
By: **Delegates Walkup and Sossi**

Introduced and read first time: February 11, 2005

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection - Home Builders Registration - Manufactured Homes**

3 FOR the purpose of amending and adding certain definitions under the home builders
4 registration law so as to include certain persons that build and sell
5 manufactured homes under that law; and generally relating to manufactured
6 homes and the home builders registration law.

7 BY renumbering
8 Article - Business Regulation
9 Section 4.5-101(l), (m), (n), and (o), respectively
10 to be Section 4.5-101(m), (n), (o), and (p), respectively
11 Annotated Code of Maryland
12 (2004 Replacement Volume)

13 BY repealing and reenacting, without amendments,
14 Article - Business Regulation
15 Section 4.5-101(d), (f), and (g)
16 Annotated Code of Maryland
17 (2004 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article - Business Regulation
20 Section 4.5-101(h), (i), (j), and (k) and 4.5-604
21 Annotated Code of Maryland
22 (2004 Replacement Volume)

23 BY adding to
24 Article - Business Regulation
25 Section 4.5-101(j) and (q)
26 Annotated Code of Maryland
27 (2004 Replacement Volume)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 4.5-101(l), (m), (n), and (o), respectively, of Article -
3 Business Regulation of the Annotated Code of Maryland be renumbered to be
4 Section(s) 4.5-101(m), (n), (o), and (p), respectively.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
6 read as follows:

7 **Article - Business Regulation**

8 4.5-101.

9 (d) "Division" means the Consumer Protection Division of the Office of the
10 Attorney General.

11 (f) (1) "Home builder" means a person that undertakes to erect or otherwise
12 construct a new home.

13 (2) "Home builder" includes:

14 (i) a custom home builder as defined in § 10-501 of the Real
15 Property Article;

16 (ii) a new home builder subject to § 10-301 of the Real Property
17 Article; and

18 (iii) the installer or retailer of a mobile home or an industrialized
19 building intended for residential use.

20 (3) "Home builder" does not include:

21 (i) an employee of a registrant who does not hold himself or herself
22 out for hire in home building except as an employee of a registrant;

23 (ii) subcontractors or other vendors hired by the registrant to
24 perform services or supply materials for the construction of a new home who do not
25 otherwise meet the requirements of this title;

26 (iii) the manufacturer of industrialized buildings intended for
27 residential use or of mobile homes, unless the manufacturer also installs the
28 industrialized buildings or mobile homes;

29 (iv) a real estate developer who does not construct homes;

30 (v) a financial institution that lends funds for the construction or
31 purchase of residential dwellings in the State; or

32 (vi) a person who erects or constructs new homes solely in
33 Montgomery County.

1 (g) "Home builder registration number" means a registration number issued
2 by the Unit to a registrant under this title.

3 (h) (1) "Industrialized building" [has the meaning stated in § 12-301 of the
4 Public Safety Article] MEANS A BUILDING ASSEMBLY OR SYSTEM OF BUILDING
5 SUBASSEMBLIES MANUFACTURED IN ITS ENTIRETY, OR IN SUBSTANTIAL PART, OFF
6 SITE AND TRANSPORTED TO A SITE FOR INSTALLATION OR ERECTION, WITH OR
7 WITHOUT OTHER SPECIFIED COMPONENTS, AS A FINISHED BUILDING OR AS PART OF
8 A FINISHED BUILDING THAT COMPRISES TWO OR MORE INDUSTRIALIZED BUILDING
9 UNITS.

10 (2) "INDUSTRIALIZED BUILDING" INCLUDES:

11 (I) A MANUFACTURED HOME; AND

12 (II) THE ELECTRICAL, PLUMBING, HEATING, VENTILATING,
13 INSULATION, AND OTHER SERVICE SYSTEMS OF THE BUILDING ASSEMBLY OR
14 SYSTEM OF BUILDING SUBASSEMBLIES IF THE SERVICE SYSTEMS ARE INSTALLED AT
15 THE OFF-SITE MANUFACTURE OR ASSEMBLY POINT.

16 (3) "INDUSTRIALIZED BUILDING" DOES NOT INCLUDE OPEN FRAME
17 CONSTRUCTION THAT CAN BE COMPLETELY INSPECTED ON SITE.

18 (i) "Install" [has the meaning stated in § 12-301 of the Public Safety Article]
19 MEANS TO ASSEMBLE AN INDUSTRIALIZED BUILDING OR MANUFACTURED HOME ON
20 SITE AND TO AFFIX THE INDUSTRIALIZED BUILDING OR MANUFACTURED HOME TO
21 LAND, A FOUNDATION, FOOTINGS, OR AN EXISTING BUILDING.

22 (J) "MANUFACTURED HOME" MEANS A STRUCTURE THAT:

23 (1) (I) IS TRANSPORTABLE IN ONE OR MORE SECTIONS;

24 (II) IS 8 BODY FEET OR MORE IN WIDTH AND 30 BODY FEET OR
25 MORE IN LENGTH;

26 (III) IS BUILT ON A PERMANENT CHASSIS; AND

27 (IV) IS DESIGNED TO BE USED AS A DWELLING, WITH OR WITHOUT A
28 PERMANENT FOUNDATION, WHEN CONNECTED TO THE REQUIRED UTILITIES.

29 (2) "MANUFACTURED HOME" INCLUDES:

30 (I) A MODULAR OR PREFABRICATED HOME; AND

31 (II) THE PLUMBING, HEATING, AIR-CONDITIONING, AND
32 ELECTRICAL SYSTEMS CONTAINED IN THE STRUCTURE.

33 [(j)] (K) "Mobile home" means a manufactured home as defined in [§ 12-301
34 of the Public Safety Article] SUBSECTION (J) OF THIS SECTION.

1 [(k)] (L) (1) "New home" means each newly constructed residential dwelling
2 unit in the State and the fixtures and structure that are made a part of a newly
3 constructed private dwelling unit at the time of construction.

4 (2) "New home" includes:

5 (i) a custom home as defined in § 10-501 (c) of the Real Property
6 Article;

7 (ii) a new home to which § 10-301 of the Real Property Article
8 applies;

9 (iii) an industrialized building intended for residential use; and

10 (iv) a mobile home.

11 (Q) "SITE" MEANS THE ENTIRE TRACT, SUBDIVISION, OR PARCEL OF LAND ON
12 WHICH AN INDUSTRIALIZED BUILDING OR MANUFACTURED HOME IS INSTALLED.

13 4.5-604.

14 A home builder [who] THAT installs an industrialized building intended for
15 residential use or a mobile home is responsible to the owner for correcting any defects
16 in any component incorporated into the new home [except for those], INCLUDING
17 industrialized buildings, MANUFACTURED HOMES, or mobile homes that are the
18 responsibility of the manufacturer of the industrialized building, THE
19 MANUFACTURED HOME, OR [and] mobile home [pursuant to Title 12, Subtitle 3 of
20 the Public Safety Article] IN ACCORDANCE WITH THE PROVISIONS OF THIS
21 SUBTITLE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect July 1, 2005.