

AMENDMENTS TO LB 797

Introduced by Johnson, 37.

1           1. Insert the following new sections:

2           Section 1. Section 60-107, Revised Statutes Cumulative  
3 Supplement, 2006, is amended to read:

4           60-107 Cabin trailer means a trailer or a semitrailer,  
5 which is designed, constructed, and equipped as a dwelling place,  
6 living abode, or sleeping place, whether used for such purposes  
7 or instead permanently or temporarily for the advertising, sale,  
8 display, or promotion of merchandise or services or for any other  
9 commercial purpose except transportation of property for hire or  
10 transportation of property for distribution by a private carrier.  
11 Cabin trailer does not mean a trailer or semitrailer which is  
12 permanently attached to real estate. There are four classes of  
13 cabin trailers:

14           (1) Camping trailer which includes cabin trailers one  
15 hundred two inches or less in width and forty feet or less in  
16 length and adjusted mechanically smaller for towing;

17           (2) Mobile home which includes cabin trailers more than  
18 one hundred two inches in width or more than forty feet in length;

19           (3) Travel trailer which includes cabin trailers not more  
20 than one hundred two inches in width nor more than forty feet  
21 in length from front hitch to rear bumper, except as provided in  
22 subdivision (2)(k) of section 60-6,288; and

23           (4) Manufactured home means a structure, transportable in

1 one or more sections, which in the traveling mode is eight body  
2 feet or more in width or forty body feet or more in length or when  
3 erected on site is three hundred twenty or more square feet and  
4 which is built on a permanent frame and designed to be used as  
5 a dwelling with or without a permanent foundation when connected  
6 to the required utilities and includes the plumbing, heating, air  
7 conditioning, and electrical systems contained in the structure,  
8 except that manufactured home includes any structure that meets  
9 all of the requirements of this subdivision other than the size  
10 requirements and with respect to which the manufacturer voluntarily  
11 files a certification required by the United States Secretary  
12 of Housing and Urban Development and complies with the standards  
13 established under the National Manufactured Housing Construction  
14 and Safety Standards Act of 1974, as such act existed on September  
15 1, 2001, 42 U.S.C. 5401 et seq. Manufactured home also includes  
16 any manufactured home designed and manufactured with more than one  
17 separate living unit for the purpose of multifamily living.

18           Sec. 2. Section 60-1301, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           60-1301 In order to promote public safety, to preserve  
21 and protect the state highways and bridges and prevent immoderate  
22 and destructive use of the same, and to enforce the motor  
23 vehicle registration laws, the Department of Roads shall have the  
24 responsibility to construct, maintain, provide, and contract with  
25 the Nebraska State Patrol for the operation of weighing stations  
26 and provide the funding for the same. The Nebraska State Patrol  
27 shall operate the weighing stations, including portable scales, for

1 the weighing and inspection of buses, motor trucks, truck-tractors,  
2 semitrailers, trailers, and towed vehicles. Each of the weighing  
3 stations shall be located near, on, or adjacent to a state highway  
4 upon real estate owned by the State of Nebraska or upon real estate  
5 acquired for that purpose. Weights determined on such weighing  
6 stations and portable scales shall be presumed to be accurate and  
7 shall be accepted in court as prima facie evidence of a violation  
8 of the laws relating to the size, weight, load, and registration  
9 of buses, motor trucks, truck-tractors, semitrailers, trailers, and  
10 towed vehicles. The owner or driver of a vehicle found to be in  
11 violation of such laws by the use of portable scales shall be  
12 advised by the officer operating the portable scale that he or  
13 she has the right to demand an immediate reweighing at his or her  
14 expense at the nearest permanent state-approved scale capable of  
15 weighing the vehicle, and if a variance exists between the weights  
16 of the permanent and portable scales, then the weights determined  
17 on the permanent scale shall prevail. Sections 60-1301 to 60-1309  
18 shall not apply to pickup trucks with a factory-rated capacity of  
19 one ton or less, except as may be provided by rules and regulations  
20 of the Nebraska State Patrol, or to recreational vehicles as  
21 defined in ~~subdivision (2) of~~ section 71-4603. The Nebraska State  
22 Patrol may adopt and promulgate rules and regulations concerning  
23 the weighing of pickup trucks with a factory-rated capacity of one  
24 ton or less which tow vehicles. Such rules and regulations shall  
25 require trucks towing vehicles to comply with sections 60-1301 to  
26 60-1309 when it is necessary to promote the public safety and  
27 preserve and protect the state highways and bridges.

1           Sec. 3. Section 60-1401.02, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           60-1401.02 For purposes of sections 60-1401.01 to 60-1440  
4 and 60-2601 to 60-2607, unless the context otherwise requires:

5           (1) Person means every natural person, firm, partnership,  
6 limited liability company, association, or corporation;

7           (2) Association means any two or more persons acting  
8 with a common purpose, regardless of the relative degrees of  
9 involvement, and includes, but is not limited to, the following  
10 persons so acting:

11           (a) A person and one or more of his or her family  
12 members. For purposes of this subdivision, family member means an  
13 individual related to the person by blood, marriage, adoption, or  
14 legal guardianship as the person's spouse, child, parent, brother,  
15 sister, grandchild, grandparent, ward, or legal guardian or any  
16 individual so related to the person's spouse; and

17           (b) Two or more persons living in the same dwelling unit,  
18 whether or not related to each other;

19           (3) Motor vehicle dealer means any person, other than a  
20 bona fide consumer, actively and regularly engaged in the act of  
21 selling, leasing for a period of thirty or more days, or exchanging  
22 new or used motor vehicles, trailers, and manufactured homes who  
23 buys, sells, exchanges, causes the sale of, or offers or attempts  
24 to sell new or used motor vehicles. Such person is a motor vehicle  
25 dealer and subject to sections 60-1401.01 to 60-1440. Motor vehicle  
26 dealer does not include a lessor who was not involved in or  
27 associated with the selection, location, acquisition, or supply of

1 a motor vehicle which is the subject of a lease agreement;

2 (4) Trailer dealer means any person, other than a bona  
3 fide consumer, actively and regularly engaged in the business of  
4 selling or exchanging new or used trailers and manufactured homes;

5 (5) Wrecker or salvage dealer means any person who  
6 acquires one or more motor vehicles or trailers for the purpose  
7 of dismantling them for the purpose of reselling the parts or  
8 reselling the vehicles as scrap;

9 (6) Motor vehicle means any vehicle for which evidence of  
10 title is required as a condition precedent to registration under  
11 the laws of this state but does not include trailers;

12 (7) Used motor vehicle means every motor vehicle which  
13 has been sold, bargained, exchanged, or given away or for which  
14 title has been transferred from the person who first acquired  
15 it from the manufacturer, importer, dealer, or agent of the  
16 manufacturer or importer. A new motor vehicle is not considered  
17 a used motor vehicle until it has been placed in use by a bona  
18 fide consumer, notwithstanding the number of transfers of the motor  
19 vehicle;

20 (8) New motor vehicle means all motor vehicles which are  
21 not included within the definition of a used motor vehicle in this  
22 section;

23 (9) Trailer means semitrailers and trailers as defined  
24 in sections 60-348 and 60-354, respectively, which are required to  
25 be licensed as commercial trailers, other vehicles without motive  
26 power constructed so as to permit their being used as conveyances  
27 upon the public streets and highways and so constructed as not to

1 be attached to real estate and to permit the vehicle to be used  
2 for human habitation by one or more persons, and camping trailers,  
3 slide-in campers, fold-down campers, and fold-down tent trailers.  
4 Machinery and equipment to which wheels are attached and designed  
5 for being towed by a motor vehicle are excluded from the provisions  
6 of sections 60-1401.01 to 60-1440;

7 (10) Motorcycle dealer means any person, other than a  
8 bona fide consumer, actively and regularly engaged in the business  
9 of selling or exchanging new or used motorcycles;

