

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

**CHAPTER 0780-2-4
NEW MANUFACTURED HOMES AND RECREATIONAL VEHICLES**

TABLE OF CONTENTS

0780-2-4-.01	Definitions	0780-2-4-.08	Inspections of Manufactured Homes
0780-2-4-.02	Licensing of Manufacturers	0780-2-4-.09	Responsibilities of Retailers
0780-2-4-.03	Licensing of Retailers	0780-2-4-.10	Removal of Decals
0780-2-4-.04	Licensing of Installers	0780-2-4-.11	Red Tags
0780-2-4-.05	Adoption by Reference of Standards	0780-2-4-.12	Acceptable Course Topics
0780-2-4-.06	Fees for Enforcement of Federal Standards	0780-2-4-.13	Continuing Education
0780-2-4-.07	Certificates of Compliance for Park Trailers and Recreational Vehicles		

0780-2-4-.01 DEFINITIONS. For purposes of this chapter, unless the context otherwise requires, the definitions of terms contained in the Uniform Standards Code for Manufactured Homes and Recreational Vehicles Act (Tenn. Code Ann. Title 68, Chapter 126, Part 2) shall be applicable. In addition, the following definitions are applicable to this chapter:

- (1) “HUD label” means the approved form of certification by the manufacturer that, under 24 C.F.R. § 3282.362(c)(2)(i), is permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States. (“label” or “certification label” as defined by 24 C.F.R. § 3282.7).
- (2) “Installer” means any person engaged in the installation of a stabilizing system or a support system for a manufactured home. After January 1, 2004, “installer” means any person engaged in the set-up of a manufactured home.
- (3) “Park trailer” means a vehicular unit that meets all of the following criteria:
 - (a) Built on a single chassis, mounted on wheels;
 - (b) Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances;
 - (c) Of such construction as to permit setup by persons without special skills using only hand tools which may include lifting, pulling and supporting devices;
 - (d) A gross trailer area not to exceed four hundred (400) square feet when in the setup mode.
- (4) Effective January 1, 2004, “retailer” means any person engaged in the sale, leasing, or distribution of new or used manufactured homes primarily to persons who in good faith purchase or lease a manufactured home for purposes other than resale (“dealer” as defined by 24 C.F.R. § 3282.7) or any person engaged in the sale and distribution of manufactured homes or recreational vehicles for resale. (“distributor” as defined by 24 C.F.R. § 3282.7). “Retailer” does not include any financial institution or mortgage company that sells new or used manufactured homes.

Authority: T.C.A. §§68-126-202, 68-126-204, and 68-126-210. **Administrative History:** Original rule certified June 10, 1974. Repeal filed April 20, 1978; effective May 22, 1978. New rule filed June 28, 1984; effective July 28, 1984. Amendment filed November 12, 1986; effective December 27, 1986. Amendment filed June 15, 1988; effective September 28, 1988. Amendment filed March 12, 2004; effective May 26, 2004.

0780-2-4-.02 LICENSING OF MANUFACTURERS.

- (1) An applicant for a license as a manufacturer shall complete an application form prescribed by the commissioner and submit the same to the commissioner along with a nonrefundable application fee of one hundred dollars (\$100.00). The applicant shall also submit a surety bond in the amount of fifty thousand dollars (\$50,000.00), executed by the applicant as principal and issued by a surety company qualified to do business in the State of Tennessee.
- (2) A license as a manufacturer shall expire one (1) year after the date of issuance, unless renewed. Any person desiring to renew a license later than ninety (90) days after the expiration of the license shall submit a new application and meet all other application requirements.
- (3) Any manufacturer who fails to renew a license prior to its expiration but before ninety days (90) days after its expiration shall pay a late penalty of fifty dollars (\$50.00) in addition to the renewal fee.
- (4) Any manufacturer who commences business in this State prior to obtaining proper licensure shall be assessed a civil penalty of five hundred dollars (\$500.00) for each manufactured home sold prior to licensure. This paragraph does not apply to any manufacturer who does not manufacture manufactured homes.

Authority: T.C.A. §§68-126-204, 68-126-206, and 68-126-210. **Administrative History:** Original rule certified June 10, 1974. Repeal filed April 20, 1978; effective May 22, 1978. New rule filed June 28, 1984; effective July 28, 1984. Amendment filed November 12, 1986; effective December 27, 1986. Amendment filed June 15, 1988; effective September 28, 1988. Amendment filed March 12, 2004; effective May 26, 2004.

0780-2-4-.03 LICENSING OF RETAILERS.

