

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 429
HOUSE BILL 736

AN ACT TO MAKE TECHNICAL CORRECTIONS AND CLARIFY THE POWERS
AND DUTIES OF THE NORTH CAROLINA MANUFACTURED HOUSING
BOARD AND THE COMMISSIONER OF INSURANCE.

The General Assembly of North Carolina enacts:

Section 1. Article 9A Chapter 143 of the General Statutes is amended by deleting the title, "Manufactured Housing and Mobile Homes, Part 1. North Carolina Manufactured Housing Board", and inserting in lieu thereof the title, "North Carolina Manufactured Housing Board - Manufactured Home Warranties."

Sec. 2. Chapter 143 of the General Statutes is amended by redesignating Part 2 of Article 9A as "Article 9B".

Sec. 3. Articles 9B, 9C, and 9D of Chapter 143 of the General Statutes are respectively redesignated as Articles 9C, 9D and 9E.

Sec. 4. G.S. 143-143.9(3) is amended by placing a period after "Commissioner" in the first line and deleting the rest of the subsection.

Sec. 5. G.S. 143-143.9(6) is amended by substituting "or" for "and" between "width" and "is".

Sec. 6. G.S. 143-143.10(b)(3) is rewritten to read:

"(3) To receive and resolve complaints from buyers of manufactured homes and from persons in the manufactured housing industry, in connection with the warranty, warranty service, licensing requirements or any other provision under this Article; and..."

Sec. 7. G.S. 143-143.10(b) is amended by adding a new section to read:

"(5) To file against the bond posted by a licensee for warranty repairs and service on behalf of a buyer."

Sec. 8. G.S. 143-143.15(a) is rewritten to read:

"(a) Manufactured homes shall be set up and anchored in accordance with the standards adopted by the Commissioner."

Sec. 9. G.S. 143-143.16(2)(b) and G.S. 143-143.16(4) are each amended by deleting the words "federal or State standards" and inserting in lieu thereof "standards adopted by the Commissioner."

Sec. 10. G.S. 143-145(7) is rewritten to read:

"(7) 'Manufactured home' means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent

foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. 'Manufactured home' includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq.

For manufactured homes built prior to June 15, 1976, 'manufactured home' means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. 'Manufactured home' also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width."

Sec. 11. G.S. 143-146(a) is amended by adding to the end the following:

"This Article is intended to provide to the Commissioner all necessary authority to enable the State to obtain approval as a State Administrative Agency under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974."

Sec. 12. G.S. 143-146(e) is rewritten to read:

"(e) The Commissioner is authorized to promulgate such rules as are necessary to carry out the provisions of this Article, including rules regarding consumer complaint procedures, and such other rules as are necessary to enable the State to assume responsibility for the enforcement of the National Manufactured Housing Construction and Safety Standards Act of 1974.

Sec. 13. G.S. 143-148 is rewritten to read:

"§ 143-148. Certain structures excluded from coverage.—The Commissioner may by rule provide for the exclusion of certain structures by certification in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974."

Sec. 14. G.S. 143-151.4 is amended by inserting between "such manufacturer" and "in accordance" the following: "and correct such defect."

Sec. 15. G.S. 143-151.1 is amended by deleting the period at the end of the section and adding the following: ", stored or held for sale."

Sec. 16. G.S. 143-151.5(a)(6) is amended by substituting "G.S. 143-148" for "G.S. 143-148(c)".

Sec. 17. G.S. 143-143.18(c) is amended by rewriting the first sentence to read:

"A substantial defect shall be remedied within 45 days of the receipt of written notification from the claimant. If no written notification is given, the defect shall be remedied within 45 days of the mailing of notification by the Board, unless the claim is unreasonable or bona fide reasons exist for not remedying the defect within the 45-day period."

Sec. 18. G.S. 143-146, 143,151.1, 143-151.2 and 143-151.3 are amended by substituting "National Manufactured Housing Construction and Safety Standards Act of 1974" for either "National Mobile Home Construction and Safety Standards Act of 1974" or "Mobile Home Construction and Safety Standards Act of 1974".

Sec. 19. Articles 9A and 9B of Chapter 143 of the General Statutes, as designated by this act, are amended by substituting "Article" for "Part" wherever it appears.

Sec. 20. In the event any provision of this act is held to be invalid by any court of competent jurisdiction, the court's holding as to that provision shall not affect the validity or operation of other provisions of this act; and to that end the provisions of this act are severable.

Sec. 21. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 19th day of June, 1987.