

As Passed by the Senate

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Sub. S. B. No. 102

Senators Wachtmann, Jacobson, Prentiss

A B I L L

To amend sections 119.12, 3733.02, 3781.06, and 1
4743.05 and to enact sections 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, and 4781.14 of the Revised Code to 5
establish the Ohio Manufactured Homes Commission 6
to regulate the installation of manufactured 7
housing in Ohio. 8

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

Section 1. That sections 119.12, 3733.02, 3781.06, and 9
4743.05 be amended and sections 4781.01, 4781.02, 4781.03, 10
4781.04, 4781.05, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 11
4781.11, 4781.12, 4781.13, and 4781.14 of the Revised Code be 12
enacted to read as follows: 13

Sec. 119.12. Any party adversely affected by any order of an 14
agency issued pursuant to an adjudication denying an applicant 15
admission to an examination, or denying the issuance or renewal of 16
a license or registration of a licensee, or revoking or suspending 17
a license, or allowing the payment of a forfeiture under section 18
4301.252 of the Revised Code, may appeal from the order of the 19
agency to the court of common pleas of the county in which the 20

place of business of the licensee is located or the county in 21
which the licensee is a resident, except that appeals from 22
decisions of the liquor control commission, the state medical 23
board, state chiropractic board, manufactured homes commission, 24
and board of nursing shall be to the court of common pleas of 25
Franklin county. If any such party is not a resident of and has no 26
place of business in this state, the party may appeal to the court 27
of common pleas of Franklin county. 28

Any party adversely affected by any order of an agency issued 29
pursuant to any other adjudication may appeal to the court of 30
common pleas of Franklin county, except that appeals from orders 31
of the fire marshal issued under Chapter 3737. of the Revised Code 32
may be to the court of common pleas of the county in which the 33
building of the aggrieved person is located. 34

This section does not apply to appeals from the department of 35
taxation. 36

Any party desiring to appeal shall file a notice of appeal 37
with the agency setting forth the order appealed from and the 38
grounds of the party's appeal. A copy of such notice of appeal 39
shall also be filed by the appellant with the court. Unless 40
otherwise provided by law relating to a particular agency, such 41
notices of appeal shall be filed within fifteen days after the 42
mailing of the notice of the agency's order as provided in this 43
section. For purposes of this paragraph, an order includes a 44
determination appealed pursuant to division (C) of section 119.092 45
of the Revised Code. 46

The filing of a notice of appeal shall not automatically 47
operate as a suspension of the order of an agency. If it appears 48
to the court that an unusual hardship to the appellant will result 49
from the execution of the agency's order pending determination of 50
the appeal, the court may grant a suspension and fix its terms. If 51

an appeal is taken from the judgment of the court and the court 52
has previously granted a suspension of the agency's order as 53
provided in this section, such suspension of the agency's order 54
shall not be vacated and shall be given full force and effect 55
until the matter is finally adjudicated. No renewal of a license 56
or permit shall be denied by reason of such suspended order during 57
the period of the appeal from the decision of the court of common 58
pleas. In the case of an appeal from the state medical board or 59
state chiropractic board, the court may grant a suspension and fix 60
its terms if it appears to the court that an unusual hardship to 61
the appellant will result from the execution of the agency's order 62
pending determination of the appeal and the health, safety, and 63
welfare of the public will not be threatened by suspension of the 64
order. This provision shall not be construed to limit the factors 65
the court may consider in determining whether to suspend an order 66
of any other agency pending determination of an appeal. 67

The final order of adjudication may apply to any renewal of a 68
license or permit which has been granted during the period of the 69
appeal. 70

Notwithstanding any other provision of this section, any 71
order issued by a court of common pleas or a court of appeals 72
suspending the effect of an order of the liquor control commission 73
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 74
suspends, revokes, or cancels a permit issued under Chapter 4303. 75
of the Revised Code, or that allows the payment of a forfeiture 76
under section 4301.252 of the Revised Code, shall terminate not 77
more than six months after the date of the filing of the record of 78
the liquor control commission with the clerk of the court of 79
common pleas and shall not be extended. The court of common pleas, 80
or the court of appeals on appeal, shall render a judgment in that 81
matter within six months after the date of the filing of the 82
record of the liquor control commission with the clerk of the 83

court of common pleas. A court of appeals shall not issue an order 84
suspending the effect of an order of the liquor control commission 85
that extends beyond six months after the date on which the record 86
of the liquor control commission is filed with a court of common 87
pleas. 88

Notwithstanding any other provision of this section, any 89
order issued by a court of common pleas suspending the effect of 90
an order of the state medical board or state chiropractic board 91
that limits, revokes, suspends, places on probation, or refuses to 92
register or reinstate a certificate issued by the board or 93
reprimands the holder of such a certificate shall terminate not 94
more than fifteen months after the date of the filing of a notice 95
of appeal in the court of common pleas, or upon the rendering of a 96
final decision or order in the appeal by the court of common 97
pleas, whichever occurs first. 98

