

**RULES
OF
TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF FIRE PREVENTION**

**CHAPTER 0780-2-8
USED FACTORY-MANUFACTURED HOMES**

TABLE OF CONTENTS

0780-2-8-.01	Definitions	0780-2-8-.05	Removal of Decals
0780-2-8-.02	Standards	0780-2-8-.06	Red Tags
0780-2-8-.03	Retailer Responsibilities Generally	0780-2-8-.07	Inspection of Records
0780-2-8-.04	Class B Used Manufactured Homes	0780-2-8-.08	Effect

0780-2-8-.01 DEFINITIONS.

- (1) For purposes of this chapter, unless the context otherwise requires:
- (a) The definitions of terms contained in Tenn. Code Ann. Title 68, chapter 36, part 2 are applicable.
 - (b) “Used manufactured home” means any manufactured home which has been previously owned or occupied by a purchaser or consumer.
 - (c) “Class A used manufactured home” means a used manufactured home which complies with the safety standards set forth in this chapter.
 - (d) “Class B used manufactured home” means a used manufactured home which:
 - 1. has been inspected by the retailer and does not comply with the safety standards set forth in this chapter; or
 - 2. has not been inspected by the retailer for compliance with the safety standards set forth in this chapter.

Authority: T.C.A. §§68-126-202, 68-126-210, and 68-126-405. *Administrative History:* Original rule filed September 17, 1986; effective November 1, 1986. Amendment filed March 12, 2004; effective May 26, 2004.

0780-2-8-.02 STANDARDS.

- (1) A “Class A used manufactured home” must comply with the following safety standards:
- (a) Smoke Detectors.
 - 1. General. At least one (1) smoke detector, investigated and listed in accordance with Tenn. Code Ann. §68-102-148, shall be installed to protect each separate bedroom area.
 - 2. Location. A smoke detector shall be installed in the hallway or space communicating with each bedroom area between the living area and the first bedroom area. When located in a hallway, the detector shall be between the return air intake and the living area. Used manufactured homes having bedroom areas separated by common-use areas, such as kitchen, dining room, living room, or family room (but not a bathroom or utility room), shall have at least one (1) detector protecting each bedroom area.
 - 3. Installation. Each smoke detector shall be installed in accordance with its listing.

(Rule 0780-2-8-.02, continued)

4. Testing. The smoke detector shall be tested for operation at the time of sale or set up. The retailer shall provide testing and maintenance instructions for the use, unless the smoke detector was installed before the retailer obtained the used manufactured home.

(b) Electrical.

1. Distribution Panels. Distribution panels shall be installed in compliance with the approved listing, complete with required breakers or fuses, with all unused openings covered with blank covers approved and listed for the purpose. Connections shall be checked for tightness. Panels shall be readily accessible.
2. Electrical System. The electrical system (switches, receptacles, fixtures, etc.) shall be properly installed, wired, and supported, and shall be in a safe, usable condition. Aluminum conductors shall be checked to assure tight connections. Grounds shall be checked for tightness and location.
3. Testing. The used manufactured home shall be subjected to:
 - (i) An electrical continuity test to assure that all metallic parts are properly bonded;
 - (ii) An electrical operational test to demonstrate that all fixtures and equipment, except water heater, ranges, air conditioners, and electric furnaces, are connected and in working order; and
 - (iii) An electrical polarity check to determine that connections have been properly made.

(c) Plumbing.

1. Fixtures.
 - (i) All plumbing fixtures shall be protected with approved workable “P” traps.
 - (ii) All plumbing fixtures shall be in workable condition and properly vented through the roof.
 - (iii) An anti-siphon trap vent device or mechanical vent may be used to vent single fixtures except commodes.
2. Water Supply. Water piping shall not be bent or kinked so as to retard or obstruct the flow of the water supply.
3. Water Heater Safety Device. The water heater shall be equipped with an approved listed relief valve to provide temperature and pressure relief.

(d) Heat-Producing Equipment.

1. Heating System.
 - (i) Equipment. Heating equipment (furnace, wall heaters, thermostats, etc.) shall be in safe and operable conditions. All ducts shall be in usable conditions (not collapsed), with all joints, furnace connections, etc., mechanically secure and sealed (exterior and interior).