10 (11) Motorcycle means every motor vehicle, except a  
11 tractor, having a seat or saddle for use of the rider and designed  
12 to travel on not more than three wheels in contact with the  
13 ground and for which evidence of title is required as a condition  
14 precedent to registration under the laws of this state;

15 (12) Auction means a sale of motor vehicles and trailers  
16 of types required to be registered in this state, except such  
17 vehicles as are eligible for registration pursuant to section  
18 60-3,198, sold or offered for sale at which the price offered is  
19 increased by the prospective buyers who bid against one another,  
20 the highest bidder becoming the purchaser. The holding of a farm  
21 auction or an occasional motor vehicle or trailer auction of not  
22 more than two auctions in a calendar year does not constitute an  
23 auction subject to sections 60-1401.01 to 60-1440;

24 (13) Auction dealer means any person engaged in the  
25 business of conducting an auction for the sale of motor vehicles  
26 and trailers;

27 (14) Supplemental motor vehicle, trailer, motorcycle,

1 or motor vehicle auction dealer means any person holding either  
2 a motor vehicle, trailer, motorcycle, or motor vehicle auction  
3 dealer's license engaging in the business authorized by such  
4 license at a place of business that is more than three hundred feet  
5 from any part of the place of business designated in the dealer's  
6 original license but which is located within the city or county  
7 described in such original license;

8 (15) Motor vehicle, motorcycle, or trailer salesperson  
9 means any person who, for a salary, commission, or compensation of  
10 any kind, is employed directly by only one specified licensed  
11 Nebraska motor vehicle dealer, motorcycle dealer, or trailer  
12 dealer, except when the salesperson is working for two or more  
13 dealerships with common ownership, to sell, purchase, or exchange  
14 or to negotiate for the sale, purchase, or exchange of motor  
15 vehicles, motorcycles, or trailers. A person owning any part  
16 of more than one dealership may be a salesperson for each of  
17 such dealerships. For purposes of this section, common ownership  
18 means that there is at least an eighty percent interest in  
19 each dealership by one or more persons having ownership in such  
20 dealership;

21 (16) Manufacturer means any person, resident or  
22 nonresident of this state, who is engaged in the business of  
23 distributing, manufacturing, or assembling new motor vehicles,  
24 trailers, or motorcycles and also has the same meaning as the term  
25 franchisor as used in sections 60-1401.01 to 60-1440;

26 (17) Factory representative means a representative  
27 employed by a person who manufactures or assembles motor vehicles,

1 motorcycles, or trailers, or by a factory branch, for the purpose  
2 of promoting the sale of its motor vehicles, motorcycles, or  
3 trailers to, or for supervising or contacting, its dealers or  
4 prospective dealers in this state;

5 (18) Distributor means a person, resident or nonresident  
6 of this state, who in whole or in part sells or distributes  
7 new motor vehicles, trailers, or motorcycles to dealers or who  
8 maintains distributors or representatives who sell or distribute  
9 motor vehicles, trailers, or motorcycles to dealers and also has  
10 the same meaning as the term franchisor as used in sections  
11 60-1401.01 to 60-1440;

12 (19) Finance company means any person engaged in the  
13 business of financing sales of motor vehicles, motorcycles, or  
14 trailers, or purchasing or acquiring promissory notes, secured  
15 instruments, or other documents by which the motor vehicles,  
16 motorcycles, or trailers are pledged as security for payment of  
17 obligations arising from such sales and who may find it necessary  
18 to engage in the activity of repossession and the sale of the motor  
19 vehicles, motorcycles, or trailers so pledged;

20 (20) Franchise means a contract between two or more  
21 persons when all of the following conditions are included:

22 (a) A commercial relationship of definite duration or  
23 continuing indefinite duration is involved;

24 (b) The franchisee is granted the right to offer and sell  
25 motor vehicles manufactured or distributed by the franchisor;

26 (c) The franchisee, as an independent business,  
27 constitutes a component of the franchisor's distribution system;



1           (d) The operation of the franchisee's business is  
2 substantially associated with the franchisor's trademark, service  
3 mark, trade name, advertising, or other commercial symbol  
4 designating the franchisor; and

5           (e) The operation of the franchisee's business is  
6 substantially reliant on the franchisor for the continued supply of  
7 motor vehicles, parts, and accessories;

8           (21) Franchisee means a new motor vehicle dealer who  
9 receives motor vehicles from the franchisor under a franchise and  
10 who offers and sells such motor vehicles to the general public;

11           (22) Franchisor means a person who manufactures or  
12 distributes motor vehicles and who may enter into a franchise;

13           (23) Community means a franchisee's area of  
14 responsibility as stipulated in the franchise;

15           (24) Line-make means the motor vehicles that are offered  
16 for sale, lease, or distribution under a common name, trademark,  
17 service mark, or brand name of the franchisor or manufacturer of  
18 the motor vehicle;

19           (25) Consumer care means the performance, for the public,  
20 of necessary maintenance and repairs to motor vehicles;

21           (26) Sale, selling, and equivalent expressions mean the  
22 attempted act or acts either as principal, agent, or salesperson  
23 or in any capacity whatsoever of selling, bartering, exchanging,  
24 or otherwise disposing of or negotiating or offering or attempting  
25 to negotiate the sale, purchase, or exchange of or interest in any  
26 motor vehicle, trailer, or motorcycle, including the leasing of any  
27 motor vehicle, trailer, or motorcycle for a period of thirty or

1 more days with a right or option to purchase under the terms of the  
2 lease;

3 (27) Established place of business means a permanent  
4 location within this state, easily accessible to the public, owned  
5 or leased by the applicant or a licensee for at least the term  
6 of the license year, and conforming with applicable zoning laws,  
7 at which the licensee conducts the business for which he or she  
8 is licensed and may be contacted by the public during posted  
9 reasonable business hours which shall be not less than forty  
10 hours per week. The established place of business shall have the  
11 following facilities: (a) Office space in a building or mobile  
12 home, which space shall be clean, dry, safe, and well lighted  
13 and in which shall be kept and maintained all books, records,  
14 and files necessary for the conduct of the licensed business,  
15 which premises, books, records, and files shall be available for  
16 inspection during regular business hours by any peace officer or  
17 investigator employed or designated by the board. Dealers shall,  
18 upon demand of the board's investigator, furnish copies of records  
19 so required when conducting any investigation of a complaint; (b)  
20 a sound and well-maintained sign which is legible from a public  
21 road and displayed with letters not less than eight inches in  
22 height and one contiguous area to display ten or more motor  
23 vehicles, motorcycles, or trailers in a presentable manner; (c)  
24 adequate repair facilities and tools to properly and actually  
25 service warranties on motor vehicles, motorcycles, or trailers sold  
26 at such place of business and to make other repairs arising out  
27 of the conduct of the licensee's business or, in lieu of such

1 repair facilities, the licensee may enter into a contract for the  
2 provision of such service and file a copy thereof annually with the  
3 board and shall furnish to each buyer a written statement as to  
4 where such service will be provided as required by section 60-1417.  
5 The service facility shall be located in the same county as the  
6 licensee unless the board specifically authorizes the facility to  
7 be located elsewhere. Such facility shall maintain regular business  
8 hours and shall have suitable repair equipment and facilities to  
9 service and inspect the type of vehicles sold by the licensee.  
10 Investigators of the board may certify ongoing compliance with  
11 the service and inspection facilities or repair facilities; and  
12 (d) an operating telephone connected with a public telephone  
13 exchange and located on the premises of the established place of  
14 business with a telephone number listed by the public telephone  
15 exchange and available to the public during the required posted  
16 business hours. A mobile truck equipped with repair facilities  
17 to properly perform warranty functions and other repairs shall be  
18 deemed adequate repair facilities for trailers. The requirements of  
19 this subdivision shall apply to the place of business authorized  
20 under a supplemental motor vehicle, motorcycle, or trailer dealer's  
21 license;

22 (28) Retail, when used to describe a sale, means a sale  
23 to any person other than a licensed dealer of any kind within the  
24 definitions of this section;

