

By: Senator(s) Kirby

To: Business and Financial
Institutions

SENATE BILL NO. 2708

1 AN ACT TO AMEND SECTION 75-49-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT NO FELON SHALL BE LICENSED AS A MANUFACTURER,
3 TRANSPORTER, INSTALLER OR DEALER OF NEW OR USED FACTORY-BUILT
4 HOMES; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 75-49-9, Mississippi Code of 1972, is
7 amended as follows:

8 75-49-9. (1) After July 1, 1992, every manufacturer, every
9 transporter or installer and every dealer who sells, manufactures,
10 transports or installs new or used factory-built homes within the
11 State of Mississippi shall apply for and obtain a license from the
12 commissioner.

13 (2) If a factory-built home is new, the applicant shall
14 certify in the application to the commissioner that the applicant
15 will comply with the construction standards set forth under rules
16 and regulations provided in Section 75-49-5 herein, and that the
17 applicant has obtained a current and valid tax identification
18 number.

19 (3) Applications shall be obtained from and submitted to the
20 commissioner on forms prescribed by the commissioner.

21 (4) The original license fee and all annual renewals thereof
22 shall be Two Hundred Fifty Dollars (\$250.00) for manufacturing
23 plants that build manufactured homes and Two Hundred Fifty Dollars
24 (\$250.00) for manufacturing plants that manufacture relocatable
25 (modular) homes located within or without the State of Mississippi
26 manufacturing or delivering homes for sale within the State of
27 Mississippi and One Hundred Fifty Dollars (\$150,00) per
28 manufactured home and/or relocatable (modular) home dealer



29 location within the State of Mississippi. The licensing fee for a
30 manufactured home and/or relocatable (modular) home independent
31 contractor transporter or installer is One Hundred Dollars
32 (\$100.00) for each company. The fee for relocatable (modular)
33 home plan review shall be Four Hundred Dollars (\$400.00) per floor
34 plan; however, this fee shall not apply to any relocatable
35 (modular) home plan reviews completed before July 1, 1998. Except
36 as otherwise provided in subsection (10) of this section, the
37 license shall be valid for a period of one (1) year from the date
38 of issuance, or until revoked as provided herein.

39 (5) After the effective date of this chapter, every
40 manufacturer, transporter or installer or seller who first sells,
41 manufactures, transports or installs a new or used factory-built
42 home in this state, before such first construction, sale,
43 transportation or installation shall apply for and obtain a
44 license from the commissioner. The fee shall be paid to the
45 commissioner in such manner as the commissioner may by rule
46 require. All funds received by the commissioner shall be
47 deposited in a special fund account in the State Treasury to the
48 credit of the Department of Insurance.

49 (6) Every manufacturer of manufactured homes in the state
50 shall pay a monitoring inspection fee to the Secretary of Housing
51 and Urban Development, or the secretary's agent, for each
52 manufactured home produced in the state by the manufacturer. The
53 fee shall be in an amount established by the secretary pursuant to
54 the National Manufactured Home Construction and Safety Standards
55 Act of 1974, 42 USCS 5401 et seq. The portion of the fee which is
56 returned to the state shall be deposited by the commissioner in a
57 special fund account in the State Treasury to the credit of the
58 Department of Insurance.

59 (7) The commissioner shall investigate and examine all
60 applicants for all licenses by holding such hearings as he shall
61 deem necessary or conducting investigations or examinations, or



62 any combination thereof, as to the fitness or expertise of the
63 applicant for the type of license for which the applicant applied.
64 A license shall be granted only to a person who bears a good
65 reputation for honesty, trustworthiness, integrity and competency
66 to transact the business in such a manner as to safeguard the
67 interest of the public and only after satisfactory proof of such
68 qualifications has been presented to the commissioner. No person
69 who has ever been convicted of a felony or any crime involving
70 moral turpitude, unless presently licensed under this chapter,
71 shall be issued a license under this section.

72 (8) The commissioner shall take all applicants under
73 consideration after having examined them through oral or written
74 examinations, or both, before granting any license. If the
75 applicant is an individual, examination may be taken by his
76 personal appearance for examination or by the appearance for
77 examination of one or more of his responsible, full-time managing
78 employees; and if a partnership or corporation or any other type
79 of business or organization, by the examination of one or more of
80 the responsible, full-time managing officers or members of the
81 executive staff of the applicant's firm. Every application by an
82 individual for a license to sell, transport or install new or used
83 mobile, manufactured and relocatable homes shall be verified by
84 the oath or affirmation of the applicant, and every such
85 application by a partnership or corporation shall be verified by
86 the oath or affirmation of a partner or an officer thereof. The
87 applications for licenses shall be in such form and detail as the
88 commissioner shall prescribe.

89 (9) The holder of any valid license issued by the
90 commissioner at the time this section becomes effective shall be
91 automatically issued an equivalent license in the same category
92 for which his previous license was issued.

93 (10) Beginning July 1, 1988, every license issued under this
94 chapter shall be issued annually and shall expire on June 30



95 following the date upon which it was issued. License fees shall
96 not be prorated for the remainder of the year in which the
97 application was made but shall be paid for the entire year
98 regardless of the date of the application. The commissioner
99 shall, on or before April 30, 1989, and on or before April 30 of
100 each succeeding year thereafter, forward a "notice of renewal," by
101 regular United States mail, to each licensee at his or its last
102 known post office address. After depositing the "notice of
103 renewal" in the United States mail, the commissioner shall have no
104 other duty or obligation to notify the licensee of the expiration
105 of his or its annual license. The failure of the licensee to
106 obtain a renewal license on or before June 30 of the ensuing
107 license period shall act as an automatic suspension of the license
108 unless the commissioner, for good cause shown in writing and the
109 payment of an amount equal to double the renewal fee for said
110 delinquency, lifts the suspension and issues the renewal license.
111 During the period of suspension any practice by the licensee under
112 the color of such license shall be deemed a violation of this
113 chapter. Annual renewals of a dealer's license shall require, as
114 a condition precedent, that the dealer verify by oath or
115 affirmation that he maintains a retail sales lot in accordance
116 with all rules and regulations promulgated by the commissioner and
117 that the lot has three (3) or more new or used factory-built homes
118 located thereon for retail sale as a residential dwelling or for
119 any other use at the time of application.

120 **SECTION 2.** This act shall take effect and be in force from
121 and after July 1, 2003.

