

CHAPTER 259

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 00-1345

BY REPRESENTATIVES Spradley, Hoppe, Larson, Plant, Saliman, Tochtrop, and Vigil;
also SENATORS Musgrave, Congrove, Hernandez, and Nichol.

AN ACT

CONCERNING THE REGULATION OF INSTALLERS OF MANUFACTURED HOMES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Article 32 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 31
MANUFACTURED HOME INSTALLATION

24-32-3101. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT COMPREHENSIVE REGULATION OF THE INSTALLATION OF MANUFACTURED HOMES TO ENSURE THE SAFETY, AFFORDABILITY, AND PERFORMANCE OF MANUFACTURED HOMES USED FOR RESIDENTIAL PURPOSES IS A MATTER OF STATEWIDE AND LOCAL CONCERN. THE GENERAL ASSEMBLY FINDS THAT SUCH OBJECTIVES ARE BEST ACHIEVED BY REQUIRING REGISTRATION OF INSTALLERS OF MANUFACTURED HOMES AND IMPOSING UNIFORM STANDARDS FOR INSTALLATION OF MANUFACTURED HOMES ON A STATEWIDE BASIS.

24-32-3102. Definitions. AS USED IN THIS PART 31, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CERTIFICATE OF INSTALLATION" MEANS A CERTIFICATE ISSUED BY THE DIVISION OF HOUSING FOR AN INSTALLATION OF A MANUFACTURED HOME THAT MEETS THE REQUIREMENTS OF THIS PART 31.

(2) "CERTIFIED INSTALLER" MEANS AN INSTALLER OF MANUFACTURED HOMES WHO IS REGISTERED WITH THE DIVISION OF HOUSING AND WHO HAS INSTALLED AT LEAST FIVE MANUFACTURED HOMES IN COMPLIANCE WITH THE MANUFACTURER'S INSTRUCTIONS OR STANDARDS CREATED BY THE DIVISION OF HOUSING PURSUANT TO THIS PART 31.

(3) "DIVISION" MEANS THE DIVISION OF HOUSING CREATED IN PART 7 OF THIS ARTICLE.

(4) "INDEPENDENT CONTRACTOR" MEANS A LOCAL JURISDICTION, INDIVIDUAL, PRIVATE FIRM, HOUSING INSPECTOR, OR ENGINEER WHO HAS BEEN APPROVED BY THE DIVISION TO

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

PERFORM OR ENFORCE INSTALLATION INSPECTIONS.

(5) "INSTALLATION" MEANS THE PLACEMENT OF A MANUFACTURED HOME ON A PERMANENT OR TEMPORARY FOUNDATION SYSTEM. SUCH TERM INCLUDES, WITHOUT LIMITATION, SUPPORTING, BLOCKING, LEVELING, SECURING, OR ANCHORING SUCH HOME AND CONNECTING MULTIPLE OR EXPANDABLE SECTIONS OF SUCH HOME.

(6) "INSTALLER" MEANS ANY PERSON WHO PERFORMS THE INSTALLATION OF A MANUFACTURED HOME.

(7) "MANUFACTURED HOME" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 42-1-102 (106) (b), C.R.S.

(8) "MANUFACTURER" MEANS ANY PERSON WHO CONSTRUCTS OR ASSEMBLES A MANUFACTURED HOME IN A FACTORY.

(9) "OWNER" MEANS THE OWNER OF A MANUFACTURED HOME.

(10) "REGISTERED INSTALLER" MEANS AN INSTALLER WHO HAS REGISTERED WITH THE DIVISION, BUT WHO HAS NOT YET INSTALLED FIVE MANUFACTURED HOMES THAT HAVE BEEN INSPECTED BY THE DIVISION FOR COMPLIANCE WITH THE MANUFACTURER'S INSTRUCTIONS OR STANDARDS CREATED BY THE DIVISION PURSUANT TO THIS PART 31.

24-32-3103. Installers of manufactured homes - registration. (1) (a) ANY INSTALLER IN THIS STATE SHALL FIRST REGISTER WITH THE DIVISION. THE REGISTERED INSTALLER SHALL BE RESPONSIBLE FOR SUPERVISING ALL EMPLOYEES AND FOR THE PROPER AND COMPETENT PERFORMANCE OF ALL EMPLOYEES WORKING UNDER HIS OR HER SUPERVISION.

