

ASSEMBLY BILL

No. 1984

Introduced by Assembly Member Miller

February 17, 1998

An act to amend Sections 18015.5, 18020, 18020.5, 18025, 18025.5, 18026, 18027.3, 18029.5, 18030, and 18604 of the Health and Safety Code, relating to recreational vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1984, as introduced, Miller. Recreational vehicles: manufacture: standards.

(1) Under the existing Mobilehomes-Manufactured Housing Act of 1980, the Department of Housing and Community Development is required to enforce various laws pertaining to manufactured housing, mobilehomes, park trailers, commercial coaches, special purpose commercial coaches, and recreational vehicles. Under these provisions, recreational vehicles, as defined, are required to conform to specified construction standards of the American National Standards Institute, subject to modifications made to those standards by the department.

This bill would delete the authority of the department to adopt or enforce standards with respect to the manufacture of recreational vehicles. The bill would prohibit the offering for sale, sale, rental, or lease of recreational vehicles unless they meet the standards of the American National Standards Institute, and would require those vehicles to bear a label or insignia issued by the manufacturer to indicate compliance with those standards. Because a violation of these provisions

would be a crime under existing provisions of law, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18015.5 of the Health and Safety
2 Code is amended to read:

3 18015.5. The provisions of Chapter 4 (commencing
4 with Section 18025), applicable to manufactured homes
5 and mobilehomes, shall also apply to ~~recreational vehicles~~
6 ~~and~~ commercial coaches, except that reasonable
7 variations in standards for ~~recreational vehicles~~ and
8 commercial coaches shall be established by regulations if
9 the department determines these variations will not
10 endanger public health, welfare, or safety.

11 SEC. 2. Section 18020 of the Health and Safety Code
12 is amended to read:

13 18020. (a) *Except for the provisions in Section*
14 *18027.3, and except* as provided by the National
15 Manufactured Housing Construction and Safety
16 Standards Act of 1974 (42 U.S.C. Sec. 5401, et seq.), as it
17 applies to the manufacture of new manufactured
18 housing, the department shall enforce this part and the
19 rules and regulations adopted ~~thereunder~~ *pursuant to*
20 *this part.*

21 (b) The department may, at the department's sole
22 option, enforce Chapter 4 (commencing with Section
23 18025) and the rules and regulations adopted ~~thereunder~~
24 *pursuant to that Chapter 4* through
25 department-approved third-party entities. The
26 department shall adopt regulations for the approval of



1 third-party entities, including, but not limited to, all of the
2 following criteria:

3 (1) Freedom from any conflict of interest.

4 (2) Qualifications of personnel.

5 (3) Frequency of inspections or monitorings of
6 manufacturer quality control.

7 (4) Involvement in collusive or fraudulent actions
8 related to the performance of activities required by
9 Section 18013.2.

10 (5) Any other conditions of ~~operations~~ *operation that*
11 the department may reasonably require.

12 (c) The department may require rotation of
13 third-party entities performing inspection services for
14 any manufacturing facility within the state to prevent
15 ~~either~~ the third-party entity from *either* performing
16 within the same facility for more than 365 calendar days
17 or ~~from~~ performing inspections for any facility when the
18 third-party entity performed inspection services within
19 the previous 365 calendar days.

20 (d) The department shall monitor the performance of
21 third-party entities approved pursuant to subdivision (b)
22 and shall require periodic reports in ~~written form~~ *writing*
23 containing information *that* the department may
24 reasonably require to determine compliance with the
25 conditions of the department's approval.

26 (1) When the department receives information about
27 an alleged inadequacy in the performance of a
28 third-party entity, including any involvement in collusive
29 or fraudulent actions related to the performance of
30 activities required by Section 18013.2, it shall consider the
31 information in its monitoring efforts and make a
32 determination about the validity of the alleged
33 inadequacy in a timely manner.

