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HOUSE BILL 49

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Rodolpho "Rudy" S. Martinez and Peter Wirth

AN ACT

RELATING TO MANUFACTURED HOUSING; CHANGING THE DEFINITION OF  
"DIRECTOR" IN THE MANUFACTURED HOUSING ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 60-14-2 NMSA 1978 (being Laws 1978,  
Chapter 79, Section 1, as amended) is amended to read:

"60-14-2. DEFINITIONS.--As used in the Manufactured  
Housing Act:

A. "broker" means any person who, for a fee,  
commission or valuable consideration, lists, sells, offers for  
sale, exchanges, offers to exchange, rents or leases or offers  
to rent or lease pre-owned manufactured homes for another  
person or who negotiates, offers to negotiate, locates or  
brings together a buyer and a seller or offers to locate or  
bring together a buyer and a seller in conjunction with the

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1 sale, exchange, rental or lease of a pre-owned manufactured  
2 home. A broker may or may not be an agent of any party  
3 involved in the transaction. No person shall be considered a  
4 broker unless engaged in brokerage activities related to the  
5 sale, exchange or lease-purchase of two or more pre-owned  
6 manufactured homes to consumers in any consecutive twelve-month  
7 period;

8 B. "certificate of qualification" means a  
9 certificate issued by the division to a qualifying party;

10 C. "committee" means the manufactured housing  
11 committee;

12 D. "consumer" means any person who seeks or  
13 acquires by purchase, exchange or lease-purchase a manufactured  
14 home;

15 E. "dealer" means any person engaged in the  
16 business of buying for resale, selling or exchanging  
17 manufactured homes or offering manufactured homes for sale,  
18 exchange or lease-purchase to consumers. No person shall be  
19 considered a dealer unless engaged in the sale, exchange or  
20 lease-purchase of two or more manufactured homes to consumers  
21 in any consecutive twelve-month period. A dealer may also  
22 engage in any brokerage activities included under the  
23 definition of broker in this section; provided that "dealer"  
24 shall not include:

25 (1) receivers, trustees, administrators,

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1 executors, guardians or other persons appointed by or acting  
2 under judgment, decree or order of any court;

3 (2) public officers while performing their  
4 duties as such officers; and

5 (3) finance companies, banks and other lending  
6 institutions covering sales of repossessed manufactured houses;

7 F. "director" means the director of the  
8 ~~[manufactured housing] division [and the construction~~  
9 ~~industries division of the regulation and licensing~~  
10 ~~department]~~;

11 G. "division" means the manufactured housing  
12 division of the regulation and licensing department;

13 H. "inspection agency" means any firm, partnership,  
14 corporation, association or any combination thereof approved in  
15 accordance with regulations adopted by the division as having  
16 the personnel and equipment available to adequately inspect for  
17 the proper construction of manufactured homes or house trailers  
18 not used exclusively for recreational purposes;

19 I. "inspector" means a person appointed by the  
20 division as being qualified to adequately inspect the  
21 construction, electrical installations and mechanical  
22 installations of manufactured homes and their repair and  
23 modification, as well as the installation, tie-downs, blocking,  
24 skirting and water, gas and sewer connections of any  
25 manufactured homes in New Mexico;

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1           J. "installer" means any person who installs  
2 manufactured homes for remuneration;

3           K. "installation" means, but is not limited to,  
4 preparation by an installer of a manufactured home site,  
5 construction of tie-down facilities and connection to on-site  
6 utility terminals;

7           L. "manufacturer" means any resident or nonresident  
8 person who manufactures or assembles manufactured homes or any  
9 component of manufactured homes;

10          M. "manufactured home" means a movable or portable  
11 housing structure over thirty-two feet in length or over eight  
12 feet in width constructed to be towed on its own chassis and  
13 designed to be installed with or without a permanent foundation  
14 for human occupancy as a residence and that may include one or  
15 more components that can be retracted for towing purposes and  
16 subsequently expanded for additional capacity or may be two or  
17 more units separately towable but designed to be joined into  
18 one integral unit, as well as a single unit. "Manufactured  
19 home" does not include recreational vehicles or modular or  
20 premanufactured homes, built to Uniform Building Code  
21 standards, designed to be permanently affixed to real property.  
22 "Manufactured home" includes any movable or portable housing  
23 structure over twelve feet in width and forty feet in length  
24 that is used for nonresidential purposes;

25          N. "permit" means a certificate issued by the

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1 division to the dealer or installer of a manufactured home  
2 indicating that the manufactured home meets the minimum  
3 requirements for occupancy provided for by codes or regulations  
4 of the division;

5 O. "person" includes an individual, firm,  
6 partnership, corporation, association or other legal entity or  
7 any combination thereof;

8 P. "qualifying party" means any individual who  
9 submits to the examination for a license, other than a broker's  
10 or salesperson's license, to be issued under the Manufactured  
11 Housing Act to a licensee, other than an individual, and who  
12 after passing such an examination is responsible for the  
13 licensee's compliance with the requirements of that act and  
14 with the rules, regulations, codes and standards adopted and  
15 promulgated in accordance with the provisions of the  
16 Manufactured Housing Act;

17 Q. "repairman" means any person who, for  
18 remuneration or consideration, modifies, alters or repairs the  
19 structural, mechanical or electrical systems of a manufactured  
20 home; and

21 R. "salesperson" means any person who for any form  
22 of compensation sells or lease-purchases or offers to sell or  
23 lease-purchase manufactured homes to consumers as an employee  
24 or agent of a dealer."

25 SECTION 2. EFFECTIVE DATE.--The effective date of the  
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1 provisions of this act is July 1, 2019.

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