

2021

**Division of Occupational &
Professional Licenses**

**Factory Built
Structures Board**

**(Manufactured Homes &
Modular Buildings)**

**Idaho Statutes
and
Administrative Rules**

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TITLE 39. HEALTH AND SAFETY

CHAPTER 43. MODULAR BUILDINGS

§ 39-4301. Definitions

As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety for the state of Idaho.

(2) "Board" means the factory built structures advisory board, as created in *section 39-4302, Idaho Code*.

(3) "Building site" means any tract, parcel or subdivision of land upon which a modular building is installed or is to be installed.

(4) "Closed construction" means any manufactured building, structure or component thereof that may enclose factory installed structural, mechanical, electrical or plumbing systems and is not open for visual inspection at the building site.

(5) "Commercial coach" means a modular building with permanent running gear and a hitch assembly that is designed and constructed for nonresidential occupancy classifications only.

(6) "Division" means the Idaho division of building safety.

(7) "Factory built structure" means any building or building component, including a manufactured home, a mobile home or a modular building, that is of closed construction and is entirely or substantially prefabricated or assembled at a place other than the building site.

(8) "Manufactured home" means a structure as defined in *section 39-4105, Idaho Code*.

(9) "Mobile home" means a structure as defined in *section 39-4105, Idaho Code*.

(10) "Modular building" means any building or building component, other than a manufactured or mobile home, that is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

§ 39-4302. Factory Built Structures Advisory Board

(1) The factory built structures advisory board is established in the division of building safety to advise the administrator in the administration and enforcement of the provisions of this chapter and *chapter 40, title 39, and chapters 21, 22 and 25, title 44, Idaho Code*. The board shall consist of eight (8) members appointed by the governor. One (1) member shall represent a manufacturer of commercial modular buildings, one (1) member shall be a consumer who lives in a manufactured home, two (2) members shall be licensed as a retailer or installer of manufactured or mobile homes, one (1) member shall represent a manufacturer of manufactured homes, two (2) members shall be either a dealer or installer of modular buildings, and one (1) member shall be a consumer who uses or has used modular buildings. The board shall serve the following terms commencing July 1, 2016: two (2) members shall be appointed for a term of one

(1) year, three (3) members shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of three (3) years. The consumer member shall be a member appointed to a term beginning on July 1, 2007, or as soon thereafter as there is a vacancy on the board. Thereafter board members shall be appointed for a term of three (3) years. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term. The members of the board shall be compensated as provided in *section 59-509(n), Idaho Code*, for each day spent in attendance at meetings of the board. A majority of members shall constitute a quorum, and a quorum at any meeting called by the administrator shall have full and complete power to act upon and resolve in the name of the board any matter, thing or question referred to it by the administrator, or which by reason of any provision of this chapter, it has the power to determine.

(2) The board shall, on the first day of each July or as soon thereafter as practicable, elect a chairman, vice-chairman and secretary from among its members, and these officers shall hold office until their successors are elected. As soon as the board has elected its officers, the secretary shall certify the results of the election to the administrator. The chairman shall preside at all meetings of the board and the secretary shall make a record of the proceedings which shall be preserved in the offices of the division of building safety. If the chairman is absent from any meeting of the board, his duties shall be discharged by the vice-chairman. All members of the board present at a meeting shall be entitled to vote on any question, matter, or thing which properly comes before the board.

(3) The board shall have the authority to promulgate rules in accordance with *chapter 52, title 67, Idaho Code*, to implement the provisions of this chapter and *chapter 40, title 39*, and *chapters 21, 22 and 25, title 44, Idaho Code*.

§ 39-4303. Fees

(1) The following fees shall be paid by the manufacturer of a modular building:

(a) Per building, one (1) building permit, plan review and inspection fee for structural, plumbing, electrical and HVAC, based upon the modular building permit fee schedule as provided in rule, plus ninety dollars (\$90.00) and two and one-half percent (2.5%) of the plumbing, electrical and HVAC installation costs.

(b) The division may charge a one hundred dollar (\$100) insignia fee in instances where building permit fees are not charged for modular buildings.

(2) All fees collected by the division under the provisions of this chapter shall be paid into the factory built structures account, which is hereby created in the dedicated fund. The expenses incurred in administering and enforcing the provisions of this chapter shall be paid from the account. The fees set forth in subsection (1) of this section and the modular building permit fees as provided in rule shall be the exclusive fee requirements applicable to modular buildings governed by the provisions of this chapter, and shall supersede any program of any political subdivision of the state that sets fee requirements for the same inspections or services.

§ 39-4304. Insignia of approval -- Cost -- Placement

(1) No modular building shall be installed on a building site in this state on or after July 1, 2007, unless it is approved and bears the insignia of approval of the division.

(2) Any modular building bearing an insignia of approval of the division shall be deemed to comply with codes, laws, or rules enacted by the state of Idaho which govern the manufacture and construction of such building.

(3) The cost of the insignia, if issued, shall be included as a part of the permit fee as set forth in *section 39-4303, Idaho Code*.

(4) No modular building which has been approved by the division shall be in any way modified prior to its initial occupancy unless approval of that modification is first made by the division.

(5) Insignias shall be placed on the front, left-hand side of the building.

§ 39-4304A. Appointment and qualifications of modular building inspectors

The administrator may appoint such number of modular building inspectors as is necessary for the effective enforcement of this chapter. Each modular building inspector shall:

- (1) Be knowledgeable regarding the type of installation being inspected;
- (2) Be certified as an inspector by an organization designated in administrative rule promulgated by the board. Each inspection certification shall correspond to the type of installation being inspected;
- (3) Demonstrate knowledge of the provisions of the Idaho Code and the administrative rule governing the type of installation being inspected; and
- (4) Not be permitted to:
 - (a) Be engaged or be financially interested in any business, trade, practice or work related to this chapter;
 - (b) Sell any supplies connected to the electrical, plumbing or heating, ventilation and air conditioning (HVAC) business; or
 - (c) Act as an agent, directly or indirectly, for any person, firm, copartnership, association or corporation engaged in the electrical, plumbing or HVAC business.

§ 39-4305. Reciprocity of standards with other states

(1) If the administrator determines that standards for modular buildings that have been adopted by the statutes or rules of another state are at least equal to the standards adopted by the administrator, the administrator may so provide by rule.

(2) If the administrator determines that standards for modular buildings have not been adopted by another state, and modular buildings from that state are transported into this state to be offered for sale, the administrator may certify reciprocal states to inspect such modular buildings. If there is no reciprocity agreement with a state of manufacture, then Idaho will inspect the building, plumbing, electrical and HVAC, provided that the out-of-state manufacturer

shall bear the costs of travel and inspection services related to such inspection. If the administrator shall then determine that the modular buildings meet the standards of this state, the product shall be acceptable and the administrator may issue insignia for said modular buildings.

§ 39-4306. Violations misdemeanors -- Civil penalties

Any person, partnership, company, firm, association or corporation who shall willfully violate any of the provisions of this chapter, or the rules of the factory built structures advisory board or of the administrator herein provided for, or who shall refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time; or who shall fail, neglect, or refuse to obey any lawful order given or made by the administrator, shall be guilty of a misdemeanor. In addition to any criminal proceedings, the administrator is authorized to bring either an administrative action or a civil proceeding in the courts against the violator and impose and recover a civil penalty against the violator as established by administrative rule, but not to exceed one thousand dollars (\$1,000). Each day of such violation shall constitute a separate offense. A violation will be considered a second or additional offense only if it occurs within one (1) year from the previous violation.

TITLE 39. HEALTH AND SAFETY
CHAPTER 40. MANUFACTURED HOMES -- STANDARDS

§ 39-4001. Enforcement of law

The administrator of the division of building safety shall enforce the provisions of this chapter. It shall be the responsibility and duty of the factory built structures advisory board to assist the administrator in the administration and enforcement of the provisions of this chapter as hereinafter provided.

§ 39-4002. Compliance with law required

It is unlawful for any person, firm, partnership, association or corporation to sell or offer for sale within this state any manufactured home that is not manufactured in compliance with this chapter after March 8, 1971.

§ 39-4003. Administrator -- Duties

The administrator shall by rule define the term "manufactured home" to be consistent with 24 CFR 3280 (housing and urban development manufactured home construction and safety standards) and may seek assistance from the factory built structures advisory board in the enforcement and administration of those standards.

§ 39-4003A. Right of entry

In order to carry out the purposes of this chapter, the administrator or his authorized representative shall, during regular working hours and at other reasonable times, have the right of entry to conduct the inspections required by this chapter; the right of entry to make inspections to carry out the duties and responsibilities as an in-plant inspection agency (IPIA) by the authority granted by the U.S. department of housing and urban development pursuant to 24 CFR 3282.352 and 362; and the right of entry to make inspections to carry out the duties and responsibilities as a state administrative agency (SAA) by the authority granted by the U.S. department of housing and urban development pursuant to 24 CFR 3282.305.

§ 39-4004. Inspection and enforcement fees -- Schedule authorized

(1) The administrator is authorized to establish a schedule of fees to pay the cost of inspection and enforcement of this chapter without recourse to tax subsidies. Such fee schedule shall be consistent with the actual cost of maintaining the program.