(b) PERSONS WHO SHALL NOT BE REQUIRED TO REGISTER AS AN INSTALLER WITH THE DIVISION ARE:

(I) PERSONS EMPLOYED BY A REGISTERED OR CERTIFIED INSTALLER, AS WELL AS PERSONS EMPLOYED BY A LEGAL OR COMMERCIAL ENTITY EMPLOYING A REGISTERED OR CERTIFIED INSTALLER, WHEN PERFORMING INSTALLATION FUNCTIONS UNDER THE DIRECT ON-SITE SUPERVISION OF SUCH REGISTERED OR CERTIFIED INSTALLER;

(II) A PERSON WHO INSTALLS ONE MANUFACTURED HOME IN A TWELVE-MONTH PERIOD ON REAL PROPERTY OWNED BY SUCH PERSON.

(c) A HOMEOWNER WHO INSTALLS THE OWNER'S OWN MANUFACTURED HOME IS NOT REQUIRED TO REGISTER AS AN INSTALLER WITH THE DIVISION BUT SHALL COMPLY WITH ALL PROVISIONS OF THIS PART 31 OTHER THAN REGISTRATION PROVISIONS.

(2) EACH REGISTERED INSTALLER SHALL FILE WITH THE DIVISION A LETTER OF CREDIT, CERTIFICATE OF DEPOSIT ISSUED BY A LICENSED FINANCIAL INSTITUTION, OR SURETY BOND ISSUED BY AN AUTHORIZED INSURER IN THE AMOUNT OF TEN THOUSAND DOLLARS FOR THE PERFORMANCE OF AN INSTALLATION PURSUANT TO THE MANUFACTURER'S INSTRUCTIONS OR STANDARDS PROMULGATED BY THE DIVISION. THE LETTER OF CREDIT, CERTIFICATE OF DEPOSIT, OR SURETY BOND SHALL BE FILED WITH THE DIVISION AT THE SAME TIME THE INITIAL APPLICATION FOR REGISTRATION IS FILED.

(3) AN APPLICATION FOR REGISTRATION OR CERTIFICATION AS A MANUFACTURED HOME INSTALLER, WHETHER INITIAL OR RENEWAL, SHALL BE SUBMITTED ON A FORM PROVIDED BY THE DIVISION AND SHALL BE NOTARIZED AND VERIFIED BY A DECLARATION SIGNED UNDER PENALTY OF PERJURY BY THE APPLICANT. THE APPLICATION SHALL CONTAIN, IN ADDITION TO ANY OTHER INFORMATION THE DIVISION MAY REASONABLY REQUIRE, THE NAME,

ADDRESS, AND TELEPHONE NUMBER OF THE APPLICANT. THE DIVISION SHALL MAKE THE APPLICATION AND DECLARATION AVAILABLE FOR PUBLIC INSPECTION.

(4) IN ORDER TO BE REGISTERED INITIALLY AS A MANUFACTURED HOME INSTALLER, AN APPLICANT SHALL:

(a) BE AT LEAST EIGHTEEN YEARS OF AGE;

(b) FURNISH WRITTEN EVIDENCE OF SIX MONTHS OF INSTALLATION EXPERIENCE UNDER DIRECT SUPERVISION OF A REGISTERED OR CERTIFIED INSTALLER OR EQUIVALENT TRAINING OR EXPERIENCE AS DETERMINED BY THE DIVISION; AND

(c) CARRY AND PROVIDE PROOF OF LIABILITY INSURANCE IN AN AMOUNT SET BY THE DIVISION BUT NOT LESS THAN ONE HUNDRED THOUSAND DOLLARS.

