

By: Senator(s) Kirby

To: Insurance

SENATE BILL NO. 2405

1 AN ACT TO AMEND SECTION 75-49-9, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE COMMISSIONER OF INSURANCE TO ESTABLISH CONTINUING
3 EDUCATION REQUIREMENTS FOR LICENSING OF A MANUFACTURER,
4 TRANSPORTER, INSTALLER OR DEALER OF NEW OR USED FACTORY-BUILT
5 HOMES; AND FOR RELATED PURPOSES.

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

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

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

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

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

22 (4) The original license fee and all annual renewals thereof
23 shall be Two Hundred Fifty Dollars (\$250.00) for manufacturing
24 plants that build manufactured homes and Two Hundred Fifty Dollars
25 (\$250.00) for manufacturing plants that manufacture relocatable
26 (modular) homes located within or without the State of Mississippi
27 manufacturing or delivering homes for sale within the State of
28 Mississippi and One Hundred Fifty Dollars (\$150.00) per



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

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

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

60 (7) The commissioner shall investigate and examine all
61 applicants for all licenses by holding such hearings as he shall



62 deem necessary or conducting investigations or examinations, or
63 any combination thereof, as to the fitness or expertise of the
64 applicant for the type of license for which the applicant applied.
65 A license shall be granted only to a person who bears a good
66 reputation for honesty, trustworthiness, integrity and competency
67 to transact the business in such a manner as to safeguard the
68 interest of the public and only after satisfactory proof of such
69 qualifications has been presented to the commissioner.

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

87 (9) The holder of any valid license issued by the
88 commissioner at the time this section becomes effective shall be
89 automatically issued an equivalent license in the same category
90 for which his previous license was issued if the licensee has
91 satisfied any continued education requirements established by the
92 Commissioner of Insurance in accordance with this section.

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 (11) The Commissioner of Insurance is authorized and
121 directed to promulgate rules and regulations necessary to
122 establish continuing education requirements for licensees under
123 this chapter.

124 **SECTION 2.** This act shall take effect and be in force from
125 and after July 1, 2004.