(Rule 0780-2-8-.02, continued)

- (ii) Vents. All gas water heater and furnace venting systems shall be in safe and operable conditions. No vents will terminate within roof, wall, or floor cavity.
- (e) General.
 1. Exhaust vents in bathrooms and at the range shall be operable.
 2. Exterior doors (including sliding glass) shall be operable.
 3. Insulation missing from exposed areas shall be replaced. All holes in the bottom board shall be securely sealed.

Authority: T.C.A. §§68-126-202, 68-126-210, and 68-126-405. **Administrative History:** Original rule filed September 17, 1986; effective November 1, 1986. Amendment filed March 12, 2004; effective May 26, 2004.

0780-2-8-.03 RETAILER RESPONSIBILITIES GENERALLY.

- (1) Before offering a used manufactured home for sale to a consumer located in the State of Tennessee, the retailer shall:
 - (a) If the retailer has inspected the home for compliance with the safety standards established in rule 0780-2-8-.02 -
 1. Disclose the type and condition of the home by completing the appropriate “safety standards checklist” (see attached forms); and
 2. Fasten the completed checklist with tape or adhesive to the door of the refrigerator or the face of the overhead cabinet door closest to the kitchen sink.
 - (b) If the retailer has not inspected the home for compliance with the safety standards established in rule 0780-2-8-.02 -
 1. Acknowledge the lack of inspection by checking the following statement which appears in boldface type on the “Class B” safety standards checklist:

“THIS HOME HAS NOT BEEN INSPECTED BY THE RETAILER AND MAY NOT COMPLY WITH THE USED MANUFACTURED HOME SAFETY STANDARDS SET FORTH IN CHAPTER 0780-2-8 OF THE *RULES AND REGULATIONS OF THE STATE OF TENNESSEE*. THIS HOME MAY NOT BE SAFE FOR OCCUPANCY IN ITS PRESENT CONDITION; AND THE SELLER DOES NOT RECOMMEND IT FOR OCCUPANCY.”
 2. Fasten such checklist with tape or adhesive to the door of the refrigerator or the face of the overhead cabinet door closest to the kitchen sink.
- (2) The retailer may, in lieu of inspecting the electrical and heating systems of a used manufactured home, request an electrical and heating inspection by a state electrical inspector pursuant to Tenn. Code Ann. §68-102-147. Approval by such an inspector will be accepted as compliance with those portions of the safety standards established herein which pertain to electrical and heating systems.
- (3) The retailer need not reinspect the electrical and heating system of a used manufactured home bearing an electrical and heating inspection decal (evidencing compliance with Tenn. Code Ann. §68-102-147), unless the retailer knows or has reason to know that such system has been modified or altered since the date of the most recent approval by an authorized electrical inspector.

(Rule 0780-2-8-.03, continued)

- (4) The retailer shall retain a copy of each safety standards checklist affixed to a used manufactured home with the permanent sales record of the unit.

Authority: T.C.A. §§68-126-202, 68-126-210, and 68-126-405. **Administrative History:** Original rule filed September 17, 1986; effective November 1, 1986. Amendment filed March 12, 2004; effective May 26, 2004.

0780-2-8-.04 CLASS B USED MANUFACTURED HOMES.

- (1) Prior to the sale of a Class B used manufactured home to a consumer, the retailer shall:
- (a) Require the consumer to sign a statement, to which an exact copy of the checklist fastened on the home is attached including.
1. The retailer's name and address;
 2. The date of sale;
 3. The following wording in boldface type (whichever is appropriate):

"THE UNDERSIGNED UNDERSTANDS THAT THIS HOME DOES NOT COMPLY WITH THE USED MANUFACTURED HOME SAFETY STANDARDS SET FORTH IN CHAPTER 0780-2-8 OF THE RULES AND REGULATIONS OF THE STATE OF TENNESSEE."
- OR
- "THE UNDERSIGNED UNDERSTANDS THAT THIS HOME HAS NOT BEEN INSPECTED BY THE REATILER; THAT IT MAY NOT BE SAFE FOR OCCUPANCY IN ITS PRESENT CONDITION; AND THAT THE RETAILER DOES NOT RECOMMEND IT FOR OCCUPANCY."
4. The consumer's signature.
- (b) Give a copy of the statement and attached checklist to the consumer; and
- (c) Retain a copy of the statement with the permanent sales record of the unit.
- (2) If, prior to delivery of a used manufactured home designated as "Class B" to a consumer, a retailer corrects or causes to be corrected any noncompliances with the safety standards established in rule 0780-2-8-.02, the retailer shall:
- (a) Remove the safety standards checklist from the home;
 - (b) Fill out a new checklist to reflect the present type and condition of the home;
 - (c) Fasten the new checklist to the home in the same location; and
 - (d) Maintain a record of all corrective action taken.