(5) A REGISTRATION ISSUED PURSUANT TO THIS SECTION SHALL BE VALID FOR THREE YEARS FROM THE DATE OF ISSUANCE AND SHALL NOT BE TRANSFERRED NOR ASSIGNED TO ANOTHER PERSON. IF ANY OF THE APPLICATION INFORMATION FOR THE REGISTERED INSTALLER CHANGES AFTER THE ISSUANCE OF A REGISTRATION, THE REGISTERED INSTALLER SHALL NOTIFY THE DIVISION IN WRITING WITHIN THIRTY DAYS FROM THE DATE OF THE CHANGE. THE DIVISION MAY SUSPEND, REVOKE, OR DENY RENEWAL OF A REGISTRATION IF THE REGISTERED INSTALLER FAILS TO NOTIFY THE DIVISION OF ANY CHANGE IN THE APPLICATION.

(6) ANY REGISTERED INSTALLER SEEKING TO RENEW REGISTRATION SHALL, AT THE TIME OF APPLYING FOR RENEWAL, PROVIDE PROOF OF LIABILITY INSURANCE AND LETTER OF CREDIT, CERTIFICATE OF DEPOSIT, OR SURETY BOND IN COMPLIANCE WITH SUBSECTIONS (2) AND (4) OF THIS SECTION.

(7) THE DIVISION SHALL ESTABLISH A REGISTRATION FEE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS PER REGISTRATION OR RENEWAL OF A REGISTRATION. THE FEE SHALL BE ASSESSED TO PAY FOR THE DIRECT COSTS ASSOCIATED WITH ADMINISTRATION OF THIS PART 31 AND SHALL BE NO GREATER THAN THE DIRECT COSTS.

(8) (a) ANY REGISTERED INSTALLER WHO HAS PERFORMED FIVE INSTALLATIONS THAT HAVE PASSED INSPECTION BY THE DIVISION SHALL APPLY TO THE DIVISION FOR CERTIFICATION. THE DIVISION SHALL ISSUE CERTIFICATION TO QUALIFIED REGISTERED INSTALLERS. THE DIVISION SHALL NOT CHARGE A FEE FOR CERTIFICATION OF INSTALLERS.

(b) INSTALLATIONS PERFORMED BY CERTIFIED INSTALLERS SHALL ONLY BE INSPECTED BY THE DIVISION OR AN INDEPENDENT CONTRACTOR UPON THE WRITTEN REQUEST OF THE OWNER, INSTALLER, MANUFACTURER, OR RETAILER. THE OWNER, INSTALLER, MANUFACTURER, OR RETAILER SHALL HAVE THE RIGHT TO BE PRESENT AT ANY INSPECTION.

24-32-3104. Compliance with manufacturer's installation instructions. ANY INSTALLATION OF A MANUFACTURED HOME IN THIS STATE SHALL BE PERFORMED IN STRICT ACCORDANCE WITH THE APPLICABLE MANUFACTURER'S INSTALLATION INSTRUCTIONS. WHERE THE MANUFACTURER'S INSTRUCTIONS ARE NOT APPLICABLE, INSTALLATION SHALL BE IN ACCORDANCE WITH STANDARDS PROMULGATED BY THE DIVISION. A COPY OF THE MANUFACTURER'S INSTRUCTIONS OR THE STANDARDS PROMULGATED BY THE DIVISION SHALL BE AVAILABLE AT THE TIME OF INSTALLATION AND INSPECTION.

24-32-3105. Installation of manufactured homes - certificates - inspections - rules.

(1) PRIOR TO BEGINNING THE INSTALLATION OF A MANUFACTURED HOME, THE OWNER OR REGISTERED INSTALLER OF A MANUFACTURED HOME SHALL MAKE AN APPLICATION FOR AN INSTALLER'S CERTIFICATE FROM THE DIVISION.

