

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 707

Introduced by Kolterman, 24.

Read first time January 03, 2018

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to the Uniform Standard Code for Manufactured
2 Homes and Recreational Vehicles; to amend sections 14-402, 15-902,
3 19-902, 23-114, 71-1569, 71-4601, 71-4602, 71-4604, 71-4605,
4 71-4606, 71-4608, 71-4610, 71-4611, 71-4614, 71-4615, 71-4616,
5 71-4617, 71-4618, 71-4619, 71-4620, 71-4620.01, 71-4621, 76-1463,
6 81-5,138, and 81-1615, Reissue Revised Statutes of Nebraska,
7 sections 60-1901, 71-4603, 71-4604.01, 71-4609, 75-109.01, 75-156,
8 and 75-159, Revised Statutes Cumulative Supplement, 2016, and
9 section 71-6405, Revised Statutes Supplement, 2017; to change
10 provisions of the code by eliminating all applicability and
11 references to manufactured homes under the code; to rename the code;
12 to eliminate obsolete provisions; to redefine terms; to change
13 provisions relating to applicability of the Building Construction
14 Act; to harmonize provisions; to repeal the original sections; and
15 to outright repeal section 71-4613, Reissue Revised Statutes of
16 Nebraska.
17 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 14-402, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 14-402 (1) For any or all of the purposes listed in section 14-401,
4 the city council may divide the municipality into districts of such
5 number, shape, and area as may be deemed best suited to carry out the
6 purposes of sections 14-401 to 14-418. Within such districts the city
7 council may regulate, restrict, or prohibit the erection, construction,
8 reconstruction, alteration, or use of buildings, structures, or land. All
9 such regulations shall be uniform for each class or kind of buildings
10 throughout each district, but the regulations applicable to one district
11 may differ from those applicable to other districts.

12 (2)(a) The city council shall not adopt or enforce any zoning
13 ordinance or regulation which prohibits the use of land for a proposed
14 residential structure for the sole reason that the proposed structure is
15 a manufactured home if such manufactured home bears an appropriate seal
16 which indicates that it was constructed in accordance with the standards
17 of ~~the Uniform Standard Code for Manufactured Homes and Recreational~~
18 ~~Vehicles~~, the Nebraska Uniform Standards for Modular Housing Units Act,
19 or the United States Department of Housing and Urban Development. The
20 city council may require that a manufactured home be located and
21 installed according to the same standards for foundation system,
22 permanent utility connections, setback, and minimum square footage which
23 would apply to a site-built, single-family dwelling on the same lot. The
24 city council may also require that manufactured homes meet the following
25 standards:

26 (i) The home shall have no less than nine hundred square feet of
27 floor area;

28 (ii) The home shall have no less than an eighteen-foot exterior
29 width;

30 (iii) The roof shall be pitched with a minimum vertical rise of two
31 and one-half inches for each twelve inches of horizontal run;

1 (iv) The exterior material shall be of a color, material, and scale
2 comparable with those existing in residential site-built, single-family
3 construction;

4 (v) The home shall have a nonreflective roof material which is or
5 simulates asphalt or wood shingles, tile, or rock; and

6 (vi) The home shall have wheels, axles, transporting lights, and
7 removable towing apparatus removed.

8 (b) The city council may not require additional standards unless
9 such standards are uniformly applied to all single-family dwellings in
10 the zoning district.

11 (c) Nothing in this subsection shall be deemed to supersede any
12 valid restrictive covenants of record.

13 (3) For purposes of this section, manufactured home shall mean (a) a
14 factory-built structure which is to be used as a place for human
15 habitation, which is not constructed or equipped with a permanent hitch
16 or other device allowing it to be moved other than to a permanent site,
17 which does not have permanently attached to its body or frame any wheels
18 or axles, and which bears a label certifying that it was built in
19 compliance with ~~National~~ Manufactured Home Construction and Safety
20 Standards, 24 C.F.R. 3280 et seq., promulgated by the United States
21 Department of Housing and Urban Development, or (b) a modular housing
22 unit as defined in section 71-1557 bearing a seal in accordance with the
23 Nebraska Uniform Standards for Modular Housing Units Act.

24 Sec. 2. Section 15-902, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 15-902 (1) Every city of the primary class shall have power in the
27 area which is within the city or within three miles of the corporate
28 limits of the city and outside of any organized city or village to
29 regulate and restrict: (a) The location, height, bulk, and size of
30 buildings and other structures; (b) the percentage of a lot that may be
31 occupied; (c) the size of yards, courts, and other open spaces; (d) the

1 density of population; and (e) the locations and uses of buildings,
2 structures, and land for trade, industry, business, residences, and other
3 purposes. Such city shall have power to divide the area zoned into
4 districts of such number, shape, and area as may be best suited to carry
5 out the purposes of this section and to regulate, restrict, or prohibit
6 the erection, construction, reconstruction, alteration, or use of
7 buildings, structures, or land within the total area zoned or within
8 districts. All such regulations shall be uniform for each class or kind
9 of buildings throughout each district, but regulations applicable to one
10 district may differ from those applicable to other districts. Such zoning
11 regulations shall be designed to secure safety from fire, flood, and
12 other dangers and to promote the public health, safety, and general
13 welfare and shall be made with consideration having been given to the
14 character of the various parts of the area zoned and their peculiar
15 suitability for particular uses and types of development and with a view
16 to conserving property values and encouraging the most appropriate use of
17 land throughout the area zoned, in accordance with a comprehensive plan.
18 Such zoning regulations may include reasonable provisions regarding
19 nonconforming uses and their gradual elimination.

20 (2)(a) The city shall not adopt or enforce any zoning ordinance or
21 regulation which prohibits the use of land for a proposed residential
22 structure for the sole reason that the proposed structure is a
23 manufactured home if such manufactured home bears an appropriate seal
24 which indicates that it was constructed in accordance with the standards
25 of the ~~Uniform Standard Code for Manufactured Homes and Recreational~~
26 ~~Vehicles~~, the Nebraska Uniform Standards for Modular Housing Units Act,
27 or the United States Department of Housing and Urban Development. The
28 city may require that a manufactured home be located and installed
29 according to the same standards for foundation system, permanent utility
30 connections, setback, and minimum square footage which would apply to a
31 site-built, single-family dwelling on the same lot. The city may also

1 require that manufactured homes meet the following standards:

2 (i) The home shall have no less than nine hundred square feet of
3 floor area;

4 (ii) The home shall have no less than an eighteen-foot exterior
5 width;

6 (iii) The roof shall be pitched with a minimum vertical rise of two
7 and one-half inches for each twelve inches of horizontal run;

8 (iv) The exterior material shall be of a color, material, and scale
9 comparable with those existing in residential site-built, single-family
10 construction;

11 (v) The home shall have a nonreflective roof material which is or
12 simulates asphalt or wood shingles, tile, or rock; and

13 (vi) The home shall have wheels, axles, transporting lights, and
14 removable towing apparatus removed.

15 (b) The city may not require additional standards unless such
16 standards are uniformly applied to all single-family dwellings in the
17 zoning district.

18 (c) Nothing in this subsection shall be deemed to supersede any
19 valid restrictive covenants of record.

20 (3) For purposes of this section, manufactured home shall mean (a) a
21 factory-built structure which is to be used as a place for human
22 habitation, which is not constructed or equipped with a permanent hitch
23 or other device allowing it to be moved other than to a permanent site,
24 which does not have permanently attached to its body or frame any wheels
25 or axles, and which bears a label certifying that it was built in
26 compliance with ~~National~~ Manufactured Home Construction and Safety
27 Standards, 24 C.F.R. 3280 et seq., promulgated by the United States
28 Department of Housing and Urban Development, or (b) a modular housing
29 unit as defined in section 71-1557 bearing a seal in accordance with the
30 Nebraska Uniform Standards for Modular Housing Units Act.