(2) The administrator shall be authorized to participate in the fee distribution system of

the U.S. department of housing and urban development set out in 24 CFR 3282. The administrator shall establish a monitoring inspection fee in an amount established by the secretary of the U.S. department of housing and urban development. This monitoring inspection fee shall be an amount paid by each manufactured home manufacturer in the state for each manufactured home produced by the manufacturer in the state. This fee shall be in addition to any in-plant inspection agency (IPIA) fees assessed by the administrator, which shall be consistent with the actual cost of providing such inspections.

(3) The monitoring inspection fee shall be paid by the manufacturer to the secretary of the U.S. department of housing and urban development who shall distribute the fees collected from all manufactured home manufacturers among the approved and conditionally-approved states based on the number of new manufactured homes whose first location after leaving the manufacturing plant is on the premises of a distributor, dealer, or purchaser in that state.

§ 39-4005. Issuance of insignia -- Cost. [Repealed.]

§ 39-4006. Conversion of system following issuance of insignia prohibited. [Repealed.]

§ 39-4007. Reciprocity of standards with other states. [Repealed.]

§ 39-4008. Exemption from local ordinances or regulations. [Repealed.]

§ 39-4009. Certification of plant supervisor -- Basis of examination -- Issuance of certificate of competency -- Fees -- Number of supervisors required -- Automatic certification. [Repealed.]

§ 39-4010. Warranty by manufacturers

Any person, firm, partnership, association or corporation constructing, in whole or in part, a manufactured home in this state, or constructing outside of this state but selling at retail in this state, shall issue a warranty in writing to the buyer containing the following terms:

(1) That the manufactured home is free from any substantial defects in materials or workmanship in the structure, plumbing, heating and electrical systems and all appliances and other equipment installed or included therein or thereon by the manufacturer.

(2) That the manufacturer shall take appropriate corrective action at the site of the manufactured home in instances of substantial defects in materials or workmanship which become evident within one (1) year from the date of delivery of the manufactured home to the buyer, provided the buyer gives written notice of such defects to the manufacturer or dealer at their business address not later than one (1) year and ten (10) days after date of delivery.

The warranty provided herein shall be in addition to and not in derogation of any other right or

privilege which the buyer may have as otherwise provided by law or instrument. The manufacturer shall not require the buyer to waive his rights under this section and any waiver shall be deemed contrary to public policy and shall be void and unenforceable. Any action instituted by a buyer for failure of the manufacturer to comply with the provisions of this act shall be considered as an action within the provisions of *section 12-120, Idaho Code*, providing for recovery of attorney fees.

§ 39-4011. Violations

(1) Any person who violates any of the following provisions relating to manufactured homes, or any rule promulgated by the administrator of the division of building safety to administer the provisions of this chapter shall be liable for a civil penalty of not to exceed one thousand dollars (\$1,000) for each such violation. Each such violation shall constitute a separate violation with respect to each manufactured home, except that the maximum penalty shall not exceed one million dollars (\$1,000,000) for any related series of violations occurring within one (1) year from the date of the first violation. Violations include:

(a) Manufacturing for sale, leasing, selling, offering for sale, or introducing or delivering or importing, in the state of Idaho, any manufactured home that is manufactured on or after the effective date of any applicable federal manufactured home construction and safety standard which does not comply with such standard;

(b) Failure or refusal to permit entry or inspection as required by *section 39-4003A, Idaho Code*;

(c) Failure of manufacturer to give notification of any defects in any manufactured home, in the manner required by 42 USC 5414;

(d) Failure to furnish to distributor or dealer at the time of delivery of each manufactured home produced by such manufacturer, certification that said manufactured home conforms to all applicable federal construction and safety standards or issuance of a certification to the effect that a manufactured home conforms to all applicable federal manufactured home construction and safety standards, if such person in the exercise of due care has reason to know that such certification is false or misleading in a material respect;

(e) Failure of any manufacturer, distributor or dealer of manufactured homes to establish and maintain such records, make such reports, and provide such information as the administrator of the division of building safety may reasonably require to enable him to determine whether such manufacturer, distributor or dealer has acted or is acting in compliance with this chapter and with federal manufactured home construction and safety standards; or failure to permit, upon request of a person duly designated by the administrator, inspection of appropriate books, papers, records and documents relative to determining whether such manufacturer, distributor or dealer has acted or is acting in compliance with federal manufactured home construction or safety standards.

(2) Any person or officer, director or agent of a corporation who willfully or knowingly violates the provisions enumerated in subsection [subsections] 1(a) through (e) of this section, in any manner which threatens the health or safety of any purchaser shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one (1) year, or both.

(3) Violations of this chapter may be tried in any court of competent jurisdiction within the state of Idaho.

TITLE 44. LABOR
CHAPTER 21. MANUFACTURED HOME DEALER
AND INSTALLER LICENSING

§ 44-2101. Purpose -- License required -- Reinstatement

(1) The legislature finds that the regulation and control of those persons engaged in the business of manufacturing, selling or installing manufactured and mobile homes is necessary to protect the health and safety of the citizens of Idaho. To that end, it shall be unlawful for any person to engage in business as a manufacturer, retailer, or installer without being duly licensed as provided in this chapter.

(2) If the licensee fails to submit a completed application for renewal or to pay the renewal fee on or before the expiration date, the administrator may accept a later application for reinstatement subject to such conditions as the board may require by rule including, but not limited to, the assessment of a late fee; provided that between the license expiration date and the date of reinstatement of the license, the rights of the licensee under such license shall be expired, and during such period of expiration it shall be unlawful for such licensee to do or attempt to offer to do any of the acts of the kind and nature described in the definitions in *section 44-2101A, Idaho Code*, in consideration of compensation of any kind or expectation thereof. An expired license that is not reinstated within six (6) months of the expiration date shall be automatically terminated by the administrator and may not be reinstated.

§ 44-2101A. Definitions

As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety of the state of Idaho.

(2) "Board" means the factory built structures advisory board established in *section 39-4302, Idaho Code*.

(3) "Engaged in the business" means the individual or entity buys, sells, brokers, trades, or offers for resale a manufactured or mobile home.

(4) "Installer" means a person who owns a business that installs a manufactured home or mobile home at the site where it is to be used for occupancy.

(5) "Manufactured home" or "manufactured house" means a structure as defined in *section 39-4105, Idaho Code*.

(6) "Manufacturer" means any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease or exchange in the state of Idaho.

(7) "Mobile home" means a structure as defined in *section 39-4105, Idaho Code*.

(8) "Person" means a natural person, corporation, partnership, trust, society, club, association or other organization.

(9) "Place of business" refers to any physical location at which the business is lawfully conducted.

(10) "Retailer" means any person engaged in the business of selling or exchanging new, used, resale, third-party-owned, or brokered manufactured or mobile homes.

§ 44-2102. Administration -- Powers and duties

The administrator is charged with the administration of the provisions of this chapter and shall:

(1) In accordance with the provisions of *chapter 52, title 67, Idaho Code*, promulgate, adopt, amend, and repeal necessary rules for the establishment of a mandatory statewide manufactured home setup code. The administrator may also define and prohibit any practice which is found to be deceptive.

(2) Prescribe the form and content of a new manufactured home buyer's information and disclosure form. Unless otherwise provided by the administrator, the form shall be presented by the retailer to each purchaser of a new manufactured home, and shall be executed by the retailer and purchaser at the time the initial purchase order is signed for the sale of a new manufactured home.

(3) (a) A used unit that has been determined to be or declared by the owner to be real property under the provisions of *section 63-304, Idaho Code*, may be offered for sale, listed, bought for resale, negotiated for, either directly or indirectly, by a licensed real estate broker or a real estate salesman representing a licensed real estate broker, but not a retailer.

(b) A used unit that has been determined to be and is carried on the tax rolls as personal property may be offered for sale, listed, bought for resale, negotiated for, either directly or indirectly, by a licensed real estate broker or a real estate salesman, pursuant to *chapter 20, title 54, Idaho Code*, or by a licensed retailer, but with respect to a licensed retailer only to the extent such sale does not involve the purchase or sale of an interest in real estate.

(c) A licensed real estate broker or real estate salesman representing a licensed real estate broker pursuant to *chapter 20, title 54, Idaho Code*, may participate in new manufactured home sales that include real estate if the real estate broker or salesman has a valid, written agreement with a licensed retailer to represent the interests of the retailer in this type of transaction.

(4) Promulgate rules establishing a program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes. The rules shall be consistent with the United States department of housing and urban development's procedural and enforcement authority in 42 U.S.C. 5422(c)(12), and shall include identifying the respective responsibilities of manufacturers, retailers, and installers; providing for the issuance of appropriate orders for the correction or repair of defects in manufactured homes that are reported during the one (1) year period following the date of installation; and may include an appropriate schedule of fees.

§ 44-2102A. Exceptions to chapter. [Repealed.]

§ 44-2103. Fees -- Deposit of fees

(1) Fees for licensing of retailers, installers, and manufacturers shall not exceed:

(a) Retailer license \$ 500.00

(b) Manufacturer license \$ 500.00

(c) Installer license \$ 300.00

(2) All license fees collected by the division of building safety under the provisions of this chapter shall be paid into the factory built structures account established in *section 39-4303, Idaho Code*. The expenses incurred in administering and enforcing the provisions of this chapter shall be paid from the account.

