386
<u>resolution of warranty issues involving new manufactured homes,</u>	387
<u>disputes regarding responsibility for the correction or repair of</u>	388
<u>defects in manufactured housing, and the installation of</u>	389
<u>manufactured housing. The rules shall provide for the timely</u>	390
<u>resolution of disputes between manufacturers, retailers, and</u>	391
<u>installers regarding the correction or repair of defects in</u>	392
<u>manufactured housing that are reported by the purchaser of the</u>	393
<u>home during the one year period beginning on the date of</u>	394
<u>installation of the home. The rules also shall provide that</u>	395
<u>decisions made regarding the dispute under the program are not</u>	396
<u>binding upon the purchaser of the home or the other parties</u>	397
<u>involved in the dispute unless the purchaser so agrees in a</u>	398
<u>written acknowledgement that the purchaser signs and delivers to</u>	399
<u>the program within ten business days after the decision is issued.</u>	400
<u>(11) Establish the requirements and procedures for the</u>	401
<u>certification of building departments and building department</u>	402
<u>personnel pursuant to section 4781.07 of the Revised Code;</u>	403
<u>(12) Establish fees to be charged to building departments and</u>	404
<u>building department personnel applying for certification and</u>	405
<u>renewal of certification pursuant to section 4781.07 of the</u>	406
<u>Revised Code;</u>	407
<u>(13) Carry out any other provision of this chapter.</u>	408
<u>(B) The manufactured homes commission shall do all of the</u>	409
<u>following:</u>	410

<u>(1) Prepare and administer a licensure examination to</u>	411
<u>determine an applicant's knowledge of manufactured housing</u>	412
<u>installation and other aspects of installation the commission</u>	413
<u>determines appropriate;</u>	414
<u>(2) Select, provide, or procure appropriate examination</u>	415
<u>questions and answers for the licensure examination and establish</u>	416
<u>the criteria for successful completion of the examination;</u>	417
<u>(3) Prepare and distribute any application form this chapter</u>	418
<u>requires;</u>	419
<u>(4) Receive applications for licenses and renewal of licenses</u>	420
<u>and issue licenses to qualified applicants;</u>	421
<u>(5) Establish procedures for processing, approving, and</u>	422
<u>disapproving applications for licensure;</u>	423
<u>(6) Retain records of applications for licensure, including</u>	424
<u>all application materials submitted and a written record of the</u>	425
<u>action taken on each application;</u>	426
<u>(7) Review the design and plans for manufactured housing</u>	427
<u>installations, foundations, and support systems;</u>	428
<u>(8) Inspect a sample of homes at a percentage the commission</u>	429
<u>determines to evaluate the construction and installation of</u>	430
<u>manufactured housing installations, foundations, and support</u>	431
<u>systems to determine compliance with the standards the commission</u>	432
<u>adopts;</u>	433
<u>(9) Investigate complaints concerning violations of this</u>	434
<u>chapter or the rules adopted pursuant to it, or the conduct of any</u>	435
<u>manufactured housing installer;</u>	436
<u>(10) Determine appropriate disciplinary actions for</u>	437
<u>violations of this chapter;</u>	438
<u>(11) Conduct audits and inquiries of manufactured housing</u>	439
<u>installers as appropriate for the enforcement of this chapter. The</u>	440

commission, or any person the commission employs for the purpose, 441
may review and audit the business records of any manufactured 442
housing installer during normal business hours. 443

(12) Approve an installation training course, which may be 444
offered by the Ohio manufactured homes association or other 445
entity; 446

(13) Perform any function or duty necessary to administer 447
this chapter and the rules adopted pursuant to it. 448

Sec. 4781.05. The executive director of the manufactured 449
homes commission shall do all of the following: 450

(A) With commission approval, secure and manage office space, 451
supplies, and the professional and clerical staff necessary to 452
effectively perform the executive director's and commission's 453
duties; 454

(B) Pursuant to rules the commission adopts, review 455
applications for manufactured housing installer licenses and on 456
behalf of the commission, issue licenses to qualified persons; 457