34 (2) ~~Where~~ *When* the department determines, either
35 through its monitoring efforts or through information
36 provided by any other person, that an approved
37 third-party entity has failed to perform *according* to the
38 conditions of approval, the department may withdraw
39 approval by forwarding written notice to the approved
40 third-party entity by registered mail to its address of



1 record, briefly summarizing the cause for the
2 department's decision.

3 (3) A third-party entity, upon having its approval
4 withdrawn by the department, may request a hearing
5 before the director of the department. The request for
6 hearing shall be in writing and either delivered or
7 postmarked prior to midnight on the 10th calendar day
8 from the date of the department's notice.

9 (4) The department, upon timely receipt of a written
10 request for hearing, shall, within 30 calendar days,
11 schedule a hearing before the director or his or her agent.
12 All hearings pursuant to this subdivision shall be held in
13 the department's Sacramento offices and the decision of
14 the director shall be final.

15 (5) A third-party entity whose approval has been
16 withdrawn by the department shall not be permitted to
17 reapply for the department's approval pursuant to
18 subdivision (b) for a period of one year from the date *that*
19 the approval was withdrawn by the department.

20 (6) A third-party entity whose approval has been
21 withdrawn more than once by the department shall not
22 be permitted to reapply for department approval
23 pursuant to subdivision (b) for a period of not less than
24 one year from the date *that* the department's approval
25 was last withdrawn.

26 (7) No third-party entity shall perform the activities
27 required by Section 18013.2 unless it has the approval of
28 the department.

29 (e) (1) Upon finding a violation of subdivision (b) on
30 the part of a third-party entity, the director shall issue
31 citations and levy administrative fines. Each citation and
32 fine assessment shall be in writing and describe the
33 particulars for the citation. The citation and fine
34 assessment shall be issued ~~no~~ *not* later than six months
35 after discovery of the violation.

36 (2) The fine for the first violation shall be at least five
37 hundred dollars (\$500) and shall not exceed one thousand
38 dollars (\$1,000),~~the~~. *The* fine for the second violation
39 shall be at least two thousand dollars (\$2,000) and not
40 exceed four thousand dollars (\$4,000),~~and the~~. *The* fine



1 for the third violation shall be at least five thousand
2 dollars (\$5,000), and shall not exceed ten thousand dollars
3 (\$10,000). The fines shall be assessed for each day the
4 violation occurs. If a third-party entity has been cited
5 more than three times during a 365 day period, the
6 approval to conduct inspections on behalf of the
7 department shall be suspended for a minimum of one
8 year.

9 (3) The third-party entity may request an
10 administrative hearing on the citation or fine. If the party
11 fails to request a hearing within 30 days, and does not pay
12 the fine, the approval to perform inspections shall be
13 automatically revoked, until ~~such~~ *the time as that* the
14 department finds that the circumstances which led to the
15 citation have been corrected and the fines have been
16 paid.

17 (4) Upon review of the findings from the
18 administrative hearing, the director may modify, rescind,
19 or uphold the citation and fine assessment. The decision
20 of the director shall be served by regular mail.

21 (5) The fines shall be paid into the Housing and
22 Community Development Fund, which is hereby
23 created in the State Treasury, and shall be used, when
24 appropriated by the Legislature, to offset the
25 department's costs to administer this part.

26 (f) The remedies provided in this part to any
27 aggrieved party are not exclusive and shall not preclude
28 the applicability of any other provision of law.

29 SEC. 3. Section 18020.5 of the Health and Safety Code
30 is amended to read:

31 18020.5. (a) Any person who knowingly violates any
32 ~~of the provisions~~ *provision* of this part or any ~~rules~~ *rule* or
33 ~~regulations~~ *regulation* issued pursuant to this part, except
34 for a violation of any federal manufactured home or
35 mobilehome construction and safety standard for which
36 a penalty is provided in Section 18021, is guilty of a
37 misdemeanor, punishable by a fine not exceeding two
38 thousand dollars (\$2,000), by imprisonment not
39 exceeding 30 days, or by both.