Within thirty days after receipt of a notice of appeal from 99
an order in any case in which a hearing is required by sections 100
119.01 to 119.13 of the Revised Code, the agency shall prepare and 101
certify to the court a complete record of the proceedings in the 102
case. Failure of the agency to comply within the time allowed, 103
upon motion, shall cause the court to enter a finding in favor of 104
the party adversely affected. Additional time, however, may be 105
granted by the court, not to exceed thirty days, when it is shown 106
that the agency has made substantial effort to comply. Such record 107
shall be prepared and transcribed and the expense of it shall be 108
taxed as a part of the costs on the appeal. The appellant shall 109
provide security for costs satisfactory to the court of common 110
pleas. Upon demand by any interested party, the agency shall 111
furnish at the cost of the party requesting it a copy of the 112
stenographic report of testimony offered and evidence submitted at 113
any hearing and a copy of the complete record. 114

Notwithstanding any other provision of this section, any 115

party desiring to appeal an order or decision of the state 116
personnel board of review shall, at the time of filing a notice of 117
appeal with the board, provide a security deposit in an amount and 118
manner prescribed in rules that the board shall adopt in 119
accordance with this chapter. In addition, the board is not 120
required to prepare or transcribe the record of any of its 121
proceedings unless the appellant has provided the deposit 122
described above. The failure of the board to prepare or transcribe 123
a record for an appellant who has not provided a security deposit 124
shall not cause a court to enter a finding adverse to the board. 125

Unless otherwise provided by law, in the hearing of the 126
appeal, the court is confined to the record as certified to it by 127
the agency. Unless otherwise provided by law, the court may grant 128
a request for the admission of additional evidence when satisfied 129
that such additional evidence is newly discovered and could not 130
with reasonable diligence have been ascertained prior to the 131
hearing before the agency. 132

The court shall conduct a hearing on such appeal and shall 133
give preference to all proceedings under sections 119.01 to 119.13 134
of the Revised Code, over all other civil cases, irrespective of 135
the position of the proceedings on the calendar of the court. An 136
appeal from an order of the state medical board issued pursuant to 137
division (G) of either section 4730.25 or 4731.22 of the Revised 138
Code, or the state chiropractic board issued pursuant to section 139
4734.37 of the Revised Code, or the liquor control commission 140
issued pursuant to Chapter 4301. or 4303. of the Revised Code 141
shall be set down for hearing at the earliest possible time and 142
takes precedence over all other actions. The hearing in the court 143
of common pleas shall proceed as in the trial of a civil action, 144
and the court shall determine the rights of the parties in 145
accordance with the laws applicable to such action. At such 146
hearing, counsel may be heard on oral argument, briefs may be 147

submitted, and evidence introduced if the court has granted a 148
request for the presentation of additional evidence. 149

The court may affirm the order of the agency complained of in 150
the appeal if it finds, upon consideration of the entire record 151
and such additional evidence as the court has admitted, that the 152
order is supported by reliable, probative, and substantial 153
evidence and is in accordance with law. In the absence of such a 154
finding, it may reverse, vacate, or modify the order or make such 155
other ruling as is supported by reliable, probative, and 156
substantial evidence and is in accordance with law. The court 157
shall award compensation for fees in accordance with section 158
2335.39 of the Revised Code to a prevailing party, other than an 159
agency, in an appeal filed pursuant to this section. 160

The judgment of the court shall be final and conclusive 161
unless reversed, vacated, or modified on appeal. Such appeals may 162
be taken either by the party or the agency, shall proceed as in 163
the case of appeals in civil actions, and shall be pursuant to the 164
Rules of Appellate Procedure and, to the extent not in conflict 165
with those rules, Chapter 2505. of the Revised Code. Such appeal 166
by the agency shall be taken on questions of law relating to the 167
constitutionality, construction, or interpretation of statutes and 168
rules of the agency, and in such appeal the court may also review 169
and determine the correctness of the judgment of the court of 170
common pleas that the order of the agency is not supported by any 171
reliable, probative, and substantial evidence in the entire 172
record. 173

The court shall certify its judgment to such agency or take 174
such other action necessary to give its judgment effect. 175

Sec. 3733.02. (A)(1) The public health council, subject to 176
Chapter 119. of the Revised Code, shall adopt, and has the 177
exclusive power to adopt, rules of uniform application throughout 178

the state governing the review of plans, issuance of flood plain 179
management permits, and issuance of licenses for manufactured home 180
parks; the location, layout, density, construction, drainage, 181
sanitation, safety, and operation of those parks; ~~blocking and~~ 182
~~tiedowns of mobile and manufactured homes in those parks;~~ and 183
notices of flood events concerning, and flood protection at, those 184
parks. The rules pertaining to flood plain management shall be 185
consistent with and not less stringent than the flood plain 186
management criteria of the national flood insurance program 187
adopted under the "National Flood Insurance Act of 1968," 82 Stat. 188
572, 42 U.S.C.A. 4001, as amended. The rules shall not apply to 189
the construction, erection, or manufacture of any building to 190
which section 3781.06 of the Revised Code is applicable. 191

(2) The rules pertaining to manufactured home parks 192
constructed after June 30, 1971, shall specify that each home must 193
be placed on its lot to provide not less than fifteen feet between 194
the side of one home and the side of another home, ten feet 195
between the end of one home and the side of another home, and five 196
feet between the ends of two homes placed end to end. 197

