

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1147

FINAL READING

Introduced by Friesen, 34.

Read first time January 19, 2022

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Uniform Standard Code for Manufactured
- 2 Homes and Recreational Vehicles; to amend section 71-4603, Reissue
- 3 Revised Statutes of Nebraska; to redefine terms; to repeal the
- 4 original section; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-4603, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-4603 For purposes of the Uniform Standard Code for Manufactured
4 Homes and Recreational Vehicles, unless the context otherwise requires:

5 (1) Camping trailer means a vehicular portable unit mounted on
6 wheels and constructed with collapsible partial side walls which fold for
7 towing by another vehicle and unfold at the campsite to provide temporary
8 living quarters for recreational, camping, or travel use;

9 (2) Commission means the Public Service Commission;

10 (3) Dealer means a person licensed by the state pursuant to the
11 Motor Vehicle Industry Regulation Act as a dealer in manufactured homes
12 or recreational vehicles or any other person, other than a manufacturer,
13 who sells, offers to sell, distributes, or leases manufactured homes or
14 recreational vehicles primarily to persons who in good faith purchase or
15 lease a manufactured home or recreational vehicle for purposes other than
16 resale;

17 (4) Defect means a failure to conform to an applicable construction
18 standard that renders the manufactured home or recreational vehicle or
19 any component of the manufactured home or recreational vehicle not fit
20 for the ordinary use for which it was intended but does not result in an
21 unreasonable risk of injury or death to occupants;

22 (5) Distributor means any person engaged in the sale and
23 distribution of manufactured homes or recreational vehicles for resale;

24 (6) Failure to conform means a defect, a serious defect,
25 noncompliance, or an imminent safety hazard related to the code;

26 (7) Fifth-wheel trailer means a unit mounted on wheels, designed to
27 provide temporary living quarters for recreational, camping, or travel
28 use, of such size or weight as not to require a special highway movement
29 permit, ~~of gross trailer area not to exceed four hundred thirty square~~
30 ~~feet in the setup mode,~~ and designed to be towed by a motorized vehicle
31 that contains a towing mechanism that is mounted above or forward of the

1 tow vehicle's rear axle;

2 (8) Gross trailer area means the total plan area measured on the
3 exterior to the maximum horizontal projections of exterior wall in the
4 setup mode and includes all siding, corner trims, moldings, storage
5 spaces, expandable room sections regardless of height, and areas enclosed
6 by windows but does not include roof overhangs. Storage lofts contained
7 within the basic unit shall have ceiling heights less than five feet and
8 shall not constitute additional square footage. Appurtenances, as defined
9 in subdivision (2)(k) of section 60-6,288, shall not be considered in
10 calculating the gross trailer area as provided in such subdivision;

11 (9) Imminent safety hazard means a hazard that presents an imminent
12 and unreasonable risk of death or severe personal injury;

13 (10) Manufactured home means a structure, transportable in one or
14 more sections, which in the traveling mode is eight body feet or more in
15 width or forty body feet or more in length or when erected on site is
16 three hundred twenty or more square feet and which is built on a
17 permanent chassis and designed to be used as a dwelling with or without a
18 permanent foundation when connected to the required utilities and
19 includes the plumbing, heating, air conditioning, and electrical systems
20 contained in the structure, except that manufactured home includes any
21 structure that meets all of the requirements of this subdivision other
22 than the size requirements and with respect to which the manufacturer
23 voluntarily files a certification required by the United States Secretary
24 of Housing and Urban Development and complies with the standards
25 established under the National Manufactured Housing Construction and
26 Safety Standards Act of 1974, as such act existed on September 1, 2001,
27 42 U.S.C. 5401 et seq.;

28 (11) Manufactured-home construction means all activities relating to
29 the assembly and manufacture of a manufactured home, including, but not
30 limited to, activities relating to durability, quality, and safety;

31 (12) Manufactured-home safety means the performance of a

1 manufactured home in such a manner that the public is protected against
2 any unreasonable risk of the occurrence of accidents due to the design or
3 construction of such manufactured home or any unreasonable risk of death
4 or injury to the user or to the public if such accidents do occur;

5 (13) Manufacturer means any person engaged in manufacturing,
6 assembling, or completing manufactured homes or recreational vehicles;