25 (29) Factory branch means a branch office maintained in  
26 this state by a person who manufactures, assembles, or distributes  
27 motor vehicles, motorcycles, or trailers for the sale of such motor

1 vehicles, motorcycles, or trailers to distributors or dealers  
2 or for directing or supervising, in whole or in part, its  
3 representatives in this state;

4 (30) Distributor representative means a representative  
5 employed by a distributor or distributor branch for the same  
6 purpose as set forth in the definition of factory representative in  
7 this section;

8 (31) Board means the Nebraska Motor Vehicle Industry  
9 Licensing Board;

10 (32) Scrap metal processor means any person engaged in  
11 the business of buying vehicles, motorcycles, or parts thereof  
12 for the purpose of remelting or processing into scrap metal or  
13 who otherwise processes ferrous or nonferrous metallic scrap for  
14 resale. No scrap metal processor shall sell vehicles or motorcycles  
15 without obtaining a wrecker or salvage dealer license;

16 (33) Designated family member means the spouse, child,  
17 grandchild, parent, brother, or sister of the owner of a new  
18 motor vehicle dealership who, in the case of the owner's death,  
19 is entitled to inherit the ownership interest in the new motor  
20 vehicle dealership under the terms of the owner's will, who has  
21 been nominated in any other written instrument, or who, in the case  
22 of an incapacitated owner of such dealership, has been appointed  
23 by a court as the legal representative of the new motor vehicle  
24 dealer's property;

25 (34) Bona fide consumer means an owner of a motor  
26 vehicle, motorcycle, or trailer who has acquired such vehicle for  
27 use in business or for pleasure purposes, who has been granted a

1 certificate of title on such motor vehicle, motorcycle, or trailer,  
2 and who has registered such motor vehicle, motorcycle, or trailer,  
3 all in accordance with the laws of the residence of the owner,  
4 except that no owner who sells more than eight registered motor  
5 vehicles, motorcycles, or trailers within a twelve-month period  
6 shall qualify as a bona fide consumer;

7 (35) Violator means a person acting without a license or  
8 registration as required by sections 60-1401.01 to 60-1440;

9 (36) Manufactured home means a structure, transportable  
10 in one or more sections, which in the traveling mode is eight body  
11 feet or more in width or forty body feet or more in length or when  
12 erected on site is three hundred twenty or more square feet and  
13 which is built on a permanent chassis and designed to be used as  
14 a dwelling with or without a permanent foundation when connected  
15 to the required utilities and includes the plumbing, heating, air  
16 conditioning, and electrical systems contained in the structure,  
17 except that manufactured home includes any structure that meets  
18 all of the requirements of this subdivision other than the size  
19 requirements and with respect to which the manufacturer voluntarily  
20 files a certification required by the United States Secretary  
21 of Housing and Urban Development and complies with the standards  
22 established under the National Manufactured Housing Construction  
23 and Safety Standards Act of 1974, as ~~amended~~, such act existed  
24 on September 1, 2001, 42 U.S.C. 5401 et seq.; ~~Manufactured home~~  
25 ~~also includes any manufactured home designed and manufactured with~~  
26 ~~more than one separate living unit for the purpose of multifamily~~  
27 ~~living;~~ and

1           (37) Dealer's agent means a person who acts as a buying  
2 agent for one or more motor vehicle dealers, motorcycle dealers, or  
3 trailer dealers.

4           Nothing in sections 60-1401.01 to 60-1440 shall apply to  
5 the State of Nebraska or any of its agencies or subdivisions. No  
6 insurance company, finance company, public utility company, fleet  
7 owner, or other person coming into possession of any motor vehicle,  
8 motorcycle, or trailer, as an incident to its regular business, who  
9 sells or exchanges the motor vehicle, motorcycle, or trailer shall  
10 be considered a dealer except persons whose regular business is  
11 leasing or renting motor vehicles, motorcycles, or trailers.

12           Sec. 6. Section 71-1557, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           71-1557 As used in the Nebraska Uniform Standards for  
15 Modular Housing Units Act, unless the context otherwise requires:

16           (1) Modular housing unit means any dwelling whose  
17 construction consists entirely of or the major portions of its  
18 construction consist of a unit or units, containing facilities for  
19 no more than one family, not fabricated on the final site for the  
20 dwelling unit, which units are movable or portable until placed on  
21 a permanent foundation and connected to utilities. Modular housing  
22 units shall be taxed as real estate;

23           ~~(2) Living unit means any portion of a modular housing~~  
24 ~~unit which contains living facilities including provisions for~~  
25 ~~sleeping, eating, cooking, and sanitation for no more than one~~  
26 ~~family;~~

27           ~~(3)~~ (2) Seal means a device or insignia issued by the

1 Department of Health and Human Services Regulation and Licensure  
2 prior to May 1, 1998, or by the Public Service Commission on or  
3 after May 1, 1998, to be displayed on the ~~exterior of the~~ modular  
4 housing unit as determined by the commission to evidence compliance  
5 with state standards;

6 ~~(4)~~ (3) Dealer means any person other than a manufacturer  
7 who sells, offers to sell, distributes, or leases modular housing  
8 units primarily to persons who in good faith purchase or lease a  
9 modular housing unit for purposes other than resale;

10 ~~(5)~~ (4) Manufacturer means any person who manufactures or  
11 produces modular housing units;

12 ~~(6)~~ (5) Person means any individual, partnership, limited  
13 liability company, company, corporation, or association engaged  
14 in manufacturing, selling, offering to sell, or leasing modular  
15 housing units; and

16 ~~(7)~~ (6) Commission means the Public Service Commission.

17 Sec. 7. Section 71-1558, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 71-1558 (1) All construction of and all plumbing,  
20 heating, and electrical systems installed in modular housing units  
21 manufactured, sold, offered for sale, or leased in this state more  
22 than six months after July 10, 1976, and before May 1, 1998, ~~and~~  
23 ~~sold, offered for sale, or leased in this state~~ shall comply with  
24 the standards of the state agency responsible for regulation of  
25 modular housing units as such standards existed on the date of  
26 manufacture.

27 (2) All construction of and all plumbing, heating, and

1 electrical systems installed in modular housing units manufactured,  
2 ~~on or after May 1, 1998,~~ and sold, offered for sale, or leased in  
3 this state on or after May 1, 1998, shall be at least equal to  
4 the standards adopted and approved by the commission pursuant to  
5 its rules and regulations as such standards existed on the date of  
6 manufacture. The standards shall (a) protect the health and safety  
7 of persons living in modular housing units, (b) assure reciprocity  
8 with other states that have adopted standards which protect the  
9 health and safety of persons living in modular housing units the  
10 purpose of which is to make uniform the law of those states  
11 which adopt them, (c) allow variations from such uniform standards  
12 as will reduce unnecessary costs of construction or increase  
13 safety, durability, or efficiency, including energy efficiency, of  
14 the modular housing unit without jeopardizing such reciprocity,  
15 (d) assure changes in those uniform standards which reflect new  
16 technology making possible greater safety, efficiency, including  
17 energy efficiency, economy, or durability than earlier standards,  
18 and (e) allow for reduced energy and snow live load requirements  
19 for those modular housing units destined for out-of-state siting  
20 if the receiving jurisdiction has such reduced requirements. The  
21 commission shall adopt as standards relating to electrical systems  
22 in modular housing units those applicable standards adopted and  
23 amended by the State Electrical Board under section 81-2104.

24 (3) Whenever practical, the standards shall be stated  
25 in terms of required levels of performance so as to facilitate  
26 the prompt acceptance of new building materials and methods. If  
27 generally recognized standards of performance are not available,



1 the standards shall provide for acceptance of materials and methods  
2 whose performance has been found by the commission on the basis of  
3 reliable test and evaluation data presented by the proponent to be  
4 substantially equal to those specified.