(3) The public health council, subject to Chapter 119. of the 198
Revised Code, shall adopt rules of uniform application throughout 199
the state governing installation, blocking, and tiedown of 200
manufactured housing in manufactured home parks. The rules 201
pertaining to the standards governing and inspections of the 202
installation, blocking, and tiedown of manufactured housing in a 203
manufactured home park, and any rules pertaining to the design, 204
construction, installation, approval, and inspection of 205
foundations and base support systems for manufactured housing in a 206
manufactured home park shall be identical to the rules pertaining 207
to those subjects the manufactured homes commission adopts 208
pursuant to section 4781.04 of the Revised Code. The rules shall 209
specify that all inspections of the installation, blocking, and 210

tiedown of manufactured housing in a manufactured home park the 211
department of health or a licensor conducts shall be conducted by 212
a person who has completed an installation training course 213
approved by the manufactured homes commission pursuant to division 214
(B) of section 4781.04 of the Revised Code. 215

As used in division (A)(3) of this section, "manufactured 216
housing" has the same meaning as in section 4781.01 of the Revised 217
Code. 218

(B) The public health council, subject to Chapter 119. of the 219
Revised Code, shall adopt rules of uniform application throughout 220
the state governing the review of plans and issuance of licenses 221
for and the location, layout, construction, drainage, sanitation, 222
safety, and operation of recreational vehicle parks, recreation 223
camps, and combined park-camps. The rules shall not apply to the 224
construction, erection, or manufacture of any building to which 225
section 3781.06 of the Revised Code is applicable. 226

(C) The public health council, subject to Chapter 119. of the 227
Revised Code, shall adopt rules of uniform application throughout 228
the state governing the review of plans and issuance of licenses 229
for and the layout, sanitation, safety, and operation of temporary 230
park-camps. The rules shall not apply to the construction, 231
erection, or manufacture of any building to which section 3781.06 232
of the Revised Code is applicable. 233

(D) The public health council, in accordance with Chapter 234
119. of the Revised Code, shall adopt rules of uniform application 235
throughout the state establishing requirements and procedures in 236
accordance with which the director of health may authorize 237
licensors for the purposes of sections 3733.022 and 3733.025 of 238
the Revised Code. The rules shall include at least provisions 239
under which a licensor may enter into contracts for the purpose of 240
fulfilling the licensor's responsibilities under either or both of 241

those sections. 242

Sec. 3781.06. (A)(1) Any building that may be used as a place 243
of resort, assembly, education, entertainment, lodging, dwelling, 244
trade, manufacture, repair, storage, traffic, or occupancy by the 245
public, and all other buildings or parts and appurtenances thereof 246
erected within this state, shall be so constructed, erected, 247
equipped, and maintained that they shall be safe and sanitary for 248
their intended use and occupancy, except that sections 3781.06 to 249
3781.18 and 3791.04 of the Revised Code shall be considered as 250
model provisions with no force and effect when applied to 251
single-family, two-family, and three-family dwelling houses, and 252
accessory structures incidental to those dwelling houses, that 253
have not been constructed or erected as industrialized one-family, 254
two-family, or three-family units or structures within the meaning 255
of the term "industrialized unit" as provided in division (C)(3) 256
of this section, except where the context specifies mandatory 257
applicability. 258

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 259
Revised Code shall be construed to limit the power of the public 260
health council to adopt rules of uniform application governing 261
manufactured home parks pursuant to section 3733.02 of the Revised 262
Code. 263

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 264
Code shall not apply to either of the following: 265

(1) Buildings or structures that are incident to the use for 266
agricultural purposes of the land on which such buildings or 267
structures are located, provided such buildings or structures are 268
not used in the business of retail trade. For purposes of this 269
division, a building or structure is not considered used in the 270
business of retail trade if fifty per cent or more of the gross 271
income received from sales of products in the building or 272

structure by the owner or operator is from sales of products 273
produced or raised in a normal crop year on farms owned or 274
operated by the seller. 275

(2) Existing single-family, two-family, and three-family 276
detached dwelling houses for which applications have been 277
submitted to the director of job and family services pursuant to 278
section 5104.03 of the Revised Code for the purposes of operating 279
type A family day-care homes as defined in section 5104.01 of the 280
Revised Code. 281

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 282
Revised Code: 283

(1) "Agricultural purposes" include agriculture, farming, 284
dairying, pasturage, apiculture, horticulture, floriculture, 285
viticulture, ornamental horticulture, olericulture, pomiculture, 286
and animal and poultry husbandry. 287

(2) "Building" means any structure consisting of foundations, 288
walls, columns, girders, beams, floors, and roof, or a combination 289
of any number of these parts, with or without other parts or 290
appurtenances. 291

(3) "Industrialized unit" means a building unit or assembly 292
of closed construction fabricated in an off-site facility, that is 293
substantially self-sufficient as a unit or as part of a greater 294
structure, and that requires transportation to the site of 295
intended use. "Industrialized unit" includes units installed on 296
the site as independent units, as part of a group of units, or 297
incorporated with standard construction methods to form a 298
completed structural entity. "Industrialized unit" does not 299
include a manufactured home as defined by division (C)(4) of this 300
section or a mobile home as defined by division (O) of section 301
4501.01 of the Revised Code. 302

(4) "Manufactured home" means a building unit or assembly of 303

closed construction that is fabricated in an off-site facility and 304
constructed in conformance with the federal construction and 305
safety standards established by the secretary of housing and urban 306
development pursuant to the "Manufactured Housing Construction and 307
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 308
5403, and that has a permanent label or tag affixed to it, as 309
specified in 42 U.S.C.A. 5415, certifying compliance with all 310
applicable federal construction and safety standards. 311

