

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 892**

Introduced by Pedersen, 39.

Read first time January 11, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Public Service Commission; to amend  
2 sections 60-1301, 71-1557, 71-1558, 71-1559, 71-1563,  
3 71-1564, 71-1567, 71-4603, and 71-4604, Reissue Revised  
4 Statutes of Nebraska, and sections 71-4604.01 and  
5 71-4608, Revised Statutes Cumulative Supplement, 2006;  
6 to change provisions relating to the Nebraska Uniform  
7 Standards for Modular Housing Units Act and the Uniform  
8 Standard Code for Manufactured Homes and Recreational  
9 Vehicles; to provide for administrative fines; to  
10 harmonize provisions; and to repeal the original  
11 sections.

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

1           Section 1. Section 60-1301, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           60-1301 In order to promote public safety, to preserve  
4 and protect the state highways and bridges and prevent immoderate  
5 and destructive use of the same, and to enforce the motor  
6 vehicle registration laws, the Department of Roads shall have the  
7 responsibility to construct, maintain, provide, and contract with  
8 the Nebraska State Patrol for the operation of weighing stations  
9 and provide the funding for the same. The Nebraska State Patrol  
10 shall operate the weighing stations, including portable scales, for  
11 the weighing and inspection of buses, motor trucks, truck-tractors,  
12 semitrailers, trailers, and towed vehicles. Each of the weighing  
13 stations shall be located near, on, or adjacent to a state highway  
14 upon real estate owned by the State of Nebraska or upon real estate  
15 acquired for that purpose. Weights determined on such weighing  
16 stations and portable scales shall be presumed to be accurate and  
17 shall be accepted in court as prima facie evidence of a violation  
18 of the laws relating to the size, weight, load, and registration  
19 of buses, motor trucks, truck-tractors, semitrailers, trailers, and  
20 towed vehicles. The owner or driver of a vehicle found to be in  
21 violation of such laws by the use of portable scales shall be  
22 advised by the officer operating the portable scale that he or  
23 she has the right to demand an immediate reweighing at his or her  
24 expense at the nearest permanent state-approved scale capable of  
25 weighing the vehicle, and if a variance exists between the weights

1 of the permanent and portable scales, then the weights determined  
2 on the permanent scale shall prevail. Sections 60-1301 to 60-1309  
3 shall not apply to pickup trucks with a factory-rated capacity of  
4 one ton or less, except as may be provided by rules and regulations  
5 of the Nebraska State Patrol, or to recreational vehicles as  
6 defined in ~~subdivision (2) of~~ section 71-4603. The Nebraska State  
7 Patrol may adopt and promulgate rules and regulations concerning  
8 the weighing of pickup trucks with a factory-rated capacity of one  
9 ton or less which tow vehicles. Such rules and regulations shall  
10 require trucks towing vehicles to comply with sections 60-1301 to  
11 60-1309 when it is necessary to promote the public safety and  
12 preserve and protect the state highways and bridges.

13           Sec. 2. Section 71-1557, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

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

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

24           ~~(2) Living unit means any portion of a modular housing~~  
25 ~~unit which contains living facilities including provisions for~~

1 ~~sleeping, eating, cooking, and sanitation for no more than one~~  
 2 ~~family.~~

3           ~~(3)~~ (2) Seal means a device or insignia issued by the  
 4 Department of Health and Human Services Regulation and Licensure  
 5 prior to May 1, 1998, or by the Public Service Commission on or  
 6 after May 1, 1998, to be displayed on the ~~exterior of the~~ modular  
 7 housing unit as determined by the commission to evidence compliance  
 8 with state standards;

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

13           ~~(5)~~ (4) Manufacturer means any person who manufactures or  
 14 produces modular housing units;

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

19           ~~(7)~~ (6) Commission means the Public Service Commission.

20           Sec. 3. Section 71-1558, Reissue Revised Statutes of  
 21 Nebraska, is amended to read:

22           71-1558 (1) All construction of and all plumbing,  
 23 heating, and electrical systems installed in modular housing units  
 24 manufactured, sold, offered for sale, or leased in this state more  
 25 than six months after July 10, 1976, and before May 1, 1998, ~~and~~

1 ~~sold, offered for sale, or leased in this state~~ shall comply with  
2 the standards of the state agency responsible for regulation of  
3 modular housing units as such standards existed on the date of  
4 manufacture.