(3) The following performance bonding requirements shall be met before the issuance of these licenses:

(a) Manufacturer \$ 20,000 bond

(b) Retailer \$ 40,000 bond

(c) Installer \$ 5,000 bond

(4) The administrator is authorized to provide by rule, in accordance with the provisions of *section 44-2102, Idaho Code*, for the acceptance of a deposit of cash or securities in lieu of a bond in satisfaction of the bonding requirements of this section.

(5) Fees and bond requirements of this section shall be the exclusive fee and bond requirements for retailers, installers, and manufacturers governed by the provisions of this chapter, and shall supersede any program of any political subdivision of the state that sets fee or bond requirements for the same services.

(6) A retailer must obtain a separate installer license, pay the license fee set forth in subsection (1)(c) of this section and meet the bonding requirements of subsection (3)(c) of this section in order to provide the services covered by an installer license.

§ 44-2104. Factory Built Structures Advisory Board

(1) The factory built structures advisory board, established in the division of building safety in accordance with the provisions of *section 39-4302, Idaho Code*, shall advise the administrator in the administration and enforcement of the provisions of this chapter.

(2) The board shall have the authority to promulgate rules in accordance with *chapter 52, title 67, Idaho Code*.

§ 44-2105. Discipline -- Hearing -- Judicial review -- Reapplication

(1) The administrator may refuse to issue, renew, or reinstate or may suspend, revoke or take other disciplinary action against any license, if the license was obtained through error or fraud, or if the holder thereof is shown to be grossly incompetent, or has willfully violated any provision of this chapter or the rules adopted thereunder, or has been convicted of conduct constituting a felony or any theft or fraud offense, or has ever had a business license revoked in this or any other state or territory of the United States.

(2) The administrator shall have the power to appoint, by an order in writing, any

competent person to take testimony at any disciplinary hearing. The administrator, and any hearing officer appointed by the administrator, shall have the power to administer oaths, issue subpoenas and compel the attendance of witnesses and the production of documents and records.

(3) Before any license shall be suspended, revoked or otherwise disciplined, the holder thereof shall be served with written notice enumerating the charges against him, and shall be afforded an opportunity for an appropriate contested case in accordance with the provisions of *chapter 52, title 67, Idaho Code*. The notice shall specify the time and place for hearing, which time shall not be less than five (5) days after the service thereof.

(4) Any party aggrieved by an order of the administrator disciplining a license shall be entitled to judicial review thereof in accordance with the provisions of *chapter 52, title 67, Idaho Code*.

(5) Any person whose license has been revoked may not apply for a new license until the expiration of one (1) year from the date of such revocation.

§ 44-2106. Violations

(1) It shall be unlawful to engage in business as a manufacturer, retailer, or installer without being duly licensed by the division of building safety pursuant to this chapter, except that an individual may buy, sell, broker, trade or offer for resale up to two (2) manufactured or mobile homes, or a combination thereof, in any one (1) calendar year without being licensed under this chapter if all of the units have been properly titled in the name of that individual.

(2) It shall be unlawful for a manufacturer, retailer, installer or those employed by such to:

(a) Intentionally publish or circulate any advertising that is misleading or inaccurate in any material particular or that misrepresents any of the products or services sold or provided by a manufacturer, retailer, or installer;

(b) Violate any of the provisions of this chapter or any rule adopted by the division of building safety pursuant to this chapter;

(c) Knowingly purchase, sell or otherwise acquire or dispose of a stolen manufactured or mobile home;

(d) With respect only to a retailer, to engage in the business for which such retailer is licensed without at all times maintaining a principal place of business located within the state.

§ 44-2107. Penalty provisions

(1) Whoever shall violate any of the provisions of this chapter, or any laws or rules adopted pursuant to this chapter, or who shall refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time, or who shall fail, neglect, or refuse to obey any lawful order given or made by the administrator, shall be guilty of a misdemeanor and shall be subject to the civil penalties established by administrative rule but not to exceed one thousand dollars (\$1,000) in accordance with the following:

(a) Each day of such violation shall constitute a separate offense. A violation will be considered a second or additional offense only if it occurs within one (1) year from the first violation.

(b) The same penalties shall apply, upon conviction, to any member of a copartnership, or to any construction, managing or directing officer of any corporation, limited liability company or limited liability partnership or other such organization consenting to, participating in, or aiding or abetting any such violation of this chapter.

(c) Proceedings related to the imposition of civil penalties shall be governed by the provisions of *chapter 52, title 67, Idaho Code*.

(2) In addition to any other penalties specified in this section, whenever any person violates the provisions of this chapter by acting as a retailer or installer without a license, the administrator may maintain an action in the name of the state of Idaho to enjoin the person from any further violations in accordance with the following:

(a) Such action may be brought either in the county in which the acts are claimed to have been or are being committed, in the county where the defendant resides, or in Ada County.

(b) Upon the filing of a verified complaint in the district court, the court, if satisfied that the acts complained of have been or probably are being or may be committed, may issue a temporary restraining order and/or preliminary injunction, without bond, enjoining the defendant from the commission of any such act or acts constituting the violation.

(c) A copy of the complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other similar civil actions. If the commission of the act or acts is established, the court shall enter a decree permanently enjoining the defendant from committing such act or acts. If an injunction issued under this section is violated, the court, or the judge thereof at chambers, may summarily try and punish the offender for contempt of court.

§ 44-2108. Retailer -- Additional licensure requirements

(1) Each business office or retail sales location shall be owned or leased by the retailer and shall comply with all local building codes, zoning, and other applicable land use regulatory ordinances, and:

(a) If the location is on leased property, the retailer must provide written confirmation of the term and existence of the lease, signed by the lessor; and

(b) An exterior sign that identifies the retailer by the name shown on the license must be prominently affixed to the location or the office building and be clearly visible and easily readable from the nearest major avenue of traffic; and

(c) The retailer must prominently display his license, or a true and correct copy of that license, in each location; and

(d) The licensee must post, in a clearly visible and readily accessible location, written information concerning regular hours of business and emergency contact information.

(2) Regardless of the number of locations at which a retailer engages in business, he must maintain a principal place of business that complies with the requirements set forth in subsection (1) (a) of this section, and at which the records of the business are maintained on a permanent basis.

(3) The retailer must promptly notify the division of building safety, in writing, of any change in ownership, business name, location of business, mailing address or telephone numbers.

(4) For each new product sold, the retailer must provide proof, satisfactory to the board, of the retailer's current authority to sell that manufacturer's products.

(5) Failure to adhere to the requirements of this section, or any other requirement

pertaining to licensure as set forth in law or rule, shall constitute grounds for the imposition of discipline up to and including revocation of licensure.

TITLE 44. LABOR
CHAPTER 22. MANUFACTURED HOME
INSTALLATION STANDARD

§ 44-2201. Mobile/manufactured homes installation

(1) All new manufactured homes must be installed in accordance with the manufacturer's approved installation instructions. All used mobile and manufactured homes shall be installed in accordance with the Idaho manufactured home installation standard, as provided by rule pursuant to this chapter. All mobile and manufactured homes must be installed in accordance with all other applicable state laws or rules pertaining to utility connection requirements.

(2) The administrator of the division of building safety may promulgate rules in accordance with the provisions of *chapter 52, title 67, Idaho Code*, specifying standardized installation instructions for mobile/manufactured homes. Upon the effective date of such rules, the rules shall prevail over any conflicting provisions in this chapter.

§ 44-2202. Installation permits and inspections required

(1) The owner or the installer of a mobile or manufactured home must obtain an installation tag and permit as applicable before installing a mobile or manufactured home that will be used as a residence on a building site or in a park. The installer's license must be in effect at the time of the application for the installation permit.

(2) Installation tags shall be obtained from the division of building safety and are required for each installation of a new manufactured home. The fee for the installation tag shall be prescribed in administrative rules promulgated by the administrator of the division of building safety.

(3) Installation permits shall be issued by the division of building safety or a city or county that has by ordinance adopted a building code and whose installation inspection programs have been approved by the division. All installations shall be inspected by the authority having jurisdiction for compliance.

(4) Permit fees shall be prescribed in administrative rules promulgated by the administrator of the division of building safety or as established by the city or county having jurisdiction and whose installation inspection program has been approved by the division, as applicable.

(5) Immediately upon completion of the installation of a mobile or manufactured home, a licensed installer shall perform an inspection of the completed installation to ensure compliance with the applicable installation standard. Such inspection shall be recorded on an inspection record document approved by the division and a copy shall be provided to the homeowner upon completion of the inspection.

§§ 44-2203-- 44-2205. Manufacturer's instructions on stabilizing system may be used -- Requirements for installing stabilizing systems -- Requirements for permanent foundations. [Repealed.]

§ 44-2206. Installation of electrical service equipment. [Repealed.]

TITLE 44. LABOR
CHAPTER 25. MOBILE HOME REHABILITATION

§ 44-2501. Legislative intent

In order to ensure a continued supply of safe, affordable housing, the state of Idaho hereby adopts a rehabilitation program for existing mobile homes constructed prior to June 15, 1976, the effective date of the federal manufactured housing and safety standards act (HUD code), that are currently sited within Idaho or that may be brought into the state after the effective date of this act. It is legislative intent that the relocation and installation of these homes be approved when the rehabilitation on the home has been completed as required in this chapter and proof of compliance has been issued by the administrator of the division of building safety of the state of Idaho.

§ 44-2502. Application of chapter -- Rehabilitation required -- Certificate of compliance

(1) This chapter shall apply to the installation of mobile homes constructed prior to June 15, 1976, within the jurisdiction of a city or county requiring an installation permit pursuant to *section 44-2202, Idaho Code*.

