

CHAPTER 148

GOVERNMENT - STATE

SENATE BILL 99-035

BY SENATORS Powers, Linkhart, Reeves, Congrove, Epps, Evans, Hillman, Musgrave, and Weddig;
also REPRESENTATIVES Taylor, Piffner, Mace, McKay, Paschall, Scott, Spradley, and Vigil.

AN ACT

CONCERNING THE INSPECTION OF CERTAIN MANUFACTURED UNITS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 24-32-702, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-32-702. Legislative declaration. (3) THE GENERAL ASSEMBLY FURTHER FINDS THAT, IN AN EFFORT TO MEET THE HOUSING NEEDS WITHIN THE STATE THROUGH THE USE OF MANUFACTURED HOUSING UNITS, IT IS NECESSARY TO REQUIRE STATE SUPERVISION OF COMPLIANCE WITH GOVERNMENT-APPROVED CODES OF MANUFACTURE, SUCH AS THE UNIFORM BUILDING CODE AND THE FEDERAL REGULATIONS GOVERNING MANUFACTURED HOUSING UNITS. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT SUCH SUPERVISION BE ACCOMPLISHED PRIMARILY THROUGH THE USE OF PRIVATE INSPECTION AND CERTIFICATION ENTITIES TO THE EXTENT ALLOWED BY THE STATE CONSTITUTION, THE "STATE PERSONNEL SYSTEM ACT", ARTICLE 50 OF THIS TITLE, AND THE RULES PROMULGATED BY THE STATE PERSONNEL BOARD.

SECTION 2. 24-32-703 (1), Colorado Revised Statutes, is amended, and the said 24-32-703 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

24-32-703. Definitions. As used in this part 7, unless the context otherwise requires:

(1) "~~Board~~" ~~means the state housing board created by this part 7.~~ "AUTHORIZED QUALITY ASSURANCE REPRESENTATIVE" MEANS ANY QUALITY ASSURANCE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

REPRESENTATIVE APPROVED BY THE DIVISION OF HOUSING PURSUANT TO SECTION 24-32-705 (1) (o).

(1.2) "BOARD" MEANS THE STATE HOUSING BOARD CREATED BY THIS PART 7.

(3.1) "FACTORY-BUILT NONRESIDENTIAL UNIT" MEANS ANY STRUCTURE, OR COMPONENT THEREOF, DESIGNED PRIMARILY FOR COMMERCIAL, INDUSTRIAL, OR OTHER NONRESIDENTIAL USE, EITHER PERMANENT OR TEMPORARY, INCLUDING A MANUFACTURED UNIT THAT IS WHOLLY OR IN SUBSTANTIAL PART MADE, FABRICATED, FORMED, OR ASSEMBLED IN MANUFACTURING FACILITIES FOR INSTALLATION, OR ASSEMBLY AND INSTALLATION, ON PERMANENT OR TEMPORARY FOUNDATION AT THE BUILDING SITE.

(6.6) "PRODUCTION REVIEW" MEANS AN EVALUATION OF A MANUFACTURING FACILITY'S ABILITY TO FOLLOW APPROVED PLANS, STANDARDS, CODES, AND QUALITY CONTROL PROCEDURES DURING CONSTRUCTION OF MANUFACTURED HOUSING UNITS.

(6.8) "QUALITY ASSURANCE REPRESENTATIVE" MEANS ANY STATE, FIRM, CORPORATION, OR ENTITY THAT PROPOSES TO CONDUCT PRODUCTION REVIEWS, EVALUATE A MANUFACTURER'S QUALITY CONTROL PROCEDURES, AND PERFORM DESIGN EVALUATIONS FOR MANUFACTURED HOUSING UNITS.

SECTION 3. 24-32-705 (1) (d), Colorado Revised Statutes, is amended, and the said 24-32-705 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-32-705. Functions of division. (1) The division has the following functions:

(d) To administer uniform construction and maintenance standards adopted by the board pursuant to section 24-32-707 (1) (b) AND THOSE STANDARDS REQUIRED BY SECTION 24-32-708.5;

(o) TO REVIEW AND APPROVE QUALITY ASSURANCE REPRESENTATIVES THAT INTEND TO PERFORM INSPECTIONS AND ISSUE INSIGNIA OF APPROVAL PURSUANT TO THIS PART 7 OF THIS ARTICLE.