- (1) An applicant for a license as a retailer shall complete an application form prescribed by the commissioner and submit the same to the commissioner along with a nonrefundable application fee of forty dollars (\$40.00). The applicant shall also submit a surety bond in the amount of twenty-five thousand dollars (\$25,000.00), executed by the applicant as principal and issued by a surety company qualified to do business in the State of Tennessee.
- (2) Effective July 1, 2003, an applicant for a license as a manufactured home retailer shall provide proof, at the time of application, of having completed a fifteen (15) hour course, approved by the commissioner, in the installation of manufactured homes. This paragraph does not apply to any retailer who does not sell manufactured homes.
- (3) Effective July 1, 2003, an applicant for a license as a manufactured home retailer shall provide proof, at the time of application, of having passed an examination, approved by the commissioner, in the installation of manufactured homes. This paragraph does not apply to any retailer who does not sell manufactured homes.
- (4) A license as a retailer shall expire one (1) year after the date of issuance, unless renewed. Any person desiring to renew a license later than ninety (90) days after the date of its expiration shall submit a new application and meet all other application requirements.
- (5) Effective January 1, 2004, and as a prerequisite to renewal of a license for 2004 as a manufactured home retailer, the retailer shall provide proof of having completed a fifteen (15) hour course, approved by the commissioner, in the installation of manufactured homes and of having passed an examination, approved by the commissioner, in the installation of manufactured homes. This paragraph does not apply to any retailer who does not sell manufactured homes.
- (6) Any retailer who fails to renew a license prior to its expiration but before ninety (90) days after its expiration shall pay a late penalty of fifty dollars (\$50.00) in addition to the renewal fee.

(Rule 0780-2-4-.03, continued)

- (7) Any retailer who commences business in this State prior to obtaining proper licensure shall be assessed a civil penalty of one thousand dollars (\$1,000.00) for each manufactured home sold prior to licensure. This paragraph does not apply to any retailer who does not sell manufactured homes.

Authority: T.C.A. §§68-126-204, 68-126-206, and 68-126-210. **Administrative History:** Original rule certified June 10, 1974. Repeal filed April 20, 1978; effective May 22, 1978. New rule filed June 28, 1984; effective July 28, 1984. Amendment filed December 13, 1985; effective January 12, 1986. Amendment filed March 12, 2004; effective May 26, 2004.

0780-2-4-.04 LICENSING OF INSTALLERS.

- (1) Effective July 1, 2003, an applicant for a license as an installer shall complete an application form prescribed by the commissioner and submit the same to the commissioner along with a nonrefundable application fee of twenty-five dollars (\$25.00). The applicant shall also submit a surety bond in the amount of ten thousand dollars (\$10,000.00), executed by the applicant as principal and issued by a surety company qualified to do business in the State of Tennessee.
- (2) Effective July 1, 2003, an applicant for a license as an installer shall provide proof, at the time of application, of having completed a fifteen (15) hour course, approved by the commissioner, in the installation of manufactured homes.
- (3) Effective July 1, 2003, an applicant for a license as an installer shall provide proof, at the time of application, of having passed an examination, approved by the commissioner, in the installation of manufactured homes.
- (4) A license as an installer shall expire one (1) year after the date of issuance, unless renewed. Any person desiring to renew a license later than ninety (90) days after the date of its expiration shall submit a new application and meet all other application requirements.
- (5) Effective January 1, 2004, and as a prerequisite to renewal of a license for 2004 as an installer, the installer shall provide proof of having completed a fifteen (15) hour course, approved by the commissioner, in the installation of manufactured homes and of having passed an examination, approved by the commissioner, in the installation of manufactured homes.
- (6) Any installer who fails to renew a license prior to its expiration but before ninety (90) days after its expiration shall pay a late penalty of fifty dollars (\$50.00) in addition to the renewal fee.
- (7) Any installer who commences business in this State prior to obtaining proper licensure shall be assessed a civil penalty of one thousand dollars (\$1,000.00) for each manufactured home set up prior to licensure.

Authority: T.C.A. §§68-126-204, 68-126-206, 68-126-210, 68-126-404, and 68-126-410. **Administrative History:** Original rule certified June 10, 1974. Repeal filed April 20, 1978; effective May 22, 1978. New rule filed June 28, 1984; effective July 28, 1984. Amendment filed June 15, 1988; effective September 28, 1988. Amendment filed March 12, 2004; effective May 26, 2004.

0780-2-4-.05 ADOPTION BY REFERENCE OF STANDARDS.