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

1 commission shall adopt as standards relating to electrical systems  
2 in modular housing units those applicable standards adopted and  
3 amended by the State Electrical Board under section 81-2104.

4 (3) Whenever practical, the standards shall be stated  
5 in terms of required levels of performance so as to facilitate  
6 the prompt acceptance of new building materials and methods. If  
7 generally recognized standards of performance are not available,  
8 the standards shall provide for acceptance of materials and methods  
9 whose performance has been found by the commission on the basis of  
10 reliable test and evaluation data presented by the proponent to be  
11 substantially equal to those specified.

12 Sec. 4. Section 71-1559, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

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

24 (2) Every modular housing unit, except those constructed  
25 or manufactured by any school district or community college area as

1 part of a buildings trade or other instructional program offered  
2 by such district or area, manufactured ~~on or after May 1, 1998,~~  
3 ~~which is~~ sold, offered for sale, or leased in this state on or  
4 after May 1, 1998, shall bear a seal issued by the commission  
5 certifying that the construction and the structural, plumbing,  
6 heating, and electrical systems of such modular housing unit have  
7 been installed in compliance with its standards applicable at the  
8 time of manufacture. Each manufacturer of such modular housing  
9 units, except those constructed or manufactured by such school  
10 district or community college area, shall submit its plans to  
11 the commission for the purposes of inspection. The commission  
12 shall establish a compliance assurance program consisting of an  
13 application form and a compliance assurance manual. Such manual  
14 shall identify and list all procedures which the manufacturer and  
15 the inspection agency propose to implement to assure that the  
16 finished modular housing unit conforms to the approved building  
17 system and the applicable codes adopted by the commission.  
18 The compliance assurance program requirements shall apply to  
19 all inspection agencies, whether commission or authorized third  
20 party, and shall define duties and responsibilities in the  
21 process of inspecting, monitoring, and issuing seals for modular  
22 housing units. The commission shall issue the seal only after  
23 ascertaining that the manufacturer is in full compliance with the  
24 compliance assurance program through inspections at the plant by  
25 the commission or authorized third-party inspection agency. Such

1 inspections shall be of an unannounced frequency such that the  
2 required level of code compliance performance is implemented and  
3 maintained throughout all areas of plant and site operations that  
4 affect regulatory aspects of the construction. Each seal issued  
5 by the state shall remain the property of the commission and may  
6 be revoked by the commission in the event of violation of the  
7 conditions of issuance.

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

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

24 (5) Inspection fees shall be paid for all inspections  
25 by the commission of manufacturing plants located outside of the



1 State of Nebraska. Such fees shall consist of a reimbursement by  
2 the manufacturer of actual travel and inspection expenses only and  
3 shall be paid prior to any issuance of seals.

4 (6) All fees collected under the Nebraska Uniform  
5 Standards for Modular Housing Units Act shall be remitted to the  
6 State Treasurer for credit to the Modular Housing Units Cash Fund  
7 which is hereby created. Money credited to the fund pursuant to  
8 this section shall be used by the commission for the purpose of  
9 administering the act. Transfers from the fund to the General Fund  
10 may be made at the direction of the Legislature. Any money in the  
11 Modular Housing Units Cash Fund available for investment shall be  
12 invested by the state investment officer pursuant to the Nebraska  
13 Capital Expansion Act and the Nebraska State Funds Investment Act.

14 Sec. 5. Section 71-1563, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 71-1563 (1) Any person who manufactures, sells, offers  
17 for sale, or leases in this state any modular housing unit  
18 ~~manufactured more than six months after July 10, 1976,~~ which does  
19 not bear the seal required by the provisions of the Nebraska  
20 Uniform Standards for Modular Housing Units Act shall be guilty of  
21 a Class IV misdemeanor.

22 (2) The commission may, in accordance with the laws  
23 governing injunctions and other processes, maintain an action in  
24 the name of the state against any person who manufactures, sells,  
25 offers for sale, or leases in this state any modular housing unit

1 ~~manufactured more than six months after July 10, 1976,~~ which does  
2 not bear the seal required by the provisions of such act.

