

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 829

H.P. 605

House of Representatives, March 17, 1989

Reference to the Committee on Business Legislation suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative MITCHELL of Freeport.

Cosponsored by Senator CLARK of Cumberland, Representative KILKELLY of Wiscasset and Representative HOGLUND of Portland.

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STATE OF MAINE

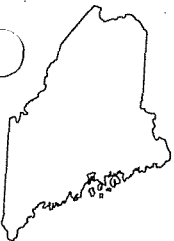
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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An Act Concerning Warranties for Manufactured Housing.

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1 Be it enacted by the People of the State of Maine as follows:

3 Sec. 1. 10 MRSA c. 213, first 2 lines, as amended, is further  
5 amended to read:

7 CHAPTER 213

9 MOBILE-HOME MANUFACTURED HOUSING WARRANTIES

11 Sec. 2. 10 MRSA §1401, as amended by PL 1973, c. 788, §42, is  
13 further amended to read:

15 §1401. Necessity of warranty

17 After October 3, 1973, all new ~~mobile-homes~~ manufactured  
19 housing sold by a ~~mobile-home-dealer~~ dealers situated in the  
21 State of Maine shall be covered by the warranty set forth in this  
23 chapter.

25 Sec. 3. 10 MRSA §1402, as enacted by PL 1973, c. 435, is  
27 amended to read:

29 §1402. Definitions

31 As used in this chapter, unless the context otherwise  
33 indicates, the following words terms shall have the following  
35 meanings.

37 1. Dealer. "Dealer" ~~shall include any person, corporation,~~  
39 ~~association or any other legal entity who customarily sells~~  
41 ~~mobile homes to consumers~~ means any person engaged in the retail  
43 selling or offering for sale, brokering or distribution of  
45 manufactured homes, primarily to a person who, in good faith,  
47 purchases these homes for purposes other than resale.

49 2. ~~Mobile home.~~ "Mobile home" ~~shall mean a structure,~~  
51 ~~transportable in one or more sections, which is 8 body feet or~~  
53 ~~more in width and is 32 body feet or more in length, and which is~~  
built on a permanent chassis and designed to be used as a  
dwelling with or without a permanent foundation when connected to  
the required utilities, and includes the plumbing, heating,  
air conditioning and electrical systems contained therein.

3. Manufactured housing. "Manufactured housing" means a  
structural unit or units designed for occupancy, and constructed  
in a manufacturing facility and then transported by the use of  
its own chassis or placement on an independent chassis to a  
building site. The term includes any type of building that is  
constructed at a manufacturing facility and then transported to a  
building site where it is utilized for housing and may be  
purchased or sold by a dealer in the interim. For purposes of  
this chapter, 3 types of manufactured housing are included. They  
are:

1        A. Those units constructed after June 15, 1976, that the  
3        manufacturer certifies are constructed in compliance with  
5        the United States Department of Housing and Urban  
7        Development standard, meaning structures, transportable in  
9        one or more sections, which, in the traveling mode, are 8  
11       body feet or more in width and 40 body feet or more in  
13       length or, when erected on site, are 320 or more square  
15       feet, and which are built on a permanent chassis and  
17       designed to be used as dwellings, with or without permanent  
19       foundations, when connected to the required utilities,  
21       including the plumbing, heating, air-conditioning and  
23       electrical systems contained therein; except that such term  
25       shall include any structure that meets all the requirements  
27       of this paragraph except the size requirements and with  
29       respect to which the manufacturer voluntarily files a  
31       certification required by the Secretary of the United States  
33       Department of Housing and Urban Development and complies  
35       with the standards established under the National  
37       Manufactured Housing Construction and Safety Standards Act  
39       of 1974, United States Code, Title 42, Sections 5401 et seq.;

41       B. Those units that the manufacturer certifies are  
43       constructed in compliance with the State's manufactured  
45       housing laws and regulations, meaning structures,  
47       transportable in one or more sections, which are not  
49       constructed on a permanent chassis and are designed to be  
51       used as dwellings on foundations when connected to required  
53       utilities, including the plumbing, heating, air-conditioning  
55       or electrical systems contained therein; and

57       C. Those units constructed prior to June 15, 1976, meaning  
59       structures, transportable in one or more sections, which are  
61       8 body feet or more in width and are 32 body feet or more in  
63       length, and which are built on a permanent chassis and  
65       designed to be used as dwellings, with or without permanent  
67       foundations, when connected to the required utilities,  
69       including the plumbing, heating, air-conditioning or  
71       electrical systems contained therein.