7 (14) Motor home means a vehicular unit primarily designed to provide
8 temporary living quarters which are built into an integral part of, or
9 permanently attached to, a self-propelled motor vehicle chassis or van,
10 containing permanently installed independent life-support systems that
11 meet the state standard for recreational vehicles and providing at least
12 four of the following facilities: Cooking; refrigeration or ice box;
13 self-contained toilet; heating, air conditioning, or both; a potable
14 water supply system including a faucet and sink; separate one-hundred-
15 twenty-nominal-volt electrical power supply; or LP gas supply;

16 (15) Noncompliance means a failure to comply with an applicable
17 construction standard that does not constitute a defect, a serious
18 defect, or an imminent safety hazard;

19 (16) Park model recreational vehicle trailer means a vehicular unit
20 which meets the following criteria:

21 (a) Is designed and marketed as temporary living quarters for
22 recreational, camping, travel, or seasonal use;

23 (b) Is not permanently affixed to real property for use as a
24 permanent dwelling;

25 (c) Is built on a single chassis mounted on wheels with a gross
26 trailer area not exceeding four hundred square feet in the set up mode;
27 and

28 (d) Is certified by the manufacturer as complying with the ANSI
29 A119.5 Park Model Recreational Vehicle Standard of the American National
30 Standards Institute, 2020 edition;

31 ~~(a) Built on a single chassis mounted on wheels;~~

1 ~~(b) Designed to provide seasonal or temporary living quarters which~~
2 ~~may be connected to utilities necessary for operation of installed~~
3 ~~fixtures and appliances;~~

4 ~~(c) Constructed to permit setup by persons without special skills~~
5 ~~using only hand tools which may include lifting, pulling, and supporting~~
6 ~~devices; and~~

7 ~~(d) Having a gross trailer area not exceeding four hundred thirty~~
8 ~~square feet when in the setup mode;~~

9 (17) Person means any individual, partnership, limited liability
10 company, company, corporation, or association engaged in manufacturing,
11 selling, offering to sell, or leasing manufactured homes or recreational
12 vehicles;

13 (18) Purchaser means the first person purchasing a manufactured home
14 or recreational vehicle in good faith for purposes other than resale;

15 (19) Recreational vehicle means a vehicular type unit primarily
16 designed as temporary living quarters for recreational, camping, or
17 travel use, which unit either has its own motive power or is mounted on
18 or towed by another vehicle. Recreational vehicle includes, but is not
19 limited to, travel trailer, park model recreational vehicle trailer,
20 camping trailer, truck camper, motor home, and van conversion;

21 (20) Seal means a device or insignia issued by the Department of
22 Health and Human Services Regulation and Licensure prior to May 1, 1998,
23 or by the Public Service Commission on or after May 1, 1998, to be
24 displayed on the exterior of a manufactured home or recreational vehicle
25 to evidence compliance with state standards. The federal manufactured-
26 home label shall be recognized as a seal;

27 (21) Serious defect means a failure to conform to an applicable
28 construction standard that renders the manufactured home or recreational
29 vehicle or any component of the manufactured home or recreational vehicle
30 not fit for the ordinary use for which it was intended and which results
31 in an unreasonable risk of injury or death to the occupants;

1 (22) Travel trailer means a vehicular unit mounted on wheels,
2 designed to provide temporary living quarters for recreational, camping,
3 or travel use of such size or weight as not to require special highway
4 movement permits when towed by a motorized vehicle ~~and of gross trailer~~
5 ~~area less than four hundred thirty square feet;~~

6 (23) Truck camper means a portable unit constructed to provide
7 temporary living quarters for recreational, travel, or camping use,
8 consisting of a roof, floor, and sides and designed to be loaded onto and
9 unloaded from the bed of a pickup truck; and

10 (24) Van conversion means a completed vehicle permanently altered
11 cosmetically, structurally, or both which has been recertified by the
12 state as a multipurpose passenger vehicle but which does not conform to
13 or otherwise meet the definition of a motor home in this section and
14 which contains at least one plumbing, heating, or one-hundred-twenty-
15 nominal-volt electrical component subject to the provisions of the state
16 standard for recreational vehicles. Van conversion does not include any
17 such vehicle that lacks any plumbing, heating, or one-hundred-twenty-
18 nominal-volt electrical system but contains an extension of the low-
19 voltage automotive circuitry.

20 Sec. 2. Original section 71-4603, Reissue Revised Statutes of
21 Nebraska, is repealed.

22 Sec. 3. Since an emergency exists, this act takes effect when
23 passed and approved according to law.