- (1) All manufactured homes (but not park trailers), shall be constructed in accordance with the standards established by the United States Department of Housing and Urban Development (HUD) pursuant to the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.). All multi-family homes designed and manufactured with more than one (1) living unit must be constructed in accordance with the Tennessee Modular Building Act (Tenn. Code Ann. Title 68, Chapter 126, Part 3).

(Rule 0780-2-4-.05, continued)

- (2) All items within the gross floor area of new and used manufactured homes, including porches, not covered by the Federal Manufactured Housing Safety Standards shall comply with the 2000 edition of the International Residential Code for One and Two Family Dwellings.
- (3) Site built items shall comply with local codes or the 2000 edition of the International Residential Code for One and Two Family Dwellings.
- (4) Any park trailer that enters the first stage of production after July 1, 2003 shall be constructed in accordance with the Standard for Park Trailers, 1998 edition, ANSI A119.5; however, the definition of "park trailer" shall be that set out in rule 0780-2-4-.01.
- (5) Any recreational vehicle that enters the first stage of production after July 1, 2003 shall be constructed in accordance with the ANSI A119.2 NFPA 1192 Standard on Recreational Vehicles, 2002 edition, published by the National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269; however, the definition of "recreational vehicle" shall be that set out in Tenn. Code Ann. § 68-126-202.

Authority: T.C.A. §§68-126-202, 68-126-204, and 68-126-210. **Administrative History:** Original rule certified June 10, 1974. Repeal filed April 20, 1978; effective May 22, 1978. New rule filed June 28, 1984; effective July 28, 1984. Amendment filed March 12, 2004; effective May 26, 2004. (Formerly 0780-2-4-.02)

0780-2-4-.06 FEES FOR ENFORCEMENT OF FEDERAL STANDARDS.

- (1) The following schedule of fees is hereby established for the performance of Primary Inspection Agency (PIA) services specified in the HUD manufactured home procedural and enforcement regulations:
 - (a) For plant approval pursuant to 24 C.F.R. § 3282.362(b), including preparation and issuance of a certification report, forty dollars (\$40.00) per inspector per hour, plus the reasonable and necessary expenses of each inspector assigned to the inspection team. The inspector shall be reimbursed for reasonable travel expenses in accordance with the state travel regulations promulgated by the commissioner of finance and administration.
 - (b) For production surveillance pursuant to 24 C.F.R. § 3282.362(c), thirty dollars (\$30.00) for each floor to which a HUD label is affixed and forty dollars (\$40.00) per inspector per hour, plus the reasonable and necessary expenses of each inspector assigned, for inspection services in excess of those required by the cited section. The inspector shall be reimbursed for reasonable travel expenses in accordance with the state travel regulations promulgated by the commissioner of finance and administration.

Authority: T.C.A. §§68-126-204 and 68-126-210. **Administrative History:** Original rule certified June 10, 1974. Repeal filed April 20 1978; effective May 22, 1978. New rule filed June 28, 1984; effective July 28, 1984. Amendment filed June 15, 1988; effective September 28, 1988. Amendment filed March 12, 2004; effective May 26, 2004. (Formerly 0780-2-4-.03)

0780-2-4-.07 CERTIFICATES OF COMPLIANCE FOR PARK TRAILERS AND RECREATIONAL VEHICLES.

- (1) No new park trailer or recreational vehicle may be sold, transferred or leased unless there is affixed to the unit a State of Tennessee certification decal evidencing compliance with the appropriate standards established in rule 0780-2-4-.05. Each manufacturer shall make a written request to the commissioner for certification decals.
- (2) The manufacturer shall affix certification decals to all park trailers and recreational vehicles prior to the shipment of such units from the manufacturing plant.

(Rule 0780-2-4-.07, continued)

- (3) The certification decal shall be placed within thirty-six inches (36") from the floor line on the outside wall opposite the hinge side of the front door, and within eighteen inches (18") from the edge of the door.
- (4) Any manufacturer of park trailers or recreational vehicles shall maintain records of each certification decal affixed to a unit during each month on forms provided by the commissioner, and the commissioner shall provide the necessary forms with each order of decals. The manufacturer shall submit a monthly report of each certification decal affixed to a unit to the commissioner no later than the fifth day of the month following the previous month's reporting period.
- (5) The manufacturer shall use certification decals in numerical order.
- (6) The commissioner will not supply certification decals to a manufacturer unless and until the manufacturer has complied with paragraph (4) of this rule.
- (7) The manufacturer shall be responsible for the safekeeping of all certification decals issued to it and shall notify the commissioner in writing immediately upon discovery of the loss or misplacement of any decals.
- (8) The manufacturer shall submit to the commissioner a fee of eleven dollars (\$11.00) for each certification decal with each request for decals.

