

**LSC 125 0050-4**

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

**Sub. S. B. No. 102**

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**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 19  
of the Revised Code for any county treasurer's office, that the 20  
county treasurer invested at least ten per cent of the county's 21

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  
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

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installation, blocking, tiedown, foundation, and base support 52  
systems of manufactured housing in a manufactured home park that 53  
the department of health or a licensor conducts shall be conducted 54  
by a person who has completed an installation training course 55  
approved by the manufactured homes commission pursuant to division 56  
(B)(12) of section 4781.04 of the Revised Code. 57

As used in division (A)(3) of this section, "manufactured 58  
housing" has the same meaning as in section 4781.01 of the Revised 59  
Code. 60

(B) The public health council, subject to Chapter 119. of the 61  
Revised Code, shall adopt rules of uniform application throughout 62  
the state governing the review of plans and issuance of licenses 63  
for and the location, layout, construction, drainage, sanitation, 64  
safety, and operation of recreational vehicle parks, recreation 65  
camps, and combined park-camps. The rules shall not apply to the 66  
construction, erection, or manufacture of any building to which 67  
section 3781.06 of the Revised Code is applicable. 68

(C) The public health council, subject to Chapter 119. of the 69  
Revised Code, shall adopt rules of uniform application throughout 70  
the state governing the review of plans and issuance of licenses 71  
for and the layout, sanitation, safety, and operation of temporary 72  
park-camps. The rules shall not apply to the construction, 73  
erection, or manufacture of any building to which section 3781.06 74  
of the Revised Code is applicable. 75

(D) The public health council, in accordance with Chapter 76  
119. of the Revised Code, shall adopt rules of uniform application 77  
throughout the state establishing requirements and procedures in 78  
accordance with which the director of health may authorize 79  
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 closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

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

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

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

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

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

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

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

(7) "Safe," with respect to a building, means it is free from

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
<u>Sec. 4781.01. As used in this chapter:</u>	208
<u>(A) "Industrialized unit" has the same meaning as in division</u>	209
<u>(C)(3) of section 3781.06 of the Revised Code.</u>	210
<u>(B) "Installation" means any of the following:</u>	211
<u>(1) The temporary or permanent construction of stabilization,</u>	212
<u>support, and anchoring systems for manufactured housing;</u>	213
<u>(2) The placement and erection of a manufactured housing unit</u>	214
<u>or components of a unit on a structural support system;</u>	215
<u>(3) The supporting, blocking, leveling, securing, anchoring,</u>	216
<u>underpinning, or adjusting of any section or component of a</u>	217
<u>manufactured housing unit;</u>	218
<u>(4) The joining or connecting of all sections or components</u>	219
<u>of a manufactured housing unit.</u>	220
<u>(C) "Manufactured home" has the same meaning as in division</u>	221
<u>(C)(4) of section 3781.06 of the Revised Code.</u>	222
<u>(D) "Manufactured home park" has the same meaning as in</u>	223
<u>division (A) of section 3733.01 of the Revised Code.</u>	224
<u>(E) "Manufactured housing" means manufactured homes and</u>	225
<u>mobile homes.</u>	226
<u>(F) "Manufactured housing installer" means an individual who</u>	227
<u>installs manufactured housing.</u>	228
<u>(G) "Mobile home" has the same meaning as in division (O) of</u>	229
<u>section 4501.01 of the Revised Code.</u>	230
<u>(H) "Model standards" means the federal manufactured home</u>	231
<u>installation standards established pursuant to 42 U.S.C. 5404.</u>	232
<u>(I) "Permanent foundation" has the same meaning as in</u>	233

division (C)(5) of section 3781.06 of the Revised Code.

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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.

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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.