(5) "Permanent foundation" means permanent masonry, concrete, 312
or a ~~locally approved~~ footing or foundation approved by the 313
manufactured homes commission pursuant to Chapter 4781. of the 314
Revised Code, to which a manufactured or mobile home may be 315
affixed. 316

(6) "Permanently sited manufactured home" means a 317
manufactured home that meets all of the following criteria: 318

(a) The structure is affixed to a permanent foundation and is 319
connected to appropriate facilities; 320

(b) The structure, excluding any addition, has a width of at 321
least twenty-two feet at one point, a length of at least 322
twenty-two feet at one point, and a total living area, excluding 323
garages, porches, or attachments, of at least nine hundred square 324
feet; 325

(c) The structure has a minimum 3:12 residential roof pitch, 326
conventional residential siding, and a six-inch minimum eave 327
overhang, including appropriate guttering; 328

(d) The structure was manufactured after January 1, 1995; 329

(e) The structure is not located in a manufactured home park 330
as defined by section 3733.01 of the Revised Code. 331

(7) "Safe," with respect to a building, means it is free from 332
danger or hazard to the life, safety, health, or welfare of 333

persons occupying or frequenting it, or of the public and from 334
danger of settlement, movement, disintegration, or collapse, 335
whether such danger arises from the methods or materials of its 336
construction or from equipment installed therein, for the purpose 337
of lighting, heating, the transmission or utilization of electric 338
current, or from its location or otherwise. 339

(8) "Sanitary," with respect to a building, means it is free 340
from danger or hazard to the health of persons occupying or 341
frequenting it or to that of the public, if such danger arises 342
from the method or materials of its construction or from any 343
equipment installed therein, for the purpose of lighting, heating, 344
ventilating, or plumbing. 345

Sec. 4743.05. Except as otherwise provided in sections 346
4701.20, 4723.062, 4723.082, and 4729.65 of the Revised Code, all 347
money collected under Chapters 3773., 4701., 4703., 4709., 4713., 348
4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 349
4741., 4753., 4755., 4757., 4758., 4759., 4761., 4771., ~~and~~ 4779., 350
and 4781. of the Revised Code shall be paid into the state 351
treasury to the credit of the occupational licensing and 352
regulatory fund, which is hereby created for use in administering 353
such chapters. 354

At the end of each quarter, the director of budget and 355
management shall transfer from the occupational licensing and 356
regulatory fund to the nurse education assistance fund created in 357
section 3333.28 of the Revised Code the amount certified to the 358
director under division (B) of section 4723.08 of the Revised 359
Code. 360

At the end of each quarter, the director shall transfer from 361
the occupational licensing and regulatory fund to the certified 362
public accountant education assistance fund created in section 363
4701.26 of the Revised Code the amount certified to the director 364

under division (H)(2) of section 4701.10 of the Revised Code.	365
<u>Sec. 4781.01. As used in this chapter:</u>	366
<u>(A) "Industrialized unit" has the same meaning as in division</u>	367
<u>(C)(3) of section 3781.06 of the Revised Code.</u>	368
<u>(B) "Installation" means any of the following:</u>	369
<u>(1) The temporary or permanent construction of stabilization,</u>	370
<u>support, and anchoring systems for manufactured housing;</u>	371
<u>(2) The placement and erection of a manufactured housing unit</u>	372
<u>or components of a unit on a structural support system;</u>	373
<u>(3) The supporting, blocking, leveling, securing, anchoring,</u>	374
<u>underpinning, or adjusting of any section or component of a</u>	375
<u>manufactured housing unit;</u>	376
<u>(4) The joining or connecting of all sections or components</u>	377
<u>of a manufactured housing unit.</u>	378
<u>(C) "Manufactured home" has the same meaning as in division</u>	379
<u>(C)(4) of section 3781.06 of the Revised Code.</u>	380
<u>(D) "Manufactured home park" has the same meaning as in</u>	381
<u>division (A) of section 3733.01 of the Revised Code.</u>	382
<u>(E) "Manufactured housing" means manufactured homes and</u>	383
<u>mobile homes.</u>	384
<u>(F) "Manufactured housing installer" means an individual who</u>	385
<u>installs manufactured housing.</u>	386
<u>(G) "Mobile home" has the same meaning as in division (O) of</u>	387
<u>section 4501.01 of the Revised Code.</u>	388
<u>(H) "Model standards" means the federal manufactured home</u>	389
<u>installation standards established pursuant to 42 U.S.C. 5404.</u>	390
<u>(I) "Permanent foundation" has the same meaning as in</u>	391
<u>division (C)(5) of section 3781.06 of the Revised Code.</u>	392

Sec. 4781.02. (A) There is hereby created the manufactured 393
homes commission which consists of nine members, with three 394
members appointed by the governor, three members appointed by the 395
president of the senate, and three members appointed by the 396
speaker of the house of representatives. 397

(B)(1) Commission members shall be residents of this state, 398
except for members appointed pursuant to divisions (B)(3)(b) and 399
(B)(4)(a) of this section. Members shall be selected from a list 400
of persons the Ohio manufactured homes association, or any 401
successor entity, recommends, except for appointments made 402
pursuant to division (B)(2) of this section. 403

(2) The governor shall appoint the following members: 404

(a) One member to represent the board of building standards, 405
who may be a member of the board or a board employee not in the 406
classified civil service, with an initial term ending December 31, 407
2007; 408

(b) One member to represent the department of health, who may 409
be a department employee not in the classified civil service, with 410
an initial term ending December 31, 2005; 411