Authority: T.C.A. §§68-126-204, 68-126-207, and 68-126-210. **Administrative History:** Original rule certified June 10, 1974. Repeal filed April 20, 1974; effective May 22, 1978. New rule filed June 28, 1984; effective July 28, 1984. Amendment filed March 12, 2004; effective May 26, 2004. (Formerly 0780-2-4-.04)

0780-2-4-.08 INSPECTIONS OF MANUFACTURED HOMES.

- (1) All manufactured homes on which a HUD label is required are subject to inspection on retailers' lots within the State of Tennessee for transit damage, HUD label tampering, retailer performance and retailer alterations (see 24 C.F.R. § 3282.303(a) and (b)).
- (2) All recreational vehicles and park trailers on which a certification decal is required are subject to inspection on retailers' lots within the State of Tennessee for transit damage, certification decal tampering, retailer performance and retailer alterations.

Authority: T.C.A. §§68-126-204 and 68-126-210. **Administrative History:** Original rule certified June 10, 1974. Repeal filed April 20, 1978; effective May 22, 1978. New rule filed June 28, 1984; effective July 28, 1984. Amendment filed March 12, 2004; effective May 26, 2004. (Formerly 0780-2-4-.05)

0780-2-4-.09 RESPONSIBILITIES OF RETAILERS.

- (1) The retailer shall inspect each park trailer or recreational vehicle received from the manufacturer to determine whether the required Tennessee certification label is properly affixed. If not, the retailer shall, within five (5) days after receipt of the unit, notify the manufacturer and the commissioner in writing of the omission. Immediately upon receipt of such notification, the manufacturer shall purchase a certification decal from the commissioner and install it on the unit on the retailer's lot.
- (2) Within five (5) days after receipt of any manufactured home not bearing a HUD label, the retailer shall notify the manufacturer and the commissioner in writing of the omission. Immediately upon receipt of such notification, the manufacturer shall provide evidence to the commissioner of the HUD label assigned to the unit at the time of manufacture. This paragraph shall not apply to any retailer who does not sell manufactured homes.

(Rule 0780-2-4-.09, continued)

Authority: T.C.A. §§68-126-204 and 68-126-210. **Administrative History:** Original rule certified June 10, 1974. Repeal filed April 20, 1978; effective May 22, 1978. New rule filed June 28, 1984; effective July 28, 1984. Repeal filed June 15, 1988; effective September 28, 1988. Amendment filed March 12, 2004; effective May 26, 2004. (Formerly 0780-2-4-.06)

0780-2-4-.10 REMOVAL OF DECALS.

No decal or label, once affixed, 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 March 12, 2004; effective May 26, 2004. (Formerly 0780-2-4-.07)

0780-2-4-.11 RED TAGS.

- (1) The provisions of this rule shall apply only to manufactured homes.
- (2) No unit bearing a red tag because of violation(s) of any of the standards prescribed in this chapter shall be moved, shipped, sold or leased until the violation(s) is corrected and the tag is removed by the State manufactured housing inspector.
- (3) Any unit moved, shipped, sold or leased prior to the removal of the red tag shall:
 - (a) be returned to the retailer's lot for reinspection by the State; or
 - (b) may remain at the location to which the unit had been delivered; provided, the retailer shall pay a fee of forty dollars (\$40.00) per hour, including travel time to and from the retailer's lot, plus all reasonable and necessary expenses incurred by the State manufactured housing inspector for reinspection. The inspector shall be reimbursed for reasonable travel expenses in accordance with the state travel regulations promulgated by the commissioner of finance and administration.
- (4) There is no charge for the first reinspection; the retailer shall pay a fee of fifty dollars (\$50.00) for each subsequent inspection on the same unit.

Authority: T.C.A. §§68-126-204 and 68-126-210. **Administrative History:** Original rule filed March 12, 2004; effective May 26, 2004. (Formerly 0780-2-4-.08)

0780-2-4-.12 ACCEPTABLE COURSE TOPICS.