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

6 Sec. 6. Section 71-1564, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 71-1564 The commission is hereby charged with the  
9 administration of the provisions of the Nebraska Uniform Standards  
10 for Modular Housing Units Act. The commission may adopt, amend,  
11 alter, or repeal general rules and regulations of procedure for  
12 carrying out and administering the provisions of such act in  
13 regard to (1) the issuance of seals, (2) the submission of plans  
14 and specifications of modular housing units, (3) the obtaining of  
15 statistical data respecting the manufacture and sale of modular  
16 housing units, and (4) the prescribing of means, methods, and  
17 practices to make effective such provisions. In adopting such  
18 rules and regulations, the commission may require that plans  
19 and specifications of modular housing units submitted to the  
20 commission be prepared and submitted only by a Nebraska architect  
21 or professional engineer.

22 A person intending to manufacture, sell, offer for sale,  
23 or lease a modular housing unit in the State of Nebraska shall  
24 submit plans, specifications, and a compliance assurance program  
25 in accordance with the act and shall be charged for engineering

1 services of the commission provided for performing the review of  
2 such initial submittal at a rate of not less than fifteen dollars  
3 per hour and not more than ~~thirty~~ sixty dollars per hour based upon  
4 sixty hours of review time as determined by ~~rules and regulations~~  
5 ~~of the commission based upon sixty hours of review time.~~ annually  
6 by the commission after published notice and a hearing.

7           Sec. 7. Section 71-1567, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           71-1567 (1) The commission shall refuse to issue a seal  
10 to a manufacturer for any modular housing unit not found to be in  
11 compliance with its standards governing the construction of or the  
12 structural, plumbing, heating, or electrical systems for modular  
13 housing units or for which fees have not been paid. Except in  
14 case of failure to pay the required fees, any such manufacturer  
15 may request a hearing before the commission on the issue of such  
16 refusal. Procedures for notice and opportunity for a hearing before  
17 the commission shall be pursuant to the Administrative Procedure  
18 Act. The refusal may be appealed, and the appeal shall be in  
19 accordance with the Administrative Procedure Act.

20           (2) The issuance of seals may be suspended as to any  
21 manufacturer who is convicted of violating section 71-1563 or  
22 as to any manufacturer who violates any other provision of the  
23 Nebraska Uniform Standards for Modular Housing Units Act or any  
24 rule, regulation, commission order, or standard adopted pursuant  
25 thereto, and issuance of the seals shall not be resumed until such

1 manufacturer submits sufficient proof that the conditions which  
2 caused the violation have been remedied. Any such manufacturer  
3 may request a hearing before the commission on the issue of such  
4 suspension. Procedures for notice and opportunity for a hearing  
5 before the commission shall be pursuant to the Administrative  
6 Procedure Act. The suspension may be appealed, and the appeal shall  
7 be in accordance with the Administrative Procedure Act.

8           Sec. 8. Section 71-4603, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           71-4603 For purposes of the Uniform Standard Code for  
11 Manufactured Homes and Recreational Vehicles, unless the context  
12 otherwise requires:

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

18           (2) Commission means the Public Service Commission;

19           (3) Dealer means a person licensed by the state pursuant  
20 to Chapter 60, article 14, as a dealer in manufactured homes  
21 or recreational vehicles or any other person, other than a  
22 manufacturer, who sells, offers to sell, distributes, or leases  
23 manufactured homes or recreational vehicles primarily to persons  
24 who in good faith purchase or lease a manufactured home or  
25 recreational vehicle for purposes other than resale;

1           (4) Defect means a failure to conform to an applicable  
2 construction standard that renders the manufactured home or  
3 recreational vehicle or any component of the manufactured home or  
4 recreational vehicle not fit for the ordinary use for which it was  
5 intended but does not result in an unreasonable risk of injury or  
6 death to occupants;

7           (5) Distributor means any person engaged in the sale and  
8 distribution of manufactured homes or recreational vehicles for  
9 resale;

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

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

19           (8) Gross trailer area means the total plan area measured  
20 on the exterior to the maximum horizontal projections of exterior  
21 wall in the setup mode and includes all siding, corner trims,  
22 moldings, storage spaces, expandable room sections regardless of  
23 height, and areas enclosed by windows but does not include roof  
24 overhangs. Storage lofts contained within the basic unit shall  
25 have ceiling heights less than five feet and shall not constitute

1 additional square footage. Appurtenances, as defined in subdivision  
2 (2) (k) of section 60-6,288, shall not be considered in calculating  
3 the gross trailer area as provided in such subdivision;