31 Sec. 3. Section 19-902, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 19-902 (1) For any or all of the purposes designated in section
3 19-901, the city council or village board may divide the municipality
4 into districts of such number, shape, and area as may be deemed best
5 suited to carry out the purposes of sections 19-901 to 19-914 and may
6 regulate and restrict the erection, construction, reconstruction,
7 alteration, repair, or use of buildings, structures, or land within the
8 districts. All such regulations shall be uniform for each class or kind
9 of buildings throughout each district, but the regulations applicable to
10 one district may differ from those applicable to other districts. If a
11 regulation affects the Niobrara scenic river corridor as defined in
12 section 72-2006 and is not incorporated within the boundaries of the
13 municipality, the Niobrara Council shall act on the regulation as
14 provided in section 72-2010.

15 (2)(a) The city council or village board shall not adopt or enforce
16 any zoning ordinance or regulation which prohibits the use of land for a
17 proposed residential structure for the sole reason that the proposed
18 structure is a manufactured home if such manufactured home bears an
19 appropriate seal which indicates that it was constructed in accordance
20 with the standards of ~~the Uniform Standard Code for Manufactured Homes~~
21 ~~and Recreational Vehicles~~, the Nebraska Uniform Standards for Modular
22 Housing Units Act, or the United States Department of Housing and Urban
23 Development. The city council or village board may require that a
24 manufactured home be located and installed according to the same
25 standards for foundation system, permanent utility connections, setback,
26 and minimum square footage which would apply to a site-built, single-
27 family dwelling on the same lot. The city council or village board may
28 also require that manufactured homes meet the following standards:

29 (i) The home shall have no less than nine hundred square feet of
30 floor area;

31 (ii) The home shall have no less than an eighteen-foot exterior

1 width;

2 (iii) The roof shall be pitched with a minimum vertical rise of two
3 and one-half inches for each twelve inches of horizontal run;

4 (iv) The exterior material shall be of a color, material, and scale
5 comparable with those existing in residential site-built, single-family
6 construction;

7 (v) The home shall have a nonreflective roof material which is or
8 simulates asphalt or wood shingles, tile, or rock; and

9 (vi) The home shall have wheels, axles, transporting lights, and
10 removable towing apparatus removed.

11 (b) The city council or village board may not require additional
12 standards unless such standards are uniformly applied to all single-
13 family dwellings in the zoning district.

14 (c) Nothing in this subsection shall be deemed to supersede any
15 valid restrictive covenants of record.

16 (3) For purposes of this section, manufactured home shall mean (a) a
17 factory-built structure which is to be used as a place for human
18 habitation, which is not constructed or equipped with a permanent hitch
19 or other device allowing it to be moved other than to a permanent site,
20 which does not have permanently attached to its body or frame any wheels
21 or axles, and which bears a label certifying that it was built in
22 compliance with ~~National~~ Manufactured Home Construction and Safety
23 Standards, 24 C.F.R. 3280 et seq., promulgated by the United States
24 Department of Housing and Urban Development, or (b) a modular housing
25 unit as defined in section 71-1557 bearing a seal in accordance with the
26 Nebraska Uniform Standards for Modular Housing Units Act.

27 (4) Subdivision regulations and building, plumbing, electrical,
28 housing, fire, or health codes or similar regulations and the adoption
29 thereof shall not be subject to sections 19-901 to 19-915.

30 Sec. 4. Section 23-114, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 23-114 (1) The county board shall have power: (a) To create a
2 planning commission with the powers and duties set forth in sections
3 23-114 to 23-114.05, 23-168.01 to 23-168.04, 23-172 to 23-174, 23-174.02,
4 23-373, and 23-376; (b) to make, adopt, amend, extend, and implement a
5 county comprehensive development plan; (c) to adopt a zoning resolution,
6 which shall have the force and effect of law; and (d) to cede and
7 transfer jurisdiction pursuant to section 13-327 over land otherwise
8 subject to the authority of the county board pursuant to this section.

9 (2) The zoning resolution may regulate and restrict: (a) The
10 location, height, bulk, number of stories, and size of buildings and
11 other structures, including tents, cabins, house trailers, and automobile
12 trailers; (b) the percentage of lot areas which may be occupied; (c)
13 building setback lines; (d) sizes of yards, courts, and other open
14 spaces; (e) the density of population; (f) the uses of buildings; and (g)
15 the uses of land for agriculture, forestry, recreation, residence,
16 industry, and trade, after considering factors relating to soil
17 conservation, water supply conservation, surface water drainage and
18 removal, or other uses in the unincorporated area of the county. If a
19 zoning resolution or regulation affects the Niobrara scenic river
20 corridor as defined in section 72-2006, the Niobrara Council shall act on
21 the measure as provided in section 72-2010.

22 (3)(a) The county board shall not adopt or enforce any zoning
23 resolution or regulation which prohibits the use of land for a proposed
24 residential structure for the sole reason that the proposed structure is
25 a manufactured home if such manufactured home bears an appropriate seal
26 which indicates that it was constructed in accordance with the standards
27 of ~~the Uniform Standard Code for Manufactured Homes and Recreational~~
28 ~~Vehicles~~, the Nebraska Uniform Standards for Modular Housing Units Act,
29 or the United States Department of Housing and Urban Development. The
30 county board may require that a manufactured home be located and
31 installed according to the same standards for foundation system,

1 permanent utility connections, setback, and minimum square footage which
2 would apply to a site-built, single-family dwelling on the same lot. The
3 county board may also require that manufactured homes meet the following
4 standards:

5 (i) The home shall have no less than nine hundred square feet of
6 floor area;

7 (ii) The home shall have no less than an eighteen-foot exterior
8 width;

9 (iii) The roof shall be pitched with a minimum vertical rise of two
10 and one-half inches for each twelve inches of horizontal run;

11 (iv) The exterior material shall be of a color, material, and scale
12 comparable with those existing in residential site-built, single-family
13 construction;

14 (v) The home shall have a nonreflective roof material which is or
15 simulates asphalt or wood shingles, tile, or rock; and

16 (vi) The home shall have wheels, axles, transporting lights, and
17 removable towing apparatus removed.

18 (b) The county board may not require additional standards unless
19 such standards are uniformly applied to all single-family dwellings in
20 the zoning district.

21 (c) Nothing in this subsection shall be deemed to supersede any
22 valid restrictive covenants of record.

23 (4) For purposes of this section, manufactured home shall mean (a) a
24 factory-built structure which is to be used as a place for human
25 habitation, which is not constructed or equipped with a permanent hitch
26 or other device allowing it to be moved other than to a permanent site,
27 which does not have permanently attached to its body or frame any wheels
28 or axles, and which bears a label certifying that it was built in
29 compliance with ~~National~~ Manufactured Home Construction and Safety
30 Standards, 24 C.F.R. 3280 et seq., promulgated by the United States
31 Department of Housing and Urban Development, or (b) a modular housing

1 unit as defined in section 71-1557 bearing a seal in accordance with the
2 Nebraska Uniform Standards for Modular Housing Units Act.

3 (5) Special districts or zones may be established in those areas
4 subject to seasonal or periodic flooding, and such regulations may be
5 applied as will minimize danger to life and property.

6 (6) The powers conferred by this section shall not be exercised
7 within the limits of any incorporated city or village nor within the area
8 over which a city or village has been granted or ceded zoning
9 jurisdiction and is exercising such jurisdiction. At such time as a city
10 or village exercises control over an unincorporated area by the adoption
11 or amendment of a zoning ordinance, the ordinance or amendment shall
12 supersede any resolution or regulation of the county.