(C) Administer the dispute resolution program the commission 458
develops if the commission does not contract with the Ohio 459
manufactured homes association or another entity to administer the 460
program; 461

(D) Administer any continuing education program the 462
commission develops; 463

(E) Collect fees the commission establishes; 464

(F) Except as provided in divisions (A)(2) and (3) of section 465
4781.04 of the Revised Code, employ installation inspectors and 466
investigators to serve at the executive director's pleasure to 467
assist in carrying out the executive director's duties under this 468
chapter or the duties the commission delegates to the executive 469

director; 470

(G) Serve as secretary of the commission and maintain a written record of the commission's meetings and proceedings; 471
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(H) Notify manufactured housing installers of changes in this chapter and the rules adopted pursuant to it; 473
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(I) Do all things the commission requests or delegates for the administration and enforcement of this chapter. 475
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Sec. 4781.06. (A) The manufactured homes commission may delegate to the executive director any of its duties set forth in division (B) of section 4781.04 of the Revised Code. 477
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(B) The commission may enter into a contract with the Ohio manufactured homes association or another entity to administer the dispute resolution program created pursuant to section 4781.04 of the Revised Code. The contract shall specify the terms for the administration of the program. 480
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(C)(1) The commission may enter into a contract with any private third party, municipal corporation, township, county, state agency, or the Ohio manufactured homes association, or any successor entity, to perform any of the commission's functions set forth in division (B) of section 4781.04 of the Revised Code that the commission has not delegated to the executive director. Each contract shall specify the compensation to be paid to the private third party, municipal corporation, township, county, state agency, or the Ohio manufactured homes association, or successor entity, for the performance of the commission's functions. 485
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(2) Except as provided in this division, the commission shall not enter into any contract with any person or building department to accept and approve plans and specifications or to inspect manufactured housing foundations and the installation of manufactured housing unless that person or building department is 495
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certified pursuant to section 4781.07 of the Revised Code. The 500
commission shall not require inspectors the Ohio department of 501
health employs to obtain certification pursuant to section 4781.07 502
of the Revised Code, but shall require inspectors to complete an 503
installation training course approved by the commission pursuant 504
to division (B) of section 4781.04 of the Revised Code. 505

Sec. 4781.07. (A) Pursuant to rules the manufactured homes 506
commission adopts, the commission may certify municipal, township, 507
and county building departments and the personnel of those 508
departments, or any private third party, to exercise the 509
commission's enforcement authority, accept and approve plans and 510
specifications for foundations, support systems and installations, 511
and inspect manufactured housing foundations, support systems, and 512
manufactured housing installations. Any certification is effective 513
for three years. 514

(B) Following an investigation and finding of facts that 515
support its action, the commission may revoke or suspend 516
certification. The commission may initiate an investigation on its 517
own motion or the petition of a person affected by the enforcement 518
or approval of plans. 519

Sec. 4781.08. (A) The manufactured homes commission shall 520
issue a manufactured housing installer's license to any applicant 521
who is at least eighteen years of age and meets all of the 522
following requirements: 523

(1) Submits an application to the commission on a form the 524
commission prescribes and pays the fee the commission requires; 525

(2) Completes all training requirements the commission 526
prescribes; 527

(3) Meets the experience requirements the commission 528
prescribes by rule; 529

(4) Has at least one year of experience installing 530
manufactured housing under the supervision of a licensed 531
manufactured home installer if applying for licensure after 532
January 1, 2006; 533

(5) Has completed an installation training course the 534
commission approves, which may be offered by the Ohio manufactured 535
homes association or other entity; 536

(6) Receives a passing score on the licensure examination the 537
commission administers; 538

(7) Provides information the commission requires to 539
demonstrate compliance with this chapter and the rules the 540
commission adopts; 541

(8) Provides the commission with three references from 542
persons who are retailers, manufacturers, or manufactured home 543
park operators familiar with the person's installation work 544
experience and competency, with at least two of the three 545
references provided after January 1, 2006, being from persons who 546
are licensed manufactured housing installers; 547