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

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

23 (11) Manufactured-home construction means all activities  
24 relating to the assembly and manufacture of a manufactured home,  
25 including, but not limited to, activities relating to durability,

1 quality, and safety;

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

8 (13) Manufacturer means any person engaged in  
9 manufacturing, assembling, or completing manufactured homes or  
10 recreational vehicles;

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

22 (15) 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 (16) Park trailer means a vehicular unit which meets the

1 following criteria:

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

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

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

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

11 (17) 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 (18) Purchaser means the first person purchasing a  
16 manufactured home or recreational vehicle in good faith for  
17 purposes other than resale;

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

24 (20) Seal means a device or insignia issued by the  
25 Department of Health and Human Services Regulation and Licensure



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

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

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

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

22 (24) Van conversion means a completed vehicle permanently  
23 altered cosmetically, structurally, or both which has been  
24 recertified by the state as a multipurpose passenger vehicle  
25 but which does not conform to or otherwise meet the definition

1 of a motor home in this section and which contains at  
2 least one plumbing, heating, or one-hundred-twenty-nominal-volt  
3 electrical component subject to the provisions of the state  
4 standard for recreational vehicles. Van conversion does not  
5 include any such vehicle that lacks any plumbing, heating, or  
6 one-hundred-twenty-nominal-volt electrical system but contains an  
7 extension of the low-voltage automotive circuitry.

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

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

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

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

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

22           (6) Motor home means a vehicular unit primarily designed  
23 to provide temporary living quarters which are built into an  
24 integral part of, or permanently attached to, a self-propelled  
25 motor vehicle chassis or van, containing permanently installed

1 independent life-support systems that meet the state standard  
2 for recreational vehicles and providing at least four of  
3 the following facilities: Cooking, refrigeration or ice box,  
4 self-contained toilet, heating, air conditioning, or both, a  
5 potable water supply system including a faucet and sink, separate  
6 one-hundred-twenty-nominal-volt electrical power supply, or LP gas  
7 supply,

8           (7) Park trailer means a vehicular unit which meets the  
9 following criteria:

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

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

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

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

19           (8) Van conversion means a completed vehicle permanently  
20 altered cosmetically, structurally, or both which has been  
21 recertified by the state as a multipurpose passenger vehicle  
22 but which does not conform to or otherwise meet the definition  
23 of a motor home in this section and which contains at  
24 least one plumbing, heating, or one-hundred-twenty-nominal-volt  
25 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       (9) Seal means a device or insignia issued by the  
6 Department of Health and Human Services Regulation and Licensure  
7 prior to May 1, 1998, or by the Public Service Commission on  
8 or after May 1, 1998, to be displayed on the exterior of a  
9 manufactured home or recreational vehicle to evidence compliance  
10 with state standards. The federal manufactured-home label shall be  
11 recognized as a seal;

12       (10) Dealer means a person licensed by the state pursuant  
13 to Chapter 60, article 14, as a dealer in manufactured homes  
14 or recreational vehicles or any other person, other than a  
15 manufacturer, who sells, offers to sell, distributes, or leases  
16 manufactured homes or recreational vehicles primarily to persons  
17 who in good faith purchase or lease a manufactured home or  
18 recreational vehicle for purposes other than resale;

19       (11) Distributor means any person engaged in the sale  
20 and distribution of manufactured homes or recreational vehicles for  
21 resale;

22       (12) Manufacturer means any person engaged in  
23 manufacturing, assembling, or completing manufactured homes or  
24 recreational vehicles;

25       (13) Manufactured-home construction means all activities

1 relating to the assembly and manufacture of a manufactured home,  
2 including, but not limited to, activities relating to durability,  
3 quality, and safety;

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

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

16 ~~(16) Imminent safety hazard means a hazard that presents~~  
17 ~~an imminent and unreasonable risk of death or severe personal~~  
18 ~~injury;~~

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

22 ~~(18) Person means any individual, partnership, limited~~  
23 ~~liability company, company, corporation, or association engaged in~~  
24 ~~manufacturing, selling, offering to sell, or leasing manufactured~~  
25 ~~homes or recreational vehicles;~~

1           ~~(19) Commission means the Public Service Commission;~~

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

8           ~~(21) Noncompliance means a failure to comply with an~~  
9 ~~applicable construction standard that does not constitute a defect,~~  
10 ~~a serious defect, or an imminent safety hazard;~~

