

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 317**

Introduced by Kolterman, 24.

Read first time January 16, 2019

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to modular housing and manufactured homes; to  
2 amend sections 14-402, 15-902, 19-902, 23-114, 71-1559, 71-1566,  
3 71-1569, 71-4601, 71-4602, 71-4603, 71-4604, 71-4604.01, 71-4605,  
4 71-4606, 71-4608, 71-4609, 71-4610, 71-4611, 71-4614, 71-4615,  
5 71-4616, 71-4617, 71-4618, 71-4619, 71-4620, 71-4620.01, 71-4621,  
6 71-6405, 75-109.01, 75-156, 75-159, 76-1463, 81-5,138, and 81-1615,  
7 Reissue Revised Statutes of Nebraska, and section 60-1901, Revised  
8 Statutes Cumulative Supplement, 2018; to eliminate inspection  
9 authority of the Public Service Commission under the Nebraska  
10 Uniform Standards for Modular Housing Units Act; to eliminate  
11 applicability and references to manufactured homes under the Uniform  
12 Standard Code for Manufactured Homes and Recreational Vehicles and  
13 to rename the code; to redefine terms under the Uniform Standard  
14 Code for Mobile Home Parks; to change provisions relating to  
15 applicability of the Building Construction Act; to eliminate  
16 obsolete provisions; to harmonize provisions; to repeal the original  
17 sections; and to outright repeal section 71-4613, Reissue Revised  
18 Statutes of Nebraska.  
19 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 2018, 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 71-1559, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

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

18 (2) Every modular housing unit, except those constructed or  
19 manufactured by any school district or community college area as part of  
20 a buildings trade or other instructional program offered by such district  
21 or area, manufactured, sold, offered for sale, or leased in this state on  
22 or after May 1, 1998, shall bear a seal issued by the commission  
23 certifying that the construction and the structural, plumbing, heating,  
24 and electrical systems of such modular housing unit have been installed  
25 in compliance with its standards applicable at the time of manufacture.  
26 Each manufacturer of such modular housing units, except those constructed  
27 or manufactured by such school district or community college area, shall  
28 submit its plans to the commission ~~for the purposes of inspection~~. The  
29 commission shall establish a compliance assurance program consisting of  
30 an application form and a compliance assurance manual. Such manual shall  
31 identify and list all procedures which the manufacturer and the

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

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

26 (4) The commission shall charge a seal fee of not less than one  
27 hundred and not more than one thousand dollars per modular housing unit,  
28 as determined annually by the commission after published notice and a  
29 hearing, for seals issued by the commission under subsection (2) or (3)  
30 of this section.

31 ~~(5) Inspection fees shall be paid for all inspections by the~~

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

5 (5) ~~(6)~~ All fees collected under the Nebraska Uniform Standards for  
6 Modular Housing Units Act shall be remitted to the State Treasurer for  
7 credit to the Public Service Commission Housing and Recreational Vehicle  
8 Cash Fund.

9 Sec. 7. Section 71-1566, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 71-1566 The commission shall ensure that all ~~through its authorized~~  
12 ~~representatives may enter any place or establishment where modular~~  
13 ~~housing units are manufactured, sold, offered for sale, or leased for the~~  
14 ~~purpose of inspecting such modular housing units or parts thereof in~~  
15 ~~order to ascertain whether the requirements of the Nebraska Uniform~~  
16 ~~Standards for Modular Housing Units Act and the rules, regulations, and~~  
17 ~~standards adopted by the commission have been complied with. If the~~  
18 ~~commission appoints qualified nongovernmental inspectors or inspection~~  
19 ~~agencies as its authorized representatives to carry out such inspections~~  
20 of any place or establishment where modular housing units are  
21 manufactured, sold, offered for sale, or leased conduct ~~, the commission~~  
22 ~~shall at all times exercise supervisory control over such inspectors or~~  
23 ~~agencies to insure effective and uniform enforcement of its standards. No~~  
24 ~~person may interfere with, obstruct, or hinder an authorized~~  
25 ~~representative of the commission in the performance of such an~~  
26 ~~inspection.~~

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

29 71-1569 (1) Except as provided in subsection (2) of this section,  
30 all bathtubs and showers installed in buildings which contain more than  
31 one dwelling unit after August 30, 1987, shall be equipped with either a

1 pressure balancing or thermostatic-mixing scald prevention device which  
2 is designed and installed to prevent (a) sudden unanticipated changes in  
3 the temperature of the water delivered and (b) the temperature of the  
4 water delivered from exceeding one hundred fifteen degrees Fahrenheit.

5 (2) Subsection (1) of this section shall not apply to showers or  
6 bathtubs installed in modular housing units as defined in section  
7 71-1557, manufactured homes as defined in the Manufactured Home  
8 Construction and Safety Standards, 24 C.F.R. 3280 et seq. ~~section~~  
9 ~~71-4603~~, or recreational vehicles as defined in section 71-4603.

10 Sec. 9. Section 71-4601, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 71-4601 Sections 71-4601 to 71-4620.01 shall be known and may be  
13 cited as the Uniform Standard Code for ~~Manufactured Homes and~~  
14 ~~Recreational Vehicles.~~

15 Sec. 10. Section 71-4602, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 71-4602 The Legislature recognizes that uniformity in the manner of  
18 the body and frame design, construction, assembly, and use of  
19 ~~manufactured homes and~~ recreational vehicles and that of their systems,  
20 components, and appliances including their plumbing, heating, and  
21 electrical systems is desirable in order that owners may not be burdened  
22 with differing requirements and in order to promote construction suitable  
23 for the health of the numerous persons living in ~~manufactured homes and~~  
24 recreational vehicles.

