

DEALERS MUST COMPLY WITH REGULATIONS

During the 2006 legislative session, the regulations for manufactured housing dealers were amended by the legislature.

42 CSR 19 §10B.3. of the Legislative Rules for the Division of Labor and the West Virginia Manufactured Housing Construction and Safety Standards Board requires:

If the consumer agrees to assume all or part of the responsibility of installation of his or her manufactured home, as defined at subsection §3.21 of this rule, then the agreement between the consumer and the dealer shall be rendered in writing, specifying each party's installation obligations.

"Installation" as defined by 42 CSR 19 §3.21 lists seven (7) elements of installation which means and includes: *home placement evaluation; site preparation; installing the support system; leveling and trimming the manufactured home; utility connections; installation of optional accessory items; final grade and water control.*

Each of the seven (7) elements contains specific steps that must be completed by the dealer or consumer for the installation of a manufactured home. If a consumer performs any of the steps included in installation the dealer must have a contract in writing."specifying each party's installation obligations". (42 CSR 19 §10B.3).

IF A DEALER FAILS TO GENERATE A CONTRACT AS STATED IN §10B.3. SPECIFYING EACH PARTY'S INSTALLATION OBLIGATIONS (DEFINED IN §3.21), THEN THE DEALER HAS THE LIABILITY AND RESPONSIBILITY FOR INCORRECT INSTALLATION AND DAMAGE CAUSED BY INCORRECT INSTALLATION.