(c) One member whose primary residence is a manufactured 412
home, with an initial term ending December 31, 2006. 413

(3) The president of the senate shall appoint the following 414
members: 415

(a) Two members who are manufactured housing installers who 416
have been actively engaged in the installation of manufactured 417
housing for the five years immediately prior to appointment, with 418
the initial term of one installer ending December 31, 2007 and the 419
initial term of the other installer ending December 31, 2005. 420

(b) One member who manufactures manufactured homes in this 421
state or who manufactures manufactured homes in another state and 422

ships homes into this state, to represent manufactured home 423
manufacturers, with an initial term ending December 31, 2006. 424

(4) The speaker of the house of representatives shall appoint 425
the following members: 426

(a) One member who operates a manufactured or mobile home 427
retail business in this state to represent manufactured and mobile 428
home retailers, with an initial term ending December 31, 2007; 429

(b) One member who is a manufactured home park operator or is 430
employed by an operator, with an initial term ending December 31, 431
2005; 432

(c) One member to represent the Ohio manufactured home 433
association, or any successor entity, who may be the president or 434
executive director of the association or the successor entity, 435
with an initial term ending December 31, 2006. 436

(C)(1) After the initial term, each term of office is for 437
four years ending on the thirty-first day of December. A member 438
holds office from the date of appointment until the end of the 439
term. No member may serve more than two consecutive four-year 440
terms. 441

(2) Any member appointed to fill a vacancy that occurs prior 442
to the expiration of a term continues in office for the remainder 443
of that term. Any member continues in office subsequent to the 444
expiration date of the term until the member's successor takes 445
office or until sixty days have elapsed, which ever occurs first. 446

(3) A vacancy on the commission does not impair the authority 447
of the remaining members to exercise all of the commission's 448
powers. 449

(D)(1) The governor may remove any member from office for 450
incompetence, neglect of duty, misfeasance, nonfeasance, 451
malfeasance, or unprofessional conduct in office. 452

(2) Vacancies shall be filled in the manner of the original 453
appointment. 454

Sec. 4781.03. (A) No member of the manufactured homes 455
commission may participate in any vote regarding a contract or 456
license the commission awards if the member has a direct pecuniary 457
or fiduciary interest in that contract or license. 458

(B) The commission shall meet at least three times each 459
calendar year, upon the call of the chairperson or the written 460
request of a majority of the members. The chairperson shall 461
establish the time and place for each meeting. Five members 462
constitute a quorum, and at least five votes are necessary for the 463
commission to take action. 464

(C)(1) The commission shall elect a member as chairperson and 465
a member as vice-chairperson, with each serving for one year. 466

(2) The chairperson shall preside at all meetings with the 467
vice-chairperson presiding in the chairperson's absence. At any 468
time the chairperson and vice-chairperson are absent from a 469
meeting when a quorum exists, the members present shall elect a 470
presiding officer to act during the absence of the chairperson and 471
vice-chairperson. 472

(D) Members of the commission receive no compensation for 473
serving on the commission. Members are entitled to reimbursement 474
for actual and necessary expenses incurred in the discharge of 475
their official duties, including travel expenses. 476

(E) The commission may employ administrative staff, not in 477
the classified civil service, including an executive director, to 478
serve at the pleasure of the commission to carry out duties and 479
functions the commission authorizes. 480

(F) Serving as a member of the manufactured homes commission 481
does not constitute holding a public office or position of 482

employment, and service on the commission is not grounds for
removing a commission member from a public office or position of
employment.

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

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

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

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

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(3) Govern the design, construction, installation, approval,
and inspection of foundations and the base support systems for
manufactured housing. The rules shall specify that the department

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of health or the licensor, as determined by the director of 513
health, shall conduct all inspections of the installation, 514
foundations, and base support systems of manufactured housing 515
located in manufactured home parks to determine compliance with 516
the uniform installation standards and foundation and base support 517
system design the commission establishes pursuant to this section. 518
The rules shall specify that all foundation and base support 519
system inspections in a manufactured home park the department of 520
health or the licensor conducts shall be conducted by a person who 521
has completed an installation training course approved by the 522
commission pursuant to division (B) of section 4781.04 of the 523
Revised Code. 524

As used in this section, "licensor" has the same meaning as 525
in section 3733.01 of the Revised Code. 526

(4) Govern the training, experience, and education 527
requirements for manufactured housing installers; 528

(5) Establish a code of ethics for manufactured housing 529
installers; 530

(6) Govern the issuance, revocation, and suspension of 531
licenses to manufactured housing installers; 532

(7) Establish fees for the issuance and renewal of licenses, 533
for conducting inspections to determine an applicant's compliance 534
with this chapter and the rules adopted pursuant to it, and for 535
the commission's expenses incurred in implementing this chapter; 536

(8) Establish conditions under which a licensee may enter 537
into contracts to fulfill the licensee's responsibilities; 538

