

LEGISLATIVE BILL 247

Approved by the Governor February 6, 2001

Introduced by Bromm, 23

AN ACT relating to modular housing units; to amend section 71-1559, Revised Statutes Supplement, 2000; to provide for inspections, issuance of seals, and fees; to provide for transfers of funds; to harmonize provisions; to repeal the original section; and to outright repeal section 71-1568, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-1559, Revised Statutes Supplement, 2000, is amended to read:

71-1559. (1) Every modular housing unit, except those constructed or manufactured by any school district or community college area as a part of a buildings trade or other instructional program offered by such district or area, manufactured more than six months after July 10, 1976, and before May 1, 1998, which is sold, offered for sale, or leased in this state shall comply with the seal requirements of the state agency responsible for regulation of modular housing units as such requirements existed on the date of manufacture.

(2) Every modular housing unit, except those constructed or manufactured by any school district or community college area as part of a buildings trade or other instructional program offered by such district or area, manufactured on or after May 1, 1998, which is sold, offered for sale, or leased in this state shall bear a seal issued by the commission certifying that the construction and the structural, plumbing, heating, and electrical systems of such modular housing unit have been installed in compliance with its standards applicable at the time of manufacture. Each manufacturer of such modular housing units, except those constructed or manufactured by such school district or community college area, shall submit its plans to the commission for the purposes of inspection. The commission shall establish a compliance assurance program consisting of an application form and a compliance assurance manual. Such manual shall identify and list all procedures which the manufacturer and the inspection agency propose to implement to assure that the finished modular housing unit conforms to the approved building system and the applicable codes adopted by the commission. The compliance assurance program requirements shall apply to all inspection agencies, whether commission or authorized third party, and shall define duties and responsibilities in the process of inspecting, monitoring, and issuing seals for modular housing units. The commission shall issue the seal only after ascertaining that the manufacturer is in full compliance with the compliance assurance program through inspections at the plant by the commission or authorized third-party inspection agency. Such inspections shall be of an unannounced frequency such that the required level of code compliance performance is implemented and maintained throughout all areas of plant and site operations that affect regulatory aspects of the construction. Each seal issued by the state shall remain the property of the commission and may be revoked by the commission in the event of violation of the conditions of issuance.

(3) Modular housing units constructed or manufactured by any school district or community college area as a part of a buildings trade or other instructional program offered by such district or area shall be inspected by the local inspection authority or, upon request of the district or area, by the commission. If the commission inspects a unit and finds that it is in compliance, the commission shall issue a seal certifying that the construction and the structural, plumbing, heating, and electrical systems of such unit have been installed in compliance with the standards applicable at the time of manufacture.

(4) A fee of not less than eighty and not more than four hundred dollars per living unit as determined by rules and regulations of the commission shall be charged for each seal issued by the commission under subsection (2) or (3) of this section. Inspection fees shall be paid for all inspections by the commission of manufacturing plants located outside of the State of Nebraska. Such fees shall consist of a reimbursement by the manufacturer of actual travel and inspection expenses only and shall be paid prior to any issuance of seals. All fees collected under the Nebraska Uniform Standards for Modular Housing Units Act shall be remitted to the State Treasurer for credit to the Modular Housing Units Cash Fund which is hereby created. Money credited to the fund pursuant to this section shall be used by

the commission for the purpose of administering the act. Transfers from the fund to the General Fund may be made at the direction of the Legislature. The State Treasurer shall transfer to the Modular Housing Units Cash Fund on or after May 17, 1998, any money credited to the Department of Health and Human Services Regulation and Licensure Cash Fund pursuant to the Nebraska Uniform Standards for Modular Housing Units Act. Any money in the Modular Housing Units Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Original section 71-1559, Revised Statutes Supplement, 2000, is repealed.

Sec. 3. The following section is outright repealed: Section 71-1568, Reissue Revised Statutes of Nebraska.