5 Sec. 8. Section 71-1559, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 71-1559 (1) Every modular housing unit, except those  
8 constructed or manufactured by any school district or community  
9 college area as a part of a buildings trade or other instructional  
10 program offered by such district or area, manufactured, sold,  
11 offered for sale, or leased in this state more than six months  
12 after July 10, 1976, and before May 1, 1998, ~~which is sold,~~  
13 ~~offered for sale, or leased in this state~~ shall comply with the  
14 seal requirements of the state agency responsible for regulation of  
15 modular housing units as such requirements existed on the date of  
16 manufacture.

17 (2) Every modular housing unit, except those constructed  
18 or manufactured by any school district or community college area as  
19 part of a buildings trade or other instructional program offered  
20 by such district or area, manufactured, on or after May 1, 1998,  
21 ~~which is sold,~~ offered for sale, or leased in this state on or  
22 after May 1, 1998, shall bear a seal issued by the commission  
23 certifying that the construction and the structural, plumbing,  
24 heating, and electrical systems of such modular housing unit have  
25 been installed in compliance with its standards applicable at the  
26 time of manufacture. Each manufacturer of such modular housing  
27 units, except those constructed or manufactured by such school

1 district or community college area, shall submit its plans to  
2 the commission for the purposes of inspection. The commission  
3 shall establish a compliance assurance program consisting of an  
4 application form and a compliance assurance manual. Such manual  
5 shall identify and list all procedures which the manufacturer and  
6 the inspection agency propose to implement to assure that the  
7 finished modular housing unit conforms to the approved building  
8 system and the applicable codes adopted by the commission.  
9 The compliance assurance program requirements shall apply to  
10 all inspection agencies, whether commission or authorized third  
11 party, and shall define duties and responsibilities in the  
12 process of inspecting, monitoring, and issuing seals for modular  
13 housing units. The commission shall issue the seal only after  
14 ascertaining that the manufacturer is in full compliance with the  
15 compliance assurance program through inspections at the plant by  
16 the commission or authorized third-party inspection agency. Such  
17 inspections shall be of an unannounced frequency such that the  
18 required level of code compliance performance is implemented and  
19 maintained throughout all areas of plant and site operations that  
20 affect regulatory aspects of the construction. Each seal issued  
21 by the state shall remain the property of the commission and may  
22 be revoked by the commission in the event of violation of the  
23 conditions of issuance.

24 (3) Modular housing units constructed or manufactured by  
25 any school district or community college area as a part of a  
26 buildings trade or other instructional program offered by such  
27 district or area shall be inspected by the local inspection

1 authority or, upon request of the district or area, by the  
2 commission. If the commission inspects a unit and finds that it  
3 is in compliance, the commission shall issue a seal certifying  
4 that the construction and the structural, plumbing, heating, and  
5 electrical systems of such unit have been installed in compliance  
6 with the standards applicable at the time of manufacture.

7 (4) The commission shall charge a seal fee of not less  
8 than ~~eighty~~ one hundred and not more than ~~four hundred~~ one thousand  
9 dollars per ~~living~~ modular housing unit, as determined annually  
10 by the commission after published notice and a hearing, for seals  
11 issued by the commission under subsection (2) or (3) of this  
12 section.

13 (5) Inspection fees shall be paid for all inspections  
14 by the commission of manufacturing plants located outside of the  
15 State of Nebraska. Such fees shall consist of a reimbursement by  
16 the manufacturer of actual travel and inspection expenses only and  
17 shall be paid prior to any issuance of seals.

18 (6) All fees collected under the Nebraska Uniform  
19 Standards for Modular Housing Units Act shall be remitted to the  
20 State Treasurer for credit to the Modular Housing Units Cash Fund  
21 which is hereby created. Money credited to the fund pursuant to  
22 this section shall be used by the commission for the purpose of  
23 administering the act. Transfers from the fund to the General Fund  
24 may be made at the direction of the Legislature. Any money in the  
25 Modular Housing Units Cash Fund available for investment shall be  
26 invested by the state investment officer pursuant to the Nebraska  
27 Capital Expansion Act and the Nebraska State Funds Investment Act.

1           Sec. 9. Section 71-1563, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           71-1563 (1) Any person who manufactures, sells, offers  
4 for sale, or leases in this state any modular housing unit  
5 ~~manufactured more than six months after July 10, 1976,~~ which does  
6 not bear the seal required by the provisions of the Nebraska  
7 Uniform Standards for Modular Housing Units Act shall be guilty of  
8 a Class IV misdemeanor.

9           (2) The commission may, in accordance with the laws  
10 governing injunctions and other processes, maintain an action in  
11 the name of the state against any person who manufactures, sells,  
12 offers for sale, or leases in this state any modular housing unit  
13 ~~manufactured more than six months after July 10, 1976,~~ which does  
14 not bear the seal required by the provisions of such act.

15           (3) The commission may administratively fine pursuant to  
16 section 75-156 any person who violates the act or any rule or  
17 regulation adopted and promulgated under the act.

18           Sec. 10. Section 71-1564, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           71-1564 (1) The commission is hereby charged with the  
21 administration of the provisions of the Nebraska Uniform Standards  
22 for Modular Housing Units Act. The commission may adopt, amend,  
23 alter, or repeal general rules and regulations of procedure for  
24 carrying out and administering the provisions of such act in  
25 regard to ~~(1)~~ (a) the issuance of seals, ~~(2)~~ (b) the submission  
26 of plans and specifications of modular housing units, ~~(3)~~ (c)  
27 the obtaining of statistical data respecting the manufacture and

1 sale of modular housing units, and ~~(4)~~ (d) the prescribing of  
2 means, methods, and practices to make effective such provisions.  
3 In adopting such rules and regulations, the commission may require  
4 that plans and specifications of modular housing units submitted  
5 to the commission be prepared and submitted only by a Nebraska  
6 architect or professional engineer.

7 (2) A person intending to manufacture, sell, offer for  
8 sale, or lease a modular housing unit in the State of Nebraska  
9 shall submit plans, specifications, and a compliance assurance  
10 program in accordance with the act and shall be charged for  
11 engineering services of the commission provided for performing the  
12 review of such initial submittal at a rate of not less than fifteen  
13 dollars per hour and not more than ~~thirty~~ sixty dollars per hour  
14 based upon sixty hours of review time as determined by rules and  
15 regulations of the commission based upon sixty hours of review  
16 time. annually by the commission after published notice and a  
17 hearing.

18 Sec. 11. Section 71-1567, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 71-1567 (1) The commission shall refuse to issue a seal  
21 to a manufacturer for any modular housing unit not found to be in  
22 compliance with its standards governing the construction of or the  
23 structural, plumbing, heating, or electrical systems for modular  
24 housing units or for which fees have not been paid. Except in  
25 case of failure to pay the required fees, any such manufacturer  
26 may request a hearing before the commission on the issue of such  
27 refusal. Procedures for notice and opportunity for a hearing before

1 the commission shall be pursuant to the Administrative Procedure  
2 Act. The refusal may be appealed, and the appeal shall be in  
3 accordance with the Administrative Procedure Act.

4 (2) The issuance of seals may be suspended as to any  
5 manufacturer who is convicted of violating section 71-1563 or  
6 as to any manufacturer who violates any other provision of the  
7 Nebraska Uniform Standards for Modular Housing Units Act or any  
8 rule, regulation, commission order, or standard adopted pursuant  
9 thereto, and issuance of the seals shall not be resumed until such  
10 manufacturer submits sufficient proof that the conditions which  
11 caused the violation have been remedied. Any such manufacturer  
12 may request a hearing before the commission on the issue of such  
13 suspension. Procedures for notice and opportunity for a hearing  
14 before the commission shall be pursuant to the Administrative  
15 Procedure Act. The suspension may be appealed, and the appeal shall  
16 be in accordance with the Administrative Procedure Act.