(2) THE DIVISION MAY CERTIFY ANY INSTALLER WHO PROVIDES EVIDENCE OF FIVE OR MORE INSTALLATIONS OF MANUFACTURED HOMES PERFORMED BY SUCH INSTALLER FOR WHICH CERTIFICATES HAVE PREVIOUSLY BEEN ISSUED PURSUANT TO THIS SECTION WHEN, IN THE JUDGMENT OF THE DIVISION, SUCH INSTALLER HAS DEMONSTRATED THE ABILITY TO SUCCESSFULLY COMPLETE INSTALLATIONS OF MANUFACTURED HOMES IN ACCORDANCE WITH THE REQUIREMENTS THIS PART 31. ANY INSTALLER SO CERTIFIED BY THE DIVISION MAY, AT THE TIME OF OBTAINING AN INSTALLATION CERTIFICATE REQUIRED BY SUBSECTION (1) OF THIS SECTION, OBTAIN A STANDARD FORM OF CERTIFICATE OF INSTALLATION TO BE COMPLETED BY THE CERTIFIED INSTALLER UPON COMPLETION OF THE INSTALLATION OF THE MANUFACTURED HOME IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 31. THE CERTIFIED INSTALLER SHALL, UPON ATTACHMENT OF THE CERTIFICATE OF INSTALLATION TO THE MANUFACTURED HOME, TRANSMIT A REPORT OF SAID CERTIFICATE TO THE DIVISION. THE DIVISION OR INDEPENDENT CONTRACTOR AT THE REQUEST OF THE DIVISION MAY AT THE DIVISION'S SOLE DISCRETION INSPECT THE INSTALLATION OF ANY MANUFACTURED HOME PERFORMED BY A CERTIFIED INSTALLER PURSUANT TO THIS SUBSECTION (2) AND MAY REQUIRE THE CERTIFIED INSTALLER TO CORRECT, WITHIN A TIME PERIOD ESTABLISHED BY RULE PROMULGATED BY THE DIVISION, ANY DEFECTS OR DEFICIENCIES IN SUCH INSTALLATION. THE DIVISION MAY REVOKE THE CERTIFICATION OF ANY INSTALLER CERTIFIED PURSUANT TO THIS SUBSECTION (2) WHEN, IN THE JUDGMENT OF THE DIVISION, THE INSTALLER HAS PERFORMED INSTALLATIONS OF A MANUFACTURED HOME IN VIOLATION OF THE REQUIREMENTS OF THIS PART 31. ANY INSTALLER WHOSE CERTIFICATION HAS BEEN SO REVOKED MAY APPLY FOR RECERTIFICATION IN ACCORDANCE WITH RULES PROMULGATED BY THE DIVISION.

(3) (a) THE DIVISION MAY SUSPEND OR REVOKE THE REGISTRATION OF A REGISTERED INSTALLER IF THE PERSON SO REGISTERED FAILS TO:

(I) FILE WITH THE DIVISION A LETTER OF CREDIT, CERTIFICATE OF DEPOSIT, OR SURETY BOND AS REQUIRED BY SECTION 24-32-3103; OR

(II) OTHERWISE PAY TO THE OWNER OR OCCUPANT OF A MANUFACTURED HOME:

(A) THE COST OF AN INSPECTION THAT FAILS TO MEET THE REQUIREMENTS OF THE MANUFACTURER'S INSTRUCTIONS OR THE STANDARDS PROMULGATED BY THE DIVISION;

(B) THE COST OF ANY SUBSEQUENT REPAIRS THAT ARE NECESSARY TO BRING THE INSTALLATION INTO COMPLIANCE WITH THE MANUFACTURER'S INSTRUCTIONS OR THE STANDARDS PROMULGATED BY THE DIVISION; OR

(C) THE COST OF SUBSEQUENT REQUIRED INSPECTIONS.

(b) THE DIVISION MAY EXECUTE THE PERFORMANCE BOND ON BEHALF OF AN OWNER.

(4) OWNERS AND REGISTERED INSTALLERS SHALL DISPLAY THE INSTALLER'S CERTIFICATE AT THE SITE OF THE MANUFACTURED HOME TO BE INSTALLED UNTIL A CERTIFICATE OF INSTALLATION IS ISSUED BY THE DIVISION.

(5) (a) THE DIVISION SHALL ADOPT REGULATIONS THAT SPECIFY A STANDARD FORM TO BE USED STATEWIDE BY THE DIVISION OR AN INDEPENDENT CONTRACTOR AS A CERTIFICATE OF INSTALLATION CERTIFYING THAT THE MANUFACTURED HOME WAS INSTALLED IN COMPLIANCE WITH THE PROVISIONS OF THIS PART 31. THE CERTIFICATE OF INSTALLATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(I) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE DIVISION;

(II) THE DATE THE INSTALLATION WAS COMPLETED; AND

(III) THE NAME, ADDRESS, TELEPHONE NUMBER, AND REGISTRATION NUMBER OF THE REGISTERED INSTALLER WHO PERFORMED THE INSTALLATION.