SECTION 4. 24-32-707 (1) (b) and (1) (f), Colorado Revised Statutes, are amended, and the said 24-32-707 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-32-707. Powers of board. (1) The board shall have the following powers:

(b) To establish uniform construction and maintenance standards for hotels, motels, and multiple dwellings in those areas of the state where no such standards exist; and for factory-built housing;

(f) ~~To promulgate rules and regulations concerning the safety of equipment of camper trailers and camper coaches and to perform the functions provided in part 9 of this article;~~

(i) TO PROMULGATE RULES ESTABLISHING SPECIFIC STANDARDS FOR THE USE OF

PRIVATE INSPECTION AND CERTIFICATION ENTITIES TO PERFORM THE DIVISION'S CERTIFICATION AND INSPECTION FUNCTIONS WITH RESPECT TO IN-STATE AND OUT-OF-STATE INSPECTIONS OF MANUFACTURED HOUSING UNITS. SUCH STANDARDS SHOULD ALLOW, CONSISTENT WITH SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION, THE PROVISIONS OF PART 5 OF ARTICLE 50 OF THIS TITLE, AND THE RULES OF THE STATE PERSONNEL BOARD FOR THE USE OF PRIVATE INSPECTION AND CERTIFICATION ENTITIES, WHEN SUCH ENTITIES ARE AVAILABLE AT A REASONABLE COST. SUCH STANDARDS SHALL NOT PROHIBIT A MANUFACTURER FROM HAVING THE OPTION TO CONTRACT WITH THE DIVISION OR AN AUTHORIZED QUALITY ASSURANCE REPRESENTATIVE TO PERFORM INSPECTION AND CERTIFICATION FUNCTIONS.

SECTION 5. Part 7 of article 32 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-32-708.5. Compliance with national standards. NO PERSON, PARTNERSHIP, FIRM, CORPORATION, OR OTHER ENTITY MAY MANUFACTURE, SELL, OR OFFER FOR SALE WITHIN THIS STATE ANY NEW FACTORY-BUILT HOUSING OR FACTORY-BUILT NONRESIDENTIAL UNIT THAT IS NOT MANUFACTURED IN COMPLIANCE WITH THE APPLICABLE PROVISIONS OF THE CONSTRUCTION CODES AS ADOPTED BY THE BOARD.

SECTION 6. 24-32-709 (1) (a), (3), (4), and (5), Colorado Revised Statutes, are amended, and the said 24-32-709 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-32-709. Certification of factory-built housing - factory-built nonresidential units. (1) (a) Factory-built housing manufactured, substantially altered or repaired, sold, or offered for sale within this state after the effective date of the rules adopted pursuant to section 24-32-710, must bear an insignia of approval issued by the division AND AFFIXED BY THE DIVISION OR AN AUTHORIZED QUALITY ASSURANCE REPRESENTATIVE.

(3) All factory-built housing bearing an insignia of approval issued by the division AND AFFIXED BY THE DIVISION OR AN AUTHORIZED QUALITY ASSURANCE REPRESENTATIVE pursuant to this part 7 shall be deemed to comply with the requirements of all ordinances or regulations, including those for electrical and plumbing, enacted by the state government and any local government which are applicable to the manufacture of such housing. The determination by the board of the scope of such approval is final.

(4) No factory-built housing bearing ~~a department insignia of approval~~ AN INSIGNIA OF APPROVAL ISSUED BY THE DIVISION AND AFFIXED BY THE DIVISION OR AN AUTHORIZED QUALITY ASSURANCE REPRESENTATIVE pursuant to this part 7 shall be in any way modified contrary to the rules adopted pursuant to section 24-32-710 prior to or during installation unless approval is first obtained from the division.

(5) The board, through the division, by rule shall establish a schedule of fees designed to pay the reasonable costs incurred by it for the work related to ~~spot inspection~~; EVALUATING THE PERFORMANCE OF AUTHORIZED QUALITY ASSURANCE REPRESENTATIVES AND THE administration and enforcement of this section.

(7)(a) FACTORY-BUILT NONRESIDENTIAL UNITS MANUFACTURED, SUBSTANTIALLY

ALTERED OR REPAIRED, SOLD, OR OFFERED FOR SALE WITHIN THIS STATE AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (7) MUST BEAR AN INSIGNIA OF APPROVAL ISSUED BY THE DIVISION AND AFFIXED BY THE DIVISION OR AN AUTHORIZED QUALITY ASSURANCE REPRESENTATIVE.