13 Sec. 5. Section 60-1901, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 60-1901 (1) A motor vehicle is an abandoned vehicle:

16 (a) If left unattended, with no license plates or valid In Transit
17 stickers issued pursuant to the Motor Vehicle Registration Act affixed
18 thereto, for more than six hours on any public property;

19 (b) If left unattended for more than twenty-four hours on any public
20 property, except a portion thereof on which parking is legally permitted;

21 (c) If left unattended for more than forty-eight hours, after the
22 parking of such vehicle has become illegal, if left on a portion of any
23 public property on which parking is legally permitted;

24 (d) If left unattended for more than seven days on private property
25 if left initially without permission of the owner, or after permission of
26 the owner is terminated;

27 (e) If left for more than thirty days in the custody of a law
28 enforcement agency after the agency has sent a letter to the last-
29 registered owner under section 60-1903.01; or

30 (f) If removed from private property by a municipality pursuant to a
31 municipal ordinance.

1 (2) An all-terrain vehicle, a utility-type vehicle, or a minibike is
2 an abandoned vehicle:

3 (a) If left unattended for more than twenty-four hours on any public
4 property, except a portion thereof on which parking is legally permitted;

5 (b) If left unattended for more than forty-eight hours, after the
6 parking of such vehicle has become illegal, if left on a portion of any
7 public property on which parking is legally permitted;

8 (c) If left unattended for more than seven days on private property
9 if left initially without permission of the owner, or after permission of
10 the owner is terminated;

11 (d) If left for more than thirty days in the custody of a law
12 enforcement agency after the agency has sent a letter to the last-
13 registered owner under section 60-1903.01; or

14 (e) If removed from private property by a municipality pursuant to a
15 municipal ordinance.

16 (3) A mobile home is an abandoned vehicle if left in place on
17 private property for more than thirty days after a local governmental
18 unit, pursuant to an ordinance or resolution, has sent a certified letter
19 to each of the last-registered owners and posted a notice on the mobile
20 home, stating that the mobile home is subject to sale or auction or
21 vesting of title as set forth in section 60-1903.

22 (4) For purposes of this section:

23 (a) Mobile home means a movable or portable dwelling constructed to
24 be towed on its own chassis, connected to utilities, and designed with or
25 without a permanent foundation for year-round living. It may consist of
26 one or more units that can be telescoped when towed and expanded later
27 for additional capacity, or of two or more units, separately towable but
28 designed to be joined into one integral unit, and shall include a
29 manufactured home as defined in the Manufactured Home Construction and
30 Safety Standards, 24 C.F.R. 3280 et seq ~~section 71-4603~~. Mobile home does
31 not include a mobile home ~~or manufactured home~~ for which an affidavit of

1 affixture has been recorded pursuant to section 60-169;

2 (b) Public property means any public right-of-way, street, highway,
3 alley, or park or other state, county, or municipally owned property; and

4 (c) Private property means any privately owned property which is not
5 included within the definition of public property.

6 (5) No motor vehicle subject to forfeiture under section 28-431
7 shall be an abandoned vehicle under this section.

8 Sec. 6. Section 71-1569, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 71-1569 (1) Except as provided in subsection (2) of this section,
11 all bathtubs and showers installed in buildings which contain more than
12 one dwelling unit after August 30, 1987, shall be equipped with either a
13 pressure balancing or thermostatic-mixing scald prevention device which
14 is designed and installed to prevent (a) sudden unanticipated changes in
15 the temperature of the water delivered and (b) the temperature of the
16 water delivered from exceeding one hundred fifteen degrees Fahrenheit.

17 (2) Subsection (1) of this section shall not apply to showers or
18 bathtubs installed in modular housing units as defined in section
19 71-1557, manufactured homes as defined in the Manufactured Home
20 Construction and Safety Standards, 24 C.F.R. 3280 et seq. ~~section~~
21 ~~71-4603~~, or recreational vehicles as defined in section 71-4603.

22 Sec. 7. Section 71-4601, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 71-4601 Sections 71-4601 to 71-4620.01 shall be known and may be
25 cited as the Uniform Standard Code for ~~Manufactured Homes and~~
26 ~~Recreational Vehicles.~~

27 Sec. 8. Section 71-4602, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 71-4602 The Legislature recognizes that uniformity in the manner of
30 the body and frame design, construction, assembly, and use of
31 ~~manufactured homes and~~ recreational vehicles and that of their systems,

1 components, and appliances including their plumbing, heating, and
2 electrical systems is desirable in order that owners may not be burdened
3 with differing requirements and in order to promote construction suitable
4 for the health of the numerous persons living in ~~manufactured homes and~~
5 recreational vehicles.

6 Sec. 9. Section 71-4603, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 71-4603 For purposes of the Uniform Standard Code for ~~Manufactured~~
9 ~~Homes and~~ Recreational Vehicles, unless the context otherwise requires:

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

14 (2) Commission means the Public Service Commission;

15 (3) Dealer means a person licensed by the state pursuant to the
16 Motor Vehicle Industry Regulation Act as a dealer in ~~manufactured homes~~
17 ~~or~~ recreational vehicles or any other person, other than a manufacturer,
18 who sells, offers to sell, distributes, or leases ~~manufactured homes or~~
19 recreational vehicles primarily to persons who in good faith purchase or
20 lease a ~~manufactured home or~~ recreational vehicle for purposes other than
21 resale;

22 (4) Defect means a failure to conform to an applicable construction
23 standard that renders the ~~manufactured home or~~ recreational vehicle or
24 any component of the ~~manufactured home or~~ recreational vehicle not fit
25 for the ordinary use for which it was intended but does not result in an
26 unreasonable risk of injury or death to occupants;

27 (5) Distributor means any person engaged in the sale and
28 distribution of ~~manufactured homes or~~ recreational vehicles for resale;

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

31 (7) Fifth-wheel trailer means a unit mounted on wheels, designed to

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

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

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

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

1 ~~42 U.S.C. 5401 et seq.;~~

2 ~~(11) Manufactured home construction means all activities relating to~~
3 ~~the assembly and manufacture of a manufactured home, including, but not~~
4 ~~limited to, activities relating to durability, 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 against~~
7 ~~any unreasonable risk of the occurrence of accidents due to the design or~~
8 ~~construction of such manufactured home or any unreasonable risk of death~~
9 ~~or injury to the user or to the public if such accidents do occur;~~

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

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

21 ~~(12) (15) Noncompliance means a failure to comply with an applicable~~
22 ~~construction standard that does not constitute a defect, a serious~~
23 ~~defect, or an imminent safety hazard;~~

24 ~~(13) (16) Park trailer means a vehicular unit which meets the~~
25 ~~following criteria:~~

26 ~~(a) Built on a single chassis mounted on wheels;~~

27 ~~(b) Designed to provide seasonal or temporary living quarters which~~
28 ~~may be connected to utilities necessary for operation of installed~~
29 ~~fixtures and appliances;~~

30 ~~(c) Constructed to permit setup by persons without special skills~~
31 ~~using only hand tools which may include lifting, pulling, and supporting~~

1 devices; and

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

4 (14) ~~(17)~~ Person means any individual, partnership, limited
5 liability company, company, corporation, or association engaged in
6 manufacturing, selling, offering to sell, or leasing ~~manufactured homes~~
7 ~~or~~ recreational vehicles;

8 (15) ~~(18)~~ Purchaser means the first person purchasing a ~~manufactured~~
9 ~~home or~~ recreational vehicle in good faith for purposes other than
10 resale;

11 (16) ~~(19)~~ Recreational vehicle means a vehicular type unit primarily
12 designed as temporary living quarters for recreational, camping, or
13 travel use, which unit either has its own motive power or is mounted on
14 or towed by another vehicle. Recreational vehicle includes, but is not
15 limited to, travel trailer, park trailer, camping trailer, truck camper,
16 motor home, and van conversion;