(2) Before a permit for the installation of the mobile home may be issued, the home must meet the rehabilitation requirements specified in this chapter and receive a certificate of compliance from the administrator of the division of building safety of the state of Idaho.

(3) Upon submission of the rehabilitation form required pursuant to *section 44-2504, Idaho Code*, and any other information required by the administrator to establish compliance with this chapter, the administrator shall issue a certificate of compliance to the homeowner. The certificate of compliance must be presented to the local jurisdiction before a permit for the installation of the home may be issued.

(4) Upon receipt of the certificate of compliance, the local jurisdiction shall issue the installation permit in the same manner as the permit would be issued with respect to a mobile/manufactured home for which rehabilitation is not required. No zoning or other ordinance or policy of the local jurisdiction prohibiting relocation or installation of a mobile home to which this chapter applies shall be effective to prohibit the relocation or installation of a mobile home for which a certificate of compliance has been issued in accordance with this chapter.

§ 44-2503. Rehabilitation requirements

The mobile home shall meet the following rehabilitation requirements:

(1) A smoke detector (which may be a single station alarm device) shall be installed on any wall in a hallway or space communicating with each bedroom area and the living area on the living area side and, when located in a hallway, the detector shall be between the return air intake and the living area. Each smoke detector shall be installed in accordance with its listing and the top of the detector shall be located on a wall four (4) inches to twelve (12) inches below the ceiling. The detector may be battery-powered or may be connected to an electrical outlet box by a permanent wiring method into a general electrical branch circuit, without any switch between the over current protection device protecting the branch circuit and the detector.

(2) The walls, ceilings and doors of each compartment containing a gas-fired furnace or water heater shall be lined with five-sixteenth (5/16) inch gypsum board, unless the door opens to the exterior of the home, in which case, the door may be all metal construction. All exterior compartments shall seal to the interior of the mobile home.

(3) Each room designated expressly for sleeping purposes shall have an exterior exit door or at least one (1) outside egress window or other approved exit device with a minimum clear dimension of twenty-two (22) inches and a minimum clear opening of five (5) square feet. The bottom of the exit shall not be more than thirty-six (36) inches above the floor.

(4) All electrical systems shall be tested for continuity to assure that metallic parts are properly bonded, tested for operation to demonstrate that all equipment is connected and in working order, and given a polarity check to determine that connections are proper. The electrical system shall be properly protected for the required amperage load. If the unit wiring is of aluminum conductors, all receptacles and switches rated twenty (20) amperes or less directly connected to the aluminum conductors shall be marked CO/ALR. Exterior receptacles other than heat tape receptacles shall be of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum or copper clad aluminum) must be connected in accordance with section 110-14 of the national electrical code.

(5) The mobile home's gas piping shall be tested with the appliance valves removed from the piping system and piping capped at those areas. The piping system shall withstand a pressure of at least six (6) inch mercury or three (3) psi gauge for a period of not less than ten (10) minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or a slope gauge calibrated so as to read in increments of not greater than one-tenth (1/10) pound or an equivalent device. The source of normal operating pressure shall be isolated before the pressure test is made. After the appliance connections are reinstalled, the piping system and connections shall be tested with line pressure of not less than ten (10) inches nor more than fourteen (14) inches water column air pressure. The appliance connections shall be tested for leakage with soapy water or a bubble solution. All gas furnaces and water heaters shall be vented to the exterior in accordance with chapter 9 of the uniform mechanical code.

(6) A full water or air pressure test will be performed on the mobile home's water and sewer system.

(a) Water piping shall be tested and proven tight under a water pressure not less than the working pressure under which it is to be used. The water used for tests shall be obtained from a potable source of supply. A fifty (50) pound per square inch (344.5kPa) air pressure may be substituted for the water test. In either method of test, the piping shall withstand a test without leaking for a period of not less than fifteen (15) minutes.

(b) A water test shall be applied to the drainage and vent system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except at the highest opening, and the system filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest opening of the section under the test and each section shall be filled with water, but no section shall be tested with less than a ten (10) foot (3m) head of water. In testing successive sections, at least the upper ten (10) feet (3m) of the next preceding section shall be tested, so that no joint or pipe in the structure, except the uppermost ten (10) feet (3m) of the system, shall have been submitted to a test of less than a ten (10) foot (3m) head of water. The water shall be kept in the system or in the portion under testing for at least fifteen (15) minutes before inspection starts. The system shall be tight at all points.

(7) All repairs or other work necessary to bring the mobile home into compliance with the requirements of this section shall be completed before a certificate of compliance may be issued.

§ 44-2504. Rehabilitation form and checklist -- Administrative fee -- Rules

(1) The administrator of the division of building safety shall, by rule, establish a mobile home rehabilitation form and checkoff list. The form shall be completed and signed by an authorized representative of an Idaho licensed manufactured home service company or installer or dealer holding an installer's license. Electrical, gas, water and sewer inspections and any necessary repairs must be performed by a person or company properly licensed and authorized to perform the work under Idaho law, with the person or company performing the inspections and repairs to be noted on the rehabilitation form. A properly completed rehabilitation form shall be presented to the division of building safety before a certificate of compliance may be issued.

(2) The administrator of the division of building safety may, by rule, establish an administrative fee to cover the costs of administering the provisions of this chapter.

(3) In addition to the rulemaking authority provided in this section, the administrator of the division of building safety may promulgate rules in accordance with the provisions of *chapter 52, title 67, Idaho Code*, deemed necessary to implement the provisions of this chapter.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

IDAHO FACTORY BUILT STRUCTURES ADVISORY BOARD

24.39.31 – Rules for Modular Buildings

Who does this rule apply to?

This rule applies to those who construct modular buildings in Idaho, and who request plans examination and inspection services from the Division.

What is the purpose of this rule?

The rule prescribes the standards by which all modular buildings shall be constructed for installation in Idaho. The rule provides the fees for modular building plans examination services, permits and inspections provided by the Division, as well as prescribes the authority, processes and other requirements related to how the Division performs in-plant inspections of modular building construction and field installations thereof.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

Health and Safety -

- [Title 39, Chapter 43, Idaho Code](#) – Modular Buildings
- [39-4302, Idaho Code](#) – Factory Built Structures Advisory Board

Who do I contact for more information on this rule?

Idaho Division of Building Safety
1090 E. Watertower Street, Suite 150
Meridian, ID 83642
Phone: (208) 334-3950
Fax: (877) 810-2840
Email: customer.service@dbs.idaho.gov
Website: <https://dbs.idaho.gov/>

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24.39.31 – RULES FOR MODULAR BUILDINGS

000. LEGAL AUTHORITY.

The rules are promulgated pursuant to Section 39-4302, Idaho Code. (7-1-21)T

001. SCOPE.

These rules prescribe the criteria for enforcement and administration of the Idaho Modular Buildings Act by the Factory Built Structures Advisory Board and the Division of Occupational and Professional Licenses. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

The terms defined in this section have the following meaning, unless the context clearly indicates another meaning. (7-1-21)T

01. Commercial Coach. Permanent running gear includes springs, spring hangers, axles, bearings, wheels, brakes, rims and tires and their related hardware. (7-1-21)T

02. Insignia. A label or tag issued by the Division to indicate compliance with the codes, standards, rules, and regulations established for Modular Buildings and Commercial Coaches. (7-1-21)T

011. -- 026. (RESERVED)

027. PERMITS.

Building permits must be obtained from the Division prior to the construction of structures governed by Title 39, Chapter 43, Idaho Code, or Board rules. (7-1-21)T

028. PLAN REVIEW.

01. Jurisdiction. The Division has exclusive jurisdiction and authority to conduct plan reviews of the in-plant construction of Modular Buildings. (7-1-21)T

02. Distribution of Approved Copies. An approved copy of the plan submittal shall be retained at the manufacturer. (7-1-21)T

03. Proprietary Information. All material submitted by the manufacturer in the form of design plans, engineering data, test results, and other design information relating to their application will be considered proprietary information and will not be released for public scrutiny except when so ordered by a court of competent jurisdiction. (7-1-21)T

04. Revisions to Approved Modular Building Plans. Where the manufacturer proposes to revise previously approved designs, or Division adopted rules or codes are amended to necessitate such a change, the manufacturer must submit revised plans for examination and approval. (7-1-21)T

05. Application Provisions. The provisions of this section apply only to plans for work that will be accomplished at the place of manufacture. (7-1-21)T

029. FEES.

The following fees apply to the functions cited: (7-1-21)T

01. Modular Building Permit Fees. Other than as herein specified in this section, the permit fee schedule for Modular Buildings is as provided herein in Table 1-A plus ninety dollars (\$90) and two and one-half percent (2.5%) of the plumbing, electrical, and HVAC installation costs. The determination of value or valuation is based on the total value of all construction work for which a permit is issued.

TABLE 1-A – MODULAR BUILDING PERMIT FEES		
TOTAL VALUATION		FEE
\$1 to \$500	=	\$23.50
\$501 to \$2,000	=	\$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000

TABLE 1-A – MODULAR BUILDING PERMIT FEES		
\$2,001 to \$25,000	=	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	=	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	=	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	=	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	=	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up		\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof

(7-1-21)T

02. Other Inspections and Fees.

(7-1-21)T

a. Re-inspection fees: sixty-five dollars (\$65) per hour.