(b) PARAGRAPH (a) OF THIS SUBSECTION (7) SHALL NOT APPLY TO THE SALE OR OFFER FOR SALE OF ANY FACTORY-BUILT NONRESIDENTIAL UNIT AFTER THE FIRST PURCHASE OF SUCH UNIT IN GOOD FAITH FOR PURPOSES OTHER THAN RESALE, UNLESS SAID UNIT HAS BEEN SUBSTANTIALLY ALTERED OR REPAIRED AS DEFINED BY BOARD RULE.

SECTION 7. 24-32-710 (1), Colorado Revised Statutes, is amended to read:

24-32-710. Rules - enforcement - advisory committee. (1) The board shall promulgate rules to interpret, implement, and make specific the provisions of this part 7. These rules shall include provisions imposing requirements ON FACTORY-BUILT UNITS THAT ARE reasonably consistent with recognized and accepted standards adopted by the building officials conference of America, the international conference of building officials, the southern building codes congress, the national fire protection association, the international association of plumbing and mechanical officials, the Colorado state plumbing and electrical codes, the city and county of Denver and the cities of Englewood and Lakewood, and the United States department of housing and urban development, or a combination thereof, except to the extent that the board finds such standards and codes are inconsistent with this part 7.

SECTION 8. 24-32-711, Colorado Revised Statutes, is amended to read:

24-32-711. Recognition of similar standards. If the board determines that standards for factory-built housing prescribed by statute or rule of another state or by the United States department of housing and urban development are reasonably consistent with, or at least equal to, standards ~~developed by the board under~~ REQUIRED BY this part 7, it may provide by rule that factory-built housing approved by such other state or by the United States department of housing and urban development ~~is approved by the board~~ MEETS THE STANDARDS REQUIRED BY THIS PART 7.

SECTION 9. 24-32-714, Colorado Revised Statutes, is amended to read:

24-32-714. Local enforcement. Nothing in this part 7 shall interfere with the right of local government to enforce local regulations governing the installation of factory-built housing approved pursuant to section 24-32-709, if such local regulations are not inconsistent with state rules adopted pursuant to section 24-32-710 AND THE STANDARDS IMPOSED BY SECTION 24-32-708.5.

SECTION 10. 24-32-715.5, Colorado Revised Statutes, is amended to read:

24-32-715.5. Inspections of electrical work - manufactured housing units. In addition to any other inspection responsibilities, the division shall have the responsibility for the electrical inspections of any manufactured HOUSING units in plants which are certified by the division pursuant to this part 7.

SECTION 11. 24-32-901, Colorado Revised Statutes, is amended to read:

24-32-901. Legislative declaration. The general assembly hereby declares that ~~there is a need for regulation in the manufacture of equipment for camper trailers and camper coaches~~ RECREATIONAL PARK TRAILERS AND RECREATIONAL VEHICLES SOLD IN COLORADO SHOULD COMPLY WITH NATIONAL INDUSTRY STANDARDS to ensure the safety of occupants using them for temporary living and sleeping accommodations. ~~In enacting this part 9, the general assembly provides that the division of housing, created pursuant to part 7 of this article, shall establish through the board such rules and regulations concerning equipment of camper trailers and camper coaches as it deems necessary to ensure the safety of such coaches and trailers.~~

SECTION 12. 24-32-902, Colorado Revised Statutes, is amended to read:

24-32-902. Definitions. As used in this part 9, unless the context otherwise requires:

- (1) ~~"Board" means the state housing board created by part 7 of this article.~~
- (2) ~~"Camper coach" means an item of mounted equipment, weighing more than five hundred pounds, which when temporarily or permanently mounted on a motor vehicle adapts such vehicle for use as temporary living or sleeping accommodations.~~
- (3) ~~"Camper trailer" means a wheeled vehicle without motive power which is designed to be drawn by a motor vehicle over the public highways and which is generally and commonly used for temporary living or sleeping accommodations.~~
- (4) ~~"Division" means the division of housing created by part 7 of this article.~~
- (5) "CAMPING TRAILER" MEANS A VEHICLE THAT MEETS THE DEFINITION OF "CAMPING TRAILER" SET FORTH IN THE AMERICAN NATIONAL STANDARDS INSTITUTE'S (ANSI'S) STANDARD A119.2 OR ANY AMENDMENT THERETO.
- (6) "FIFTH WHEEL TRAILER" MEANS A VEHICLE THAT MEETS THE DEFINITION OF "FIFTH WHEEL TRAILER" SET FORTH IN THE AMERICAN NATIONAL STANDARDS INSTITUTE'S (ANSI'S) STANDARD A119.2 OR ANY AMENDMENT THERETO.
- (7) "MOTOR HOME" MEANS A MOTOR VEHICLE DESIGNED TO PROVIDE TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, OR TRAVEL USE, BUILT ON OR PERMANENTLY ATTACHED TO A SELF-PROPELLED MOTOR VEHICLE CHASSIS OR ON A CHASSIS CAB OR VAN THAT IS AN INTEGRAL PART OF THE COMPLETED VEHICLE.
- (8) "RECREATIONAL PARK TRAILER" MEANS A TRAILER-TYPE UNIT THAT IS PRIMARILY DESIGNED TO PROVIDE TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, OR SEASONAL USE, THAT IS BUILT ON A SINGLE CHASSIS MOUNTED ON WHEELS, AND THAT HAS A GROSS TRAILER AREA OF NOT MORE THAN FOUR HUNDRED SQUARE FEET OR THIRTY-SEVEN AND FIFTEEN ONE-HUNDREDTHS SQUARE METERS IN THE SET-UP MODE.
- (9) "RECREATIONAL VEHICLE" MEANS A VEHICLE DESIGNED TO BE USED PRIMARILY AS TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL, OR

SEASONAL USE THAT EITHER HAS ITS OWN MOTOR POWER OR IS MOUNTED ON OR TOWED BY ANOTHER VEHICLE. "RECREATIONAL VEHICLE" INCLUDES CAMPING TRAILERS, FIFTH WHEEL TRAILERS, MOTOR HOMES, TRAVEL TRAILERS, AND TRUCK CAMPERS.

(10) "TRAVEL TRAILER" MEANS A VEHICLE THAT MEETS THE DEFINITION OF "TRAVEL TRAILER" SET FORTH IN THE AMERICAN NATIONAL STANDARDS INSTITUTE'S (ANSI'S) STANDARD A119.2 OR ANY AMENDMENT THERETO.

(11) "TRUCK CAMPER" MEANS A VEHICLE THAT MEETS THE DEFINITION OF "TRUCK CAMPER" SET FORTH IN THE AMERICAN NATIONAL STANDARDS INSTITUTE'S (ANSI'S) STANDARD A119.2 OR ANY AMENDMENT THERETO.

SECTION 13. Part 9 of article 32 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-32-904.5. Compliance with national standards - recreational park trailers - recreational vehicles. (1) NO PERSON, PARTNERSHIP, FIRM, CORPORATION, OR ANY OTHER ENTITY MAY MANUFACTURE, SELL, OR OFFER FOR SALE WITHIN THIS STATE:

(a) ANY NEW RECREATIONAL VEHICLE THAT IS NOT MANUFACTURED IN COMPLIANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE'S (ANSI'S) STANDARD A 119.2 FOR RECREATIONAL VEHICLES OR ANY AMENDMENT THERETO; OR

(b) ANY NEW RECREATIONAL PARK TRAILER THAT IS NOT MANUFACTURED IN COMPLIANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE'S (ANSI'S) STANDARD A 119.5 FOR RECREATIONAL PARK TRAILERS.

SECTION 14. 23-32-909, Colorado Revised Statutes, is amended to read:

24-32-909. Violation - penalty. Any person violating any provision of this part 9 ~~or any rule or regulation adopted pursuant to this part 9~~ is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars.

SECTION 15. 24-32-1904 (1) (a), Colorado Revised Statutes, is amended to read:

24-32-1904. Certification of factory-built nonresidential structures. (1) (a) EXCEPT AS PROVIDED IN SECTION 24-32-709 (7), factory-built nonresidential structures manufactured after the effective date of the rules and regulations promulgated by the board pursuant to this part 19, which are manufactured, sold, or offered for sale within this state, shall bear the insignia of approval issued by the division.

SECTION 16. Repeal. Sections 24-32-903, 24-32-904, 24-32-905, 24-32-906, and 24-32-908, Colorado Revised Statutes, are repealed.

SECTION 17. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 30, 1999