17 (17) ~~(20)~~ Seal means a device or insignia issued by the Department
18 of Health and Human Services Regulation and Licensure prior to May 1,
19 1998, or by the Public Service Commission on or after May 1, 1998, to be
20 displayed on the exterior of a ~~manufactured home or~~ recreational vehicle
21 to evidence compliance with state standards. ~~The federal manufactured-~~
22 ~~home label shall be recognized as a seal;~~

23 (18) ~~(21)~~ Serious defect means a failure to conform to an applicable
24 construction standard that renders the ~~manufactured home or~~ recreational
25 vehicle or any component of the ~~manufactured home or~~ recreational vehicle
26 not fit for the ordinary use for which it was intended and which results
27 in an unreasonable risk of injury or death to the occupants;

28 (19) ~~(22)~~ Travel trailer means a vehicular unit mounted on wheels,
29 designed to provide temporary living quarters for recreational, camping,
30 or travel use of such size or weight as not to require special highway
31 movement permits when towed by a motorized vehicle and of gross trailer

1 area less than four hundred thirty square feet;

2 (20) ~~(23)~~ Truck camper means a portable unit constructed to provide
3 temporary living quarters for recreational, travel, or camping use,
4 consisting of a roof, floor, and sides and designed to be loaded onto and
5 unloaded from the bed of a pickup truck; and

6 (21) ~~(24)~~ Van conversion means a completed vehicle permanently
7 altered cosmetically, structurally, or both which has been recertified by
8 the state as a multipurpose passenger vehicle but which does not conform
9 to or otherwise meet the definition of a motor home in this section and
10 which contains at least one plumbing, heating, or one-hundred-twenty-
11 nominal-volt electrical component subject to the provisions of the state
12 standard for recreational vehicles. Van conversion does not include any
13 such vehicle that lacks any plumbing, heating, or one-hundred-twenty-
14 nominal-volt electrical system but contains an extension of the low-
15 voltage automotive circuitry.

16 Sec. 10. Section 71-4604, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 71-4604 (1) All body and frame design and construction and all
19 plumbing, heating, and electrical systems installed in ~~manufactured homes~~
20 ~~or~~ recreational vehicles manufactured, sold, offered for sale, or leased
21 in this state more than four months after May 27, 1975, and before May 1,
22 1998, shall comply with the standards of the state agency responsible for
23 regulation of ~~manufactured homes~~ or recreational vehicles as such
24 standards existed on the date of manufacture.

25 (2) All body and frame design and construction and all plumbing,
26 heating, and electrical systems installed in ~~manufactured homes~~ or
27 recreational vehicles manufactured, sold, offered for sale, or leased in
28 this state on or after May 1, 1998, shall be at least equal to the
29 standards adopted and approved by the commission pursuant to its rules
30 and regulations as such standards existed on the date of manufacture.

31 Recreational ~~The standards pertaining to manufactured homes shall conform~~

1 ~~to the Manufactured Home Construction and Safety Standards, 24 C.F.R.~~
2 ~~3280, and the Manufactured Home Procedural and Enforcement Regulations,~~
3 ~~24 C.F.R. 3282, adopted by the United States Department of Housing and~~
4 ~~Urban Development pursuant to the National Manufactured Housing~~
5 ~~Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401~~
6 ~~et seq. Manufactured homes and recreational vehicles destined for sale~~
7 outside the United States shall be exempt from such regulations if
8 sufficient proof of such delivery is submitted to the commission for
9 review. The standards pertaining to recreational vehicles shall (a)
10 protect the health and safety of persons living in recreational vehicles,
11 (b) assure reciprocity with other states that have adopted standards
12 which protect the health and safety of persons living in recreational
13 vehicles the purpose of which is to make uniform the law of those states
14 which adopt them, and (c) allow variations from such uniform standards as
15 will reduce unnecessary costs of construction or increase safety,
16 durability, or efficiency, including energy efficiency, of the
17 recreational vehicle without jeopardizing such reciprocity.

18 Sec. 11. Section 71-4604.01, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

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

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

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

18 (2) The commission shall charge a fee in an amount determined
19 annually by the commission after published notice and a hearing, for
20 seals issued by the commission. ~~A seal shall be placed on each~~
21 ~~manufactured home.~~ The commission shall assess any costs of inspections
22 conducted outside of Nebraska to the manufacturer in control of the
23 inspected facility or to a manufacturer requesting such inspection. Such
24 costs shall include, but not be limited to, actual travel, personnel, and
25 inspection expenses and shall be paid prior to any issuance of seals.

26 (3) The commission shall adopt and promulgate rules and regulations
27 governing the submission of plans and specifications of ~~manufactured~~
28 ~~homes and~~ recreational vehicles. A person who submits recreational-
29 vehicle plans and specifications to the commission for review and
30 approval shall be assessed an hourly rate by the commission for
31 performing the review of the plans and specifications and related

1 functions. The hourly rate shall be not less than fifteen dollars per
2 hour and not more than seventy-five dollars per hour as determined
3 annually by the commission after published notice and hearing based on
4 the number of hours of review time as follows:

- 5 (a) New model, one hour;
- 6 (b) Quality control manual, two hours;
- 7 (c) Typicals, one-half hour;
- 8 (d) Revisions, three-fourths hour;
- 9 (e) Engineering calculations, three-fourths hour;
- 10 (f) Initial package, fifteen hours; and
- 11 (g) Yearly renewal, two hours plus the three-fourths hour for
12 revisions.

13 (4) The commission shall charge each manufacturer an inspection fee
14 of two hundred fifty dollars for each inspection of any new recreational
15 vehicle manufactured by such manufacturer and not bearing a seal issued
16 by the State of Nebraska or some reciprocal state.

17 (5) All fees collected pursuant to the Uniform Standard Code for
18 ~~Manufactured Homes and Recreational Vehicles~~ shall be remitted to the
19 State Treasurer for credit to the Public Service Commission Housing and
20 Recreational Vehicle Cash Fund.

21 Sec. 12. Section 71-4605, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 71-4605 Except as provided in section 71-4606, no dealer shall sell,
24 offer for sale, or lease in this state any new or used ~~manufactured home~~
25 ~~or~~ recreational vehicle manufactured more than four months after May 27,
26 1975, unless such ~~manufactured home or~~ recreational vehicle meets or
27 exceeds the standards with respect to body and frame design and
28 construction and plumbing, heating, and electrical systems established
29 under the Uniform Standard Code for ~~Manufactured Homes and Recreational~~
30 Vehicles.

31 Sec. 13. Section 71-4606, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 71-4606 If any other state has plumbing, heating, electrical, or
3 body and frame design and construction codes for recreational vehicles at
4 least equal to those established under the Uniform Standard Code for
5 ~~Manufactured Homes and Recreational Vehicles~~, the commission, upon
6 determining that such standards are being enforced by such other state,
7 shall place such other state on a reciprocity list, which list shall be
8 available to any interested person. Any recreational vehicle which bears
9 the seal of any state which has been placed on the reciprocity list shall
10 not be required to bear the seal issued by this state. ~~A manufactured~~
11 ~~home manufactured more than four months after May 27, 1975, which does~~
12 ~~not bear the federal manufactured-home label issued by this state or by a~~
13 ~~state which has been placed on the reciprocity list shall not be~~
14 ~~permitted to be manufactured, offered for sale, sold, or leased by a~~
15 ~~manufacturer, dealer, or any other person anywhere within this state nor~~
16 ~~delivered from this state into any other state or jurisdiction unless~~
17 ~~destined for sale outside the United States.~~ A recreational vehicle
18 manufactured in this state, which is offered for sale, sold, or leased by
19 a manufacturer, dealer, or other person anywhere outside this state,
20 shall not be required to bear the seal issued by this state. If a
21 recreational vehicle has a certificate of title or other certification
22 from a state on the reciprocity list, a dealer may sell it unless he or
23 she has actual knowledge that the recreational vehicle does not meet the
24 standards of the state which has issued a certificate of title or other
25 certification for it, so long as it bears the seal issued by this state
26 or a state on the reciprocity list. No dealer or distributor shall sell a
27 ~~manufactured home or recreational vehicle~~ if it contains a defect, a
28 serious defect, or an imminent safety hazard.