(9) Has liability insurance or a surety bond that is issued 548
by an insurance or surety company authorized to transact business 549
in Ohio, in the amount the commission specifies, and containing 550
the terms and conditions the commission requires; 551

(10) Is in compliance with section 4123.35 of the Revised 552
Code. 553

(B) The commission shall not grant a license to any person 554
who the commission finds has engaged in actions during the 555
previous two years that constitute a ground for denial, 556
suspension, or revocation of a license or who has had a license 557
revoked or disciplinary action imposed by the licensing or 558
certification board of another state or jurisdiction during the 559

previous two years in connection with the installation of 560
manufactured housing. 561

(C) Any person who is licensed, certified, or otherwise 562
approved under the laws of another state to perform functions 563
substantially similar to those of a manufactured housing installer 564
may apply to the commission for licensure on a form the commission 565
prescribes. The commission shall issue a license if the standards 566
for licensure, certification, or approval in the state in which 567
the applicant is licensed, certified, or approved are 568
substantially similar to or exceed the requirements set forth in 569
this chapter and the rules adopted pursuant to it. The commission 570
may require the applicant to pass the commission's licensure 571
examination. 572

(D) Any license issued pursuant to this section shall bear 573
the licensee's name and post-office address, the issue date, a 574
serial number the commission designates, and the signature of the 575
commission chairperson or a person the commission designates 576
pursuant to rules. 577

(E) A manufactured housing installers license expires two 578
years after it is issued. The commission shall renew a license if 579
the applicant does all of the following: 580

(1) Meets the requirements of division (A) of this section; 581

(2) Demonstrates compliance with the requirements of this 582
chapter and the rules adopted pursuant to it; 583

(3) Meets the commission's continuing education requirements. 584

(F) No manufactured housing installer's license may be 585
transferred to another person. 586

Sec. 4781.09. (A) The manufactured homes commission may deny, 587
suspend, revoke, or refuse to renew the license of any 588
manufactured home installer for any of the following reasons: 589

<u>(1) Failure to satisfy the requirements of section 4781.08 or</u>	590
<u>4781.10 of the Revised Code;</u>	591
<u>(2) Violation of this chapter or any rule adopted pursuant to</u>	592
<u>it;</u>	593
<u>(3) Making a material misstatement in an application for a</u>	594
<u>license;</u>	595
<u>(4) Installing manufactured housing without a license or</u>	596
<u>without being under the supervision of a licensed manufactured</u>	597
<u>housing installer;</u>	598
<u>(5) Failure to appear for a hearing before the commission or</u>	599
<u>to comply with any final adjudication order of the commission</u>	600
<u>issued pursuant to this chapter;</u>	601
<u>(6) Conviction of a felony or a crime involving moral</u>	602
<u>turpitude;</u>	603
<u>(7) Having had a license revoked, suspended, or denied by the</u>	604
<u>commission during the preceding two years;</u>	605
<u>(8) Having had a license revoked, suspended, or denied by</u>	606
<u>another state or jurisdiction during the preceding two years;</u>	607
<u>(9) Engaging in conduct in another state or jurisdiction that</u>	608
<u>would violate this chapter if committed in this state.</u>	609
<u>(10) Failing to provide written notification of an</u>	610
<u>installation pursuant to division (D) of section 4781.11 of the</u>	611
<u>Revised Code to a county treasurer or county auditor.</u>	612
<u>(B)(1) Any person whose license or license application is</u>	613
<u>revoked, suspended, denied, or not renewed or upon whom a civil</u>	614
<u>penalty is imposed pursuant to division (C) of this section may</u>	615
<u>request an adjudication hearing on the matter within thirty days</u>	616
<u>after receipt of the notice of the action. The hearing shall be</u>	617
<u>held in accordance with Chapter 119. of the Revised Code.</u>	618

(2) Any licensee or applicant may appeal an order made 619
pursuant to an adjudication hearing in the manner provided in 620
section 119.12 of the Revised Code. 621

