



2020 South Dakota Legislature

House Bill 1038

Introduced by: The Committee on Commerce and Energy at the request of the Department of Public Safety

1 **An Act to revise certain provisions regarding manufactured home construction and**
 2 **safety standards.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** That § 34-34A-9.3 be AMENDED:

5 **34-34A-9.3. Construction and safety standards--Promulgation of rules.**

6 ~~The State Fire Marshal is the state administrative agency charged with state fire~~
 7 ~~marshal is responsible for~~ the adoption, administration, and enforcement of manufactured
 8 home construction and safety standards. ~~The division state fire marshal shall promulgate,~~
 9 pursuant to chapter 1-26, the standards ~~pursuant to chapter 1-26~~ and any rules necessary
 10 to administer and enforce the standards. The standards promulgated shall be identical to
 11 the standards promulgated pursuant to the National Manufactured Housing Construction
 12 and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq. and set forth in 24 C. F.R.
 13 § 3280 as of ~~April 1, 1990~~ January 1, 2020. ~~The division state fire marshal shall discharge~~
 14 this duty consistent with the rules promulgated by the United States Department of
 15 Housing and Urban Development and set forth in 24 C.F.R. § 3282 as of ~~April 1, 1990~~
 16 January 1, 2020.

17 **Section 2.** That § 34-34A-9.4 be AMENDED:

18 **34-34A-9.4. Prohibited acts.**

19 No person may:

20 (1) Manufacture for sale, lease, sell, offer for sale or lease, introduce or deliver, or
 21 import into the State of South Dakota any home which is manufactured on or after
 22 the effective date of any applicable federal manufactured home construction and
 23 safety standard and does not comply with that standard;

- 1 (2) Fail or refuse to permit access to or copying of records, or fail to make reports or
2 provide information or fail or refuse to permit entry or inspection as required by
3 § 34-34A-10.1;
- 4 (3) Fail to furnish notification of any defect as required by 42 U.S.C. § 5414;
- 5 (4) Fail to issue a certification required by 42 U.S.C. § 5415;
- 6 ~~(4a)~~(5) Issue a certification to the effect that a manufactured home conforms to all
7 applicable federal manufactured home construction and safety standards if the
8 person, exercising due care, has reason to know that the certification is false or
9 misleading in a material respect;
- 10 ~~(5)~~(6) Fail to establish and maintain records, to make reports or to provide information
11 that the division may reasonably require to determine if there is compliance with
12 this chapter and with the National Manufactured Housing Construction and Safety
13 Standards Act of 1974; or fail to permit, upon request of a person authorized by
14 the division, inspection of appropriate books, papers, records and documents to
15 determine if a manufacturer, distributor or dealer has acted or is acting in
16 compliance with this chapter or with the National Manufactured Housing
17 Construction and Safety Standards Act of 1974; or
- 18 ~~(6)~~(7) Issue a certification pursuant to 42 U.S.C. § 5403(h) if that person knows that the
19 certification is false or misleading in a material respect.