29 Sec. 14. Section 71-4608, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 71-4608 (1) Any person who is in violation of any provision of the

1 Uniform Standard Code for ~~Manufactured Homes and~~ Recreational Vehicles
2 regarding a used ~~manufactured home or~~ recreational vehicle or who
3 manufactures unless destined for sale outside the United States, sells,
4 offers for sale, or leases in this state any used ~~manufactured home or~~
5 recreational vehicle manufactured more than four months after May 27,
6 1975, which does not bear the ~~federal manufactured home label or the~~
7 recreational-vehicle seal issued by this state or by a state which has
8 been placed on the reciprocity list as required by the code shall be
9 guilty of a Class I misdemeanor. Nothing in the Uniform Standard Code for
10 ~~Manufactured Homes and~~ Recreational Vehicles shall be construed to
11 require a seal for any recreational vehicle manufactured in this state
12 which is sold or leased outside this state.

13 (2) No person shall:

14 (a) Manufacture for sale, lease, sell, offer for sale or lease, or
15 introduce, deliver, or import into this state any ~~manufactured home or~~
16 recreational vehicle which is manufactured on or after the effective date
17 of any applicable standard of the commission which does not comply with
18 such standard;

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

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

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

31 (d) ~~(e)~~ Fail to establish and maintain such records, make such

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

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

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

20 (4) Subdivision (2)(a) of this section shall not apply to any person
21 who establishes that he or she did not have reason to know in the
22 exercise of due care that such ~~manufactured home or~~ recreational vehicle
23 was not in conformity with ~~applicable Manufactured Home Construction and~~
24 ~~Safety Standards, 24 C.F.R. 3280,~~ or the standards adopted by the
25 commission for recreational-vehicle construction or any person who, prior
26 to such first purchase, holds a certificate by the manufacturer or
27 importer of such ~~manufactured home or~~ recreational vehicle to the effect
28 that such ~~manufactured home conforms to all applicable Manufactured Home~~
29 ~~Construction and Safety Standards, 24 C.F.R. 3280,~~ or that such
30 recreational vehicle conforms to the standards adopted by the commission
31 for recreational-vehicle construction unless such person knows that such

1 ~~manufactured home or recreational vehicle~~ does not so conform.

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

6 (6) The commission may administratively fine pursuant to section
7 75-156 any person who violates the Uniform Standard Code for ~~Manufactured~~
8 ~~Homes and Recreational Vehicles~~ or any rule or regulation adopted and
9 promulgated under the code.

10 Sec. 15. Section 71-4609, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 71-4609 (1) The commission shall administer the Uniform Standard
13 Code for ~~Manufactured Homes and Recreational Vehicles~~. The commission may
14 adopt and promulgate, amend, alter, or repeal general rules and
15 regulations of procedure for (a) administering the provisions of the
16 code, (b) issuing seals, (c) obtaining statistical data respecting the
17 manufacture and sale of ~~manufactured homes and recreational vehicles~~, and
18 (d) prescribing means, methods, and practices to make effective such
19 provisions.

20 (2) The commission shall refuse to issue a seal to any manufacturer
21 or other person for any ~~manufactured home or recreational vehicle~~ found
22 to be not in compliance with its standards governing body and frame
23 design and construction or plumbing, heating, or electrical systems for
24 ~~manufactured homes or recreational vehicles~~ or for which fees have not
25 been paid. Except in case of failure to pay the required fees, any such
26 manufacturer or other person may request a hearing before the commission
27 on the issue of such refusal. Procedures for notice and opportunity for a
28 hearing before the commission shall be pursuant to the Administrative
29 Procedure Act. The refusal by the commission may be appealed, and the
30 appeal shall be in accordance with section 75-136.

31 (3) The issuance of seals may be suspended or revoked as to any

1 manufacturer or other person who has not complied with any provision of
2 the code or with any rule, regulation, or standard adopted and
3 promulgated under the code or who is convicted of violating section
4 71-4608, and issuance of the seals shall not be resumed until such
5 manufacturer or other person submits sufficient proof that the conditions
6 which caused the lack of compliance or the violation have been remedied.
7 Any manufacturer or other person may request a hearing before the
8 commission on the issue of such suspension or revocation. Procedures for
9 notice and opportunity for a hearing before the commission shall be
10 pursuant to the Administrative Procedure Act. The suspension or
11 revocation by the commission may be appealed, and the appeal shall be in
12 accordance with section 75-136.

13 ~~(4) The commission may conduct hearings and presentations of views~~
14 ~~consistent with the regulations adopted by the United States Department~~
15 ~~of Housing and Urban Development and adopt and promulgate such rules and~~
16 ~~regulations as are necessary to carry out this function.~~

17 ~~(5) The commission shall establish a monitoring inspection fee in an~~
18 ~~amount approved by the United States Secretary of Housing and Urban~~
19 ~~Development, which fee shall be an amount paid to the commission by the~~
20 ~~manufacturer for each manufactured home seal issued in the state. An~~
21 ~~additional monitoring inspection fee established by the United States~~
22 ~~Secretary of Housing and Urban Development shall be paid by the~~
23 ~~manufacturer to the secretary who shall distribute the fees collected~~
24 ~~from all manufactured-home manufacturers based on provisions developed~~
25 ~~and approved by the secretary.~~

26 Sec. 16. Section 71-4610, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 71-4610 (1) The commission may conduct inspections and
29 investigations as may be necessary to enforce the standards adopted under
30 the Uniform Standard Code for ~~Manufactured Homes and Recreational~~
31 ~~Vehicles~~ or to carry out its duties pursuant to the code. The commission

1 shall furnish the appropriate state and county officials any information
2 obtained indicating noncompliance with such standards for appropriate
3 action.

4 (2) For purposes of enforcement of the code and the rules,
5 regulations, and standards adopted and promulgated by the commission
6 pursuant to the code, persons duly designated by the commission, upon
7 presenting appropriate credentials to the owner, operator, or agent in
8 charge, may:

9 (a) Enter, at reasonable times and without advance notice, any
10 factory, warehouse, or other establishment or place in which ~~manufactured~~
11 ~~homes~~ or recreational vehicles are manufactured, stored, offered for
12 sale, or held for lease or sale; and

13 (b) Inspect, at reasonable times and within reasonable limits and in
14 a reasonable manner, any such factory, warehouse, or other establishment
15 or place and inspect such books, papers, records, and documents as are
16 set forth in section 71-4611. Each such inspection shall be commenced and
17 completed with reasonable promptness.

18 Sec. 17. Section 71-4611, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 71-4611 For purposes of carrying out the Uniform Standard Code for
21 ~~Manufactured Homes and Recreational Vehicles~~, the commission may:

22 (1) Hold such hearings, take such testimony, act at such times and
23 places, administer such oaths, and require, by subpoena or otherwise, the
24 attendance and testimony of such witnesses and the production of such
25 books, papers, correspondence, memoranda, contracts, agreements, or other
26 records as the commission deems advisable. Witnesses summoned pursuant to
27 this section shall be paid the same fees as are paid witnesses in the
28 district courts of the state and mileage as provided in section 81-1176;

29 (2) Examine and copy any documentary evidence of any person having
30 materials or information relevant to any function of the commission under
31 the code;

1 (3) Require, by general or special orders, any person to file, in
2 such form as the commission may prescribe, reports or answers in writing
3 to specific questions relating to any function of the commission under
4 the code. Such reports and answers shall be made under oath or otherwise
5 and shall be filed with the commission within such reasonable period as
6 the commission may prescribe; and

7 (4) Make available to the public any information which may indicate
8 the existence of a failure to comply which relates to ~~manufactured-home~~
9 ~~or~~ recreational-vehicle construction or safety or of the failure of a
10 ~~manufactured-home~~ or recreational vehicle to comply with applicable
11 standards. The commission shall disclose so much of other information
12 obtained under this subdivision to the public as it determines will
13 assist in carrying out the code, but it shall not under the authority of
14 this subdivision make available or disclose to the public any information
15 which contains or relates to a trade secret or any information the
16 disclosure of which would put the person furnishing such information at a
17 substantial competitive disadvantage, unless the commission determines
18 that it is necessary to carry out the purposes of the code.