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(2) The governor shall appoint the following members:

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(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;

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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;

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

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

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

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(b) One member who manufactures manufactured homes in this state or who manufactures manufactured homes in another state and ships homes into this state, to represent manufactured home manufacturers, with an initial term ending December 31, 2006. 263  
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(4) The speaker of the house of representatives shall appoint the following members: 267  
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(a) One member who operates a manufactured or mobile home retail business in this state to represent manufactured and mobile home retailers, with an initial term ending December 31, 2007; 269  
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(b) One member who is a manufactured home park operator or is employed by an operator, with an initial term ending December 31, 2005; 272  
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(c) One member to represent the Ohio manufactured home association, or any successor entity, who may be the president or executive director of the association or the successor entity, with an initial term ending December 31, 2006. 275  
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(C)(1) After the initial term, each term of office is for four years ending on the thirty-first day of December. A member holds office from the date of appointment until the end of the term. No member may serve more than two consecutive four-year terms. 279  
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(2) Any member appointed to fill a vacancy that occurs prior to the expiration of a term continues in office for the remainder of that term. Any member continues in office subsequent to the expiration date of the term until the member's successor takes office or until sixty days have elapsed, which ever occurs first. 284  
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(3) A vacancy on the commission does not impair the authority of the remaining members to exercise all of the commission's powers. 289  
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(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 licensor, 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 licensor 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  
into contracts to fulfill the licensee's responsibilities; 380

(9) Govern the investigation of complaints concerning any 381  
violation of this chapter or the rules adopted pursuant to it or 382

complaints involving the conduct of any licensed manufactured 383  
housing installer or person installing manufactured housing 384  
without a license; 385

(10) Establish a dispute resolution program for the timely 386  
resolution of warranty issues involving new manufactured homes, 387  
disputes regarding responsibility for the correction or repair of 388  
defects in manufactured housing, and the installation of 389  
manufactured housing. The rules shall provide for the timely 390  
resolution of disputes between manufacturers, retailers, and 391  
installers regarding the correction or repair of defects in 392  
manufactured housing that are reported by the purchaser of the 393  
home during the one year period beginning on the date of 394  
installation of the home. The rules also shall provide that 395  
decisions made regarding the dispute under the program are not 396  
binding upon the purchaser of the home or the other parties 397  
involved in the dispute unless the purchaser so agrees in a 398  
written acknowledgement that the purchaser signs and delivers to 399  
the program within ten business days after the decision is issued. 400

(11) Establish the requirements and procedures for the 401  
certification of building departments and building department 402  
personnel pursuant to section 4781.07 of the Revised Code; 403

(12) Establish fees to be charged to building departments and 404  
building department personnel applying for certification and 405  
renewal of certification pursuant to section 4781.07 of the 406  
Revised Code; 407

(13) Carry out any other provision of this chapter. 408

(B) The manufactured homes commission shall do all of the 409  
following: 410

(1) Prepare and administer a licensure examination to 411  
determine an applicant's knowledge of manufactured housing 412  
installation and other aspects of installation the commission 413

<u>determines appropriate;</u>	414
<u>(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;</u>	415 416 417
<u>(3) Prepare and distribute any application form this chapter requires;</u>	418 419
<u>(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;</u>	420 421
<u>(5) Establish procedures for processing, approving, and disapproving applications for licensure;</u>	422 423
<u>(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;</u>	424 425 426
<u>(7) Review the design and plans for manufactured housing installations, foundations, and support systems;</u>	427 428
<u>(8) Inspect a sample of homes at a percentage the commission determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the commission adopts;</u>	429 430 431 432 433
<u>(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer;</u>	434 435 436
<u>(10) Determine appropriate disciplinary actions for violations of this chapter;</u>	437 438
<u>(11) Conduct audits and inquiries of manufactured housing installers as appropriate for the enforcement of this chapter. The commission, or any person the commission employs for the purpose, may review and audit the business records of any manufactured housing installer during normal business hours.</u>	439 440 441 442 443

(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 471  
written record of the commission's meetings and proceedings; 472