(7-1-21)T

b. Inspections for which no fee is specifically indicated: sixty-five dollars (\$65) per hour.

(7-1-21)T

c. Additional plan review required by changes, additions, or revisions to plans: sixty-five dollars (\$65) per hour.

(7-1-21)T

d. For use of outside consultants for plan checking and inspections or both: actual costs.

(7-1-21)T

03. Investigation Fee. Whenever any work for which a permit is required by these rules has been commenced without first obtaining said permit, a special investigation must be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, must be collected whether or not a permit is then or subsequently issued. The investigation fee is equal to the amount of the permit fee required by these rules. The payment of such investigation fee does not exempt any person from compliance with all other provisions of these rules nor from any penalty prescribed by law.

(7-1-21)T

04. Plan Review. The Modular Building fee includes an additional amount equal to sixty-five percent (65%) of the permit fee calculated in accordance with Table 1-A.

(7-1-21)T

05. Refund of Plan Review Fees. There is no refund of plan review fees.

(7-1-21)T

030. RIGHT OF ENTRY.

Whenever necessary to make an inspection to enforce any of the provisions of Title 39, Chapter 43, Idaho Code, or whenever the Administrator or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition that makes such building or premises unsafe, the Administrator or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Division by Title 39, Chapter 43, Idaho Code; provided that if such building or premises is occupied, he must first present proper credentials and demand entry; and if such building or premises be unoccupied, he must first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Administrator has recourse to every remedy provided by law to secure entry.

(7-1-21)T

031. REMOVAL OF ORDERS AND NOTICES PROHIBITED.

Removal of stop work or prohibited occupancy orders or notices from a building or structure, bearing such order or notice by any person or persons not authorized by the Administrator or his authorized representative, constitute a

violation under the provisions of Section 39-4306, Idaho Code, and falls under the provisions of Section 18-317, Idaho Code. (7-1-21)T

032. MODULAR BUILDINGS.

01. Enforcement and Administration. Any officer, agent, or employee of the Division is authorized to enter any premises during any normal or operational hours where Modular Buildings are manufactured for the purpose of examining any records pertaining to quality control and may inspect any such units, equipment, or installations to insure compliance with the provisions of these rules and codes enumerated in Title 39, Chapter 43, Idaho Code. Every manufacturer of Modular Buildings must obtain prior approval and an Insignia for each Modular Building unit to be installed in the state of Idaho. (7-1-21)T

02. Inspections. (7-1-21)T

a. Inspections at Manufacturing Plants. The Division conducts inspections at the manufacturing plant to determine compliance with the provisions of these rules and with codes adopted by Title 39, Chapter 41, Idaho Code, and Title 54, Chapters 10, 26, and 50, Idaho Code. (7-1-21)T

b. Field Inspections. All existing Modular Buildings to be installed in the state of Idaho not bearing the Division's Insignia may not be used or occupied until required Idaho Insignia has been issued by the Division and properly affixed in accordance with these rules. Applicants for Insignia must obtain permits, plan approvals, and inspections as required by these rules. (7-1-21)T

c. Qualifications of Inspectors. All inspectors performing inspections of modular buildings must be properly certified for the type of inspection being conducted. The Factory Built Structures Board recognizes certifications granted through the National Certification Program Construction Code Inspector program (NCPCCI), the National Inspection Testing Certification program (NITC), the International Association of Electrical Inspectors (IAEI), and the International Code Council (ICC). Certifications must be current and of the proper classification for the structure or subsystem being inspected. (7-1-21)T

03. Installation Inspection. In order to complete the installation of an Idaho approved Modular Building, approval and inspection of the installation by the enforcement agency having jurisdiction over the site location is required. (7-1-21)T

04. Local Enforcement Agencies. (7-1-21)T

a. Rights of Local Enforcement Agency. A local enforcement agency has the right to require a complete set of plans and specifications approved by the Division for each Modular Building to be installed within its jurisdiction, to require that all permits be obtained before delivery of any unit to a Building Site. After leaving the manufacturing facility, future alterations or conversions of Division approved Modular Buildings must be field inspected by the local unit of government having jurisdiction. (7-1-21)T

b. Limitations of Rights of Local Enforcement Agency. A local enforcement agency does not have the right to: open for inspection any Modular Building or component bearing an Insignia to determine compliance with any codes or ordinances; require by ordinance or otherwise that Modular Buildings meet any requirements not equally applicable to on-site construction; or to charge permit or plan review fees for any portion of the structure prefabricated or assembled at a place other than the Building Site. (7-1-21)T

05. Insignia. (7-1-21)T

a. Required Insignia. Each Modular Building section must bear a Division Insignia prior to leaving the manufacturing facility. Assigned Insignia are not transferable and are void when not affixed as assigned. Insignia remain the property of the Division. Assigned Insignia affixed in the field must be under the direction of the Division's authorized agent. (7-1-21)T

b. Serial Number. Each Modular Building must bear a legible identifying serial number. Each section of a multiple Modular Building must have the same identifying serial number followed by a numerical sequence

identifier or a letter suffix, or both.

(7-1-21)T

06. Reciprocal Agreements. The provisions for Insignia of compliance as specified in a written and signed reciprocal agreement between the Division and any other state takes precedence over the provisions of these rules. Where there is evidence that the in-plant inspection controls in out-of-state plants within states having reciprocal agreements with the state of Idaho are not being maintained for units to be placed in Idaho, the Division reserves the right to make out-of-state inspections, and fees for such inspection as set forth in these rules must be paid by the manufacturer.

(7-1-21)T

033. CIVIL PENALTIES.

The following acts subject the violator to penalties of not more than two hundred dollars (\$200) for the first offense and not more than one thousand dollars (\$1,000) for each offense thereafter based on the following schedule.

(7-1-21)T

01. Installation. Any person who transports a modular building to or installs a modular building on a building site in this state without first receiving approval and securing to the structure insignia evidencing such approval from the Division.

(7-1-21)T

02. Modification. Any person who in any way modifies or alters a modular building prior to its initial occupancy which has previously been approved by the Division without first having received approval to do so from the Division.

(7-1-21)T

03. Removal of Orders. Any person who removes a stop work or prohibited occupancy order or notice from a building or structure bearing such order or notice.

(7-1-21)T

04. Lawful Orders. Any person who fails, neglects, or refuses to obey any lawful order issued by the Administrator or his representative, or who refuses to perform any duty lawfully enjoined upon him by the Administrator or his representative.

(7-1-21)T

034. -- 999. (RESERVED)

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**IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES
DIVISION OF BUILDING SAFETY – IDAHO FACTORY BUILT STRUCTURES
ADVISORY BOARD**

**24.39.32 – Rules Governing Manufactured Homes – Consumer Complaints –
Dispute Resolution**

Who does this rule apply to?

This rule applies to consumers of manufactured homes and the manufacturers, retailers and resale brokers, and installers of such homes against whom a consumer may file a complaint for failure to conform to the construction and safety standards applicable to the manufacture, sale, or installation of manufactured homes.

What is the purpose of this rule?

The rule sets forth the procedure for consumers to file complaints against manufacturers, retailers or installers of manufactured homes, including the investigation and disposition thereof by the Division.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature, and U.S. code:

Labor - Manufactured Home Deal and Installer Licensing:

- [44-2102\(4\), Idaho Code](#) – Administration – Powers and Duties

U.S. Code - The Public Health and Welfare -

Manufactured Home Construction and Safety Standards:

- [42 U.S.C. 5422\(c\)\(12\)](#) – State Enforcement

U.S. Code - Housing and Urban Development -

Manufactured Home Procedural and Enforcement Regulations:

- [24 CFR Part 3282, Subpart I](#): Consumer Complaint Handling and Remedial Actions

Who do I contact for more information on this rule?

Idaho Division of Building Safety

1090 E. Watertower Street, Suite 150

Meridian, ID 83642

Phone: (208) 334-3950

Fax: (877) 810-2840

Email: customer.service@dbs.idaho.gov

Website: <https://dbs.idaho.gov/>

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**24.39.32 – RULES GOVERNING MANUFACTURED HOMES –
CONSUMER COMPLAINTS – DISPUTE RESOLUTION**

000. LEGAL AUTHORITY.

The rules are promulgated pursuant to Section 44-2102(4), Idaho Code.

(7-1-21)T

001. SCOPE.

The rules establish a program for the timely resolution of disputes between manufacturers, retailers and installers of manufactured homes in order to comply with Federal Housing and Urban Development regulations within 42 U.S.C. Section 5422(c)(12).

(7-1-21)T

002. -- 012. (RESERVED)

013. INVESTIGATION.

01. Site Inspection. The Division may perform a site inspection, based on the nature of a complaint or upon request of the complainant.

(7-1-21)T

02. Fees. A charge for mileage to and from the inspection site, plus an hourly charge for the time spent conducting the inspection, is assessed the manufacturer, installer, or retailer if a site inspection is made upon a request by the manufacturer, installer, or retailer, and does not involve a serious defect or imminent safety hazard.

(7-1-21)T

03. Inspection Report. Following a site inspection, the inspector will prepare a final report and include photographs.

(7-1-21)T

014. ACTION.

A notification letter and copies of the complaint form and investigation findings may be provided to all involved parties and HUD.

