

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.

[39-4001, added 1971, ch. 70, sec. 2, p. 157; am. 1974, ch. 39, sec. 50, p. 1023; am. 1995, ch. 267, sec. 1, p. 857; am. 1996, ch. 421, sec. 24, p. 1422; am. 2006, ch. 79, sec. 2, p. 238; am. 2016, ch. 342, sec. 1, p. 968.]

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.

[39-4002, added 1971, ch. 70, sec. 3, p. 157; am. 1988, ch. 264, sec. 3, p. 525; am. 1995, ch. 267, sec. 2, p. 857; am. 2006, ch. 79, sec. 3, p. 238.]

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.

[39-4003, added 1971, ch. 70, sec. 4, p. 157; am. 1972, ch. 168, sec. 1, p. 417; am. 1974, ch. 39, sec. 51, p. 1023; am. 1988, ch. 264, sec. 4, p. 526; am. 1995, ch. 267, sec. 3, p. 857; am. 2006, ch. 79, sec. 4, p. 238; am. 2016, ch. 342, sec. 2, p. 968.]

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.

[39-4003A, added 1978, ch. 118, sec. 1, p. 269; am. 1980, ch. 108, sec. 1, p. 245; am. 2006, ch. 79, sec. 5, p. 238.]

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.

[39-4004, added 1971, ch. 70, sec. 5, p. 157; am. 1974, ch. 39, sec. 52, p. 1023; am. 1980, ch. 108, sec. 2, p. 246; am. 1988, ch. 264, sec. 5, p. 526; am. 2006, ch. 79, sec. 6, p. 239.]

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.

[I.C., sec. 39-4010, as added by S.L. 1972, ch. 173, sec. 1, p. 433; am. 1988, ch. 264, sec. 11, p. 528; am. 1995, ch. 267, sec. 8, p. 858.]

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 U.S.C. 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 (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.

[39-4011, added 1978, ch. 118, sec. 2, p. 269; am. 1980, ch. 108, sec. 3, p. 246; am. 1988, ch. 264, sec. 12, p. 529; am. 1996, ch. 421, sec. 25, p. 1422; am. 2016, ch. 342, sec. 3, p. 969.]