- (1) Credit may be granted for either qualifying or continuing education courses which cover installation topics. At a minimum, each course shall provide at least one (1) hour of instruction in soil capacity appropriate to the grand division(s) of Tennessee in which the retailer or installer engages in business. Examples of acceptable course topics are the following:
 - (a) Acceptance of the unit, including, but not limited to:
 1. Checking labeling of the unit;
 2. Data plate information;
 3. Transportation damage;
 4. Installation manual.
 - (b) Planning and site preparation, including, but not limited to:

(Rule 0780-2-4-.12, continued)

1. Drainage and grading;
 2. Soil bearing capacity;
 3. Vapor barriers;
 4. Vegetation;
 5. Ventilation;
 6. FEMA flood zones.
- (c) Foundation installation, including, but not limited to:
1. Proper location of footings and piers;
 2. Proper construction of footings and piers.
- (d) Anchor installation, including, but not limited to:
1. Anchor locations;
 2. Anchor embedment;
 3. Securing of straps.
- (e) Connection of multi-wide units, including, but not limited to:
1. Connection of roof elements;
 2. Connection at floors;
 3. Connection at walls.
- (f) Plumbing installation, including, but not limited to:
1. Potable water sources and supply lines;
 2. Supply pressure shut-offs;
 3. Heat tape installation;
 4. Piping protection;
 5. Waste line size, material and support;
 6. Distribution piping test;
 7. Drain waste vent (DWV) testing;
 8. Fixture testing.
- (g) Mechanical installation, including, but not limited to:

(Rule 0780-2-4-.12, continued)

1. Flue and spark arrester installation;
 2. Heat producing appliances;
 3. Dryer vent installation;
 4. Fuel supply piping tests;
 5. Duct installation and insulation;
 6. Exterior appliance installation (air conditioning).
- (h) Electrical installation, including, but not limited to:
1. Service entrance connection and location;
 2. Grounding;
 3. Electrical crossover connection;
 4. Fixture installation;
 5. Electrical testing.
- (i) Exterior finish and thermal installation, including, but not limited to:
1. Site-installed insulation;
 2. Siding application;
 3. Roofing application.
- (j) Ancillary installations, including, but not limited to:
1. Structurally independent additions and alterations;
 2. Bottom board repairs;
 3. Skirting installations;
 4. Basement installations.
- (k) Tennessee laws and rules governing manufactured homes and manufactured home installation.
- (2) Each course shall provide fifteen (15) hours of training for participants.
- (3) A course offered for continuing education purposes only shall consist of no fewer than five (5) hours of instruction. Each course offered for continuing education shall include instruction in any three (3) different subjects referenced in this rule.

Authority: T.C.A. §§68-126-204, 68-126-206, 68-126-210, and 68-126-404. **Administrative History:** Original rule filed March 12, 2004; effective May 26, 2004.

0780-2-4-.13 CONTINUING EDUCATION.

- (1) This rule shall not apply to any retailer who does not sell manufactured homes.
- (2) Beginning January 1, 2004 and as a prerequisite to renewing a license as a retailer or an installer, the licensee shall have obtained five (5) hours of continuing education credit during the preceding twelve (12)-month period.
- (3) A continuing education course must be approved by the commissioner before the licensee will be granted credit for the course.
- (4) The licensee shall provide verification to the commissioner of having obtained the continuing education credits required by this rule. Verification consists of a form certifying attendance at the course, the subjects covered and the number of continuing education hours obtained at the course.
- (5) The licensee shall submit to the commissioner the licensee's verification form after taking the course and prior to the expiration of his or her license. The licensee is responsible for ensuring timely submittal of the required verification.
- (6) In order to obtain approval to provide course instruction, the course provider shall submit to the commissioner materials including an outline of the course instruction, biography of the instructor, the methods and tools that will be utilized in the course, number of instruction hours provided and the dates and times the course will be offered. A course provider seeking approval of a course pursuant to this paragraph shall submit the required documentation no later than thirty (30) days prior to the first offering of the course.
- (7) A licensee may apply on an individual basis for continuing education credit for a course which has not been approved in advance by the commissioner by submitting an agenda, the number of instructional hours provided, the dates and times the course was offered, verification of attendance by both the licensee and the course instructor and any additional information requested by the commissioner as necessary for review of the course. A licensee seeking approval of a course pursuant to this paragraph shall submit the required documentation as soon as practicable after completion of the course; provided, that credit will not be granted later than thirty (30) days after the licensee takes the course. No credit for the course will be awarded unless and until the course is approved by the commissioner or his or her authorized representative.
- (8) Continuing education credit will not be awarded for any course taken more than one (1) time every four (4) years.

Authority: T.C.A. §§68-126-204, 68-126-206, 68-126-210, and 68-126-404. **Administrative History:** Original rule filed March 12, 2004; effective May 26, 2004.