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

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

21           ~~(24) Gross trailer area means the total plan area~~  
22 ~~measured on the exterior to the maximum horizontal projections~~  
23 ~~of exterior wall in the setup mode and includes all siding,~~  
24 ~~corner trims, moldings, storage spaces, expandable room sections~~  
25 ~~regardless of height, and areas enclosed by windows but does not~~

1 include roof overhangs. Storage lofts contained within the basic  
 2 unit shall have ceiling heights less than five feet and shall not  
 3 constitute additional square footage. Appurtenances, as defined in  
 4 subdivision ~~(2)(k)~~ of section 60-6,288, shall not be considered in  
 5 calculating the gross trailer area as provided in such subdivision.

6 Sec. 9. Section 71-4604, Reissue Revised Statutes of  
 7 Nebraska, is amended to read:

8 71-4604 (1) All body and frame design and construction  
 9 and all plumbing, heating, and electrical systems installed in  
 10 manufactured homes or recreational vehicles manufactured, sold,  
 11 offered for sale, or leased in this state more than four months  
 12 after May 27, 1975, and before May 1, 1998, and ~~sold, offered for~~  
 13 ~~sale, or leased in this state~~ shall comply with the standards of  
 14 the state agency responsible for regulation of manufactured homes  
 15 or recreational vehicles as such standards existed on the date of  
 16 manufacture.

17 (2) All body and frame design and construction and all  
 18 plumbing, heating, and electrical systems installed in manufactured  
 19 homes or recreational vehicles manufactured, ~~on or after May~~  
 20 ~~1, 1998, and sold, offered for sale, or leased in this state~~  
 21 on or after May 1, 1998, shall be at least equal to the  
 22 standards adopted and approved by the commission ~~by~~ pursuant  
 23 to its rules and regulations as such standards existed on the  
 24 date of manufacture. The standards pertaining to manufactured homes  
 25 shall conform to the Manufactured Home Construction and Safety



1 Standards, 24 C.F.R. 3280, and the Manufactured Home Procedural  
2 and Enforcement Regulations, 24 C.F.R. 3282, adopted by the United  
3 States Department of Housing and Urban Development pursuant to the  
4 National Manufactured Housing Construction and Safety Standards Act  
5 of 1974, as amended, 42 U.S.C. 5401 et seq. Manufactured homes and  
6 recreational vehicles destined for sale outside the United States  
7 shall be exempt from such regulations if sufficient proof of such  
8 delivery is submitted to the commission for review. ~~The commission~~  
9 ~~may adopt standards pertaining to manufactured homes designed~~  
10 ~~and manufactured for the purpose of multifamily living,~~ which  
11 ~~standards shall protect the health and safety of persons living~~  
12 ~~in multifamily manufactured homes and may include,~~ but need not  
13 ~~be limited to,~~ requirements for fire safety, thermal protection,  
14 ~~water and fuel shutoff valves, fuel supply inlets, circulation~~  
15 ~~air systems, and electrical systems.~~ Multifamily manufactured  
16 homes manufactured in this state solely for purposes of sale  
17 in any other state or jurisdiction shall be exempt from the  
18 requirements of the Uniform Standard Code for Manufactured Homes  
19 and Recreational Vehicles. The standards pertaining to recreational  
20 vehicles shall (a) protect the health and safety of persons living  
21 in recreational vehicles, (b) assure reciprocity with other states  
22 that have adopted standards which protect the health and safety  
23 of persons living in recreational vehicles the purpose of which  
24 is to make uniform the law of those states which adopt them, and  
25 (c) allow variations from such uniform standards as will reduce

1 unnecessary costs of construction or increase safety, durability,  
2 or efficiency, including energy efficiency, of the recreational  
3 vehicle without jeopardizing such reciprocity.

4 Sec. 10. Section 71-4604.01, Revised Statutes Cumulative  
5 Supplement, 2006, is amended to read:

6 71-4604.01 (1) (a) Every manufactured home or recreational  
7 vehicle manufactured, sold, offered for sale, or leased in this  
8 state more than four months after May 27, 1975, and before May  
9 1, 1998, ~~which is sold, offered for sale, or leased in this~~  
10 state shall comply with the seal requirements of the state agency  
11 responsible for regulation of manufactured homes or recreational  
12 vehicles as such requirements existed on the date of manufacture.