(b) IF A VACANT MANUFACTURED HOME FAILS THE INSTALLATION INSPECTION BECAUSE OF CONDITIONS THAT ENDANGER THE HEALTH OR SAFETY OF THE OCCUPANT, THE MANUFACTURED HOME SHALL NOT BE OCCUPIED. IF THE MANUFACTURED HOME FAILS THE INSTALLATION INSPECTION BECAUSE OF CONDITIONS THAT DO NOT ENDANGER THE HEALTH OR SAFETY OF THE OCCUPANT, THE MANUFACTURED HOME MAY BE OCCUPIED PENDING THE CORRECTION OF THOSE DEFECTS OR DEFICIENCIES THAT SERVED AS THE BASIS OF THE FAILED INSPECTION.

(6) IN ADDITION TO THE INSPECTIONS PERFORMED PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE DIVISION OR THE INDEPENDENT CONTRACTOR THAT PERFORMS INSPECTIONS OF AND ENFORCEMENT OF PROPER INSTALLATION OF MANUFACTURED HOMES SHALL INSPECT THE INSTALLATION OF A MANUFACTURED HOME UPON REQUEST FILED BY THE OWNER, INSTALLER, MANUFACTURER, OR RETAILER OF A MANUFACTURED HOME. SUCH INSPECTION SHALL BE PAID FOR BY THE PARTY WHO REQUESTED THE INSPECTION.

(7) IF THE INSTALLATION OF A MANUFACTURED HOME BY AN INSTALLER HAS FAILED THE INSPECTION CONDUCTED BY THE DIVISION OR THE INDEPENDENT CONTRACTOR AND IT IS DETERMINED BY THE DIVISION OR THE INDEPENDENT CONTRACTOR UNIT THAT THE INSTALLER HAS VIOLATED ANY OF THE INSTALLATION STANDARDS PROMULGATED BY THE DIVISION, THE INSTALLER SHALL REIMBURSE THE PARTY REQUESTING THE INSPECTION FOR THE COST OF THE FAILED INSPECTION AND SHALL PAY FOR ANY SUBSEQUENT REPAIRS NECESSARY TO BRING THE INSTALLATION INTO COMPLIANCE WITH THE MANUFACTURER'S INSTRUCTIONS OR STANDARDS PROMULGATED BY THE DIVISION. THE INSTALLER SHALL ALSO PAY FOR ANY SUBSEQUENT INSPECTIONS REQUIRED BY THE DIVISION OR THE INDEPENDENT CONTRACTOR. FAILURE OF THE INSTALLER TO PAY FOR ANY INSPECTIONS OR SUBSEQUENT REPAIRS DEEMED NECESSARY BY THE DIVISION OR THE INDEPENDENT CONTRACTOR SHALL RESULT IN THE FORFEITURE OF THE INSTALLER'S PERFORMANCE BOND ON BEHALF OF THE OWNER OF THE MANUFACTURED HOME.

(8) (a) THE DIVISION MAY AUTHORIZE AN INDEPENDENT CONTRACTOR TO PERFORM INSPECTIONS AND ENFORCEMENT OF PROPER INSTALLATION OF MANUFACTURED HOMES. THE DIVISION MAY PROVIDE TRAINING FOR INDEPENDENT CONTRACTORS. ALL SUCH INDEPENDENT CONTRACTORS SHALL BE CERTIFIED BY THE DIVISION TO PERFORM INSTALLATION INSPECTIONS. THE DIVISION SHALL ESTABLISH BY RULE THE QUALIFICATIONS OF AN INSPECTOR AND THE AREAS OF EXPERTISE NECESSARY FOR INSPECTING MANUFACTURED HOMES. THE QUALIFICATIONS FOR AN INSPECTOR SHALL INCLUDE, BUT ARE NOT LIMITED TO, THOSE OF A PROFESSIONAL CIVIL ENGINEER OR LOCAL HOUSING INSPECTOR OR INDEPENDENT CONTRACTOR.