19 Sec. 18. Section 71-4614, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 71-4614 The commission may require the manufacturer to give
22 notification of performance and technical data to:

23 (1) Each prospective purchaser before the first sale for purposes
24 other than resale at each location where any such manufacturer's
25 ~~manufactured-homes~~ or recreational vehicles are offered for sale by a
26 person with whom such manufacturer has a contractual, proprietary, or
27 other legal relationship and in a manner determined by the commission to
28 be appropriate, which notification may include, but need not be limited
29 to, printed matter that is both available for retention by such
30 prospective purchaser and sent by mail to such prospective purchaser upon
31 his or her request; and

1 (2) The first person who purchases a ~~manufactured home or~~
2 recreational vehicle for purposes other than resale, at the time of such
3 purchase or in printed matter placed in the ~~manufactured home or~~
4 recreational vehicle.

5 Sec. 19. Section 71-4615, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 71-4615 All information reported to or otherwise obtained by the
8 commission or its duly authorized representatives pursuant to the Uniform
9 Standard Code for ~~Manufactured Homes and~~ Recreational Vehicles which
10 contains or relates to a trade secret, or which, if disclosed, would put
11 the person furnishing such information at a substantial competitive
12 disadvantage, shall be considered confidential, except that such
13 information may be disclosed to other officers or employees concerned
14 with carrying out the code or, when relevant, in any proceeding under the
15 code.

16 Sec. 20. Section 71-4616, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 71-4616 (1) Every manufacturer shall furnish notification of any
19 failure to conform in any ~~manufactured home or~~ recreational vehicle
20 produced by such manufacturer which the manufacturer determines, in good
21 faith, violates a standard adopted by the commission or which constitutes
22 an imminent safety hazard or serious defect in a single ~~manufactured home~~
23 ~~or~~ recreational vehicle or noncompliance determined to be in a class of
24 ~~manufactured homes or~~ recreational vehicles to the purchaser of such
25 ~~manufactured home or~~ recreational vehicle, within a reasonable time after
26 such manufacturer has discovered the failure to conform.

27 (2) The notification required by this section shall be accomplished:

28 (a) By certified mail to the first purchaser, not including any
29 dealer or distributor of such manufacturer, of the ~~manufactured home or~~
30 recreational vehicle containing the failure to conform and to any
31 subsequent purchaser to whom any warranty on such ~~manufactured home or~~

1 recreational vehicle has been transferred;

2 (b) By certified mail to any other person who is a registered owner
3 of such ~~manufactured home or~~ recreational vehicle and whose name and
4 address has been ascertained pursuant to procedures established under
5 section 71-4619; and

6 (c) By certified mail or other more expeditious means to the dealer
7 or dealers of such manufacturer to whom such ~~manufactured home or~~
8 recreational vehicle was delivered.

9 (3) The notification required by subsection (1) of this section
10 shall contain a clear description of such failure to conform, an
11 evaluation of the risk to occupant safety reasonably related to such
12 failure to conform, and a statement of the measures needed to repair the
13 failure to conform. The notification shall also inform the owner whether
14 the failure to conform is a construction or safety failure to conform
15 which the manufacturer will have corrected at no cost to the owner of the
16 ~~manufactured home or~~ recreational vehicle or a failure to conform which
17 must be corrected at the expense of the owner.

18 Sec. 21. Section 71-4617, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 71-4617 Every manufacturer shall furnish to the commission a true or
21 representative copy of all notices, bulletins, and other communications
22 sent to the dealers of the manufacturer or to purchasers of ~~manufactured~~
23 ~~homes or~~ recreational vehicles of the manufacturer regarding any imminent
24 safety hazard or serious defect in a single ~~manufactured home or~~
25 recreational vehicle or a noncompliance determined to be in a class of
26 ~~manufactured homes or~~ recreational vehicles produced by the manufacturer.
27 The commission shall disclose to the public so much of the information
28 contained in such notices or other information obtained pursuant to the
29 Uniform Standard Code for ~~Manufactured Homes and~~ Recreational Vehicles as
30 it deems will assist in carrying out the purposes of the code, but it
31 shall not disclose any information which contains or relates to a trade

1 secret or which, if disclosed, would put the manufacturer at a
2 substantial competitive disadvantage, unless the commission determines
3 that such disclosure is necessary to carry out the purposes of the code.

4 Sec. 22. Section 71-4618, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 71-4618 (1) If the commission determines that any ~~manufactured home~~
7 ~~or~~ recreational vehicle (a) does not comply with an applicable standard
8 adopted by the commission or (b) contains a failure to conform which
9 constitutes an imminent safety hazard or serious defect in a single
10 ~~manufactured home or~~ recreational vehicle or a noncompliance determined
11 to be in a class of ~~manufactured homes or~~ recreational vehicles, it shall
12 immediately notify the manufacturer of such failure to conform. The
13 notice shall contain the findings of the commission and shall include all
14 information upon which the findings are based.

15 (2) The commission shall afford such manufacturer an opportunity to
16 present its views and supporting evidence to establish that there is no
17 failure to conform. If, after such presentation by the manufacturer, the
18 commission determines that there is a failure to conform with applicable
19 standards or a failure to conform which constitutes a serious defect or
20 an imminent safety hazard, the commission shall direct the manufacturer
21 to furnish the notification specified in section 71-4616.

22 Sec. 23. Section 71-4619, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 71-4619 Every manufacturer shall maintain a record of the name and
25 address of the first purchaser of each ~~manufactured home or~~ recreational
26 vehicle for purposes other than resale and, to the maximum extent
27 feasible and reasonable, shall maintain procedures for ascertaining the
28 name and address of any subsequent purchaser and shall maintain a record
29 of names and addresses so ascertained. Such records shall be kept for
30 each ~~manufactured home or~~ recreational vehicle produced by a
31 manufacturer. The commission may establish by rule and regulation

1 procedures to be followed by manufacturers in establishing and
2 maintaining such records, including procedures to be followed by
3 distributors and dealers to assist manufacturers to secure the
4 information required by this section.

5 Sec. 24. Section 71-4620, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 71-4620 (1) A manufacturer required to furnish notification of a
8 failure to conform under section 71-4616 or 71-4618 shall also bring the
9 ~~manufactured home or~~ recreational vehicle into compliance with applicable
10 commission standards and correct the failure to conform or have the
11 failure to conform corrected within a reasonable period of time at no
12 expense to the owner if the failure to conform presents an unreasonable
13 risk of injury or death to occupants and the failure to conform can be
14 related to an error by the manufacturer in design or assembly.

15 (2) The commission may direct the manufacturer to make such
16 corrections after providing an opportunity for oral and written
17 presentation of views by interested persons. Nothing in this section
18 shall limit the rights of the purchaser or any other person under any
19 contract or applicable law.

20 (3) The manufacturer shall submit a remedy plan for repairing such
21 failure to conform to the commission for its approval, or the
22 manufacturer shall notify the commission of the corrective action the
23 manufacturer has taken and request state approval. Whenever a
24 manufacturer is required to correct a failure to conform, the commission
25 shall approve with or without modification, after consultation with the
26 manufacturer, the manufacturer's remedy plan, including the date when and
27 the method by which the notification and remedy required pursuant to this
28 section shall be effectuated. Such date shall be the earliest practicable
29 one but shall not be more than sixty days after the date of discovery or
30 determination of the failure to conform, unless the commission grants an
31 extension of such period for good cause shown. The manufacturer shall

1 implement any remedy plan approved by the commission.