(9) Govern the investigation of complaints concerning any 539
violation of this chapter or the rules adopted pursuant to it or 540
complaints involving the conduct of any licensed manufactured 541
housing installer or person installing manufactured housing 542

without a license; 543

(10) Establish a dispute resolution program for the timely 544
resolution of warranty issues involving new manufactured homes, 545
disputes regarding responsibility for the correction or repair of 546
defects in manufactured housing, and the installation of 547
manufactured housing. The rules shall provide for the timely 548
resolution of disputes between manufacturers, retailers, and 549
installers regarding the correction or repair of defects in 550
manufactured housing that are reported by the purchaser of the 551
home during the one year period beginning on the date of 552
installation of the home. The rules also shall provide that 553
decisions made regarding the dispute under the program are not 554
binding upon the purchaser of the home or the other parties 555
involved in the dispute unless the purchaser so agrees in a 556
written acknowledgement that the purchaser signs and delivers to 557
the program within ten business days after the decision is issued. 558

(11) Establish the requirements and procedures for the 559
certification of building departments and building department 560
personnel pursuant to section 4781.07 of the Revised Code; 561

(12) Establish fees to be charged to building departments and 562
building department personnel applying for certification and 563
renewal of certification pursuant to section 4781.07 of the 564
Revised Code; 565

(13) Carry out any other provision of this chapter. 566

(B) The manufactured homes commission shall do all of the 567
following: 568

(1) Prepare and administer a licensure examination to 569
determine an applicant's knowledge of manufactured housing 570
installation and other aspects of installation the commission 571
determines appropriate; 572

<u>(2) Select, provide, or procure appropriate examination</u>	573
<u>questions and answers for the licensure examination and establish</u>	574
<u>the criteria for successful completion of the examination;</u>	575
<u>(3) Prepare and distribute any application form this chapter</u>	576
<u>requires;</u>	577
<u>(4) Receive applications for licenses and renewal of licenses</u>	578
<u>and issue licenses to qualified applicants;</u>	579
<u>(5) Establish procedures for processing, approving, and</u>	580
<u>disapproving applications for licensure;</u>	581
<u>(6) Retain records of applications for licensure, including</u>	582
<u>all application materials submitted and a written record of the</u>	583
<u>action taken on each application;</u>	584
<u>(7) Review the design and plans for manufactured housing</u>	585
<u>installations, foundations, and support systems;</u>	586
<u>(8) Inspect a sample of homes at a percentage the commission</u>	587
<u>determines to evaluate the construction and installation of</u>	588
<u>manufactured housing installations, foundations, and support</u>	589
<u>systems to determine compliance with the standards the commission</u>	590
<u>adopts;</u>	591
<u>(9) Investigate complaints concerning violations of this</u>	592
<u>chapter or the rules adopted pursuant to it, or the conduct of any</u>	593
<u>manufactured housing installer;</u>	594
<u>(10) Determine appropriate disciplinary actions for</u>	595
<u>violations of this chapter;</u>	596
<u>(11) Conduct audits and inquiries of manufactured housing</u>	597
<u>installers as appropriate for the enforcement of this chapter. The</u>	598
<u>commission, or any person the commission employs for the purpose,</u>	599
<u>may review and audit the business records of any manufactured</u>	600
<u>housing installer during normal business hours.</u>	601
<u>(12) Approve an installation training course, which may be</u>	602

offered by the Ohio manufactured homes association or other 603
entity; 604

(13) Perform any function or duty necessary to administer 605
this chapter and the rules adopted pursuant to it. 606

Sec. 4781.05. The executive director of the manufactured 607
homes commission shall do all of the following: 608

(A) With commission approval, secure and manage office space, 609
supplies, and the professional and clerical staff necessary to 610
effectively perform the executive director's and commission's 611
duties; 612

(B) Pursuant to rules the commission adopts, review 613
applications for manufactured housing installer licenses and on 614
behalf of the commission, issue licenses to qualified persons; 615

(C) Administer the dispute resolution program the commission 616
develops if the commission does not contract with the Ohio 617
manufactured homes association or another entity to administer the 618
program; 619

(D) Administer any continuing education program the 620
commission develops; 621

(E) Collect fees the commission establishes; 622

(F) Except as provided in divisions (A)(2) and (3) of section 623
4781.04 of the Revised Code, employ installation inspectors and 624
investigators to serve at the executive director's pleasure to 625
assist in carrying out the executive director's duties under this 626
chapter or the duties the commission delegates to the executive 627
director; 628

(G) Serve as secretary of the commission and maintain a 629
written record of the commission's meetings and proceedings; 630

(H) Notify manufactured housing installers of changes in this 631

chapter and the rules adopted pursuant to it;

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(I) Do all things the commission requests or delegates for
the administration and enforcement of this chapter.

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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.

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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.

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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.

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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
certified pursuant to section 4781.07 of the Revised Code. The
commission shall not require inspectors the Ohio department of
health employs to obtain certification pursuant to section 4781.07
of the Revised Code, but shall require inspectors to complete an

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installation training course approved by the commission pursuant
to division (B) of section 4781.04 of the Revised Code.

