

No. 69

AN ACT

HB 1236

Establishing a uniform standards code approved by the United States of America Standards Institute for the body and frame design and construction and the installation of plumbing, heating, and electrical systems in mobile homes; requiring a permit to be issued by the Department of Community Affairs to mobile home manufacturers engaged in business in this Commonwealth; requiring mobile homes to bear a seal issued by the Department of Community Affairs; providing for enforcement and penalties; and providing for a Mobile Home Standards Advisory Commission.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.—This act shall be known and may be cited as the “Uniform Standards Code for Mobile Homes.”

Section 2. Definitions.—As used in this act:

(1) “Mobile home” means a transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

(2) “Code” means the uniform standards code that meets the standards approved by the United States of America Standards Institute or its successor, the American National Standards Institute set up for mobile homes for the body and frame design and construction and the installation of the electrical, plumbing and heating systems.

(3) “Seal” means a device or insignia issued by the Department of Community Affairs, to be displayed on the exterior of the mobile home in such manner as shall be designated by department regulations.

(4) “Dealer” means a person who is defined as a “new mobile home dealer” or “used mobile home dealer” as those terms are defined in section 102 of “The Vehicle Code.”

(5) “Manufacturer” means any person engaged in the business of manufacturing mobile homes as defined herein.

(6) “Department” means the Department of Community Affairs.

(7) “Person” means a person, partnership, company, corporation, or association engaged in manufacturing or selling mobile homes.

(8) “Political subdivision” means any county, city, borough, incorporated town, township, or any similar general purpose unit of government which may be created by the General Assembly with authority to establish standards and requirements applicable to the construction, installation, alteration and repair of buildings.

Section 3. Establishment of Uniform Standards Code.—(a) The body and frame design and construction of mobile homes and all plumbing, heating, and electrical systems installed in mobile homes manufactured more than six months after the effective date of this act and sold or offered for sale in this Commonwealth shall meet the standards approved by the United States of America Standards Institute or its successor for the body and frame design and construction, and installation of plumbing, heating and electrical systems in mobile homes, said standards being known as USAS A-119.1-1969 and NFPA 501B-1968, approved January 27, 1969.

(b) The department may adopt and promulgate regulations which clarify and supplement the standards referred to in subsection (a) of this section. If the code, or any section, part or provision thereof, is changed, altered, or amended, the department may adopt and promulgate regulations which are reasonably consistent with or identical to the code, as changed, altered or amended. The department shall adopt such other regulations as are necessary to carry out the provisions of this act, including regulations to be adopted within four months of the effective date of this act which set forth the manner in which the permit required by subsection (a) of section 5 of this act is to be obtained. However, no portion of this act, or code, or rules and regulations adopted, amended, or repealed as provided herein, which limits the work to be performed to any type of construction contractor, or manufacturer, or labor or mechanic classification, or materials, shall be enforceable by the department.

(c) The department shall hold public hearings on the regulations proposed to be adopted, amended or repealed; said hearings, and all hearings required under this act shall be consistent with the provisions of the act of June 4, 1945 (P.L.1388), known as the "Administrative Agency Law," and the act of July 31, 1968 (P.L.769), known as the "Commonwealth Documents Law." The regulations adopted pursuant to this act shall not be effective unless their adoption is in accordance with the provisions of the act of July 31, 1968 (P.L.769), known as the "Commonwealth Documents Law."

Section 4. Effect of Code.—(a) Except in cases of waterline connections to their main source of supply; sewer drainage line connections to main sewers or cesspools; or electrical line connections to their main source of power a mobile home bearing a seal affixed pursuant to the requirements of this act shall be deemed to comply with all ordinances, regulations, or building codes, or special local requirements enacted by the Commonwealth or any political subdivision thereof applicable to the body and frame design and construction, and installation of plumbing, heating and electrical systems within and including the exterior walls of the mobile home.

(b) Nothing in this act shall be construed as amending or repealing any of the provisions of the act of April 27, 1927 (P.L.465), entitled, as amended, "An act to provide for the safety of persons employed, housed,

or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists, except in cities of the first class and second class; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts.”