25 Sec. 11. Section 71-4603, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 71-4603 For purposes of the Uniform Standard Code for ~~Manufactured~~  
28 ~~Homes and~~ Recreational Vehicles, unless the context otherwise requires:

29 (1) Camping trailer means a vehicular portable unit mounted on  
30 wheels and constructed with collapsible partial side walls which fold for  
31 towing by another vehicle and unfold at the campsite to provide temporary

1 living quarters for recreational, camping, or travel use;

2 (2) Commission means the Public Service Commission;

3 (3) Dealer means a person licensed by the state pursuant to the  
4 Motor Vehicle Industry Regulation Act as a dealer in ~~manufactured homes~~  
5 ~~or~~ recreational vehicles or any other person, other than a manufacturer,  
6 who sells, offers to sell, distributes, or leases ~~manufactured homes or~~  
7 recreational vehicles primarily to persons who in good faith purchase or  
8 lease a ~~manufactured home or~~ recreational vehicle for purposes other than  
9 resale;

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

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

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

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

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



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

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

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

21 ~~(11) Manufactured-home construction means all activities relating to~~  
22 ~~the assembly and manufacture of a manufactured home, including, but not~~  
23 ~~limited to, activities relating to durability, quality, and safety;~~

24 ~~(12) Manufactured-home safety means the performance of a~~  
25 ~~manufactured home in such a manner that the public is protected against~~  
26 ~~any unreasonable risk of the occurrence of accidents due to the design or~~  
27 ~~construction of such manufactured home or any unreasonable risk of death~~  
28 ~~or injury to the user or to the public if such accidents do occur;~~

29 ~~(10) (13) Manufacturer means any person engaged in manufacturing,~~  
30 ~~assembling, or completing manufactured homes or recreational vehicles;~~

31 ~~(11) (14) Motor home means a vehicular unit primarily designed to~~

1 provide temporary living quarters which are built into an integral part  
2 of, or permanently attached to, a self-propelled motor vehicle chassis or  
3 van, containing permanently installed independent life-support systems  
4 that meet the state standard for recreational vehicles and providing at  
5 least four of the following facilities: Cooking; refrigeration or ice  
6 box; self-contained toilet; heating, air conditioning, or both; a potable  
7 water supply system including a faucet and sink; separate one-hundred-  
8 twenty-nominal-volt electrical power supply; or LP gas supply;

9 (12) ~~(15)~~ Noncompliance means a failure to comply with an applicable  
10 construction standard that does not constitute a defect, a serious  
11 defect, or an imminent safety hazard;

12 (13) ~~(16)~~ Park trailer means a vehicular unit which meets the  
13 following criteria:

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

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

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

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

23 (14) ~~(17)~~ Person means any individual, partnership, limited  
24 liability company, company, corporation, or association engaged in  
25 manufacturing, selling, offering to sell, or leasing ~~manufactured homes~~  
26 ~~or~~ recreational vehicles;

27 (15) ~~(18)~~ Purchaser means the first person purchasing a ~~manufactured~~  
28 ~~home or~~ recreational vehicle in good faith for purposes other than  
29 resale;

30 (16) ~~(19)~~ Recreational vehicle means a vehicular type unit primarily  
31 designed as temporary living quarters for recreational, camping, or

1 travel use, which unit either has its own motive power or is mounted on  
2 or towed by another vehicle. Recreational vehicle includes, but is not  
3 limited to, travel trailer, park trailer, camping trailer, truck camper,  
4 motor home, and van conversion;

5 ~~(17) (20)~~ Seal means a device or insignia issued by the Department  
6 of Health and Human Services Regulation and Licensure prior to May 1,  
7 1998, or by the Public Service Commission on or after May 1, 1998, to be  
8 displayed on the exterior of a ~~manufactured home or~~ recreational vehicle  
9 to evidence compliance with state standards. ~~The federal manufactured-~~  
10 ~~home label shall be recognized as a seal;~~

11 ~~(18) (21)~~ Serious defect means a failure to conform to an applicable  
12 construction standard that renders the ~~manufactured home or~~ recreational  
13 vehicle or any component of the ~~manufactured home or~~ recreational vehicle  
14 not fit for the ordinary use for which it was intended and which results  
15 in an unreasonable risk of injury or death to the occupants;

16 ~~(19) (22)~~ Travel trailer means a vehicular unit mounted on wheels,  
17 designed to provide temporary living quarters for recreational, camping,  
18 or travel use of such size or weight as not to require special highway  
19 movement permits when towed by a motorized vehicle and of gross trailer  
20 area less than four hundred thirty square feet;

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

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

1 such vehicle that lacks any plumbing, heating, or one-hundred-twenty-  
2 nominal-volt electrical system but contains an extension of the low-  
3 voltage automotive circuitry.

4 Sec. 12. Section 71-4604, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 71-4604 (1) All body and frame design and construction and all  
7 plumbing, heating, and electrical systems installed in ~~manufactured homes~~  
8 ~~or~~ recreational vehicles manufactured, sold, offered for sale, or leased  
9 in this state more than four months after May 27, 1975, and before May 1,  
10 1998, shall comply with the standards of the state agency responsible for  
11 regulation of ~~manufactured homes~~ or recreational vehicles as such  
12 standards existed on the date of manufacture.