1 (b) Notwithstanding Section 801 of the Penal Code,
2 the one-year period for filing an indictment or an
3 information or complaint with respect to any
4 misdemeanor in subdivision (a) by a licensee in the first
5 sale or lease of any manufactured home, mobilehome, *or*
6 commercial coach, ~~or recreational vehicle~~ to a consumer
7 shall commence on the date *that* the manufactured
8 home, mobilehome, *or* commercial coach, ~~or~~
9 ~~recreational vehicle~~ is delivered to the consumer.

10 SEC. 4. Section 18025 of the Health and Safety Code
11 is amended to read:

12 18025. (a) Except as provided in subdivisions (b),
13 (c), and (d), it is unlawful for any person to sell, offer for
14 sale, rent, or lease within this state, any manufactured
15 home or any mobilehome, commercial coach, *or* special
16 purpose commercial coach, ~~or recreational vehicle~~
17 manufactured after September 1, 1958, containing
18 structural, fire safety, plumbing, heat-producing, or
19 electrical systems and equipment unless the systems and
20 equipment meet the requirements of the department for
21 those systems and equipment and the installation of
22 them. The department may ~~promulgate~~ *adopt* those rules
23 and regulations which shall be reasonably consistent with
24 recognized and accepted principles for structural, fire
25 safety, plumbing, heat-producing, and electrical systems
26 and equipment and installations, respectively, in order to
27 protect the health and safety of the people of this state
28 from dangers inherent in the use of substandard and
29 unsafe structural, fire safety, plumbing, heat-producing,
30 and electrical equipment and installations.

31 (b) All manufactured homes and mobilehomes
32 manufactured on or after June 15, 1976, shall comply with
33 the National Manufactured Housing Construction and
34 Safety Standards Act of 1974 (42 U.S.C.; Sec. 5401 et seq.).

35 (c) The sale of used manufactured homes and
36 mobilehomes by a dealer licensed pursuant to this part
37 shall be subject to Section 18046.

38 (d) The sale of used manufactured homes and
39 mobilehomes by a real estate broker or salesperson
40 licensed under Division 4 (commencing with Section



1 10000) of the Business and Professions Code shall be
2 subject to Section 2079 of the Civil Code.

3 SEC. 5. Section 18025.5 of the Health and Safety Code
4 is amended to read:

5 18025.5. (a) Pursuant to the National Manufactured
6 Housing Construction and Safety Standards Act of 1974
7 (42 U.S.C. Sec. 5401 et seq.), the department ~~is authorized~~
8 ~~to~~ *may* assume responsibility for *the* enforcement of
9 manufactured home and mobilehome construction and
10 safety standards relating to any issue with respect to
11 which a federal standard has been established. The
12 department may adopt regulations to ensure acceptance
13 by the Secretary of Housing and Urban Development of
14 California's plan for *the* administration and enforcement
15 of federal manufactured home and mobilehome safety
16 and construction standards.

17 (b) The department ~~is authorized to~~ *may* conduct
18 inspections and investigations ~~which~~ *that* it determines
19 may be necessary to secure enforcement of this part and
20 regulations adopted pursuant ~~hereto~~ *to this part, except*
21 *for the provisions in Section 18027.3.* For the purposes of
22 enforcement of this part and the related regulations,
23 persons duly designated by the director of the
24 department, upon presenting appropriate credentials to
25 the owner, operator, or agent in charge, may *do both of*
26 *the following:*

27 (1) Enter, at any reasonable times and without
28 advance notice, any factory, warehouse, sales lot, or
29 establishment in which manufactured homes,
30 mobilehomes, ~~recreational vehicles,~~ commercial coaches,
31 or special purpose commercial coaches are
32 manufactured, stored, held for sale, sold, or offered for
33 sale, rent, or lease.