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

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

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

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

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(2) Completes all training requirements the commission
prescribes;

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

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(4) Has at least one year of experience installing
manufactured housing under the supervision of a licensed
manufactured home installer if applying for licensure after

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January 1, 2006; 691

(5) Has completed an installation training course the 692
commission approves, which may be offered by the Ohio manufactured 693
homes association or other entity; 694

(6) Receives a passing score on the licensure examination the 695
commission administers; 696

(7) Provides information the commission requires to 697
demonstrate compliance with this chapter and the rules the 698
commission adopts; 699

(8) Provides the commission with three references from 700
persons who are retailers, manufacturers, or manufactured home 701
park operators familiar with the person's installation work 702
experience and competency, with at least two of the three 703
references provided after January 1, 2006, being from persons who 704
are licensed manufactured housing installers; 705

(9) Has liability insurance or a surety bond that is issued 706
by an insurance or surety company authorized to transact business 707
in Ohio, in the amount the commission specifies, and containing 708
the terms and conditions the commission requires; 709

(10) Is in compliance with section 4123.35 of the Revised 710
Code. 711

(B) The commission shall not grant a license to any person 712
who the commission finds has engaged in actions during the 713
previous two years that constitute a ground for denial, 714
suspension, or revocation of a license or who has had a license 715
revoked or disciplinary action imposed by the licensing or 716
certification board of another state or jurisdiction during the 717
previous two years in connection with the installation of 718
manufactured housing. 719

(C) Any person who is licensed, certified, or otherwise 720

approved under the laws of another state to perform functions 721
substantially similar to those of a manufactured housing installer 722
may apply to the commission for licensure on a form the commission 723
prescribes. The commission shall issue a license if the standards 724
for licensure, certification, or approval in the state in which 725
the applicant is licensed, certified, or approved are 726
substantially similar to or exceed the requirements set forth in 727
this chapter and the rules adopted pursuant to it. The commission 728
may require the applicant to pass the commission's licensure 729
examination. 730

(D) Any license issued pursuant to this section shall bear 731
the licensee's name and post-office address, the issue date, a 732
serial number the commission designates, and the signature of the 733
commission chairperson or a person the commission designates 734
pursuant to rules. 735

(E) A manufactured housing installers license expires two 736
years after it is issued. The commission shall renew a license if 737
the applicant does all of the following: 738

(1) Meets the requirements of division (A) of this section; 739

(2) Demonstrates compliance with the requirements of this 740
chapter and the rules adopted pursuant to it; 741

(3) Meets the commission's continuing education requirements. 742

(F) No manufactured housing installer's license may be 743
transferred to another person. 744

Sec. 4781.09. (A) The manufactured homes commission may deny, 745
suspend, revoke, or refuse to renew the license of any 746
manufactured home installer for any of the following reasons: 747

(1) Failure to satisfy the requirements of section 4781.08 or 748
4781.10 of the Revised Code; 749

<u>(2) Violation of this chapter or any rule adopted pursuant to</u>	750
<u>it;</u>	751
<u>(3) Making a material misstatement in an application for a</u>	752
<u>license;</u>	753
<u>(4) Installing manufactured housing without a license or</u>	754
<u>without being under the supervision of a licensed manufactured</u>	755
<u>housing installer;</u>	756
<u>(5) Failure to appear for a hearing before the commission or</u>	757
<u>to comply with any final adjudication order of the commission</u>	758
<u>issued pursuant to this chapter;</u>	759
<u>(6) Conviction of a felony or a crime involving moral</u>	760
<u>turpitude;</u>	761
<u>(7) Having had a license revoked, suspended, or denied by the</u>	762
<u>commission during the preceding two years;</u>	763
<u>(8) Having had a license revoked, suspended, or denied by</u>	764
<u>another state or jurisdiction during the preceding two years;</u>	765
<u>(9) Engaging in conduct in another state or jurisdiction that</u>	766
<u>would violate this chapter if committed in this state.</u>	767
<u>(10) Failing to provide written notification of an</u>	768
<u>installation pursuant to division (D) of section 4781.11 of the</u>	769
<u>Revised Code to a county treasurer or county auditor.</u>	770
<u>(B)(1) Any person whose license or license application is</u>	771
<u>revoked, suspended, denied, or not renewed or upon whom a civil</u>	772
<u>penalty is imposed pursuant to division (C) of this section may</u>	773
<u>request an adjudication hearing on the matter within thirty days</u>	774
<u>after receipt of the notice of the action. The hearing shall be</u>	775
<u>held in accordance with Chapter 119. of the Revised Code.</u>	776
<u>(2) Any licensee or applicant may appeal an order made</u>	777
<u>pursuant to an adjudication hearing in the manner provided in</u>	778
<u>section 119.12 of the Revised Code.</u>	779

(3) Any action against the commission and any appeal from a 780
determination or decision the commission renders shall be brought 781
in the court of common pleas of Franklin county. 782

(C) As an alternative to suspending, revoking, or refusing to 783
renew a manufactured housing installer's license, the commission 784
may impose a civil penalty of not less than one hundred dollars or 785
more than five hundred dollars per violation of this chapter or 786
any rule adopted pursuant to it. The commission shall deposit 787
penalties in the occupational licensing and regulatory fund 788
pursuant to section 4743.05 of the Revised Code. 789

(D) A person whose license is suspended, revoked, or not 790
renewed may apply for a new license two years after the date on 791
which the license was suspended, revoked, or not renewed. 792

Sec. 4781.10. (A) The manufactured homes commission may 793
establish programs and requirements for continuing education for 794
manufactured housing installers. The commission shall not require 795
licensees to complete more than eight credit hours of continuing 796
education during each license period. If the commission 797
establishes a program of continuing education, it shall require 798
that only courses that the commission preapproves be accepted for 799
licensure credit, and unless an extension is granted pursuant to 800
division (D) of this section, that all credit hours be 801
successfully completed prior to the expiration of the installer's 802
license. 803

(B) To provide the resources to administer continuing 804
education programs, the commission may establish nonrefundable 805
fees, including any of the following: 806

(1) An application fee not to exceed one hundred fifty 807
dollars charged to the sponsor of each proposed course; 808