2 (4) When a failure to conform cannot be adequately repaired within
3 sixty days from the date of discovery or determination of the failure to
4 conform, the commission may require that the ~~manufactured home or~~
5 recreational vehicle be replaced with a new or equivalent ~~manufactured~~
6 ~~home or~~ recreational vehicle without charge or that the purchase price be
7 refunded in full, less a reasonable allowance for depreciation based on
8 actual use if the ~~manufactured home or~~ recreational vehicle has been in
9 the possession of the owner for more than one year.

10 Sec. 25. Section 71-4620.01, Reissue Revised Statutes of Nebraska,
11 is amended to read:

12 71-4620.01 All rules, regulations, and orders of the Department of
13 Health and Human Services Regulation and Licensure or its predecessor
14 agency adopted prior to May 1, 1998, in connection with the powers,
15 duties, and functions transferred to the Public Service Commission under
16 the Uniform Standard Code for ~~Manufactured Homes and~~ Recreational
17 Vehicles, shall continue to be effective until revised, amended,
18 repealed, or nullified pursuant to law.

19 No suit, action, or other proceeding, judicial or administrative,
20 lawfully commenced prior to May 1, 1998, or which could have been
21 commenced prior to that date, by or against such department or agency, or
22 the director or employee thereof in such director's or employee's
23 official capacity or in relation to the discharge of his or her official
24 duties, shall abate by reason of the transfer of duties and functions
25 from such department or agency to the commission.

26 On and after May 1, 1998, unless otherwise specified, whenever any
27 provision of law refers to such department or agency in connection with
28 duties and functions transferred to the commission, the law shall be
29 construed as referring to the commission.

30 Any costs incurred by the department and associated with the
31 transfer of powers, duties, and functions to the commission under the

1 code shall be borne by the commission.

2 Sec. 26. Section 71-4621, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 71-4621 As used in the Uniform Standard Code for Mobile Home Parks,
5 unless the context otherwise requires:

6 (1) Mobile home means a movable or portable dwelling constructed to
7 be towed on its own chassis, connected to utilities, and designed with or
8 without a permanent foundation for year-round living. It may consist of
9 one or more units that can be telescoped when towed and expanded later
10 for additional capacity, or of two or more units, separately towable but
11 designed to be joined into one integral unit. Mobile home includes a
12 manufactured home as defined in the Manufactured Home Construction and
13 Safety Standards, 24 C.F.R. 3280 et seq. section 71-4603;

14 (2) Mobile home lot means a designated portion of a mobile home park
15 designed for the accommodation of one mobile home and its accessory
16 buildings or structures for the exclusive use of the occupants;

17 (3) Mobile home park means a parcel or contiguous parcels of land
18 which have been so designated and improved that it contains two or more
19 mobile home lots available to the general public for the placement
20 thereon of mobile homes for occupancy. The term mobile home park shall
21 not be construed to include mobile homes, buildings, tents, or other
22 structures temporarily maintained by any individual, corporation, limited
23 liability company, company, or other entity on its own premises and used
24 exclusively to house its own labor force;

25 (4) Department means the Department of Health and Human Services;
26 and

27 (5) Person means any individual, firm, partnership, limited
28 liability company, corporation, company, association, joint-stock company
29 or association, political subdivision, governmental agency, or other
30 legal entity, and includes any trustee, receiver, assignee, or other
31 legal representative thereof.

1 Sec. 27. Section 71-6405, Revised Statutes Supplement, 2017, is
2 amended to read:

3 71-6405 (1) All state agencies, including all state constitutional
4 offices, state administrative departments, and state boards and
5 commissions, the University of Nebraska, and the Nebraska state colleges,
6 shall comply with the state building code.

7 (2) No state agency may adopt, promulgate, or enforce any rule or
8 regulation in conflict with the state building code unless otherwise
9 specifically authorized by statute to (a) adopt, promulgate, or enforce
10 any rule or regulation in conflict with the state building code or (b)
11 adopt or enforce a building or construction code other than the state
12 building code.

13 (3) Nothing in the Building Construction Act shall authorize any
14 state agency to apply such act to manufactured homes or recreational
15 vehicles regulated by the Uniform Standard Code for Manufactured Homes
16 and Recreational Vehicles, ~~or~~ to modular housing units regulated by the
17 Nebraska Uniform Standards for Modular Housing Units Act, or manufactured
18 homes regulated by the United States Department of Housing and Urban
19 Development.

20 Sec. 28. Section 75-109.01, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 75-109.01 Except as otherwise specifically provided by law, the
23 Public Service Commission shall have jurisdiction, as prescribed, over
24 the following subjects:

25 (1) Common carriers, generally, pursuant to sections 75-101 to
26 75-158;

27 (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse
28 Act and sections 89-1,104 to 89-1,108;

29 (3) Recreational ~~Manufactured homes and recreational~~ vehicles
30 pursuant to the Uniform Standard Code for ~~Manufactured Homes and~~
31 Recreational Vehicles;

1 (4) Modular housing units pursuant to the Nebraska Uniform Standards
2 for Modular Housing Units Act;

3 (5) Motor carrier registration and safety pursuant to sections
4 75-301 to 75-343, 75-369.03, 75-370, and 75-371;

5 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil
6 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections
7 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with
8 the provisions of the Major Oil Pipeline Siting Act, the provisions of
9 the Major Oil Pipeline Siting Act control;

10 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,
11 74-1323, and 75-401 to 75-430;

12 (8) Telecommunications carriers pursuant to the Automatic Dialing-
13 Announcing Devices Act, the Emergency Telephone Communications Systems
14 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call
15 Regulation Act, the Nebraska Telecommunications Regulation Act, the
16 Nebraska Telecommunications Universal Service Fund Act, the
17 Telecommunications Relay System Act, the Telephone Consumer Slamming
18 Prevention Act, and sections 86-574 to 86-580;

19 (9) Transmission lines and rights-of-way pursuant to sections 70-301
20 and 75-702 to 75-724;

21 (10) Water service pursuant to the Water Service Regulation Act; and

22 (11) Jurisdictional utilities governed by the State Natural Gas
23 Regulation Act. If the provisions of Chapter 75 are inconsistent with the
24 provisions of the State Natural Gas Regulation Act, the provisions of the
25 State Natural Gas Regulation Act control.

26 Sec. 29. Section 75-156, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 75-156 (1) In addition to other penalties and relief provided by
29 law, the Public Service Commission may, upon a finding that the violation
30 is proven by clear and convincing evidence, assess a civil penalty of up
31 to ten thousand dollars per day against any person, motor carrier,

1 regulated motor carrier, common carrier, contract carrier, grain dealer,
2 or grain warehouseman for each violation of (a) any provision of the laws
3 of this state within the jurisdiction of the commission as enumerated in
4 section 75-109.01, (b) any term, condition, or limitation of any
5 certificate, permit, or authority issued by the commission pursuant to
6 the laws of this state within the jurisdiction of the commission as
7 enumerated in section 75-109.01, or (c) any rule, regulation, or order of
8 the commission issued under authority delegated to the commission
9 pursuant to the laws of this state within the jurisdiction of the
10 commission as enumerated in section 75-109.01.