13 (2) All body and frame design and construction and all plumbing,  
14 heating, and electrical systems installed in ~~manufactured homes~~ or  
15 recreational vehicles manufactured, sold, offered for sale, or leased in  
16 this state on or after May 1, 1998, shall be at least equal to the  
17 standards adopted and approved by the commission pursuant to its rules  
18 and regulations as such standards existed on the date of manufacture.  
19 Recreational ~~The standards pertaining to manufactured homes shall conform~~  
20 ~~to the Manufactured Home Construction and Safety Standards, 24 C.F.R.~~  
21 ~~3280, and the Manufactured Home Procedural and Enforcement Regulations,~~  
22 ~~24 C.F.R. 3282, adopted by the United States Department of Housing and~~  
23 ~~Urban Development pursuant to the National Manufactured Housing~~  
24 ~~Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401~~  
25 ~~et seq. Manufactured homes and recreational vehicles destined for sale~~  
26 ~~outside the United States shall be exempt from such regulations if~~  
27 ~~sufficient proof of such delivery is submitted to the commission for~~  
28 ~~review. The standards pertaining to recreational vehicles shall (a)~~  
29 ~~protect the health and safety of persons living in recreational vehicles,~~  
30 ~~(b) assure reciprocity with other states that have adopted standards~~  
31 ~~which protect the health and safety of persons living in recreational~~

1 vehicles the purpose of which is to make uniform the law of those states  
2 which adopt them, and (c) allow variations from such uniform standards as  
3 will reduce unnecessary costs of construction or increase safety,  
4 durability, or efficiency, including energy efficiency, of the  
5 recreational vehicle without jeopardizing such reciprocity.

6 Sec. 13. Section 71-4604.01, Reissue Revised Statutes of Nebraska,  
7 is amended to read:

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

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

1 ~~National Manufactured Housing Construction and Safety Standards Act of~~  
2 ~~1974, 42 U.S.C. 5401 et seq., as such act existed on January 1, 2005.~~  
3 Each seal issued by the state shall remain the property of the commission  
4 and may be revoked by the commission in the event of a violation of the  
5 conditions of issuance.

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

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

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

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

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

9 Sec. 14. Section 71-4605, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 71-4605 Except as provided in section 71-4606, no dealer shall sell,  
12 offer for sale, or lease in this state any new or used ~~manufactured home~~  
13 ~~or~~ recreational vehicle manufactured more than four months after May 27,  
14 1975, unless such ~~manufactured home or~~ recreational vehicle meets or  
15 exceeds the standards with respect to body and frame design and  
16 construction and plumbing, heating, and electrical systems established  
17 under the Uniform Standard Code for ~~Manufactured Homes and~~ Recreational  
18 Vehicles.

19 Sec. 15. Section 71-4606, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 71-4606 If any other state has plumbing, heating, electrical, or  
22 body and frame design and construction codes for recreational vehicles at  
23 least equal to those established under the Uniform Standard Code for  
24 ~~Manufactured Homes and~~ Recreational Vehicles, the commission, upon  
25 determining that such standards are being enforced by such other state,  
26 shall place such other state on a reciprocity list, which list shall be  
27 available to any interested person. Any recreational vehicle which bears  
28 the seal of any state which has been placed on the reciprocity list shall  
29 not be required to bear the seal issued by this state. A ~~manufactured~~  
30 ~~home manufactured more than four months after May 27, 1975, which does~~  
31 ~~not bear the federal manufactured-home label issued by this state or by a~~

1 ~~state which has been placed on the reciprocity list shall not be~~  
2 ~~permitted to be manufactured, offered for sale, sold, or leased by a~~  
3 ~~manufacturer, dealer, or any other person anywhere within this state nor~~  
4 ~~delivered from this state into any other state or jurisdiction unless~~  
5 ~~destined for sale outside the United States.~~ A recreational vehicle  
6 manufactured in this state, which is offered for sale, sold, or leased by  
7 a manufacturer, dealer, or other person anywhere outside this state,  
8 shall not be required to bear the seal issued by this state. If a  
9 recreational vehicle has a certificate of title or other certification  
10 from a state on the reciprocity list, a dealer may sell it unless he or  
11 she has actual knowledge that the recreational vehicle does not meet the  
12 standards of the state which has issued a certificate of title or other  
13 certification for it, so long as it bears the seal issued by this state  
14 or a state on the reciprocity list. No dealer or distributor shall sell a  
15 ~~manufactured home or~~ recreational vehicle if it contains a defect, a  
16 serious defect, or an imminent safety hazard.

17       Sec. 16. Section 71-4608, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19       71-4608 (1) Any person who is in violation of any provision of the  
20 Uniform Standard Code for ~~Manufactured Homes and~~ Recreational Vehicles  
21 regarding a used ~~manufactured home or~~ recreational vehicle or who  
22 manufactures unless destined for sale outside the United States, sells,  
23 offers for sale, or leases in this state any used ~~manufactured home or~~  
24 recreational vehicle manufactured more than four months after May 27,  
25 1975, which does not bear the ~~federal manufactured-home label or the~~  
26 recreational-vehicle seal issued by this state or by a state which has  
27 been placed on the reciprocity list as required by the code shall be  
28 guilty of a Class I misdemeanor. Nothing in the Uniform Standard Code for  
29 ~~Manufactured Homes and~~ Recreational Vehicles shall be construed to  
30 require a seal for any recreational vehicle manufactured in this state  
31 which is sold or leased outside this state.