73       **Sec. 4. 10 MRSA §1403,** as enacted by PL 1973, c. 435, is  
75       amended to read:

77       **§1403. Application**

79       The warranty provided for in this chapter shall apply to the  
81       manufacturer of the mobile-home manufactured housing, as well as  
83       to the dealer who sells the mobile-home manufactured housing to  
85       the buyer.

87       **Sec. 5. 10 MRSA §1404,** as repealed and replaced by PL 1973,  
89       c. 754, §1, is amended to read:

91       **§1404. Written warranty; contents**

1           The manufacturer shall provide a written warranty with each  
3 new mobile manufactured home. The dealer shall countersign the  
warranty and certify that: To the best of his the dealer's  
5 knowledge, the home is free from ~~any--substantial--defects--in~~  
faulty materials and--workmanship , constructed in a skillful  
7 manner and fit for habitation, and meets all applicable federal  
manufactured housing construction and safety standards. The  
9 dealer shall deliver the written warranty to the buyer at the  
time of sale and the warranty shall contain the following terms:

11           1. Defects. That the ~~mobile-home~~ manufactured housing is  
13 free from any ~~substantial--defects--in~~ faulty materials or  
workmanship unskillful construction, is fit for habitation and  
15 meets all applicable federal manufactured housing construction  
and safety standards;

17           2. Corrective action. That the manufacturer or dealer or  
19 both shall take appropriate corrective action at the site of the  
~~mobile-home~~ manufactured housing or reimburse the homeowner or  
21 lessee for the cost of correction in instances of substantial  
~~defects--in~~ faulty materials or, unskilled workmanship, failure to  
23 be fit for habitation or failure to meet federal manufactured  
housing construction and safety standards, which become evident  
25 within one year from the date of the delivery of the ~~mobile-home~~  
manufactured housing to the consumer, provided the consumer or  
27 his the consumer's transferee gives written notice of such  
defects to the manufacturer or dealer at their business address  
29 not later than one year and 10 days after date of delivery- i

31           3. Liability. That the manufacturer and dealer shall be  
jointly and severally liable to the consumer for the fulfillment  
33 of the terms of warranty, and the consumer may notify either one  
or both of the need for appropriate corrective action in  
35 instances of ~~substantial--defects--in~~ faulty materials or ,  
unskilled workmanship, failure to be fit for habitation or  
37 failure to meet federal manufactured housing construction and  
safety standards;

39           4. Name, address and phone number of manufacturer. That  
41 the name, address and phone number of the manufacturer and the  
dealer where the consumer must mail or deliver written notice of  
43 defects to either the dealer or the manufacturer, or both, shall  
be set forth in the document; and

45           5. Responsibility. That while the manufacturers of any or  
47 all appliances may also issue their own warranties, the primary  
responsibility for appropriate corrective action under the  
49 warranty rests with the dealer and manufacturer, and the consumer  
should report all complaints to the dealer and manufacturer  
51 initially.

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## STATEMENT OF FACT

This bill deals with warranties for manufactured housing, including mobile and modular homes.

Mobile homes, but not all manufactured housing, are currently covered by a law requiring that for a one year period the manufacturer must correct substantial defects in materials or workmanship on site.

This bill eliminates the term "substantial defects" and substitutes "faulty materials, unskillful construction and failure to be fit for habitation" and adds a provision that the home must meet all standards for that type of housing. It extends the requirement for a warranty to all manufactured housing.

Homes constructed on site are currently covered by a warranty which requires them to be free from faulty materials and constructed according to the local building code. An approved party has access to the remedies of the Uniform Commercial Code.