(C) As an alternative to suspending, revoking, or refusing to 622
renew a manufactured housing installer's license, the commission 623
may impose a civil penalty of not less than one hundred dollars or 624
more than five hundred dollars per violation of this chapter or 625
any rule adopted pursuant to it. The commission shall deposit 626
penalties in the occupational licensing and regulatory fund 627
pursuant to section 4743.05 of the Revised Code. 628

(D) A person whose license is suspended, revoked, or not 629
renewed may apply for a new license two years after the date on 630
which the license was suspended, revoked, or not renewed. 631

Sec. 4781.10. (A) The manufactured homes commission may 632
establish programs and requirements for continuing education for 633
manufactured housing installers. The commission shall not require 634
licensees to complete more than eight credit hours of continuing 635
education during each license period. If the commission 636
establishes a program of continuing education, it shall require 637
that only courses that the commission preapproves be accepted for 638
licensure credit, and unless an extension is granted pursuant to 639
division (D) of this section, that all credit hours be 640
successfully completed prior to the expiration of the installer's 641
license. 642

(B) To provide the resources to administer continuing 643
education programs, the commission may establish nonrefundable 644
fees, including any of the following: 645

(1) An application fee not to exceed one hundred fifty 646
dollars charged to the sponsor of each proposed course; 647

(2) A renewal fee not to exceed seventy-five dollars, charged 648

to the sponsor of each course, for the annual renewal of course approval; 649
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(3) A course fee charged to the sponsor of each course offered, not to exceed five dollars per credit hour, for each person completing an approved course; 651
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(4) A student fee charged to licensees, not to exceed fifty dollars, for each course or activity a student submits to the commission for approval. 654
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(C) The commission may adopt reasonable rules not inconsistent with this chapter to carry out any continuing education program, including rules that govern the following: 657
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(1) The content and subject matter of continuing education courses; 660
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(2) The criteria, standards, and procedures for the approval of courses, course sponsors, and course instructors; 662
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(3) The methods of instruction; 664

(4) The computation of course credit; 665

(5) The ability to carry forward course credit from one year to another; 666
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(6) Conditions under which the commission may grant a waiver or variance from continuing education requirements on the basis of hardship or other reasons; 668
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(7) Procedures for compliance with the continuing education requirements and sanctions for noncompliance. 671
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(D) The commission shall not renew the license of any person who fails to satisfy any continuing education requirement that the commission establishes. The commission may, for good cause, grant an extension of time to comply with the continuing education requirements. Any installer who is granted an extension and 673
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completes the continuing education requirements within the time 678
the commission establishes is deemed in compliance with the 679
education requirements. The license of any person who is granted 680
an extension shall remain in effect during the period of the 681
extension. 682

Sec. 4781.11. (A)(1) Except as provided in division (B) of 683
this section, no person shall install manufactured housing unless 684
that person is licensed as a manufactured housing installer 685
pursuant to this chapter or unless a licensed manufactured housing 686
installer is present during the installation and supervises the 687
person who is not licensed. 688

(2) A licensed manufactured housing installer who supervises 689
the work of an unlicensed person is responsible for all 690
installation work that the unlicensed person performs under the 691
licensed person's supervision. 692

(3) A person who is not a licensed manufactured housing 693
installer may perform foundation or base support system 694
construction if supervised by a licensed installer. The licensed 695
installer need not be present during the construction of the 696
foundation or base support system but is responsible for the 697
construction of the foundation or base support system. 698

(B)(1) Nothing in this chapter requires a person to obtain a 699
manufactured housing installer license to install manufactured 700
housing for the person's own occupancy if the manufactured housing 701
is located on property that the person owns and is not located in 702
a manufactured home park. 703

(2) A person who installs manufactured housing in the manner 704
described in division (B)(1) of this section is not entitled to 705
claim any right or remedy or to bring a cause of action under this 706
chapter. 707