17 Sec. 12. Section 71-4603, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 71-4603 For purposes of the Uniform Standard Code for  
20 Manufactured Homes and Recreational Vehicles, unless the context  
21 otherwise requires:

22 (1) Camping trailer means a vehicular portable unit  
23 mounted on wheels and constructed with collapsible partial side  
24 walls which fold for towing by another vehicle and unfold at the  
25 campsite to provide temporary living quarters for recreational,  
26 camping, or travel use;

27 (2) Commission means the Public Service Commission;

1           (3) Dealer means a person licensed by the state pursuant  
2 to Chapter 60, article 14, as a dealer in manufactured homes  
3 or recreational vehicles or any other person, other than a  
4 manufacturer, who sells, offers to sell, distributes, or leases  
5 manufactured homes or recreational vehicles primarily to persons  
6 who in good faith purchase or lease a manufactured home or  
7 recreational vehicle for purposes other than resale;

8           (4) Defect means a failure to conform to an applicable  
9 construction standard that renders the manufactured home or  
10 recreational vehicle or any component of the manufactured home or  
11 recreational vehicle not fit for the ordinary use for which it was  
12 intended but does not result in an unreasonable risk of injury or  
13 death to occupants;

14           (5) Distributor means any person engaged in the sale and  
15 distribution of manufactured homes or recreational vehicles for  
16 resale;

17           (6) Failure to conform means a defect, a serious defect,  
18 noncompliance, or an imminent safety hazard related to the code;

19           (7) Fifth-wheel trailer means a unit mounted on wheels,  
20 designed to provide temporary living quarters for recreational,  
21 camping, or travel use, of such size or weight as not to require  
22 a special highway movement permit, of gross trailer area not to  
23 exceed four hundred square feet in the setup mode, and designed to  
24 be towed by a motorized vehicle that contains a towing mechanism  
25 that is mounted above or forward of the tow vehicle's rear axle;

26           (8) Gross trailer area means the total plan area measured  
27 on the exterior to the maximum horizontal projections of exterior

1 wall in the setup mode and includes all siding, corner trims,  
2 moldings, storage spaces, expandable room sections regardless of  
3 height, and areas enclosed by windows but does not include roof  
4 overhangs. Storage lofts contained within the basic unit shall  
5 have ceiling heights less than five feet and shall not constitute  
6 additional square footage. Appurtenances, as defined in subdivision  
7 (2) (k) of section 60-6,288, shall not be considered in calculating  
8 the gross trailer area as provided in such subdivision;

9 (9) Imminent safety hazard means a hazard that presents  
10 an imminent and unreasonable risk of death or severe personal  
11 injury;

12 (10) Manufactured home means a structure, transportable  
13 in one or more sections, which in the traveling mode is eight body  
14 feet or more in width or forty body feet or more in length or when  
15 erected on site is three hundred twenty or more square feet and  
16 which is built on a permanent chassis and designed to be used as  
17 a dwelling with or without a permanent foundation when connected  
18 to the required utilities and includes the plumbing, heating, air  
19 conditioning, and electrical systems contained in the structure,  
20 except that manufactured home includes any structure that meets  
21 all of the requirements of this subdivision other than the size  
22 requirements and with respect to which the manufacturer voluntarily  
23 files a certification required by the United States Secretary  
24 of Housing and Urban Development and complies with the standards  
25 established under the National Manufactured Housing Construction  
26 and Safety Standards Act of 1974, as such act existed on September  
27 1, 2001, 42 U.S.C. 5401 et seq.;



1           (11) Manufactured-home construction means all activities  
2 relating to the assembly and manufacture of a manufactured home,  
3 including, but not limited to, activities relating to durability,  
4 quality, and safety;

5           (12) Manufactured-home safety means the performance of a  
6 manufactured home in such a manner that the public is protected  
7 against any unreasonable risk of the occurrence of accidents due  
8 to the design or construction of such manufactured home or any  
9 unreasonable risk of death or injury to the user or to the public  
10 if such accidents do occur;

11           (13) Manufacturer means any person engaged in  
12 manufacturing, assembling, or completing manufactured homes or  
13 recreational vehicles;

14           (14) Motor home means a vehicular unit primarily designed  
15 to provide temporary living quarters which are built into an  
16 integral part of, or permanently attached to, a self-propelled  
17 motor vehicle chassis or van, containing permanently installed  
18 independent life-support systems that meet the state standard  
19 for recreational vehicles and providing at least four of  
20 the following facilities: Cooking; refrigeration or ice box;  
21 self-contained toilet; heating, air conditioning, or both; a  
22 potable water supply system including a faucet and sink; separate  
23 one-hundred-twenty-nominal-volt electrical power supply; or LP gas  
24 supply;

25           (15) Noncompliance means a failure to comply with an  
26 applicable construction standard that does not constitute a defect,  
27 a serious defect, or an imminent safety hazard;

1           (16) Park trailer means a vehicular unit which meets the  
2 following criteria:

3           (a) Built on a single chassis mounted on wheels;

4           (b) Designed to provide seasonal or temporary living  
5 quarters which may be connected to utilities necessary for  
6 operation of installed fixtures and appliances;

7           (c) Constructed to permit setup by persons without  
8 special skills using only hand tools which may include lifting,  
9 pulling, and supporting devices; and

10           (d) Having a gross trailer area not exceeding four  
11 hundred square feet when in the setup mode;

12           (17) Person means any individual, partnership, limited  
13 liability company, company, corporation, or association engaged in  
14 manufacturing, selling, offering to sell, or leasing manufactured  
15 homes or recreational vehicles;

16           (18) Purchaser means the first person purchasing a  
17 manufactured home or recreational vehicle in good faith for  
18 purposes other than resale;

19           (19) Recreational vehicle means a vehicular type unit  
20 primarily designed as temporary living quarters for recreational,  
21 camping, or travel use, which unit either has its own motive power  
22 or is mounted on or towed by another vehicle. Recreational vehicle  
23 includes, but is not limited to, travel trailer, park trailer,  
24 camping trailer, truck camper, motor home, and van conversion;

25           (20) Seal means a device or insignia issued by the  
26 Department of Health and Human Services Regulation and Licensure  
27 prior to May 1, 1998, or by the Public Service Commission on

1 or after May 1, 1998, to be displayed on the exterior of a  
2 manufactured home or recreational vehicle to evidence compliance  
3 with state standards. The federal manufactured-home label shall be  
4 recognized as a seal;

5 (21) Serious defect means a failure to conform to an  
6 applicable construction standard that renders the manufactured home  
7 or recreational vehicle or any component of the manufactured home  
8 or recreational vehicle not fit for the ordinary use for which it  
9 was intended and which results in an unreasonable risk of injury or  
10 death to the occupants;

11 (22) Travel trailer means a vehicular unit mounted  
12 on wheels, designed to provide temporary living quarters for  
13 recreational, camping, or travel use of such size or weight as  
14 not to require special highway movement permits when towed by a  
15 motorized vehicle and of gross trailer area less than four hundred  
16 square feet;

17 (23) Truck camper means a portable unit constructed to  
18 provide temporary living quarters for recreational, travel, or  
19 camping use, consisting of a roof, floor, and sides and designed to  
20 be loaded onto and unloaded from the bed of a pickup truck; and

21 (24) Van conversion means a completed vehicle permanently  
22 altered cosmetically, structurally, or both which has been  
23 recertified by the state as a multipurpose passenger vehicle  
24 but which does not conform to or otherwise meet the definition  
25 of a motor home in this section and which contains at  
26 least one plumbing, heating, or one-hundred-twenty-nominal-volt  
27 electrical component subject to the provisions of the state

1 standard for recreational vehicles. Van conversion does not  
2 include any such vehicle that lacks any plumbing, heating, or  
3 one-hundred-twenty-nominal-volt electrical system but contains an  
4 extension of the low-voltage automotive circuitry.