1 (2) No person shall:

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

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

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

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

19 ~~(d) (e) Fail to establish and maintain such records, make such~~  
20 ~~reports, and provide such information as the commission may reasonably~~  
21 ~~require to enable it to determine whether there is compliance with the~~  
22 ~~National Manufactured Housing Construction and Safety Standards Act of~~  
23 ~~1974, as amended, 42 U.S.C. 5401 et seq., or the standards adopted by the~~  
24 ~~commission for recreational-vehicle construction or fail to permit, upon~~  
25 ~~request of a person duly authorized by the commission, inspection of~~  
26 ~~appropriate books, papers, records, and documents relative to determining~~  
27 ~~whether a manufacturer, distributor, or dealer has acted or is acting in~~  
28 ~~compliance with the Uniform Standard Code for Manufactured Homes and~~  
29 ~~Recreational Vehicles, or with the National Manufactured Housing~~  
30 ~~Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401~~  
31 ~~et seq.; or~~

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

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

8       (4) Subdivision (2)(a) of this section shall not apply to any person  
9 who establishes that he or she did not have reason to know in the  
10 exercise of due care that such ~~manufactured home or~~ recreational vehicle  
11 was not in conformity with ~~applicable Manufactured Home Construction and~~  
12 ~~Safety Standards, 24 C.F.R. 3280,~~ or the standards adopted by the  
13 commission for recreational-vehicle construction or any person who, prior  
14 to such first purchase, holds a certificate by the manufacturer or  
15 importer of such ~~manufactured home or~~ recreational vehicle to the effect  
16 that such ~~manufactured home conforms to all applicable Manufactured Home~~  
17 ~~Construction and Safety Standards, 24 C.F.R. 3280,~~ or that such  
18 recreational vehicle conforms to the standards adopted by the commission  
19 for recreational-vehicle construction unless such person knows that such  
20 ~~manufactured home or~~ recreational vehicle does not so conform.

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

25       (6) The commission may administratively fine pursuant to section  
26 75-156 any person who violates the Uniform Standard Code for ~~Manufactured~~  
27 ~~Homes and~~ Recreational Vehicles or any rule or regulation adopted and  
28 promulgated under the code.

29       Sec. 17. Section 71-4609, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31       71-4609 (1) The commission shall administer the Uniform Standard

1 Code for ~~Manufactured Homes and~~ Recreational Vehicles. The commission may  
2 adopt and promulgate, amend, alter, or repeal general rules and  
3 regulations of procedure for (a) administering the provisions of the  
4 code, (b) issuing seals, (c) obtaining statistical data respecting the  
5 manufacture and sale of ~~manufactured homes and~~ recreational vehicles, and  
6 (d) prescribing means, methods, and practices to make effective such  
7 provisions.

8 (2) The commission shall refuse to issue a seal to any manufacturer  
9 or other person for any ~~manufactured home or~~ recreational vehicle found  
10 to be not in compliance with its standards governing body and frame  
11 design and construction or plumbing, heating, or electrical systems for  
12 ~~manufactured homes or~~ recreational vehicles or for which fees have not  
13 been paid. Except in case of failure to pay the required fees, any such  
14 manufacturer or other person may request a hearing before the commission  
15 on the issue of such refusal. Procedures for notice and opportunity for a  
16 hearing before the commission shall be pursuant to the Administrative  
17 Procedure Act. The refusal by the commission may be appealed, and the  
18 appeal shall be in accordance with section 75-136.

19 (3) The issuance of seals may be suspended or revoked as to any  
20 manufacturer or other person who has not complied with any provision of  
21 the code or with any rule, regulation, or standard adopted and  
22 promulgated under the code or who is convicted of violating section  
23 71-4608, and issuance of the seals shall not be resumed until such  
24 manufacturer or other person submits sufficient proof that the conditions  
25 which caused the lack of compliance or the violation have been remedied.  
26 Any manufacturer or other person may request a hearing before the  
27 commission on the issue of such suspension or revocation. Procedures for  
28 notice and opportunity for a hearing before the commission shall be  
29 pursuant to the Administrative Procedure Act. The suspension or  
30 revocation by the commission may be appealed, and the appeal shall be in  
31 accordance with section 75-136.

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

5       ~~(5) The commission shall establish a monitoring inspection fee in an~~  
6 ~~amount approved by the United States Secretary of Housing and Urban~~  
7 ~~Development, which fee shall be an amount paid to the commission by the~~  
8 ~~manufacturer for each manufactured home seal issued in the state. An~~  
9 ~~additional monitoring inspection fee established by the United States~~  
10 ~~Secretary of Housing and Urban Development shall be paid by the~~  
11 ~~manufacturer to the secretary who shall distribute the fees collected~~  
12 ~~from all manufactured-home manufacturers based on provisions developed~~  
13 ~~and approved by the secretary.~~

14       Sec. 18. Section 71-4610, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16       71-4610 (1) The commission may conduct inspections and  
17 investigations as may be necessary to enforce the standards adopted under  
18 the Uniform Standard Code for ~~Manufactured Homes~~ and Recreational  
19 Vehicles or to carry out its duties pursuant to the code. The commission  
20 shall furnish the appropriate state and county officials any information  
21 obtained indicating noncompliance with such standards for appropriate  
22 action.

