



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1979 | Issue 1

Article 55

1-1-1979

Property; Mobile Homes

Don H. Gallian

Follow this and additional works at: <https://scholarlycommons.pacific.edu/nlr>



Part of the [Legislation Commons](#)

Recommended Citation

Don H. Gallian, *Property; Mobile Homes*, 1979 U. PAC. L. REV. (1979).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1979/iss1/55>

This Legislative Review is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in Pacific Law Journal Review of Selected Nevada Legislative by an authorized editor of Scholarly Commons. For more information, please contact mgibney@pacific.edu.

PROPERTY; MOBILE HOMES

Adds to NRS Chapters 461, 487, 489

Amends NRS 108.310, 108.315, 232.230, 232.250, 461.040, 461.050, 461.080, 461.143, 461.170, 461.180, 461.190, 461.210, 461.220, 461.230, 461.240, 461.250, 461.260, 481.048, 482.127, 482.135, 482.210, 482.322, 482.330, 482.362, 482.363, 482.423, 482.424, 482.427, 482.433, 487.010, 487.100, 487.110, 487.120, 487.160, 487.170, 487.230, 487.240, 487.250, 487.260, 489.031, 489.041, 489.062, 489.095, 489.105, 489.110, 489.120, 489.145, 489.150

Repeals NRS 119.015, 119.030, 119.050, 119.055, 119.090, 119.114, 119.116, 119.118, 119.140 to 119.170, inclusive, 119.180 to 119.200, inclusive, 119.240 to 119.320, inclusive, 461.010, 461.060, 482.324, 482.3611, 482.3971 to 482.3977, inclusive, 489.011, 489.080, 489.089, 489.136, 489.1361, 489.140, 489.270 to 489.370, inclusive, 489.380, 489.390 to 489.500, inclusive, 645.001 to 645.310, inclusive, 645.324 to 645.850, inclusive

SB 173 (Committee on Commerce and Labor); STATS 1979, Ch 592

Chapter 592 establishes the Manufactured Housing Division (hereinafter "division") in the Department of Commerce.¹ The division is authorized to issue licenses, establish safety standards for mobile home construction, and establish procedures for mobile home sales.²

Chapter 592 transfers the registration of mobile home titles to the division.³ Other responsibilities that once belonged only to the Department of Motor Vehicles (hereinafter "DMV") have also been transferred to the division. For example, written notice of a lien claimed against a mobile home or a commercial coach must be given to the division⁴ rather than to the DMV, as previously required.⁵ In other cases both the DMV and the division may have responsibility.⁶ For example, records of auto wreckers must now be open for inspection by the division as well as by the DMV.⁷

Chapter 592 also creates the chief of the division (hereinafter "administrator").⁸ The administrator may (a) enforce safety and construction standards in accordance with the National Mobile Home Construction and Safety Standards Act of 1974;⁹ (b) enter at reasonable times and without notice any factory, warehouse or establishment in which mobile homes are manufactured,

stored or held for sale to make inspection; (c) issue subpoenas; (d) conduct hearings; and (e) apply for and receive grants from the United States Secretary of Housing and Urban Development for enforcement and administration of mobile home safety and construction standards.¹⁰ The administrator is further authorized to adopt regulations for mobile home safety which embody the principles of the National Mobile Home Construction and Safety Standards Act¹¹ and regulations issued by the American National Standards Institute or National Fire Protection Association.¹² Additionally, the administrator must adopt standards for mobile home tiedowns,¹³ inspections,¹⁴ plumbing, heating, cooling and electrical systems, and accessory structures.¹⁵

Every mobile home must be manufactured according to the regulations adopted by the administrator.¹⁶ Every mobile home and commercial coach sold in Nevada must bear a certificate of compliance with the division's regulations.¹⁷ Such certified mobile homes and commercial coaches need not comply with local building codes.¹⁸ A mobile home, travel trailer or commercial coach which bears a certificate or label of compliance from another state will be deemed to meet the requirements of Chapter 592 if the administrator finds that the state has a competent inspection program.¹⁹

Dealers, manufacturers, rebuilders, servicemen, or installers of mobile homes must be licensed by the division.²⁰ Licenses are valid for twelve months and are renewable for consecutive twelve-month periods.²¹ Licenses for salesmen, who must also be licensed by the division, are valid for two years and are renewable for consecutive two-year periods.²² The division may issue limited dealers' licenses which allow real estate brokers to sell used mobile homes when the sale is incidental to the sale of real property.²³ Mobile home dealers need no longer be licensed by the DMV in order to lease mobile homes.²⁴ Anyone wishing to issue labels of compliance must be licensed by the division.²⁵ The license is valid for twelve months and may be renewed for consecutive twelve-month periods.²⁶

Chapter 592 provides that all mobile homes or commercial coaches sold must have a certificate of ownership issued by the Department of Commerce.²⁷ The certificate on a used mobile home will not be issued unless the county assessor of the county in which the mobile home was situated has endorsed on this certificate that all of the personal property taxes due for the twelve months immediately preceding the date of the sale have been paid.²⁸

Chapter 592 also provides that before any mobile home or commercial coach is

moved over the roads of Nevada, a trip permit must be obtained from the assessor of the county from which the mobile home is being moved.²⁹ This trip permit authorizes movement for not more than five consecutive days.³⁰ Mobile homes which are (a) moved from a point outside of Nevada to a point which is also outside of Nevada; (b) moved into Nevada with a valid license plate from another state; or (c) moved from the place of manufacture to a dealer or from a dealer to another dealer, with any valid license plate, are exempt from the requirement of a trip permit.³¹