(7-1-21)T

01. Division Action. Any Division action, notification and follow-up are completed according to HUD guidelines.

(7-1-21)T

02. License File. If the nature of the complaint pertains to retailer contractual issues or installation problems, a copy of the complaint is to be consolidated with the appropriate Division license files.

(7-1-21)T

03. Correction or Repair. A Division building inspector will issue a report concerning correction or repair of defects that are a matter of dispute between the homeowner, retailer, installer, or manufacturer. The report will include the likely cause of the defect and identify the party responsible for creating the defect that is in need of correction or repair.

(7-1-21)T

015. DECISIONS - APPEALS - INFORMAL DISPOSITION.

01. Decisions. The Administrator will review the inspector's report and set forth the required corrective action and identify the party responsible for such action. The Administrator may initiate a contested case proceeding if, in his sole discretion, he determines that such a proceeding or further investigation would be of assistance in reaching a decision. The decision must direct the responsible party to complete the required corrective action within specified timelines and consider the needs of the involved parties including, but not limited to, safety, anticipated expense and availability of funds, time of year, and convenience to the parties.

(7-1-21)T

02. Appeals. Decisions of the administrator are final orders for purposes of appeal.

(7-1-21)T

03. Informal Disposition -- Arbitration -- Mediation. Unless otherwise prohibited by other provisions of law, informal disposition may be made of any complaint by negotiation, stipulation, agreed settlement, and consent order. The parties may agree to enter into binding arbitration or mediation. Informal settlement of matters is to be encouraged.

(7-1-21)T

016. -- 999. (RESERVED)

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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

IDAHO FACTORY BUILT STRUCTURES ADVISORY BOARD

24.39.33 – Rules Governing Manufactured/Mobile Home Industry Licensing

Who does this rule apply to?

This rule applies to persons licensed by the Division to engage in the business of manufacturing, selling, or installing manufactured or mobile homes.

What is the purpose of this rule?

The rule prescribes the requirements for licensing of manufacturers, retailers and resale brokers, installers, salesmen, and responsible managing employees to engage in the business of such work in Idaho. This includes the fees for licenses, examination and continuing education requirements, as well as potential penalties and disciplinary action for violations of the requirements.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

Labor -

- [Title 44, Chapter 21, Idaho Code](#) – Manufactured Home Dealer and Installer Licensing
- [44-2104, Idaho Code](#) – Factory Built Structures Advisory Board
- [39-4202, Idaho Code](#) – Factory Built Structures Advisory Board

Who do I contact for more information on this rule?

Idaho Division of Building Safety
1090 E. Watertower Street, Suite 150
Meridian, ID 83642
Phone: (208) 334-3950
Fax: (877) 810-2840
Email: customer.service@dbs.idaho.gov
Website: <https://dbs.idaho.gov/>

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24.39.33 – RULES GOVERNING MANUFACTURED/MOBILE HOME INDUSTRY LICENSING

000. LEGAL AUTHORITY.

The rules are promulgated pursuant to Title 44, Chapter 21, Idaho Code. (7-1-21)T

001. SCOPE.

These rules apply to persons engaged in the business of manufacturing, selling, or installing manufactured or mobile homes for purposes of human habitation in Idaho. (7-1-21)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

For the purposes of these rules, the following terms will be used, as defined below: (7-1-21)T

01. Alterations to Manufactured Homes. The replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a retailer but prior to sale by a retailer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It includes any modification made in a manufactured home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance “plug-in” to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring “plug-in” to an electrical receptacle, which appliance was not provided with the manufactured home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected. (7-1-21)T

02. Board. The Factory Built Structures Advisory Board. (7-1-21)T

03. Bond. The performance bond required by Section 44-2103, Idaho Code. (7-1-21)T

04. Branch Office. An enclosed structure accessible and open to the public, at which the business of the manufactured/mobile home retailer is conducted simultaneously with and physically separated from his principal place of business. There must be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign must provide the business name of the retailer. (7-1-21)T

05. Business. Occupation, profession, or trade. (7-1-21)T

06. Deceptive Practice. Intentionally publishing or circulating any advertising concerning mobile or manufactured homes which: (7-1-21)T

a. Is misleading or inaccurate in any material respect; (7-1-21)T

b. Misrepresents any of the products or services sold or provided by a manufacturer, manufactured/mobile home retailer, or installation company. (7-1-21)T

07. Installer. A person who owns a business which installs manufactured/mobile homes at the sites where they are to be occupied by the consumer. The term does not include the purchaser of a manufactured/mobile home. A retailer who does install manufactured/mobile homes is an installer. The term also does not include concrete contractors or their employees. (7-1-21)T

08. Installation. The term includes “setup” and is the complete operation of fixing in place a manufactured/mobile home for occupancy. (7-1-21)T

09. Manufactured Home. A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term must include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of Housing and Urban Development and complies with the standards established under 42 U.S.C. Section 5401, et seq. (7-1-21)T

10. Manufactured Home Retailer. Except as otherwise provided in these rules: (7-1-21)T

- a. Any person engaged in the business of selling or exchanging new and used units; or (7-1-21)T
- b. Any person or who buys, sells, lists, or exchanges three (3) or more new and used units in any one (1) calendar year. (7-1-21)T

11. Manufacturer. Any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease, or exchange in the state of Idaho. (7-1-21)T

12. Mobile Home. A factory-assembled structure or structures generally constructed prior to June 15, 1976, the date of enactment of the National Manufactured Housing Construction and Safety Standards Act (HUD Code), and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. (7-1-21)T

13. Person. A natural person, corporation, partnership, trust, society, club, association, or other organization. (7-1-21)T

14. Principal Place of Business. The primary physical location at which the business of a manufactured home retailer is lawfully conducted. Each of the following requirements must be met to qualify as the principal place of business: (7-1-21)T

- a. The business of the manufactured or mobile home retailer is lawfully conducted here; (7-1-21)T
- b. The office or offices of the retailer is or are located here; (7-1-21)T
- c. The public may contact the retailer here; (7-1-21)T
- d. The offices are accessible and open to the public; and (7-1-21)T
- e. The greatest portion of the retailer’s business is conducted here. The books and other records of a retailer must be kept and maintained at the retailer’s principal place of business and be open to inspection during normal business hours by any authorized agent of the Division. Moreover, there must be displayed on the exterior a sign permanently affixed to the land or building with letters providing the business name of the retailer clearly visible to the major avenue of traffic. (7-1-21)T

15. Transit Damage. Application to manufactured home means that damage encountered en route from the place of manufacture to the dealer or first owner involving structural integrity or any repair that does not result in return to the same construction or assembly as specified in the manufacturer’s design approval without additional reinforcement or change. (7-1-21)T

16. Used Manufactured Home or Mobile Home. A manufactured home or mobile home, respectively, which has been: (7-1-21)T

- a. Sold, rented, or leased and occupied prior to or after the sale, rental, or lease; or (7-1-21)T
- b. Registered with or been the subject of a certificate of title issued by the Idaho Department of Transportation or the appropriate authority of any state, the District of Columbia, or foreign state or country. (7-1-21)T

011. (RESERVED)

012. LICENSE REQUIRED.

It is unlawful to engage in business as a manufacturer, manufactured/mobile home retailer, or installer without being duly licensed by the Division pursuant to Title 44, Chapter 21, Idaho Code, and these rules. No issued licenses are transferable. (7-1-21)T

01. Minimum Age Requirement. No license will be issued to a person under eighteen (18) years of age at the time of license application. (7-1-21)T

02. Designated License Holder. Any applicant for a license under these rules who is not a natural person must designate a natural person to be license holder and represent the corporation, partnership, trust, society, club, association, or other organization for all licensing purposes under these rules including, but not limited to, testing and education. (7-1-21)T

a. The authorization to act as designated license holder must be in writing, signed by the applicant and the person designated, and filed with the Division along with the application. (7-1-21)T

b. Any person designated under Subsection 012.02 of these rules represents one (1) applicant only, and must immediately notify the Division in writing if his working relationship with the applicant has been terminated. The license will be issued in the name of the designated license holder with the name of the organization he represents also noted on the license. The license holder is considered by the Division to be the licensee, even if the license holder is the designated representative of an organization. (7-1-21)T

c. The applicant and the person designated under Subsection 012.02 of these rules agree by acceptance of the designation that the designated person acts as agent of the applicant for all purposes under Title 44, Chapters 21 and 22, Idaho Code, and all rules promulgated thereunder. (7-1-21)T

03. Proof of License. Proof of the existence of any license issued pursuant to these rules is carried upon the person of any installation at all times during the performance of the installation work. Moreover, any license issued to a manufactured/mobile home retailer must be posted in a conspicuous place on the business premises of the employer for whom the holder of the license is licensed. The license of a manufacturing facility or branch office must also be posted in a conspicuous place at the location licensed. (7-1-21)T

04. Real Estate Brokers. Licensed real estate brokers or real estate salesmen representing licensed real estate brokers are not required to obtain a license under these rules to sell or lease a used unit that is currently carried on the tax rolls as personal property and that otherwise falls within the exemption contained in Section 44-2102(2), Idaho Code. (7-1-21)T

05. License for Manufacturers. To engage in business in the state of Idaho, each manufacturer must be licensed by the Division. (7-1-21)T