23       (2) For purposes of enforcement of the code and the rules,  
24 regulations, and standards adopted and promulgated by the commission  
25 pursuant to the code, persons duly designated by the commission, upon  
26 presenting appropriate credentials to the owner, operator, or agent in  
27 charge, may:

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

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

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

8 71-4611 For purposes of carrying out the Uniform Standard Code for  
9 ~~Manufactured Homes and Recreational Vehicles~~, the commission may:

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

17 (2) Examine and copy any documentary evidence of any person having  
18 materials or information relevant to any function of the commission under  
19 the code;

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

26 (4) Make available to the public any information which may indicate  
27 the existence of a failure to comply which relates to ~~manufactured-home~~  
28 ~~or recreational-vehicle~~ construction or safety or of the failure of a  
29 ~~manufactured-home or recreational vehicle~~ to comply with applicable  
30 standards. The commission shall disclose so much of other information  
31 obtained under this subdivision to the public as it determines will

1 assist in carrying out the code, but it shall not under the authority of  
2 this subdivision make available or disclose to the public any information  
3 which contains or relates to a trade secret or any information the  
4 disclosure of which would put the person furnishing such information at a  
5 substantial competitive disadvantage, unless the commission determines  
6 that it is necessary to carry out the purposes of the code.

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

9 71-4614 The commission may require the manufacturer to give  
10 notification of performance and technical data to:

11 (1) Each prospective purchaser before the first sale for purposes  
12 other than resale at each location where any such manufacturer's  
13 ~~manufactured homes~~ or recreational vehicles are offered for sale by a  
14 person with whom such manufacturer has a contractual, proprietary, or  
15 other legal relationship and in a manner determined by the commission to  
16 be appropriate, which notification may include, but need not be limited  
17 to, printed matter that is both available for retention by such  
18 prospective purchaser and sent by mail to such prospective purchaser upon  
19 his or her request; and

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

24 Sec. 21. Section 71-4615, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 71-4615 All information reported to or otherwise obtained by the  
27 commission or its duly authorized representatives pursuant to the Uniform  
28 Standard Code for ~~Manufactured Homes~~ and Recreational Vehicles which  
29 contains or relates to a trade secret, or which, if disclosed, would put  
30 the person furnishing such information at a substantial competitive  
31 disadvantage, shall be considered confidential, except that such

1 information may be disclosed to other officers or employees concerned  
2 with carrying out the code or, when relevant, in any proceeding under the  
3 code.

4 Sec. 22. Section 71-4616, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 71-4616 (1) Every manufacturer shall furnish notification of any  
7 failure to conform in any ~~manufactured home~~ or recreational vehicle  
8 produced by such manufacturer which the manufacturer determines, in good  
9 faith, violates a standard adopted by the commission or which constitutes  
10 an imminent safety hazard or serious defect in a single ~~manufactured home~~  
11 ~~or~~ recreational vehicle or noncompliance determined to be in a class of  
12 ~~manufactured homes~~ or recreational vehicles to the purchaser of such  
13 ~~manufactured home~~ or recreational vehicle, within a reasonable time after  
14 such manufacturer has discovered the failure to conform.

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

16 (a) By certified mail to the first purchaser, not including any  
17 dealer or distributor of such manufacturer, of the ~~manufactured home~~ or  
18 recreational vehicle containing the failure to conform and to any  
19 subsequent purchaser to whom any warranty on such ~~manufactured home~~ or  
20 recreational vehicle has been transferred;

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

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

28 (3) The notification required by subsection (1) of this section  
29 shall contain a clear description of such failure to conform, an  
30 evaluation of the risk to occupant safety reasonably related to such  
31 failure to conform, and a statement of the measures needed to repair the

1 failure to conform. The notification shall also inform the owner whether  
2 the failure to conform is a construction or safety failure to conform  
3 which the manufacturer will have corrected at no cost to the owner of the  
4 ~~manufactured home or~~ recreational vehicle or a failure to conform which  
5 must be corrected at the expense of the owner.

6 Sec. 23. Section 71-4617, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 71-4617 Every manufacturer shall furnish to the commission a true or  
9 representative copy of all notices, bulletins, and other communications  
10 sent to the dealers of the manufacturer or to purchasers of ~~manufactured~~  
11 ~~homes or~~ recreational vehicles of the manufacturer regarding any imminent  
12 safety hazard or serious defect in a single ~~manufactured home or~~  
13 recreational vehicle or a noncompliance determined to be in a class of  
14 ~~manufactured homes or~~ recreational vehicles produced by the manufacturer.  
15 The commission shall disclose to the public so much of the information  
16 contained in such notices or other information obtained pursuant to the  
17 Uniform Standard Code for ~~Manufactured Homes and~~ Recreational Vehicles as  
18 it deems will assist in carrying out the purposes of the code, but it  
19 shall not disclose any information which contains or relates to a trade  
20 secret or which, if disclosed, would put the manufacturer at a  
21 substantial competitive disadvantage, unless the commission determines  
22 that such disclosure is necessary to carry out the purposes of the code.