34 (2) Inspect, at reasonable times and within reasonable
35 limits and in a reasonable manner, any factory,
36 warehouse, sales lot, or establishment, and inspect the
37 books, papers, records, and documents to ensure
38 compliance with this part.

39 SEC. 6. Section 18026 of the Health and Safety Code
40 is amended to read:

1 18026. (a) All manufactured homes, mobilehomes,
2 ~~recreational vehicles~~, commercial coaches, and special
3 purpose commercial coaches manufactured on or after
4 September 1, 1958, ~~which~~ *that* are sold, offered for sale,
5 rented, or leased within this state shall bear a federal label
6 or an insignia of approval issued by the department,
7 whichever is appropriate, to indicate compliance with
8 the regulations of the department adopted pursuant to
9 this part, which were in effect on the date of manufacture
10 of the manufactured home, mobilehome, ~~recreational~~
11 ~~vehicle~~, commercial coach, or special purpose
12 commercial coach.

13 ~~The~~
14 (b) ~~The~~ department may issue insignia for
15 manufactured homes, mobilehomes, ~~recreational~~
16 ~~vehicles~~, commercial coaches, or special purpose
17 commercial coaches manufactured prior to the effective
18 dates of the appropriate regulations ~~which~~ *that* meet the
19 requirements of reasonable standards of health and safety
20 as set forth in this part or the regulations adopted
21 pursuant ~~thereto~~ *to this part* in effect at the time of that
22 issue. ~~It~~

23 (c) *It* is unlawful for any person to remove, or cause to
24 be removed, an insignia of approval *affixed pursuant to*
25 *this section* without prior authorization by the
26 department.

27 SEC. 7. Section 18027.3 of the Health and Safety Code
28 is amended to read:

29 18027.3. (a) Recreational vehicles specified in
30 subdivision (a) of Section 18010 shall be constructed in
31 accordance with Standard No. A119.2 of the American
32 National Standards Institute, ~~as that standard may be~~
33 ~~modified by the department's regulations.~~

34 (b) Recreational vehicles specified in subdivision (b)
35 of Section 18010 shall be constructed in accordance with
36 Standard No. A119.5 of the American National Standards
37 Institute, ~~as that standard may be modified by the~~
38 ~~department's regulations.~~

39 (c) ~~Unless regulations of the department~~
40 ~~incorporating a~~ A change in Standard No. A119.2 or



1 A119.5 by reference become operative sooner, a change
 2 therein contained in a new edition of the Standards of the
 3 American National Standards Institute shall become
 4 operative on the 180th day following the publication date.
 5 However, nothing in this subdivision limits the
 6 department's discretion to adopt modifications to
 7 Standard No. A119.2 or A119.5.

8 (d) No recreational vehicle shall be equipped with
 9 more than one electrical power supply cord.

10 (e) Any recreational vehicle that is offered for sale,
 11 sold, rented, or leased within this state shall bear a label
 12 or insignia of approval issued by the manufacturer to
 13 indicate compliance with the American National
 14 Standards Institute standard specified in subdivision (a)
 15 or (b) that was in effect on the date of manufacture.

16 (f) It is unlawful for any person to remove, or cause to
 17 be removed, a label or insignia of approval affixed
 18 pursuant to this section.

19 SEC. 8. Section 18029.5 of the Health and Safety Code
 20 is amended to read:

21 18029.5. (a) The department may adopt rules and
 22 regulations, which it determines to be reasonably
 23 consistent with generally recognized fire protection
 24 standards, governing conditions relating to the
 25 prevention of fire or for the protection of life and
 26 property against fire in manufactured homes,
 27 mobilehomes, ~~recreational vehicles~~, special purpose
 28 commercial coaches, and commercial coaches. All
 29 manufactured homes and mobilehomes manufactured on
 30 or after June 15, 1976, shall comply with the National
 31 Manufactured Housing Construction and Safety Act of
 32 1974 (42 U.S.C., Sec. 5401, et seq.).