06. License for Branch Office of Manufactured/Mobile Home Retailer. (7-1-21)T

a. The Division requires as a condition of licensing and bonding any information it deems necessary for each location where a manufactured/mobile home retailer maintains a branch office. The mere listing of manufactured/mobile homes for sale does not constitute a branch office, but the use of a mobile home park or a state sales office by a licensee for the sale or offering for sale of manufactured/mobile homes does constitute the maintenance of a branch office. A branch office manager may not manage more than one (1) branch office. (7-1-21)T

b. To open a branch office, a retailer must: obtain a license from the Division to operate the branch office. (7-1-21)T

07. License to Engage in Business as Manufactured/Mobile Home Retailer, Manufacturer, or Installer; Application; Bond; Issuance, Expiration, and Renewal. (7-1-21)T

a. Applicants for a manufacturer's, retailers, or installer's license must furnish: (7-1-21)T

i. Any proof the Division may deem necessary that the applicant is a manufacturer, retailer, or installer; (7-1-21)T

ii. Any proof the Division may require that the applicant has a principal place of business; (7-1-21)T

iii. In the case of a retailer in new manufactured homes, an instrument in the form prescribed by the

Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise retailer for the make concerned; (7-1-21)T

- iv. The fee and proof of bond fixed by rule; and (7-1-21)T
- v. Proof of passing the examination required by these rules, as applicable. (7-1-21)T
- b.** Within thirty (30) days after receipt of a completed application, the Division will issue or deny the license. (7-1-21)T
- c.** Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. (7-1-21)T

013. (RESERVED)

014. PROOF OF EDUCATION REQUIRED.

01. Satisfactory Proof for Initial Application Submission. An application for a license as a manufactured/mobile home installer must include proof satisfactory to the Division that the applicant has completed the following number of hours of initial education in order to be approved: (7-1-21)T

- a.** Installers and retailers who are installers: eight (8) hours. (7-1-21)T
- b.** The course of initial education must be approved by the Division and must include information relating to the provisions of these rules, Title 44, Chapters 21, Idaho Code, and the National Manufactured Housing Construction and Safety Standards Act of 1974. (7-1-21)T

02. Satisfactory Proof for License Renewal. The Division will not renew any installer license, or retailer license of any retailer who is also an installer, issued pursuant to Title 44, Chapters 21 or 22, Idaho Code, or these rules until the licensee has submitted proof satisfactory to the Division that he has, during the three (3) years immediately preceding the renewal of the license, completed at least eight (8) hours of continuing education. (7-1-21)T

03. Continuing Education Course. The course of continuing education must be approved by the Division and include information relating to the following: (7-1-21)T

- a.** Manufactured housing or mobile home parks; (7-1-21)T
- b.** The construction, including components and accessories, rebuilding, servicing, installation, or sale of manufactured/mobile homes; (7-1-21)T
- c.** Legislative issues concerning manufactured/mobile home housing and manufactured/mobile home parks, including pending and recently enacted state or federal legislation; and (7-1-21)T
- d.** These rules, Title 44, Chapters 21 or 22, Idaho Code, and the Manufactured Housing Safety Standards Act of 1974. (7-1-21)T

015. EXAMINATION OF APPLICANT FOR LICENSE.

01. Required Examinations. The Division requires a written examination of each applicant for an initial license as a manufactured/mobile home retailer or installer. To avoid the requirement of an examination and be considered a renewal, any licensee must renew his license within six (6) months of its expiration date. (7-1-21)T

02. Approval of Examination and Grade. Examinations for all classifications under these rules must be approved by the Division and the Board. No license will be issued unless the applicant receives a final grade of seventy percent (70%) or higher. (7-1-21)T

016. DISCIPLINARY ACTION AGAINST LICENSEES.

The Division may deny, suspend, refuse to renew, or revoke any license issued under Title 44, Chapter 21, Idaho Code, or these rules or reissue the license subject to reasonable conditions upon any of the following grounds:

(7-1-21)T

01. Violation of Rules and Statutes. For any willful or repeated violation of these rules, IDAPA 24.39.34, “Rules Governing Manufactured or Mobile Home Installations,” or Title 44, Chapters 21 or 22, Idaho Code.

(7-1-21)T

02. Failure to Have Principal Place of Business. With regards only to a manufactured/mobile home retailer, failure of the applicant or licensee to have a principal place of business.

(7-1-21)T

03. False Information. Material misstatement in the application or otherwise furnishing false information to the Division.

(7-1-21)T

04. Disclosing Contents of Examination. Obtaining or disclosing the contents of an examination given by the Division.

(7-1-21)T

05. Deceptive Practice. The intentional publication, circulation, or display of any advertising which constitutes a deceptive practice as that term is defined in Subsection 010.05 of these rules.

(7-1-21)T

06. Failure to Provide Business Name. Failure to include in any advertising the name of the licensed retailer or installer.

(7-1-21)T

07. Encouraging Falsification. Intentionally inducing an applicant or licensee to falsify an application.

(7-1-21)T

08. Poor Workmanship. Performing workmanship which is grossly incompetent or repeatedly below the standards adopted by Title 44, Chapters 21 and 22, these rules, IDAPA 24.39.34, “Rules Governing Manufactured or Mobile Home Installations,” the National Manufactured Housing Construction and Safety Standards Act of 1974, or the latest Idaho adopted editions of the International Residential Code, the National Electrical Code, the Idaho State Plumbing Code, and the International Mechanical Code.

(7-1-21)T

09. Installation Supervisor Required. Failure to have an employee personally supervise any installation of a manufactured/mobile home.

(7-1-21)T

10. Failure to Honor Warranties. Failure to honor any warranty or other guarantee given by a licensee for construction, workmanship, or material as a condition of securing a contract, or of selling, leasing, reconstructing, improving, repairing, or installing any manufactured/mobile home.

(7-1-21)T

11. Revocation or Denial of License. Revocation or denial of a license issued pursuant to these rules or an equivalent license by any other state or U.S. territory.

(7-1-21)T

12. Failure to Respond to Notice. Failure to respond to a notice served by the Division.

(7-1-21)T

13. Failure to Permit Access to Documentary Materials. Failure or refusing to permit access by the Division to relevant documentary materials after being requested to do so by the Division.

(7-1-21)T

14. Conviction of Misdemeanor. Conviction of a misdemeanor for violation of any of the provisions of Title 44, Chapters 21 or 22, Idaho Code.

(7-1-21)T

15. Conviction of Felony. Conviction or withheld judgment for a felony in this state, any U.S. territory, or country.

(7-1-21)T

16. Dealing with Stolen Manufactured or Mobile Homes. To knowingly purchase, sell, or otherwise acquire or dispose of a stolen manufactured or mobile home.

(7-1-21)T

17. Violation of Permit or Inspection Requirements. To knowingly violate any permit or inspection requirements of any city or county of this state. (7-1-21)T

017. PROCEDURES FOR LICENSING SUSPENSION, REVOCATION OR NONRENEWAL.
Any proceeding to suspend, revoke, or not renew any license will be conducted as a contested case in accordance with the provisions of Title 67, Chapter 52, Idaho Code, and the “Idaho Rules of Administrative Procedure of the Attorney General,” IDAPA 04.11.01.000, et seq. (7-1-21)T

018. APPLICATION FOR NEW LICENSE.
Any person whose license has been revoked may not apply for a new license until the expiration of one (1) year from the date of such revocation. (7-1-21)T

019. FEES.

01. Fees for Issuance and Renewal of License. The following fees for the issuance and renewal of a license will be charged: (7-1-21)T

a. Manufactured/mobile home retailer license: four hundred forty dollars (\$440). Retailers who are also installers will have to pay an installer's license fee to hold both licenses. (7-1-21)T

b. Manufacturer license: four hundred forty dollars (\$440); (7-1-21)T

c. Manufactured/mobile home installer license: two hundred twenty dollars (\$220); (7-1-21)T

02. Performance Bonding Requirements. Application for licensing will be accepted when accompanied by the following performance bond: (7-1-21)T

a. Manufacturer: twenty thousand dollar (\$20,000) bond; (7-1-21)T

b. Manufactured/mobile home retailer: forty thousand dollar (\$40,000) bond; (7-1-21)T

c. Manufactured/mobile home installer: five thousand dollar (\$5,000) bond. Retailers who are also installers will be required to post an installer's bond to hold both licenses. (7-1-21)T

03. Money or Securities Deposit in Lieu of Performance Bond. A money or securities deposit will be accepted by the Division in lieu of the performance bonding requirement as set forth at Title 44, Chapter 21, Idaho Code, and Subsection 019.02 of these rules, under the following circumstances: (7-1-21)T

a. Any such money or securities deposit is in a principal sum equal to the face amount of the performance bond required for the applicable licensing category; (7-1-21)T

b. Any such money deposit is deposited in a time certificate of deposit that provides on its face that the principal amount of such certificate of deposit is payable to the Division upon presentment and surrender of the instrument; (7-1-21)T

c. Any such time certificate of deposit has a maturity date of one (1) year from the effective date of licensure and has an automatic renewal provision for subsequent years; (7-1-21)T

d. Any such time certificate of deposit must be provided to the Division at the time of application for licensure and be retained by the Division during the effective period of licensure unless otherwise expended by the Division to insure completion of the licensee's performance; (7-1-21)T

e. Any such time certificate of deposit will be returned to an unsuccessful applicant for licensure; (7-1-21)T

f. The principal amount of any such time certificate of deposit, to the extent not otherwise expended to insure completion of the licensee's performance, will be returned to the depositor by the Division on or before

ninety (90) days subsequent to the occurrence of any of the following events: voluntary surrender or return of a license; expiration of a license; lapse of a license; or revocation or suspension of a license; and (7-1-21)T

g. Any interest income earned by reason of the principal amount of the time certificate of deposit is the property of the licensee. (7-1-21)T