23 Sec. 24. Section 71-4618, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 71-4618 (1) If the commission determines that any ~~manufactured home~~  
26 ~~or~~ recreational vehicle (a) does not comply with an applicable standard  
27 adopted by the commission or (b) contains a failure to conform which  
28 constitutes an imminent safety hazard or serious defect in a single  
29 ~~manufactured home or~~ recreational vehicle or a noncompliance determined  
30 to be in a class of ~~manufactured homes or~~ recreational vehicles, it shall  
31 immediately notify the manufacturer of such failure to conform. The



1 notice shall contain the findings of the commission and shall include all  
2 information upon which the findings are based.

3 (2) The commission shall afford such manufacturer an opportunity to  
4 present its views and supporting evidence to establish that there is no  
5 failure to conform. If, after such presentation by the manufacturer, the  
6 commission determines that there is a failure to conform with applicable  
7 standards or a failure to conform which constitutes a serious defect or  
8 an imminent safety hazard, the commission shall direct the manufacturer  
9 to furnish the notification specified in section 71-4616.

10 Sec. 25. Section 71-4619, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 71-4619 Every manufacturer shall maintain a record of the name and  
13 address of the first purchaser of each ~~manufactured home or~~ recreational  
14 vehicle for purposes other than resale and, to the maximum extent  
15 feasible and reasonable, shall maintain procedures for ascertaining the  
16 name and address of any subsequent purchaser and shall maintain a record  
17 of names and addresses so ascertained. Such records shall be kept for  
18 each ~~manufactured home or~~ recreational vehicle produced by a  
19 manufacturer. The commission may establish by rule and regulation  
20 procedures to be followed by manufacturers in establishing and  
21 maintaining such records, including procedures to be followed by  
22 distributors and dealers to assist manufacturers to secure the  
23 information required by this section.

24 Sec. 26. Section 71-4620, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 71-4620 (1) A manufacturer required to furnish notification of a  
27 failure to conform under section 71-4616 or 71-4618 shall also bring the  
28 ~~manufactured home or~~ recreational vehicle into compliance with applicable  
29 commission standards and correct the failure to conform or have the  
30 failure to conform corrected within a reasonable period of time at no  
31 expense to the owner if the failure to conform presents an unreasonable

1 risk of injury or death to occupants and the failure to conform can be  
2 related to an error by the manufacturer in design or assembly.

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

8 (3) The manufacturer shall submit a remedy plan for repairing such  
9 failure to conform to the commission for its approval, or the  
10 manufacturer shall notify the commission of the corrective action the  
11 manufacturer has taken and request state approval. Whenever a  
12 manufacturer is required to correct a failure to conform, the commission  
13 shall approve with or without modification, after consultation with the  
14 manufacturer, the manufacturer's remedy plan, including the date when and  
15 the method by which the notification and remedy required pursuant to this  
16 section shall be effectuated. Such date shall be the earliest practicable  
17 one but shall not be more than sixty days after the date of discovery or  
18 determination of the failure to conform, unless the commission grants an  
19 extension of such period for good cause shown. The manufacturer shall  
20 implement any remedy plan approved by the commission.

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

29 Sec. 27. Section 71-4620.01, Reissue Revised Statutes of Nebraska,  
30 is amended to read:

31 71-4620.01 All rules, regulations, and orders of the Department of

1 Health and Human Services Regulation and Licensure or its predecessor  
2 agency adopted prior to May 1, 1998, in connection with the powers,  
3 duties, and functions transferred to the Public Service Commission under  
4 the Uniform Standard Code for ~~Manufactured Homes~~ and Recreational  
5 Vehicles, shall continue to be effective until revised, amended,  
6 repealed, or nullified pursuant to law.

7 No suit, action, or other proceeding, judicial or administrative,  
8 lawfully commenced prior to May 1, 1998, or which could have been  
9 commenced prior to that date, by or against such department or agency, or  
10 the director or employee thereof in such director's or employee's  
11 official capacity or in relation to the discharge of his or her official  
12 duties, shall abate by reason of the transfer of duties and functions  
13 from such department or agency to the commission.

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

18 Any costs incurred by the department and associated with the  
19 transfer of powers, duties, and functions to the commission under the  
20 code shall be borne by the commission.

21 Sec. 28. Section 71-4621, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 71-4621 As used in the Uniform Standard Code for Mobile Home Parks,  
24 unless the context otherwise requires:

25 (1) Mobile home means a movable or portable dwelling constructed to  
26 be towed on its own chassis, connected to utilities, and designed with or  
27 without a permanent foundation for year-round living. It may consist of  
28 one or more units that can be telescoped when towed and expanded later  
29 for additional capacity, or of two or more units, separately towable but  
30 designed to be joined into one integral unit. Mobile home includes a  
31 manufactured home as defined in the Manufactured Home Construction and

1 Safety Standards, 24 C.F.R. 3280 et seq. section 71-4603;

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

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

13 (4) Department means the Department of Health and Human Services;  
14 and

15 (5) Person means any individual, firm, partnership, limited  
16 liability company, corporation, company, association, joint-stock company  
17 or association, political subdivision, governmental agency, or other  
18 legal entity, and includes any trustee, receiver, assignee, or other  
19 legal representative thereof.

20 Sec. 29. Section 71-6405, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 71-6405 (1) All state agencies, including all state constitutional  
23 offices, state administrative departments, and state boards and  
24 commissions, the University of Nebraska, and the Nebraska state colleges,  
25 shall comply with the state building code.