(C) No person shall install any manufactured housing foundation or manufactured housing support system unless that foundation or support system complies with the standards the manufactured homes commission establishes and receives all approvals and inspections that the commission requires. 708
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(D) Within fourteen days after the installation, a manufactured housing installer who performs or supervises a manufactured housing installation shall provide to both the treasurer and the auditor of the county in which the installation is being performed a written notice containing all of the following information: 713
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(1) The address or location of the installation; 719

(2) The date of the installation; 720

(3) The make and model of the installed manufactured housing unit; 721
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(4) The name of the owner of the installed manufactured housing unit. 723
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(E) It is a violation of this chapter to do any of the following: 725
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(1) Represent another person's license as a manufactured housing installer as one's own; 727
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(2) Intentionally give false or materially misleading information of any kind to the commission or to a commission member in connection with licensing matters; 729
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(3) Impersonate another manufactured housing installer; 732

(4) Use an expired, suspended, or revoked license. 733

Sec. 4781.12. (A) The manufactured homes commission may apply to an appropriate court to enjoin any violation of this chapter or the rules adopted pursuant to it. The court shall grant any 734
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appropriate relief, including an injunction, restraining order, or
any combination thereof, upon a showing that a person has violated
or is about to violate this chapter or a rule adopted pursuant to
it.

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(B) The prosecuting attorney of a county, a city director of
law, or the attorney general may, upon the complaint of the
commission, prosecute to termination or bring an action for
injunction against any person violating this chapter or the rules
adopted pursuant to it.

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(C) Any other party adversely affected by an order of the
commission may appeal the order to the court of common pleas of
the county in which the party adversely affected is a resident or
has a place of business, except that if that party is not a
resident of this state and has no place of business in this state,
the party shall appeal to the court of common pleas in Franklin
county.

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Sec. 4781.13. The manufactured homes commission, shall
deposit all receipts, from any source, in the state treasury to
the credit of the occupational licensing and regulatory fund.

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Sec. 4781.14. (A) Except as provided in division (A)(3) of
section 3733.02 of the Revised Code, the state, through the
manufactured homes commission, has exclusive authority to regulate
manufactured home installers, the installation of manufactured
housing, and manufactured housing foundations and support systems
in the state. By enacting this chapter, it is the intent of the
general assembly to preempt municipal corporations and other
political subdivisions from regulating and licensing manufactured
housing installers and regulating and inspecting the installation
of manufactured housing and manufactured housing foundations and
support systems.

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(B) Except as provided in division (A)(3) of section 3733.02 767
of the Revised Code, the manufactured homes commission has 768
exclusive power to adopt rules of uniform application throughout 769
the state governing installation of manufactured housing, the 770
inspection of manufactured housing foundations and support 771
systems, the inspection of the installation of manufactured 772
housing, the training and licensing of manufactured housing 773
installers, and the investigation of complaints concerning 774
manufactured housing installers. 775

(C) Except as provided in division (A)(3) of section 3733.02 776
of the Revised Code, the rules the commission adopts pursuant to 777
this chapter are the exclusive rules governing the installation of 778
manufactured housing, the design, construction, and approval of 779
foundations for manufactured housing, the licensure of 780
manufactured home installers, and the fees charged for licensure 781
of manufactured home installers. No political subdivision of the 782
state or any department or agency of the state may establish any 783
other standards governing the installation of manufactured 784
housing, manufactured housing foundations and support systems, the 785
licensure of manufactured housing installers, or fees charged for 786
the licensure of manufactured housing installers. 787

(D) Nothing in this section limits the authority of the 788
attorney general to enforce Chapter 1345. of the Revised Code or 789
to take any action permitted by the Revised Code against 790
manufactured housing installers, retailers, or manufacturers. 791

Sec. 4781.15. The remedies in sections 4781.01 to 4781.14 of 792
the Revised Code are in addition to remedies otherwise available 793
for the same conduct under state or local law. 794

Section 2. That existing sections 3733.02, 3781.06, and 795
4743.05 of the Revised Code are hereby repealed. 796

Section 3. Section 4781.11 of the Revised Code, as enacted by 797
this act, shall take effect one year after the effective date of 798
this act. 799