33 (b) The chief fire official of every city, county, city and
 34 county, fire protection district, or other local fire
 35 protection agency shall file a report on each
 36 manufactured home and mobilehome fire occurring
 37 within his or her jurisdiction with the State Fire Marshal.
 38 The report shall be made on forms provided by the State
 39 Fire Marshal.



1 (c) The State Fire Marshal shall annually compile a
2 statistical report on all manufactured home and
3 mobilehome fires occurring within this state and shall
4 furnish the department with a copy of the report. The
5 annual report shall include, but need not be limited to,
6 the number of manufactured home and mobilehome
7 fires, the causes of the fires, the monetary loss, and any
8 casualties or fatalities resulting from the fires.

9 SEC. 9. Section 18030 of the Health and Safety Code
10 is amended to read:

11 18030. (a) If the department determines that
12 standards for commercial coaches; *and* special purpose
13 commercial coaches, ~~and recreational vehicles, which~~
14 ~~have been~~ prescribed by the statutes or regulations of
15 another state; are at least equal to the standards
16 prescribed by the department, the department may so
17 provide by regulation. Thereafter, any commercial
18 coaches; *or* special purpose commercial coaches; ~~or~~
19 ~~recreational vehicles~~ which that other state has approved
20 as meeting its standards shall be deemed to meet the
21 standards of the department, if the department
22 determines that the standards of the other state are
23 actually being enforced.

24 (b) In lieu of the procedure set forth in subdivision (a),
25 the department may contract with approved third-party
26 entities for enforcement of the applicable provisions of
27 this part for commercial coaches; *or* special purpose
28 commercial coaches; ~~or recreational vehicles~~
29 manufactured outside this state for sale within this state.
30 Third-party entities may apply to the department for
31 enforcement authority pursuant to this subdivision by
32 providing evidence to the satisfaction of the department
33 that they satisfy all of the following criteria:

34 (1) They are independent and free from conflict of
35 interest, have the ability to enforce ~~the provisions of~~ this
36 part, and shall enforce ~~the provisions of~~ this part without
37 an actual; *conflict of interest* or any appearance of; a
38 conflict of interest.

39 (2) They are adequately staffed with qualified
40 personnel who can, and shall, implement all provisions of



1 the contract, including monitoring, reporting, and
2 enforcement.

3 (3) They have the authority, through contract or
4 otherwise, and the ability to obtain correction of defects
5 detected or reported as a result of their enforcement
6 activities.

7 (4) They meet any other conditions of ~~operations~~
8 *operation that* the department may reasonably
9 incorporate into the contract.

10 (c) If the department enters into a contract
11 authorized by subdivision (b), the department may
12 require cancellation clauses, fees, personnel ~~resumes~~
13 *resumes*, reports, or other reasonable information or
14 documents deemed necessary to ensure that ~~the~~
15 ~~provisions of~~ subdivision (b) and this part are adequately
16 enforced.

17 SEC. 10. Section 18604 of the Health and Safety Code
18 is amended to read:

19 18604. No manufactured home, mobilehome, or
20 recreational vehicle within a park shall be rented or
21 leased unless it bears a ~~department~~ *an* insignia of approval
22 issued pursuant to Section 18026 *or 18027.3*, or a federal
23 label issued pursuant to the National Manufactured
24 Housing Construction and Safety Standards Act of 1974
25 (42 U.S.C. Sec. 5401 et seq.).

26 SEC. 11. No reimbursement is required by this act
27 pursuant to Section 6 of Article XIII B of the California
28 Constitution because the only costs that may be incurred
29 by a local agency or school district will be incurred
30 because this act creates a new crime or infraction,
31 eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section
33 17556 of the Government Code, or changes the definition
34 of a crime within the meaning of Section 6 of Article
35 XIII B of the California Constitution.

36 Notwithstanding Section 17580 of the Government
37 Code, unless otherwise specified, the provisions of this act



1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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