26 (2) No state agency may adopt, promulgate, or enforce any rule or  
27 regulation in conflict with the state building code unless otherwise  
28 specifically authorized by statute to (a) adopt, promulgate, or enforce  
29 any rule or regulation in conflict with the state building code or (b)  
30 adopt or enforce a building or construction code other than the state  
31 building code.

1 (3) Nothing in the Building Construction Act shall authorize any  
2 state agency to apply such act to ~~manufactured homes or~~ recreational  
3 vehicles regulated by the Uniform Standard Code for ~~Manufactured Homes~~  
4 ~~and Recreational Vehicles,~~ or to modular housing units regulated by the  
5 Nebraska Uniform Standards for Modular Housing Units Act, or to  
6 manufactured homes regulated by the United States Department of Housing  
7 and Urban Development.

8 Sec. 30. Section 75-109.01, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 75-109.01 Except as otherwise specifically provided by law, the  
11 Public Service Commission shall have jurisdiction, as prescribed, over  
12 the following subjects:

13 (1) Common carriers, generally, pursuant to sections 75-101 to  
14 75-158;

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

17 (3) Recreational ~~Manufactured homes and recreational~~ vehicles  
18 pursuant to the Uniform Standard Code for ~~Manufactured Homes and~~  
19 ~~Recreational Vehicles~~;

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

22 (5) Motor carrier registration and safety pursuant to sections  
23 75-301 to 75-343, 75-369.03, 75-370, and 75-371;

24 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil  
25 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections  
26 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with  
27 the provisions of the Major Oil Pipeline Siting Act, the provisions of  
28 the Major Oil Pipeline Siting Act control;

29 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,  
30 74-1323, and 75-401 to 75-430;

31 (8) Telecommunications carriers pursuant to the Automatic Dialing-

1 Announcing Devices Act, the Emergency Telephone Communications Systems  
2 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call  
3 Regulation Act, the Nebraska Telecommunications Regulation Act, the  
4 Nebraska Telecommunications Universal Service Fund Act, the  
5 Telecommunications Relay System Act, the Telephone Consumer Slamming  
6 Prevention Act, and sections 86-574 to 86-580;

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

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

10 (11) Jurisdictional utilities governed by the State Natural Gas  
11 Regulation Act. If the provisions of Chapter 75 are inconsistent with the  
12 provisions of the State Natural Gas Regulation Act, the provisions of the  
13 State Natural Gas Regulation Act control.

14 Sec. 31. Section 75-156, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 75-156 (1) In addition to other penalties and relief provided by  
17 law, the Public Service Commission may, upon a finding that the violation  
18 is proven by clear and convincing evidence, assess a civil penalty of up  
19 to ten thousand dollars per day against any person, motor carrier,  
20 regulated motor carrier, common carrier, contract carrier, grain dealer,  
21 or grain warehouseman for each violation of (a) any provision of the laws  
22 of this state within the jurisdiction of the commission as enumerated in  
23 section 75-109.01, (b) any term, condition, or limitation of any  
24 certificate, permit, or authority issued by the commission pursuant to  
25 the laws of this state within the jurisdiction of the commission as  
26 enumerated in section 75-109.01, or (c) any rule, regulation, or order of  
27 the commission issued under authority delegated to the commission  
28 pursuant to the laws of this state within the jurisdiction of the  
29 commission as enumerated in section 75-109.01.

30 (2) In addition to other penalties and relief provided by law, the  
31 Public Service Commission may, upon a finding that the violation is

1 proven by clear and convincing evidence, assess a civil penalty not less  
2 than one hundred dollars and not more than one thousand dollars against  
3 any jurisdictional utility for each violation of (a) any provision of the  
4 State Natural Gas Regulation Act, (b) any rule, regulation, order, or  
5 lawful requirement issued by the commission pursuant to the act, (c) any  
6 final judgment or decree made by any court upon appeal from any order of  
7 the commission, or (d) any term, condition, or limitation of any  
8 certificate issued by the commission issued under authority delegated to  
9 the commission pursuant to the act. The amount of the civil penalty  
10 assessed in each case shall be based on the severity of the violation  
11 charged. The commission may compromise or mitigate any penalty prior to  
12 hearing if all parties agree. In determining the amount of the penalty,  
13 the commission shall consider the appropriateness of the penalty in light  
14 of the gravity of the violation and the good faith of the violator in  
15 attempting to achieve compliance after notification of the violation is  
16 given.

17 (3) In addition to other penalties and relief provided by law, the  
18 Public Service Commission may, upon a finding that the violation is  
19 proven by clear and convincing evidence, assess a civil penalty of up to  
20 ten thousand dollars per day against any wireless carrier for each  
21 violation of the Enhanced Wireless 911 Services Act or any rule,  
22 regulation, or order of the commission issued under authority delegated  
23 to the commission pursuant to the act.

24 (4) In addition to other penalties and relief provided by law, the  
25 Public Service Commission may, upon a finding that the violation is  
26 proven by clear and convincing evidence, assess a civil penalty of up to  
27 one thousand dollars against any person for each violation of the  
28 Nebraska Uniform Standards for Modular Housing Units Act or the Uniform  
29 Standard Code for ~~Manufactured Homes~~ and Recreational Vehicles or any  
30 rule, regulation, or order of the commission issued under the authority  
31 delegated to the commission pursuant to either act. Each such violation

1 shall constitute a separate violation with respect to each modular  
2 housing unit, ~~manufactured home~~, or recreational vehicle, except that the  
3 maximum penalty shall not exceed one million dollars for any related  
4 series of violations occurring within one year from the date of the first  
5 violation.