5           (1) Manufactured home means a structure, transportable in  
6 one or more sections, which in the traveling mode is eight body  
7 feet or more in width or forty body feet or more in length or when  
8 erected on site is three hundred twenty or more square feet and  
9 which is built on a permanent chassis and designed to be used as  
10 a dwelling with or without a permanent foundation when connected  
11 to the required utilities and includes the plumbing, heating, air  
12 conditioning, and electrical systems contained in the structure,  
13 except that manufactured home includes any structure that meets  
14 all of the requirements of this subdivision other than the size  
15 requirements and with respect to which the manufacturer voluntarily  
16 files a certification required by the United States Secretary  
17 of Housing and Urban Development and complies with the standards  
18 established under the National Manufactured Housing Construction  
19 and Safety Standards Act of 1974, as such act existed on September  
20 1, 2001, 42 U.S.C. 5401 et seq. Manufactured home also includes  
21 any manufactured home designed and manufactured with more than one  
22 separate living unit for the purpose of multifamily living,

23           (2) Recreational vehicle means a vehicular type unit  
24 primarily designed as temporary living quarters for recreational,  
25 camping, or travel use, which unit either has its own motive power  
26 or is mounted on or towed by another vehicle. Recreational vehicle  
27 includes, but is not limited to, travel trailer, park trailer,

1 camping trailer, truck camper, motor home, and van conversion;

2 (3) Travel trailer means a vehicular unit mounted  
3 on wheels, designed to provide temporary living quarters for  
4 recreational, camping, or travel use of such size or weight as  
5 not to require special highway movement permits when towed by a  
6 motorized vehicle and of gross trailer area less than three hundred  
7 twenty square feet;

8 (4) Camping trailer means a vehicular portable unit  
9 mounted on wheels and constructed with collapsible partial side  
10 walls which fold for towing by another vehicle and unfold at the  
11 campsite to provide temporary living quarters for recreational,  
12 camping, or travel use;

13 (5) Truck camper means a portable unit constructed to  
14 provide temporary living quarters for recreational, travel, or  
15 camping use, consisting of a roof, floor, and sides and designed to  
16 be loaded onto and unloaded from the bed of a pickup truck;

17 (6) Motor home means a vehicular unit primarily designed  
18 to provide temporary living quarters which are built into an  
19 integral part of, or permanently attached to, a self-propelled  
20 motor vehicle chassis or van, containing permanently installed  
21 independent life-support systems that meet the state standard  
22 for recreational vehicles and providing at least four of  
23 the following facilities: Cooking, refrigeration or ice box,  
24 self-contained toilet, heating, air conditioning, or both, a  
25 potable water supply system including a faucet and sink, separate  
26 one-hundred-twenty-nominal-volt electrical power supply, or LP gas  
27 supply;

1           (7) Park trailer means a vehicular unit which meets the  
2 following criteria:

3           (a) Built on a single chassis mounted on wheels;

4           (b) Designed to provide seasonal or temporary living  
5 quarters which may be connected to utilities necessary for  
6 operation of installed fixtures and appliances;

7           (c) Constructed to permit setup by persons without  
8 special skills using only hand tools which may include lifting,  
9 pulling, and supporting devices; and

10          (d) Having a gross trailer area not exceeding four  
11 hundred square feet when in the setup mode;

12          (8) Van conversion means a completed vehicle permanently  
13 altered cosmetically, structurally, or both which has been  
14 recertified by the state as a multipurpose passenger vehicle  
15 but which does not conform to or otherwise meet the definition  
16 of a motor home in this section and which contains at  
17 least one plumbing, heating, or one-hundred-twenty-nominal-volt  
18 electrical component subject to the provisions of the state  
19 standard for recreational vehicles. Van conversion does not  
20 include any such vehicle that lacks any plumbing, heating, or  
21 one-hundred-twenty-nominal-volt electrical system but contains an  
22 extension of the low-voltage automotive circuitry;

23          (9) Seal means a device or insignia issued by the  
24 Department of Health and Human Services Regulation and Licensure  
25 prior to May 1, 1998, or by the Public Service Commission on  
26 or after May 1, 1998, to be displayed on the exterior of a  
27 manufactured home or recreational vehicle to evidence compliance

1 with state standards. The federal manufactured-home label shall be  
2 recognized as a seal.

3       (10) Dealer means a person licensed by the state pursuant  
4 to Chapter 60, article 14, as a dealer in manufactured homes  
5 or recreational vehicles or any other person, other than a  
6 manufacturer, who sells, offers to sell, distributes, or leases  
7 manufactured homes or recreational vehicles primarily to persons  
8 who in good faith purchase or lease a manufactured home or  
9 recreational vehicle for purposes other than resale.

10       (11) Distributor means any person engaged in the sale  
11 and distribution of manufactured homes or recreational vehicles for  
12 resale.

13       (12) Manufacturer means any person engaged in  
14 manufacturing, assembling, or completing manufactured homes or  
15 recreational vehicles.

16       (13) Manufactured-home construction means all activities  
17 relating to the assembly and manufacture of a manufactured home,  
18 including, but not limited to, activities relating to durability,  
19 quality, and safety.

20       (14) Manufactured-home safety means the performance of a  
21 manufactured home in such a manner that the public is protected  
22 against any unreasonable risk of the occurrence of accidents due  
23 to the design or construction of such manufactured home or any  
24 unreasonable risk of death or injury to the user or to the public  
25 if such accidents do occur.

26       (15) Defect means a failure to conform to an applicable  
27 construction standard that renders the manufactured home or

1 recreational vehicle or any component of the manufactured home or  
2 recreational vehicle not fit for the ordinary use for which it was  
3 intended but does not result in an unreasonable risk of injury or  
4 death to occupants;

5 (16) Imminent safety hazard means a hazard that presents  
6 an imminent and unreasonable risk of death or severe personal  
7 injury;

8 (17) Purchaser means the first person purchasing a  
9 manufactured home or recreational vehicle in good faith for  
10 purposes other than resale;

11 (18) Person means any individual, partnership, limited  
12 liability company, company, corporation, or association engaged in  
13 manufacturing, selling, offering to sell, or leasing manufactured  
14 homes or recreational vehicles;

15 (19) Commission means the Public Service Commission;

16 (20) Serious defect means a failure to conform to an  
17 applicable construction standard that renders the manufactured home  
18 or recreational vehicle or any component of the manufactured home  
19 or recreational vehicle not fit for the ordinary use for which it  
20 was intended and which results in an unreasonable risk of injury or  
21 death to the occupants;

22 (21) Noncompliance means a failure to comply with an  
23 applicable construction standard that does not constitute a defect,  
24 a serious defect, or an imminent safety hazard;

25 (22) Failure to conform means a defect, a serious defect,  
26 noncompliance, or an imminent safety hazard related to the code;

27 (23) Fifth-wheel trailer means a unit mounted on wheels;



1 designed to provide temporary living quarters for recreational,  
2 camping, or travel use, of such size or weight as not to require  
3 a special highway movement permit, of gross trailer area not to  
4 exceed four hundred square feet in the setup mode, and designed to  
5 be towed by a motorized vehicle that contains a towing mechanism  
6 that is mounted above or forward of the tow vehicle's rear axle,  
7 and

8           (24) Gross trailer area means the total plan area  
9 measured on the exterior to the maximum horizontal projections  
10 of exterior wall in the setup mode and includes all siding,  
11 corner trims, moldings, storage spaces, expandable room sections  
12 regardless of height, and areas enclosed by windows but does not  
13 include roof overhangs. Storage lofts contained within the basic  
14 unit shall have ceiling heights less than five feet and shall not  
15 constitute additional square footage. Appurtenances, as defined in  
16 subdivision (2)(k) of section 60-6,288, shall not be considered in  
17 calculating the gross trailer area as provided in such subdivision.

18           Sec. 14. Section 71-4604, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           71-4604 (1) All body and frame design and construction  
21 and all plumbing, heating, and electrical systems installed in  
22 manufactured homes or recreational vehicles manufactured, sold,  
23 offered for sale, or leased in this state more than four months  
24 after May 27, 1975, and before May 1, 1998, and ~~sold, offered for~~  
25 ~~sale, or leased in this state~~ shall comply with the standards of  
26 the state agency responsible for regulation of manufactured homes  
27 or recreational vehicles as such standards existed on the date of

1 manufacture.