(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 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 4781.07 495  
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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 approved under the laws of another state to perform functions substantially similar to those of a manufactured housing installer may apply to the commission for licensure on a form the commission prescribes. The commission shall issue a license if the standards for licensure, certification, or approval in the state in which the applicant is licensed, certified, or approved are substantially similar to or exceed the requirements set forth in this chapter and the rules adopted pursuant to it. The commission may require the applicant to pass the commission's licensure examination. 562  
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(D) Any license issued pursuant to this section shall bear the licensee's name and post-office address, the issue date, a serial number the commission designates, and the signature of the commission chairperson or a person the commission designates pursuant to rules. 573  
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(E) A manufactured housing installers license expires two years after it is issued. The commission shall renew a license if the applicant does all of the following: 578  
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(1) Meets the requirements of division (A) of this section; 581

(2) Demonstrates compliance with the requirements of this chapter and the rules adopted pursuant to it; 582  
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(3) Meets the commission's continuing education requirements. 584

(F) No manufactured housing installer's license may be transferred to another person. 585  
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**Sec. 4781.09.** (A) The manufactured homes commission may deny, suspend, revoke, or refuse to renew the license of any manufactured home installer for any of the following reasons: 587  
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(1) Failure to satisfy the requirements of section 4781.08 or 4781.10 of the Revised Code; 590  
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<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
<u>(2) Any licensee or applicant may appeal an order made</u>	619
<u>pursuant to an adjudication hearing in the manner provided in</u>	620
<u>section 119.12 of the Revised Code.</u>	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 649  
approval; 650

(3) A course fee charged to the sponsor of each course 651

offered, not to exceed five dollars per credit hour, for each 652  
person completing an approved course; 653

(4) A student fee charged to licensees, not to exceed fifty 654  
dollars, for each course or activity a student submits to the 655  
commission for approval. 656

(C) The commission may adopt reasonable rules not 657  
inconsistent with this chapter to carry out any continuing 658  
education program, including rules that govern the following: 659

(1) The content and subject matter of continuing education 660  
courses; 661

(2) The criteria, standards, and procedures for the approval 662  
of courses, course sponsors, and course instructors; 663

(3) The methods of instruction; 664

(4) The computation of course credit; 665

(5) The ability to carry forward course credit from one year 666  
to another; 667

(6) Conditions under which the commission may grant a waiver 668  
or variance from continuing education requirements on the basis of 669  
hardship or other reasons; 670

(7) Procedures for compliance with the continuing education 671  
requirements and sanctions for noncompliance. 672

(D) The commission shall not renew the license of any person 673  
who fails to satisfy any continuing education requirement that the 674  
commission establishes. The commission may, for good cause, grant 675  
an extension of time to comply with the continuing education 676  
requirements. Any installer who is granted an extension and 677  
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.

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

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

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

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

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

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(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

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approvals and inspections that the commission requires. 712

(D) Within fourteen days after the installation, a 713  
manufactured housing installer who performs or supervises a 714  
manufactured housing installation shall provide to both the 715  
treasurer and the auditor of the county in which the installation 716  
is being performed a written notice containing all of the 717  
following information: 718

(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 721  
unit; 722

(4) The name of the owner of the installed manufactured 723  
housing unit. 724

(E) It is a violation of this chapter to do any of the 725  
following: 726

(1) Represent another person's license as a manufactured 727  
housing installer as one's own; 728

(2) Intentionally give false or materially misleading 729  
information of any kind to the commission or to a commission 730  
member in connection with licensing matters; 731

(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 734  
to an appropriate court to enjoin any violation of this chapter or 735  
the rules adopted pursuant to it. The court shall grant any 736  
appropriate relief, including an injunction, restraining order, or 737  
any combination thereof, upon a showing that a person has violated 738  
or is about to violate this chapter or a rule adopted pursuant to 739  
it. 740

(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. 741  
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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. 746  
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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. 753  
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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. 756  
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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 767  
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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