6 (5) The civil penalty assessed under this section shall not exceed  
7 two million dollars per year for each violation except as provided in  
8 subsection (4) of this section. The amount of the civil penalty assessed  
9 in each case shall be based on the severity of the violation charged. The  
10 commission may compromise or mitigate any penalty prior to hearing if all  
11 parties agree. In determining the amount of the penalty, the commission  
12 shall consider the appropriateness of the penalty in light of the gravity  
13 of the violation and the good faith of the violator in attempting to  
14 achieve compliance after notification of the violation is given.

15 (6) Upon notice and hearing in accordance with this section and  
16 section 75-157, the commission may enter an order assessing a civil  
17 penalty of up to one hundred dollars against any person, firm,  
18 partnership, limited liability company, corporation, cooperative, or  
19 association for failure to file an annual report or pay the fee as  
20 required by section 75-116 and as prescribed by commission rules and  
21 regulations or for failure to register as required by section 86-125 and  
22 as prescribed by commission rules and regulations. Each day during which  
23 the violation continues after the commission has issued an order finding  
24 that a violation has occurred constitutes a separate offense. Any party  
25 aggrieved by an order of the commission under this section may appeal.  
26 The appeal shall be in accordance with section 75-136.

27 (7) When any person or party is accused of any violation listed in  
28 this section, the commission shall notify such person or party in writing  
29 (a) setting forth the date, facts, and nature of each act or omission  
30 upon which each charge of a violation is based, (b) specifically  
31 identifying the particular statute, certificate, permit, rule,



1 regulation, or order purportedly violated, (c) that a hearing will be  
2 held and the time, date, and place of the hearing, (d) that in addition  
3 to the civil penalty, the commission may enforce additional penalties and  
4 relief as provided by law, and (e) that upon failure to pay any civil  
5 penalty determined by the commission, the penalty may be collected by  
6 civil action in the district court of Lancaster County.

7 Sec. 32. Section 75-159, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 75-159 (1) The Public Service Commission Housing and Recreational  
10 Vehicle Cash Fund is created. The fund shall consist of fees collected  
11 under the Nebraska Uniform Standards for Modular Housing Units Act and  
12 fees collected pursuant to the Uniform Standard Code for ~~Manufactured~~  
13 ~~Homes and Recreational Vehicles.~~

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

18 (3) Transfers from the fund to the General Fund may be made at the  
19 direction of the Legislature. Any money in the Public Service Commission  
20 Housing and Recreational Vehicle Cash Fund available for investment shall  
21 be invested by the state investment officer pursuant to the Nebraska  
22 Capital Expansion Act and the Nebraska State Funds Investment Act.

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

27 Sec. 33. Section 76-1463, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 76-1463 Mobile home shall mean a movable or portable dwelling  
30 constructed to be towed on its own chassis, connected to utilities, and  
31 designed with or without a permanent foundation for year-round living. It

1 may consist of one or more units that can be telescoped when towed and  
2 expanded later for additional capacity, or of two or more units,  
3 separately towable but designed to be joined into one integral unit, and  
4 shall include a manufactured home as defined in the Manufactured Home  
5 Construction and Safety Standards, 24 C.F.R. 3280 et seq ~~section 71-4603.~~

6 Sec. 34. Section 81-5,138, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 81-5,138 Mobile home shall mean every transportable or relocatable  
9 device of any description containing complete independent living  
10 facilities for one or more persons whether or not permanently attached to  
11 the real estate upon which it is situated and shall include 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 Sec. 35. Section 81-1615, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 81-1615 The following shall be exempt from sections 81-1608 to  
17 81-1626:

18 (1) Any building which has a peak design rate of energy usage for  
19 all purposes of less than one watt, or three and four-tenths British  
20 Thermal Units per hour, per square foot of floor area;

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

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

24 (4) Any manufactured home as defined in the Manufactured Home  
25 Construction and Safety Standards, 24 C.F.R. 3280 et seq. ~~by section~~  
26 ~~71-4603;~~

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

29 (6) Any building or structure (a) that is listed on the state or  
30 National Register of Historic Places, (b) that is designated as a  
31 historic property under local or state designation law or survey, (c)

1 that is certified as a contributing resource with a National Register-  
2 listed or locally designated historic district, or (d) with an opinion or  
3 certification that the property is eligible to be listed on the state or  
4 National Register of Historic Places either individually or as a  
5 contributing building to a historic district by the State Historic  
6 Preservation Officer or the Keeper of the National Register of Historic  
7 Places.

8       Sec. 36. Original sections 14-402, 15-902, 19-902, 23-114, 71-1559,  
9 71-1566, 71-1569, 71-4601, 71-4602, 71-4603, 71-4604, 71-4604.01,  
10 71-4605, 71-4606, 71-4608, 71-4609, 71-4610, 71-4611, 71-4614, 71-4615,  
11 71-4616, 71-4617, 71-4618, 71-4619, 71-4620, 71-4620.01, 71-4621,  
12 71-6405, 75-109.01, 75-156, 75-159, 76-1463, 81-5,138, and 81-1615,  
13 Reissue Revised Statutes of Nebraska, and section 60-1901, Revised  
14 Statutes Cumulative Supplement, 2018, are repealed.

15       Sec. 37. The following section is outright repealed: Section  
16 71-4613, Reissue Revised Statutes of Nebraska.