Authority: T.C.A. §§68-126-202, 68-126-210, and 68-126-405. **Administrative History:** Original rule filed September 17, 1986; effective November 1, 1986. Amendment filed March 12, 2004; effective May 26, 2004.

0780-2-8-.05 REMOVAL OF DECALS. No certification decal issued pursuant to Tenn. Code Ann. §68-126-207, or electrical and heating inspection decal issued pursuant to TENN. CODE ANN. §68-102-147, shall be removed from a unit or transferred from one unit to another.

Authority: T.C.A. §§68-126-204 and 68-126-210. *Administrative History:* Original rule filed September 17, 1986; effective November 1, 1986.

0780-2-8-.06 RED TAGS. A state manufactured home inspector will place a “red tag” form approved by the Commissioner on any designated “Class A used manufactured home” found not to be in compliance with the safety standards prescribed in this chapter. No retailer shall deliver a unit bearing a red tag to a consumer until the violation(s) is corrected and the red tag is removed by the inspector.

Authority: T.C.A. §§68-126-202, 68-126-204, 68-126-210, and 68-126-405. *Administrative History:* Original rule filed September 17, 1986; effective November 1, 1986. Amendment filed March 12, 2004; effective May 26, 2004.

0780-2-8-.07 INSPECTION OF RECORDS. Each retailer shall, upon request of a person duly designated by the commissioner, permit such person to inspect appropriate books, papers, records and documents relevant to determining whether such retailer has acted or is acting in accordance with this chapter.

Authority: T.C.A. §§68-126-202, 68-126-204, 68-126-208, 68-126-210, and 68-126-405. *Administrative History:* Original rule filed September 17, 1986; effective November 1, 1986. Amendment filed March 12, 2004; effective May 26, 2004.

0780-2-8-.08 EFFECT.

- (1) The provisions of this chapter shall not be construed to:
 - (a) Apply to the sale or transfer of a used manufactured home to a retailer;
 - (b) Relieve any person, firm, or corporation from the requirements of Tenn. Code Ann. §68-102-147; or
 - (c) Authorize any person, firm, or corporation to perform work without any license required by applicable law.

Authority: T.C.A. §§68-126-202, 68-126-204, 68-126-210, and 68-126-405. *Administrative History:* Original rule filed September 17, 1986; effective November 1, 1986. Amendment filed March 12, 2004; effective May 26, 2004.

(Forms, Class A)

STATE OF TENNESSEE
SAFETY STANDARDS CHECKLIST
USED MANUFACTURED HOMES

RETAILER _____

TN LICENSE NO. _____

DATE INSPECTED _____

M/H SERIAL NO. _____
M/H MFG. _____ YEAR

TN ELECTRICAL INSPECTION NO. _____

PLEASE READ THE SAFETY STANDARDS CHECK LIST CAREFULLY

ONLY ITEMS CHECKED WILL INDICATE COMPLIANCE WITH THE SAFETY STANDARDS SET FORTH IN CHAPTER 0780- 2-8 OF THE RULES AND REGULATIONS OF THE STATE OF TENNESSEE.

SAFETY

A. CURRENT STATE ELECTRICAL INSPECTION.

This manufactured home has been inspected by a State Electrical Inspector on this retailer's lot as evidenced by Electrical Decal No. If this item checked, enter N/A on Items B, C, and D or this section.)

(date)

B. DISTRIBUTION PANEL.

Properly installed, contains required fuses or breakers, unused openings properly covered, connections tight, and panel accessible.

C. ELECTRICAL SYSTEM.

Switches, receptacles, fixtures, etc. properly wired, supported, and in a safe usable condition. Aluminum conductors checked and connections are tight. All grounds checked for tightness and location (chassis, exterior metal, main panel, furnace, range, water heater, water inlet, gas piping.)

D. TESTING.

The following electrical tests have been performed: (1) continuity, (2) operational, and (3) polarity.

PLUMBING

A. FIXTURES.

All plumbing fixtures have been checked and are in working condition, properly vented and protected with approved and workable "P" traps.