020. (RESERVED)

021. CIVIL PENALTIES.

The following acts subject the violator to penalties based on the following schedule: (7-1-21)T

01. Industry Licensing. Except as provided for by Section 44-2106, Idaho Code, any person who engages in the business of a manufacturer, retailer, or installer, as defined in Section 44-2101A, Idaho Code, without being duly licensed by the Division is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (7-1-21)T

02. Deceptive Practice. In accordance with Section 44-2106(2), Idaho Code, any retailer or installer, who intentionally publishes or circulates any advertising that is misleading or inaccurate in any material respect or that misrepresents any of the products or service sold or provided by a manufacturer, retailer or installer is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (7-1-21)T

03. Dealing with Stolen Manufactured or Mobile Homes. In accordance with Section 44-2106(2), Idaho Code, any person who knowingly purchases, sells, or otherwise acquires or disposes of a stolen manufactured or mobile home is subject to a civil penalty of not more than one thousand dollars (\$1,000). (7-1-21)T

04. Failure to Maintain a Principal Place of Business. In accordance with Section 44-2106(2), Idaho Code, any person who is a retailer duly licensed by the Division and who fails to maintain a principal place of business within Idaho, is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (7-1-21)T

05. Violation of Rules and Statutes. Any person who knowingly violates any of the provisions of these rules, IDAPA 24.39.34, “Rules Governing Manufactured or Mobile Home Installations,” or the provisions of Title 44, Chapters 21 or 22, Idaho Code, is subject to a civil penalty of five hundred dollars (\$500) for the first offense and one thousand dollars (\$1,000) for each offense thereafter. (7-1-21)T

06. Gross Violation. In case of continued, repeated, or gross violations of these rules or IDAPA 24.39.34, “Rules Governing Manufactured or Mobile Home Installations,” a license revocation may be initiated for licensed individuals under Title 44, Chapter 21, Idaho Code. Non-licensed individuals are subject to prosecution by the appropriate jurisdiction under Idaho law. (7-1-21)T

022. MANUFACTURED HOME BUYER’S INFORMATION AND DISCLOSURE FORM.

The Manufactured Home Buyer's Information and Disclosure Form must be presented by manufactured home retailers to each purchaser of a new manufactured home, and must be executed by the retailer and purchaser at the time the initial purchase order is signed for the sale of a new manufactured home. (7-1-21)T

023. MANUFACTURED HOMES CONSTRUCTION AND SAFETY STANDARDS.

Effective June 15, 1976, the latest published edition of the National Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations are in effect for all manufactured homes manufactured within the state of Idaho, and for all new manufactured homes for sale within the state of Idaho. All new manufactured homes offered for sale within Idaho after the effective date of this section bear the Housing and Urban Development (H.U.D.) label as authorized in the Manufactured Home Procedural and Enforcement Regulations. (7-1-21)T

024. -- 999. (RESERVED)

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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

IDAHO FACTORY BUILT STRUCTURES BOARD

24.39.34 – Rules Governing Manufactured or Mobile Home Installations

Who does this rule apply to?

This rule applies to the installation of new and used manufactured and mobile homes, and to local authorities (cities or counties) who may inspect the installation of such homes.

What is the purpose of this rule?

The rule prescribes the requirements for installing new and used manufactured and mobile homes, including the approved standards to which all such homes must be installed. It provides the fees for installation inspections performed by the Division, and also the requirements for the approval of a local inspection program, including inspector training and the scope of inspections.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

Labor -

- [Title 44, Chapter 22, Idaho Code](#) – Manufactured Home Installation Standard
- [44-2201, Idaho Code](#) – Mobile and manufactured homes installation
- [44-2202, Idaho Code](#) – Installation permits and inspections required

Who do I contact for more information on this rule?

Idaho Division of Building Safety
1090 E. Watertower Street, Suite 150
Meridian, ID 83642
Phone: (208) 334-3950
Fax: (877) 810-2840
Email: customer.service@dbs.idaho.gov
Website: <https://dbs.idaho.gov/>

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24.39.34 – RULES GOVERNING MANUFACTURED OR MOBILE HOME INSTALLATIONS

000. LEGAL AUTHORITY.

The rules are promulgated pursuant to Title 44, Chapter 21, Idaho Code. (7-1-21)T

001. SCOPE.

The rules apply to the installation of manufactured or mobile homes in Idaho. (7-1-21)T

002. -- 003. (RESERVED)

004. ADOPTION AND INCORPORATION BY REFERENCE.

The Idaho Manufactured Home Installation Standard (January 1, 2018 edition), is hereby adopted and incorporated by reference into these rules. (7-1-21)T

005. APPLICATION -- COMPLIANCE.

01. Application -- State Preemption. Cities and counties may not adopt or enforce more or less stringent standards, except as permitted by Section 67-6509(a), Idaho Code, as it pertains to the siting of manufactured homes in residential areas. (7-1-21)T

02. Compliance -- Disciplinary Action Against Licensees. Failure to comply with these standards constitutes grounds for discipline as provided in Title 44, Chapter 21, Idaho Code. (7-1-21)T

006. -- 011. (RESERVED)

012. USE OF MANUFACTURERS' INSTALLATION INSTRUCTIONS.

In any instance in which there is a conflict between the DAPIA installation instructions and the Idaho Manufactured Home Installation Standards, the DAPIA installation instructions supersede and serve as the controlling authority. (7-1-21)T

013. INSTALLATION PERMITS AND INSPECTIONS REQUIRED.

Installation permits must be obtained from the Division for installations in areas where there is no approved local program, or from a city or county that has by ordinance adopted building codes pursuant to Section 39-4116, Idaho Code, and whose installation program has been approved by the Division. All installations must be inspected and approved by the authority having jurisdiction before the manufactured home is occupied. (7-1-21)T

014. INSTALLATION PERMIT FEES.

A city or county whose installation inspection program has been approved by the Division establishes their own fee schedule for installation permits within their jurisdiction. Permits obtained from the Division are in accordance with the following schedule: (7-1-21)T

01. Single Section Unit. The permit fee is one hundred fifty dollars (\$150). (7-1-21)T

02. Double Section Unit. The permit fee is two hundred dollars (\$200). (7-1-21)T

03. More Than Two Sections. The permit fee for a home consisting of more than two (2) sections is two hundred fifty dollars (\$250). (7-1-21)T

04. Trade Permits. Trade permits are administered separately from installation permits, and fees for such are separate from the fees identified in Section 014. (7-1-21)T

015. INSTALLATION TAGS REQUIRED.

The owner or installer of a new manufactured home must purchase an installation tag for fifty dollars (\$50) from the Division prior to commencing the installation of a manufactured home in Idaho. Such tag is required regardless of which jurisdiction has authority to perform the installation inspection. (7-1-21)T

016. APPROVAL OF LOCAL MANUFACTURED HOME INSTALLATION INSPECTION PROGRAMS.

01. Division Approval. A city or county that has by ordinance adopted a building code pursuant to Section 39-4116, Idaho Code, is eligible to participate in the inspection of manufactured and mobile homes. Such local installation inspection program must be approved by the Division to provide inspection services if the following minimum criteria is met: (7-1-21)T

a. Inspections are conducted by the city or county employing inspectors holding a valid certification as residential building inspector from the International Code Council; (7-1-21)T

b. Inspectors have attended annual training sessions provided or approved by the Division and received a certificate evidencing successful completion thereof. (7-1-21)T

02. Voluntary Withdrawal. A city or county may voluntarily withdraw from participation in the program to inspect manufactured homes upon providing to the Administrator of the Division thirty (30) days written notice of its intention to do so. (7-1-21)T

017. MINIMUM TRAINING REQUIREMENTS FOR INSPECTORS.

All installation inspectors employed by the Division or a city or county must complete eight (8) hours of training or instruction approved by the Division every three (3) years dedicated to the installation and inspection of manufactured and mobile homes. (7-1-21)T

018. QUALITY ASSURANCE.

01. Inspected Installations. Any inspected installation is subject to quality assurance reviews by Division of Occupational and Professional Licenses. Findings made by the Division pursuant to such reviews will be forwarded to the inspection authority having jurisdiction. (7-1-21)T

02. Inspectors and Programs. All inspectors and approved programs, including the Division, are subject to review. (7-1-21)T

019. MINIMUM SCOPE OF INSTALLATION INSPECTION.

01. Scope. At a minimum, the inspection of the installation of a manufactured home by an installer includes the inspection record document must verify that the installer has visually inspected the installation of the mobile or manufactured home. (7-1-21)T

02. Inspection Minimum Requirements. At a minimum, the inspection of the installation of a manufactured home must include the following by an inspector: (7-1-21)T

a. Verification that site location is suitable for home design and construction, and inspection of site-specific conditions, including preparation and grading for drainage; (7-1-21)T

b. Inspection of the foundation construction; (7-1-21)T

c. Verification that installed anchorage meets minimum requirements; and (7-1-21)T

d. Verification of completed inspection record document from the installer. (7-1-21)T

020. -- 999. (RESERVED)

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