(2) A renewal fee not to exceed seventy-five dollars, charged 809

to the sponsor of each course, for the annual renewal of course 810
approval; 811

(3) A course fee charged to the sponsor of each course 812
offered, not to exceed five dollars per credit hour, for each 813
person completing an approved course; 814

(4) A student fee charged to licensees, not to exceed fifty 815
dollars, for each course or activity a student submits to the 816
commission for approval. 817

(C) The commission may adopt reasonable rules not 818
inconsistent with this chapter to carry out any continuing 819
education program, including rules that govern the following: 820

(1) The content and subject matter of continuing education 821
courses; 822

(2) The criteria, standards, and procedures for the approval 823
of courses, course sponsors, and course instructors; 824

(3) The methods of instruction; 825

(4) The computation of course credit; 826

(5) The ability to carry forward course credit from one year 827
to another; 828

(6) Conditions under which the commission may grant a waiver 829
or variance from continuing education requirements on the basis of 830
hardship or other reasons; 831

(7) Procedures for compliance with the continuing education 832
requirements and sanctions for noncompliance. 833

(D) The commission shall not renew the license of any person 834
who fails to satisfy any continuing education requirement that the 835
commission establishes. The commission may, for good cause, grant 836
an extension of time to comply with the continuing education 837
requirements. Any installer who is granted an extension and 838

completes the continuing education requirements within the time 839
the commission establishes is deemed in compliance with the 840
education requirements. The license of any person who is granted 841
an extension shall remain in effect during the period of the 842
extension. 843

Sec. 4781.11. (A)(1) Except as provided in division (B) of 844
this section, no person shall install manufactured housing unless 845
that person is licensed as a manufactured housing installer 846
pursuant to this chapter or unless a licensed manufactured housing 847
installer is present during the installation and supervises the 848
person who is not licensed. 849

(2) A licensed manufactured housing installer who supervises 850
the work of an unlicensed person is responsible for all 851
installation work that the unlicensed person performs under the 852
licensed person's supervision. 853

(3) A person who is not a licensed manufactured housing 854
installer may perform foundation or base support system 855
construction if supervised by a licensed installer. The licensed 856
installer need not be present during the construction of the 857
foundation or base support system but is responsible for the 858
construction of the foundation or base support system. 859

(B)(1) Nothing in this chapter requires a person to obtain a 860
manufactured housing installer license to install manufactured 861
housing for the person's own occupancy if the manufactured housing 862
is located on property that the person owns and is not located in 863
a manufactured home park. 864

(2) A person who installs manufactured housing in the manner 865
described in division (B)(1) of this section is not entitled to 866
claim any right or remedy or to bring a cause of action under this 867
chapter. 868

(C) No person shall install any manufactured housing 869
foundation or manufactured housing support system unless that 870
foundation or support system complies with the standards the 871
manufactured homes commission establishes and receives all 872
approvals and inspections that the commission requires. 873

(D) Within fourteen days after the installation, a 874
manufactured housing installer who performs or supervises a 875
manufactured housing installation shall provide to both the 876
treasurer and the auditor of the county in which the installation 877
is being performed a written notice containing all of the 878
following information: 879

(1) The address or location of the installation; 880

(2) The date of the installation; 881

(3) The make and model of the installed manufactured housing 882
unit; 883

(4) The name of the owner of the installed manufactured 884
housing unit. 885

(E) It is a violation of this chapter to do any of the 886
following: 887

(1) Represent another person's license as a manufactured 888
housing installer as one's own; 889

(2) Intentionally give false or materially misleading 890
information of any kind to the commission or to a commission 891
member in connection with licensing matters; 892

(3) Impersonate another manufactured housing installer; 893

(4) Use an expired, suspended, or revoked license. 894

Sec. 4781.12. (A) The manufactured homes commission may apply 895
to an appropriate court to enjoin any violation of this chapter or 896
the rules adopted pursuant to it. The court shall grant any 897

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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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
of the Revised Code, the manufactured homes commission has
exclusive power to adopt rules of uniform application throughout
the state governing installation of manufactured housing, the
inspection of manufactured housing foundations and support
systems, the inspection of the installation of manufactured
housing, the training and licensing of manufactured housing

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installers, and the investigation of complaints concerning 928
manufactured housing installers. 929

(C) Except as provided in division (A)(3) of section 3733.02 930
of the Revised Code, the rules the commission adopts pursuant to 931
this chapter are the exclusive rules governing the installation of 932
manufactured housing, the design, construction, and approval of 933
foundations for manufactured housing, the licensure of 934
manufactured home installers, and the fees charged for licensure 935
of manufactured home installers. No political subdivision of the 936
state or any department or agency of the state may establish any 937
other standards governing the installation of manufactured 938
housing, manufactured housing foundations and support systems, the 939
licensure of manufactured housing installers, or fees charged for 940
the licensure of manufactured housing installers. 941

(D) Nothing in this section limits the authority of the 942
attorney general to enforce Chapter 1345. of the Revised Code or 943
to take any action permitted by the Revised Code against 944
manufactured housing installers, retailers, or manufacturers. 945

Section 2. That existing sections 119.12, 3733.02, 3781.06, 946
and 4743.05 of the Revised Code are hereby repealed. 947

Section 3. Section 4781.11 of the Revised Code, as enacted by 948
this act, shall take effect one year after the effective date of 949
this act. 950