(b) THE DIVISION SHALL ESTABLISH FEES FOR INSTALLATION CERTIFICATES AND ON-SITE INSPECTIONS COMMENSURATE WITH THE COST OF ENFORCEMENT OF PROPER INSTALLATIONS PURSUANT TO THIS PART 31. THE FEE SHALL COVER THE DIRECT COSTS OF ADMINISTRATION OF THIS PART 31.

(9) IF AN INSTALLATION OR SUBSEQUENT REPAIR OF AN INSTALLATION BY AN INSTALLER FAILS TO MEET THE STANDARDS PROMULGATED BY THE DIVISION WITHIN A TIME PERIOD DETERMINED BY THE DIVISION, THE DIVISION SHALL INVESTIGATE THE ACTIONS OF THE INSTALLER. THE DIVISION MAY REVOKE, SUSPEND, OR FAIL TO RENEW THE REGISTRATION OR CERTIFICATION OF THE INSTALLER FOR FAILING TO COMPLY WITH THE DIVISION'S STANDARDS REGARDING INSTALLATION OF A MANUFACTURED HOME. ANY INDEPENDENT CONTRACTOR THAT KNOWS OF AN INSTALLER WHOSE INSTALLATIONS FAIL INSPECTION AND HAVE NOT BEEN CURED BY SUBSEQUENT REPAIR SHALL REQUEST THAT THE DIVISION INVESTIGATE THE INSTALLER.

(10) THE DIVISION SHALL ADOPT RULES CONCERNING:

(a) A STANDARD INSTALLER INSPECTION FORM TO BE USED STATEWIDE BY THE DIVISION OR AN INDEPENDENT CONTRACTOR THAT PERFORMS MANUFACTURED HOME INSTALLATION INSPECTION AND ENFORCEMENT ACTIVITIES;

(b) CERTIFICATION REQUIREMENTS FOR INDEPENDENT CONTRACTORS TO INSPECT INSTALLATIONS;

(c) PROPER INSTALLATION INSPECTION AND ENFORCEMENT STANDARDS; AND

(d) A STANDARD CERTIFICATE OF INSTALLATION TO BE USED STATEWIDE BY THE DIVISION.

(e) ANY OTHER RULE NECESSARY FOR THE IMPLEMENTATION OF THIS PART 31.

24-32-3106. Local installation standards preempted. A LOCAL GOVERNMENT UNIT MAY NOT ADOPT LESS STRINGENT STANDARDS FOR THE INSTALLATION OF A MANUFACTURED HOME THAN THOSE PROMULGATED BY THE DIVISION. A LOCAL GOVERNMENT UNIT MAY NOT, WITHOUT EXPRESS CONSENT BY THE DIVISION, ADOPT DIFFERENT STANDARDS THAN THE STANDARDS FOR THE INSTALLATION OF A MANUFACTURED HOME PROMULGATED BY THE DIVISION. NOTHING IN THIS SECTION SHALL PRECLUDE A LOCAL GOVERNMENT UNIT FROM ENACTING STANDARDS FOR MANUFACTURED HOMES CONCERNING UNIQUE PUBLIC SAFETY REQUIREMENTS, SUCH AS WEIGHT RESTRICTIONS FOR SNOW LOADS OR WIND SHEAR FACTORS, AS OTHERWISE PERMITTED BY LAW.

24-32-3107. Prohibited acts. IT SHALL BE UNLAWFUL FOR ANY PERSON TO PERFORM AN INSTALLATION, WITHOUT REGARD TO WHETHER SUCH PERSON RECEIVES COMPENSATION FOR SUCH ACTION, EXCEPT AS PROVIDED IN THIS PART 31. ANY INTENTIONAL VIOLATION OF THE PROVISIONS OF THIS PART 31 SHALL CONSTITUTE A DECEPTIVE TRADE PRACTICE AND SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE 1 OF TITLE 6, C.R.S.; EXCEPT THAT DAMAGES SHALL BE LIMITED TO THE PROVISIONS OF SECTION 6-1-113 (2.7), C.R.S.