13 (b) Every manufactured home or recreational vehicle  
14 manufactured, ~~on or after May 1, 1998, which is sold, offered for~~  
15 sale, or leased in this state on or after May 1, 1998, shall bear  
16 a seal issued by the commission certifying that the body and frame  
17 design and construction and the plumbing, heating, and electrical  
18 systems of such manufactured home or recreational vehicle have  
19 been installed in compliance with the standards adopted by the  
20 commission, applicable at the time of manufacture. Manufactured  
21 homes destined for sale outside the United States shall be exempt  
22 from displaying the seal issued by the state if sufficient proof  
23 of such delivery is submitted to the commission for review.  
24 Recreational vehicles destined for sale or lease outside this  
25 state or the United States shall be exempt from displaying the

1 seal issued by the state if sufficient proof of such delivery  
2 is submitted to the commission for review. The commission shall  
3 issue the recreational-vehicle seal upon an inspection of the plans  
4 and specifications for the recreational vehicle or upon an actual  
5 inspection of the recreational vehicle during or after construction  
6 if the recreational vehicle is in compliance with state standards.  
7 The commission shall issue the manufactured-home seal in accordance  
8 with the National Manufactured Housing Construction and Safety  
9 Standards Act of 1974, 42 U.S.C. 5401 et seq., as such act existed  
10 on January 1, 2005. Each seal issued by the state shall remain the  
11 property of the commission and may be revoked by the commission in  
12 the event of a violation of the conditions of issuance.

13 (2) The commission shall charge a fee of not less than  
14 ten dollars ~~nor~~ and not more than fifty ~~seventy-five~~ dollars, as  
15 determined annually by the commission after published notice and  
16 a hearing, for seals issued by the commission. A seal shall be  
17 placed on each living unit within a multifamily manufactured home.  
18 The commission shall assess any costs of inspections conducted  
19 outside of Nebraska to the manufacturer in control of the inspected  
20 facility or to a manufacturer requesting such inspection. ~~7~~ and  
21 the seal fee assessed for each living unit shall be one-half of  
22 the seal fee for a single-family manufactured home. Inspection  
23 fees shall be paid for all inspections by the commission of  
24 manufacturing plants located outside of the State of Nebraska. Such  
25 fees costs shall consist of a reimbursement by the manufacturer

1 ~~of~~ include, but not be limited to, actual travel, personnel, and  
2 inspection expenses ~~only~~ and shall be paid prior to any issuance of  
3 seals.

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

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

24 (4) The commission shall charge each manufacturer a an  
25 inspection fee of ~~seventy-five~~ two hundred fifty dollars for each

1 inspection of any new recreational vehicle manufactured by such  
2 manufacturer and not bearing a seal issued by the State of Nebraska  
3 or some reciprocal state.

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

14 Sec. 11. Section 71-4608, Revised Statutes Cumulative  
15 Supplement, 2006, is amended to read:

16 71-4608 (1) Any person who is in violation of any  
17 provision of the Uniform Standard Code for Manufactured Homes  
18 and Recreational Vehicles regarding a used manufactured home ~~or~~  
19 ~~new or used multifamily manufactured home~~ or recreational vehicle  
20 or who manufactures unless destined for sale outside the United  
21 States, sells, offers for sale, or leases in this state any used  
22 manufactured home ~~or new or used multifamily manufactured home~~ or  
23 recreational vehicle manufactured more than four months after May  
24 27, 1975, which does not bear the federal manufactured-home label  
25 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

1 misleading in a material respect;

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

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

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

23           (4) Subdivision (2)(a) of this section shall not apply  
24 to any person who establishes that he or she did not have reason  
25 to know in the exercise of due care that such manufactured

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

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

17 (6) The commission may administratively fine pursuant to  
18 section 75-156 any person who violates the Uniform Standard Code  
19 for Manufactured Homes and Recreational Vehicles or any rule or  
20 regulation adopted and promulgated under the act.

21 Sec. 12. Original sections 60-1301, 71-1557, 71-1558,  
22 71-1559, 71-1563, 71-1564, 71-1567, 71-4603, and 71-4604, Reissue  
23 Revised Statutes of Nebraska, and sections 71-4604.01 and 71-4608,  
24 Revised Statutes Cumulative Supplement, 2006, are repealed.