11 (2) In addition to other penalties and relief provided by law, the
12 Public Service Commission may, upon a finding that the violation is
13 proven by clear and convincing evidence, assess a civil penalty not less
14 than one hundred dollars and not more than one thousand dollars against
15 any jurisdictional utility for each violation of (a) any provision of the
16 State Natural Gas Regulation Act, (b) any rule, regulation, order, or
17 lawful requirement issued by the commission pursuant to the act, (c) any
18 final judgment or decree made by any court upon appeal from any order of
19 the commission, or (d) any term, condition, or limitation of any
20 certificate issued by the commission issued under authority delegated to
21 the commission pursuant to the act. The amount of the civil penalty
22 assessed in each case shall be based on the severity of the violation
23 charged. The commission may compromise or mitigate any penalty prior to
24 hearing if all parties agree. In determining the amount of the penalty,
25 the commission shall consider the appropriateness of the penalty in light
26 of the gravity of the violation and the good faith of the violator in
27 attempting to achieve compliance after notification of the violation is
28 given.

29 (3) In addition to other penalties and relief provided by law, the
30 Public Service Commission may, upon a finding that the violation is
31 proven by clear and convincing evidence, assess a civil penalty of up to

1 ten thousand dollars per day against any wireless carrier for each
2 violation of the Enhanced Wireless 911 Services Act or any rule,
3 regulation, or order of the commission issued under authority delegated
4 to the commission pursuant to the act.

5 (4) In addition to other penalties and relief provided by law, the
6 Public Service Commission may, upon a finding that the violation is
7 proven by clear and convincing evidence, assess a civil penalty of up to
8 one thousand dollars against any person for each violation of the
9 Nebraska Uniform Standards for Modular Housing Units Act or the Uniform
10 Standard Code for ~~Manufactured Homes and~~ Recreational Vehicles or any
11 rule, regulation, or order of the commission issued under the authority
12 delegated to the commission pursuant to either act. Each such violation
13 shall constitute a separate violation with respect to each modular
14 housing unit, ~~manufactured home,~~ or recreational vehicle, except that the
15 maximum penalty shall not exceed one million dollars for any related
16 series of violations occurring within one year from the date of the first
17 violation.

18 (5) The civil penalty assessed under this section shall not exceed
19 two million dollars per year for each violation except as provided in
20 subsection (4) of this section. The amount of the civil penalty assessed
21 in each case shall be based on the severity of the violation charged. The
22 commission may compromise or mitigate any penalty prior to hearing if all
23 parties agree. In determining the amount of the penalty, the commission
24 shall consider the appropriateness of the penalty in light of the gravity
25 of the violation and the good faith of the violator in attempting to
26 achieve compliance after notification of the violation is given.

27 (6) Upon notice and hearing in accordance with this section and
28 section 75-157, the commission may enter an order assessing a civil
29 penalty of up to one hundred dollars against any person, firm,
30 partnership, limited liability company, corporation, cooperative, or
31 association for failure to file an annual report or pay the fee as

1 required by section 75-116 and as prescribed by commission rules and
2 regulations or for failure to register as required by section 86-125 and
3 as prescribed by commission rules and regulations. Each day during which
4 the violation continues after the commission has issued an order finding
5 that a violation has occurred constitutes a separate offense. Any party
6 aggrieved by an order of the commission under this section may appeal.
7 The appeal shall be in accordance with section 75-136.

8 (7) When any person or party is accused of any violation listed in
9 this section, the commission shall notify such person or party in writing
10 (a) setting forth the date, facts, and nature of each act or omission
11 upon which each charge of a violation is based, (b) specifically
12 identifying the particular statute, certificate, permit, rule,
13 regulation, or order purportedly violated, (c) that a hearing will be
14 held and the time, date, and place of the hearing, (d) that in addition
15 to the civil penalty, the commission may enforce additional penalties and
16 relief as provided by law, and (e) that upon failure to pay any civil
17 penalty determined by the commission, the penalty may be collected by
18 civil action in the district court of Lancaster County.

19 Sec. 30. Section 75-159, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 75-159 (1) The Public Service Commission Housing and Recreational
22 Vehicle Cash Fund is created. The fund shall consist of fees collected
23 under the Nebraska Uniform Standards for Modular Housing Units Act and
24 fees collected pursuant to the Uniform Standard Code for ~~Manufactured~~
25 ~~Homes and Recreational Vehicles.~~

26 (2) Money credited to the fund shall be used by the Public Service
27 Commission for the purposes of administering the Nebraska Uniform
28 Standards for Modular Housing Units Act and the Uniform Standard Code for
29 ~~Manufactured Homes and Recreational Vehicles.~~

30 (3) Transfers from the fund to the General Fund may be made at the
31 direction of the Legislature. Any money in the Public Service Commission

1 Housing and Recreational Vehicle Cash Fund available for investment shall
2 be invested by the state investment officer pursuant to the Nebraska
3 Capital Expansion Act and the Nebraska State Funds Investment Act.

4 ~~(4) On July 1, 2010, the State Treasurer shall transfer any money in~~
5 ~~the Modular Housing Units Cash Fund and any money in the Manufactured~~
6 ~~Homes and Recreational Vehicles Cash Fund to the Public Service~~
7 ~~Commission Housing and Recreational Vehicle Cash Fund.~~

8 Sec. 31. Section 76-1463, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 76-1463 Mobile home shall mean a movable or portable dwelling
11 constructed to be towed on its own chassis, connected to utilities, and
12 designed with or without a permanent foundation for year-round living. It
13 may consist of one or more units that can be telescoped when towed and
14 expanded later for additional capacity, or of two or more units,
15 separately towable but designed to be joined into one integral unit, and
16 shall include a manufactured home as defined in the Manufactured Home
17 Construction and Safety Standards, 24 C.F.R. 3280 et seq ~~section 71-4603.~~

18 Sec. 32. Section 81-5,138, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 81-5,138 Mobile home shall mean every transportable or relocatable
21 device of any description containing complete independent living
22 facilities for one or more persons whether or not permanently attached to
23 the real estate upon which it is situated and shall include a
24 manufactured home as defined in the Manufactured Home Construction and
25 Safety Standards, 24 C.F.R. 3280 et seq ~~section 71-4603.~~

26 Sec. 33. Section 81-1615, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 81-1615 The following shall be exempt from sections 81-1608 to
29 81-1626:

30 (1) Any building which has a peak design rate of energy usage for
31 all purposes of less than one watt, or three and four-tenths British

1 Thermal Units per hour, per square foot of floor area;

2 (2) Any building which is neither heated nor cooled;

3 (3) Any building or portion thereof which is owned by the United
4 States of America;

5 (4) Any manufactured home as defined in the Manufactured Home
6 Construction and Safety Standards, 24 C.F.R. 3280 et seq. by section
7 71-4603;

8 (5) Any modular housing unit as defined by subdivision (1) of
9 section 71-1557; and

10 (6) Any building or structure (a) that is listed on the state or
11 National Register of Historic Places, (b) that is designated as a
12 historic property under local or state designation law or survey, (c)
13 that is certified as a contributing resource with a National Register-
14 listed or locally designated historic district, or (d) with an opinion or
15 certification that the property is eligible to be listed on the state or
16 National Register of Historic Places either individually or as a
17 contributing building to a historic district by the State Historic
18 Preservation Officer or the Keeper of the National Register of Historic
19 Places.

20 Sec. 34. Original sections 14-402, 15-902, 19-902, 23-114, 71-1569,
21 71-4601, 71-4602, 71-4604, 71-4605, 71-4606, 71-4608, 71-4610, 71-4611,
22 71-4614, 71-4615, 71-4616, 71-4617, 71-4618, 71-4619, 71-4620,
23 71-4620.01, 71-4621, 76-1463, 81-5,138, and 81-1615, Reissue Revised
24 Statutes of Nebraska, sections 60-1901, 71-4603, 71-4604.01, 71-4609,
25 75-109.01, 75-156, and 75-159, Revised Statutes Cumulative Supplement,
26 2016, and section 71-6405, Revised Statutes Supplement, 2017, are
27 repealed.

28 Sec. 35. The following section is outright repealed: Section
29 71-4613, Reissue Revised Statutes of Nebraska.