B. WATER SUPPLY.

Water piping not damaged so as to obstruct water flow.

C. WATER HEATER SAFETY DEVICE.

Equipped with an approved listed relief valve.

HEATING

A. HEATING SYSTEM.

Heating system(s), thermostat(s), ducts, etc, in safe and operable condition.

B. VENTS.

All gas water heater and furnace vents operable and in safe condition.

(Forms, Class A, continued)

GENERAL

- ___ A. **EXHAUST VENTS** in bathroom and at range vent to outside and are operable.
- ___ B. **EXTERIOR DOORS AND LOCKS** are operable.
- ___ C. **EXPOSED AREAS:** Insulation found missing was replaced and holes in bottom repaired.

CLASS

A

THIS HOME HAS BEEN INSPECTED AND MEETS THE SAFETY STANDARDS PRESCRIBED IN CHAPTER 0780-2-8 OF THE RULES AND REGULATIONS OF THE STATE OF TENNESSEE

(This form may be reproduced locally)

(Forms, Class B)

STATE OF TENNESSEE
SAFETY STANDARDS CHECKLIST
USED MANUFACTURED HOMES

RETAILER _____

TN LICENSE NO. _____

DATE INSPECTED _____

M/H SERIAL NO. _____
M/H MFG. _____ YEAR

TN ELECTRICAL INSPECTION NO. _____

PLEASE READ THE SAFETY STANDARDS CHECK LIST CAREFULLY

ONLY ITEMS CHECKED WILL INDICATE COMPLIANCE WITH THE SAFETY STANDARDS SET FORTH IN CHAPTER 0780- 2-8 OF THE RULES AND REGULATIONS OF THE STATE OF TENNESSEE.

SAFETY

A. CURRENT STATE ELECTRICAL INSPECTION.

This manufactured home has been inspected by a State Electrical Inspector on this retailer's lot as evidenced by Electrical Decal No. If this item checked, enter N/A on Items B, C, and D or this section.)

(date)

B. DISTRIBUTION PANEL.

Properly installed, contains required fuses or breakers, unused openings properly covered, connections tight, and panel accessible.

C. ELECTRICAL SYSTEM.

Switches, receptacles, fixtures, etc. properly wired, supported, and in a safe usable condition. Aluminum conductors checked and connections are tight. All grounds checked for tightness and location (chassis, exterior metal, main panel, furnace, range, water heater, water inlet, gas piping.)

D. TESTING.

The following electrical tests have been performed: (1) continuity, (2) operational, and (3) polarity.

PLUMBING

A. FIXTURES.

All plumbing fixtures have been checked and are in working condition, properly vented and protected with approved and workable "P" traps.

B. WATER SUPPLY.

Water piping not damaged so as to obstruct water flow.

C. WATER HEATER SAFETY DEVICE.

Equipped with an approved listed relief valve.

HEATING

A. HEATING SYSTEM.

Heating system(s), thermostat(s), ducts, etc. in safe and operable condition.

B. VENTS.

All gas water heater and furnace vents operable and in safe condition.

(Forms, Class B, continued)

GENERAL

- ____ A. **EXHAUST VENTS** in bathroom and at range vent to outside and are operable.
- ____ B. **EXTERIOR DOORS AND LOCKS** are operable.
- ____ C. **EXPOSED AREAS:** Insulation found missing was replaced and holes in bottom repaired.

PLEASE READ THE FOLLOWING LANGUAGE CAREFULLY:

_____ THIS HOUSE HAS BEEN INSPECTED BY _____ THIS HOME HAS NOT BEEN INSPECTED
BY THE RETAILER AND DOES NOT COMPLY WITH THE SAFETY STANDARDS SET FORTH IN CHAPTER 0780-2-8 OF THE *RULES AND REGULATIONS OF THE STATE OF TENNESSEE*. BY THE RETAILER AND MAY NOT COMPLY WITH THE USED MANUFACTURED HOME SAFETY STANDARDS SET FORTH IN CHAPTER 0780-2-8 OF THE STATE OF TENNESSEE. THIS HOME MAY NOT BE SAFE FOR OCCUPANCY IN ITS PRESENT CONDITION AND THE SELLER DOES NOT RECOMMEND IT FOR OCCUPANCY.

CLASS B

(This form may be reproduced locally)