(c) Nothing in this act shall be construed as amending, repealing or superseding any local zoning ordinance, subdivision regulation or locally adopted land development code, regulation or ordinance.

Section 5. Issuance of Permit and Seals.—(a) Any manufacturer within or without this Commonwealth shall apply to the department for a permit to affix seals to mobile homes intended for sale in this Commonwealth and shall comply with the regulations regarding the obtaining of a permit adopted pursuant to subsection (b) of section 3.

(b) Seals for affixation to a mobile home shall be issued to a manufacturer holding a permit, upon the manufacturer’s certification that any mobile home to which a seal is to be affixed will be built at least equal to the code standards and regulations, if any, referred to in section 3.

Section 6. Seal Required; Violations.—(a) No person may sell or offer for sale in this Commonwealth any mobile home manufactured more than six months following the effective date of this act unless it bears a seal that such mobile home meets or exceeds the code standards and regulations, if any, established by this act, which seal shall be displayed in the manner prescribed by the department.

(b) No person may affix a seal to any mobile home which does not meet or exceed the requirements of the code standards and regulations, if any, established in this act.

(c) Any dealer, owner, or other person in possession of a mobile home which does not bear a seal may make application to the department for an inspection of the mobile home by an inspector of the department who shall thereupon issue a seal for such unit upon finding that it complies with the regulations promulgated hereunder and the department may establish a reasonable inspection fee for the furnishing of such service.

(d) The provisions of this section shall not apply to the manufacture or sale of mobile homes designated for delivery and use outside the Commonwealth.

(e) A seal issued by the department shall not be required on a mobile home bearing a seal issued by another state under regulations found by the department to be consistent with the regulations promulgated hereunder. The department, upon request, shall furnish a current list of states to which this subsection applies.

Section 7. Fees.—The department shall establish a schedule of fees reasonably related to the cost incurred by the department in the administration and enforcement of this act.

Section 8. Administration of Act.—(a) The department is hereby charged with the administration of this act. It shall have the power to make and amend, alter or repeal the regulations referred to in section 3 and also regulations of procedure for carrying into effect any provision of this act, and to prescribe means, methods, and practice to make effective such provisions. The department is hereby authorized to enter into interdepartmental agreements for the purposes of administration of this act.

(b) The department, through its authorized representatives, may enter any place or establishment where mobile homes are manufactured, sold, or offered for sale, for the purpose of ascertaining whether the requirements of this act and the regulations of the department have been met.

(c) No person may interfere, obstruct or hinder an authorized representative of the department in the performance of his duty as set forth in the provisions of this act.

Section 9. Penalties.—(a) Any person who violates or fails to comply with this act shall be given certified mail notice by the department and instructed to correct the violation within a time prescribed by the department. Should the person fail to make the necessary correction he shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or undergo imprisonment not exceeding six months, or both. A violation as to each separate mobile home shall constitute a separate offense.

(b) The department, after notice and hearing, may revoke the permit of a manufacturer who violates the provisions of this act.

Section 10. Mobile Home Standards Advisory Commission.—The department shall establish a Mobile Home Standards Advisory Commission consisting of persons knowledgeable in the fields of mobile home manufacturing, marketing and use. The department shall consult with and obtain advice of the commission in the drafting and promulgation of rules and regulations to be adopted in accordance with this act. The commission shall consist of nine members, appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate. The members initially appointed shall serve for the following terms: three members for a term of one year, three members for a term of two years and three members for a term of three years. The particular term of each member shall be designated by the Governor at the time of appointment. The terms of all their successors shall be three years each, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Every member's term shall extend until his

successor is appointed and qualified. Any member shall be eligible for reappointment. The members shall not receive compensation for their services as members, but shall receive reimbursement for all necessary expenses incurred in connection with the performance of their duties as members. The department may supply such staff as requested by the commission.

Section 11. Effective Date.—This act shall take effect immediately.

APPROVED—The 11th day of May, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 69.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T".

Secretary of the Commonwealth.