The division is authorized to take disciplinary action, including denial, suspension, and revocation of licenses.³² Grounds for disciplinary action include, among others, financial insolvency,³³ deceptive trade practices,³⁴ accepting a bribe,³⁵ and violations of the division's regulations.³⁶ The applicant or licensee may, within thirty days after receipt of the notice of denial of his license or the complaint against him, petition the administrator for a hearing.³⁷ Additionally, the administrator may investigate complaints and either secure a correction of the violation, satisfaction for the complaint, or take disciplinary action.³⁸

Any person who moves a mobile home or commercial coach in violation of Chapter 592 is guilty of a misdemeanor.³⁹ Any person who makes a false entry on a certificate or furnishes false information to the division is guilty of a gross misdemeanor.⁴⁰ Additionally, any person who violates any of the provisions of Chapter 592 is liable to the state for a civil penalty of not more than \$1,000 for each violation but with a maximum penalty of \$1,000,000.⁴¹

Don H. Gallian

FOOTNOTES

1. 1979 Nev. Stats. ch. 592 (hereinafter "Ch. 592") §77 (amending NRS 232.230(2) (f)).
2. Id. §§12-60 (adding to NRS Ch. 489).
3. Id. §§ 45-63, 96, 103 (adding to NRS Ch. 489, amending NRS 482.210(3), NRS 108.310).
4. Id. §75 (amending NRS 108.310).
5. 1969 Nev. Stats. ch. 2 §1, at 1 (NRS 108.310).
6. Ch. 592 §105 (adding to NRS Ch. 487) ("state agency" includes the division with regard to mobile homes and commercial coaches and the DMV with regard to all other vehicles).
7. Id. §111 (amending NRS 487.170). See also Ch. 592 §§106, 108, 109, 110, 113, 114, 115 (amending NRS 487.010, NRS 487.110, NRS 487.120, NRS 487.160, NRS 487.240, NRS 487.250, NRS 487.260).
8. Ch. 592 §2 (adding to NRS Ch. 489).
9. 42 U.S.C. §§5401-5426 (1974).
10. Ch. 592 §10 (adding to NRS Ch. 489).
11. Id. §10 ¶ 3 (adding to NRS Ch. 489). See 42 U.S.C. §§5401-5426 (1974).
12. Ch. 592 §§40, 41 (adding to NRS Ch. 489).
13. Id. §41 ¶1(a) (adding to NRS Ch. 489).
14. Id. §41 ¶1(b) (adding to NRS Ch. 489).
15. Id. §42 ¶1(b) (adding to NRS Ch. 489).
16. Id. §37 ¶1 (adding to NRS Ch. 489).
17. Id. §§37 ¶ 3, 38 ¶1 (adding to NRS Ch. 489).
18. Id. §39 ¶ 3 (adding to NRS Ch. 489).
19. Id. §38 ¶ 3 (adding to NRS Ch. 489).
20. Id. §§13, 16, 17 (adding to NRS Ch. 489).
21. Id. §§14 ¶ 3, 16 ¶ 3 (adding to NRS Ch. 489).
22. Id. §§12, 16 ¶ 3 (adding to NRS Ch. 489).
23. Id. §15 ¶1 (adding to NRS Ch. 489).
24. Id. §100 (amending NRS Ch. 482.363).
25. Id. §12 ¶1 (adding to NRS Ch. 489).
26. Id. §12 ¶ 2 (adding to NRS Ch. 489).
27. Id. §§45, 46, 47 (adding to NRS Ch. 489).

28. Id. §45 (adding to NRS Ch. 489).
29. Id. §§59,60,61 (adding to NRS Ch. 489).
30. Id. §59 ¶ 2 (adding to NRS Ch. 489).
31. Id. §58 (adding to NRS Ch. 489).
32. Id. §18 (adding to NRS Ch. 489).
33. Id. §19 ¶ 2 (adding to NRS Ch. 489).
34. Id. §20 ¶1 (adding to NRS Ch. 489).
35. Id. §21 ¶ 2 (adding to NRS Ch. 489).
36. Id. §22 ¶ 5 (adding to NRS Ch. 489).
37. Id. §26 (adding to NRS Ch. 489).
38. Id. §24 (adding to NRS Ch. 489).
39. Id. §63 (adding to NRS Ch. 489).
40. Id. §65 (adding to NRS Ch. 489).
41. Id. §64 (adding to NRS Ch. 489).

PROPERTY; FINANCING MOBILE HOMES

Adds to NRS Ch 361

Amends NRS 361.035, 361.067, 675.290, 675.300, 675.350

AB 211 (Committee on Taxation); STATS 1979, Ch 447

Chapter 447 provides that mobile homes¹ and factory-built housing² may be classified as real property rather than as personal property for financing and taxation purposes. Due to the rising cost of housing, an increasing number of families are purchasing mobile home and factory-built housing; therefore, a method of securing long-term financing and of assuring that they pay their fair share of taxes was required.³

Chapter 447 provides that mobile homes and factory-built housing are classified as real property if: (a) the running gear is removed, and (b) the owner "permanently affixes" the home to land which he owns.⁴ If the mobile home or factory-built housing was permanently affixed to the land before July 1, 1979, it will be classified as real property if it's owner files a statement with the county assessor by May 1, 1980, declaring his desire to have it so classified.⁵ If the mobile home or factory-built housing becomes permanently affixed to the land on or after July 1, 1979, it is automatically classified as real property.⁶