2 (2) All body and frame design and construction and all  
3 plumbing, heating, and electrical systems installed in manufactured  
4 homes or recreational vehicles manufactured, ~~on or after May~~  
5 ~~1, 1998,~~ and sold, offered for sale, or leased in this state  
6 on or after May 1, 1998, shall be at least equal to the  
7 standards adopted and approved by the commission ~~by~~ pursuant  
8 to its rules and regulations as such standards existed on the  
9 date of manufacture. The standards pertaining to manufactured homes  
10 shall conform to the Manufactured Home Construction and Safety  
11 Standards, 24 C.F.R. 3280, and the Manufactured Home Procedural  
12 and Enforcement Regulations, 24 C.F.R. 3282, adopted by the United  
13 States Department of Housing and Urban Development pursuant to the  
14 National Manufactured Housing Construction and Safety Standards Act  
15 of 1974, as amended, 42 U.S.C. 5401 et seq. Manufactured homes and  
16 recreational vehicles destined for sale outside the United States  
17 shall be exempt from such regulations if sufficient proof of such  
18 delivery is submitted to the commission for review. ~~The commission~~  
19 ~~may adopt standards pertaining to manufactured homes designed~~  
20 ~~and manufactured for the purpose of multifamily living, which~~  
21 ~~standards shall protect the health and safety of persons living~~  
22 ~~in multifamily manufactured homes and may include, but need not~~  
23 ~~be limited to, requirements for fire safety, thermal protection,~~  
24 ~~water and fuel shutoff valves, fuel supply inlets, circulation~~  
25 ~~air systems, and electrical systems.~~ Multifamily manufactured  
26 homes manufactured in this state solely for purposes of sale  
27 in any other state or jurisdiction shall be exempt from the

1 ~~requirements of the Uniform Standard Code for Manufactured Homes~~  
2 ~~and Recreational Vehicles.~~ The standards pertaining to recreational  
3 vehicles shall (a) protect the health and safety of persons living  
4 in recreational vehicles, (b) assure reciprocity with other states  
5 that have adopted standards which protect the health and safety  
6 of persons living in recreational vehicles the purpose of which  
7 is to make uniform the law of those states which adopt them, and  
8 (c) allow variations from such uniform standards as will reduce  
9 unnecessary costs of construction or increase safety, durability,  
10 or efficiency, including energy efficiency, of the recreational  
11 vehicle without jeopardizing such reciprocity.

12           Sec. 15. Section 71-4604.01, Revised Statutes Cumulative  
13 Supplement, 2006, is amended to read:

14           71-4604.01 (1) (a) Every manufactured home or recreational  
15 vehicle manufactured, sold, offered for sale, or leased in this  
16 state more than four months after May 27, 1975, and before May  
17 1, 1998, ~~which is sold, offered for sale, or leased in this~~  
18 ~~state~~ shall comply with the seal requirements of the state agency  
19 responsible for regulation of manufactured homes or recreational  
20 vehicles as such requirements existed on the date of manufacture.

21           (b) Every manufactured home or recreational vehicle  
22 manufactured, ~~on or after May 1, 1998, which is~~ sold, offered for  
23 sale, or leased in this state on or after May 1, 1998, shall bear  
24 a seal issued by the commission certifying that the body and frame  
25 design and construction and the plumbing, heating, and electrical  
26 systems of such manufactured home or recreational vehicle have  
27 been installed in compliance with the standards adopted by the

1 commission, applicable at the time of manufacture. Manufactured  
2 homes destined for sale outside the United States shall be exempt  
3 from displaying the seal issued by the state if sufficient proof  
4 of such delivery is submitted to the commission for review.  
5 Recreational vehicles destined for sale or lease outside this  
6 state or the United States shall be exempt from displaying the  
7 seal issued by the state if sufficient proof of such delivery  
8 is submitted to the commission for review. The commission shall  
9 issue the recreational-vehicle seal upon an inspection of the plans  
10 and specifications for the recreational vehicle or upon an actual  
11 inspection of the recreational vehicle during or after construction  
12 if the recreational vehicle is in compliance with state standards.  
13 The commission shall issue the manufactured-home seal in accordance  
14 with the National Manufactured Housing Construction and Safety  
15 Standards Act of 1974, 42 U.S.C. 5401 et seq., as such act existed  
16 on January 1, 2005. Each seal issued by the state shall remain the  
17 property of the commission and may be revoked by the commission in  
18 the event of a violation of the conditions of issuance.

19 (2) The commission shall charge a fee of not less than  
20 ten dollars ~~per~~ and not more than fifty seventy-five dollars, as  
21 determined annually by the commission after published notice and  
22 a hearing, for seals issued by the commission. A seal shall be  
23 placed on each living unit within a multifamily manufactured home.  
24 The commission shall assess any costs of inspections conducted  
25 outside of Nebraska to the manufacturer in control of the inspected  
26 facility or to a manufacturer requesting such inspection. 7 and  
27 the seal fee assessed for each living unit shall be one-half of

1 ~~the seal fee for a single-family manufactured home. Inspection~~  
2 ~~fees shall be paid for all inspections by the commission of~~  
3 ~~manufacturing plants located outside of the State of Nebraska. Such~~  
4 ~~fees costs shall consist of a reimbursement by the manufacturer~~  
5 ~~of include, but not be limited to, actual travel, personnel, and~~  
6 ~~inspection expenses only and shall be paid prior to any issuance of~~  
7 ~~seals.~~

8 (3) The commission shall adopt and promulgate rules and  
9 regulations governing the submission of plans and specifications of  
10 manufactured homes and recreational vehicles. A person who submits  
11 recreational-vehicle plans and specifications to the commission for  
12 review and approval shall be ~~charged for engineering services~~  
13 ~~of the commission provided for~~ assessed an hourly rate by  
14 the commission for performing the review of the plans and  
15 specifications and related functions. The hourly at a rate of  
16 shall be not less than fifteen dollars per hour ~~not~~ and not more  
17 than ~~fifty~~ seventy-five dollars per hour as determined annually  
18 by the commission after published notice and hearing based on the  
19 number of hours of review time as follows:

- 20 (a) New model, one hour;
- 21 (b) Quality control manual, two hours;
- 22 (c) Typicals, one-half hour;
- 23 (d) Revisions, three-fourths hour;
- 24 (e) Engineering calculations, three-fourths hour;
- 25 (f) Initial package, fifteen hours; and
- 26 (g) Yearly renewal, two hours plus the three-fourths hour
- 27 for revisions.

1           (4) The commission shall charge each manufacturer a an  
2 inspection fee of ~~seventy-five~~ two hundred fifty dollars for each  
3 inspection of any new recreational vehicle manufactured by such  
4 manufacturer and not bearing a seal issued by the State of Nebraska  
5 or some reciprocal state.

6           (5) All fees collected pursuant to the Uniform Standard  
7 Code for Manufactured Homes and Recreational Vehicles shall be  
8 remitted to the State Treasurer for credit to the Manufactured  
9 Homes and Recreational Vehicles Cash Fund which is hereby created.  
10 Money credited to the fund pursuant to this section shall be used  
11 by the commission for the purpose of administering the code. Any  
12 money in the Manufactured Homes and Recreational Vehicles Cash Fund  
13 available for investment shall be invested by the state investment  
14 officer pursuant to the Nebraska Capital Expansion Act and the  
15 Nebraska State Funds Investment Act.