24-32-3108. Penalty for violation. ANY PERSON FOUND TO HAVE PERFORMED AN INSTALLATION IN A MANNER CONTRARY TO THE REQUIREMENTS OF THIS PART 31 SHALL BE SUBJECT TO REVOCATION OR SUSPENSION OF AN INSTALLER'S REGISTRATION, FINES OR ANY OTHER MEASURES AS PRESCRIBED BY RULE PROMULGATED BY THE DIVISION, OR OTHER APPLICABLE COLORADO LAW. MULTIPLE VIOLATIONS OF THIS PART 31 COMMITTED DURING A SINGLE INSTALLATION SHALL CONSTITUTE ONE VIOLATION. EACH INSTALLATION PERFORMED IN VIOLATION OF THIS PART 31 SHALL CONSTITUTE A SEPARATE VIOLATION.

24-32-3109. Investigations of consumer complaints. THE DIVISION MAY INVESTIGATE COMPLAINTS FILED BY OWNERS, OCCUPANTS, OR OTHER CONSUMERS RELATING TO THE INSTALLATION OF MANUFACTURED HOMES AS NECESSARY TO ENFORCE AND ADMINISTER THIS PART 31.

24-32-3110. Training of inspectors - acceptance of gifts, grants, and donations.
(1) ON AND AFTER JULY 1, 2000, THE DIVISION SHALL TRAIN INDEPENDENT CONTRACTORS TO PERFORM INSTALLATION INSPECTIONS FOR MANUFACTURED HOMES. SUCH TRAINING SHALL ENABLE INDEPENDENT CONTRACTORS WHO SUCCESSFULLY COMPLETE THE TRAINING TO BECOME CERTIFIED BY THE DIVISION.

(2) ON AND AFTER JULY 1, 2000, THE DIVISION MAY ACCEPT GIFTS, GRANTS, OR DONATIONS FOR THE TRAINING OF INDEPENDENT CONTRACTORS. SUCH GIFTS, GRANTS, OR DONATIONS RECEIVED SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT SUCH MONEYS TO THE MANUFACTURED HOME FUND, CREATED IN SECTION 6-1-603, C.R.S.

SECTION 2. 24-32-707 (1) (h) and (3), Colorado Revised Statutes, are amended to read:

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

(h) To promulgate rules and regulations establishing standards for the installation PURSUANT TO PART 31 OF THIS ARTICLE and setup of manufactured housing units as defined by this article. ~~Any such rules and regulations promulgated by the board shall make provisions for enforcement of such rules and regulations by local governmental subdivisions of this state and may provide for additional regulation by such governmental subdivisions concerning special weather and topographical conditions in the area comprised by such governmental subdivisions.~~

(3) ~~Nothing in this article shall be construed to prevent local governmental subdivisions of this state from enforcing rules and regulations for installation of manufactured housing as promulgated by the board and from collecting fees therefor.~~

SECTION 3. 6-1-105 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6-1-105. Deceptive trade practices. (1) A person engages in a deceptive trade practice when, in the course of such person's business, vocation, or occupation, such person:

(ss) VIOLATES PART 31 OF ARTICLE 32 OF TITLE 24, C.R.S.

SECTION 4. 6-1-113, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

6-1-113. Damages. (2.7) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, IN THE CASE OF ANY VIOLATION OF SECTION 6-1-105 (1) (ss), THE COURT MAY AWARD REASONABLE COSTS OF THE ACTION AND ATTORNEY FEES AND INTEREST, AND IN ADDITION, THE PREVAILING PARTY SHALL BE ENTITLED ONLY TO DAMAGES IN AN AMOUNT SUFFICIENT TO REFUND MONEYS ACTUALLY PAID FOR THE INSTALLATION OF A MANUFACTURED HOME NOT INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF PART 31 OF ARTICLE 32 OF TITLE 24, C.R.S.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of local affairs, division of housing, for the fiscal year beginning July 1, 2000, the sum of eight thousand dollars (\$8,000). Such sum shall be cash funds exempt from the manufactured home fund.

SECTION 6. Effective date. This act shall take effect July 1, 2001; except that section 24-32-3110, Colorado Revised Statutes, in section 1 of this act, and sections 5 through 7 of this act shall take effect July 1, 2000.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 26, 2000