16           Sec. 16. Section 71-4608, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18           71-4608 (1) Any person who is in violation of any  
19 provision of the Uniform Standard Code for Manufactured Homes  
20 and Recreational Vehicles regarding a used manufactured home ~~or~~  
21 ~~new or used multifamily manufactured home~~ or recreational vehicle  
22 or who manufactures unless destined for sale outside the United  
23 States, sells, offers for sale, or leases in this state any used  
24 manufactured home ~~or new or used multifamily manufactured home~~ or  
25 recreational vehicle manufactured more than four months after May  
26 27, 1975, which does not bear the federal manufactured-home label  
27 or the recreational-vehicle seal issued by this state or by a

1 state which has been placed on the reciprocity list as required  
2 by the code shall be guilty of a Class I misdemeanor. Nothing in  
3 the Uniform Standard Code for Manufactured Homes and Recreational  
4 Vehicles shall be construed to require a seal for any recreational  
5 vehicle manufactured in this state which is sold or leased outside  
6 this state.

7 (2) No person shall:

8 (a) Manufacture for sale, lease, sell, offer for sale  
9 or lease, or introduce, deliver, or import into this state any  
10 manufactured home or recreational vehicle which is manufactured  
11 on or after the effective date of any applicable standard of the  
12 commission which does not comply with such standard;

13 (b) Fail or refuse to permit access to or copying of  
14 records, fail to make reports or provide information, or fail  
15 or refuse to permit entry or inspection as provided in section  
16 71-4610;

17 (c) Fail to furnish notification to the purchaser of any  
18 manufactured home of any defect as required by 42 U.S.C. 5414 or  
19 to the purchaser of any recreational vehicle as provided in section  
20 71-4616;

21 (d) Fail to issue a certification required by 42 U.S.C.  
22 5415 or issue a certification to the effect that a manufactured  
23 home conforms to all applicable Manufactured Home Construction and  
24 Safety Standards, 24 C.F.R. 3280, if such person in the exercise  
25 of due care has reason to know that such certification is false or  
26 misleading in a material respect;

27 (e) Fail to establish and maintain such records, make

1 such reports, and provide such information as the commission may  
2 reasonably require to enable it to determine whether there is  
3 compliance with the National Manufactured Housing Construction and  
4 Safety Standards Act of 1974, as amended, 42 U.S.C. 5401 et seq.,  
5 or the standards adopted by the commission for recreational-vehicle  
6 construction or fail to permit, upon request of a person duly  
7 authorized by the commission, inspection of appropriate books,  
8 papers, records, and documents relative to determining whether a  
9 manufacturer, distributor, or dealer has acted or is acting in  
10 compliance with the Uniform Standard Code for Manufactured Homes  
11 and Recreational Vehicles or with the National Manufactured Housing  
12 Construction and Safety Standards Act of 1974, as amended, 42  
13 U.S.C. 5401 et seq.; or

14 (f) Issue a certification pursuant to 42 U.S.C. 5403(a)  
15 if such person in the exercise of due care has reason to know that  
16 such certification is false or misleading in a material respect.

17 (3) Subdivision (2)(a) of this section shall not apply  
18 to the sale or the offer for sale of any manufactured home or  
19 recreational vehicle after the first purchase of it in good faith  
20 for purposes other than resale.

21 (4) Subdivision (2)(a) of this section shall not apply  
22 to any person who establishes that he or she did not have reason  
23 to know in the exercise of due care that such manufactured  
24 home or recreational vehicle was not in conformity with  
25 applicable Manufactured Home Construction and Safety Standards,  
26 24 C.F.R. 3280, or the standards adopted by the commission for  
27 recreational-vehicle construction or any person who, prior to such



1 first purchase, holds a certificate by the manufacturer or importer  
2 of such manufactured home or recreational vehicle to the effect  
3 that such manufactured home conforms to all applicable Manufactured  
4 Home Construction and Safety Standards, 24 C.F.R. 3280, or that  
5 such recreational vehicle conforms to the standards adopted by the  
6 commission for recreational-vehicle construction unless such person  
7 knows that such manufactured home or recreational vehicle does not  
8 so conform.

9 (5) Any person or officer, director, or agent of a  
10 corporation who willfully or knowingly violates subsection (2) of  
11 this section in any manner which threatens the health or safety of  
12 any purchaser shall be guilty of a Class I misdemeanor.

13 (6) The commission may administratively fine pursuant to  
14 section 75-156 any person who violates the Uniform Standard Code  
15 for Manufactured Homes and Recreational Vehicles or any rule or  
16 regulation adopted and promulgated under the code.

17 Sec. 17. Section 71-4623, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 71-4623 The application for such annual license to  
20 conduct, operate, and maintain a mobile home park shall be  
21 submitted in writing or by electronic format and upon such form as  
22 the department shall provide and shall include the full name and  
23 address of the applicant or applicants, the names and addresses  
24 of the ~~partner~~ partners if the applicant is a partnership, the  
25 names and addresses of the members if the applicant is a limited  
26 liability company, or the names and addresses of the officers if  
27 the applicant is a corporation, and the current or most recent

1 occupation of the applicant at the time of the filing of the  
2 application, and such other pertinent data as the department may  
3 require by regulation. If the applicant is an individual, the  
4 application shall include the applicant's social security number.

5 Sec. 18. Section 71-4631, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 71-4631 (1) The department shall issue licenses for the  
8 establishment, operation, and maintenance of mobile home parks  
9 which are found to comply with the Uniform Standard Code for  
10 Mobile Home Parks and such rules, regulations, and standards as  
11 are lawfully adopted and promulgated by the department pursuant  
12 thereto.

13 (2) The department shall deny, refuse renewal of,  
14 suspend, or revoke licenses or impose a civil penalty not to exceed  
15 two thousand dollars per day on any of the following grounds:

16 ~~(1)~~ (a) Violation of any of the provisions of the code  
17 or the rules, regulations, and standards lawfully adopted and  
18 promulgated pursuant thereto;

19 ~~(2)~~ (b) Permitting, aiding, or abetting the commission of  
20 any unlawful act; or

21 ~~(3)~~ (c) Conduct or utility or sanitation practices  
22 detrimental to the health or safety of residents of a mobile  
23 home park.

24 (3) Should the department determine to deny, refuse  
25 renewal of, suspend, or revoke a license or impose a civil penalty,  
26 it shall send to the applicant or licensee, by either certified or  
27 registered mail, a notice setting forth the specific reasons for

1 the determination.

2           (4) The denial, refusal of renewal, suspension, ~~or~~  
3 revocation, or imposition of a civil penalty shall become final  
4 thirty days after the mailing of the notice in all cases of  
5 failure to pay the required licensure fee if not paid by the end  
6 of such period, and in all other instances unless the applicant  
7 or licensee, within such thirty-day period, shall give written  
8 notice of a desire for a hearing. Thereupon the applicant or  
9 licensee shall be given opportunity for a formal hearing before the  
10 department and shall have the right to present evidence on his or  
11 her own behalf.

12           (5) The procedure governing hearings authorized by this  
13 section shall be in accordance with the Administrative Procedure  
14 Act. On the basis of the evidence presented, the determination  
15 involved shall be affirmed or set aside, and a copy of such  
16 decision setting forth the findings of facts and the specific  
17 reasons upon which it is based shall be sent by either certified  
18 or registered mail to the applicant or licensee. The applicant  
19 or licensee may appeal such decision, and the appeal shall be in  
20 accordance with the Administrative Procedure Act.

21           (6) The department shall remit any collected civil  
22 penalty to the State Treasurer for distribution in accordance  
23 with Article VII, section 5, of the Constitution of Nebraska.

24           Sec. 34. Original sections 60-1301, 71-1557, 71-1558,  
25 71-1559, 71-1563, 71-1564, 71-1567, 71-4603, 71-4604, 71-4623, and  
26 71-4631, Reissue Revised Statutes of Nebraska, and sections 60-107,  
27 60-1401.02, 71-4604.01, and 71-4608, Revised Statutes Cumulative

1 Supplement, 2006, are repealed.

2           Sec. 36. The following section is outright repealed:

3 Section 71-4628, Reissue Revised Statutes of Nebraska.

4           2. Renumber the remaining sections and correct internal  
5 references accordingly.

6           3. Correct the operative date and repealer sections so  
7 that the sections added by this amendment become operative on their  
8 effective date with the emergency clause.