

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE BILL 1402**

Short Title: Construction Standards/Manufactured Housing. (Public)

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Sponsors: Senator Bingham.

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Referred to: Commerce, Small Business and Entrepreneurship.

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March 26, 2007

1                                   A BILL TO BE ENTITLED  
2 AN ACT REGARDING CONSTRUCTION AND SAFETY STANDARDS OF  
3 MANUFACTURED HOMES.

4 The General Assembly of North Carolina enacts:

5           **SECTION 1.** In 1974, the United States Congress enacted the National  
6 Manufactured Housing Construction and Safety Standards Act of 1974, Pub. L. 93-383,  
7 Title VI, 88 Stat. 700, codified as amended at 42 U.S.C. § 5401. These acts established  
8 federal construction and safety standards for manufactured homes and preempted state  
9 jurisdiction over the construction of all manufactured homes built after June 15, 1976.

10           The General Assembly finds that the construction of kitchen and bathroom  
11 floors in manufactured homes is inadequate and was the cause of several thousand  
12 dollars of damage to manufactured homes in North Carolina in 2006. The General  
13 Assembly commends the United States Congress to amend the National Manufactured  
14 Housing Construction and Safety Standards Act of 1974 to either address the issue of  
15 inadequate flooring in manufactured homes or to allow the states to enact more stringent  
16 construction and safety standards for manufactured homes.

17           **SECTION 2.** G.S. 143-143.16 reads as rewritten:

18 **"§ 143-143.16. Warranties.**

19           Each manufacturer, dealer and supplier of manufactured homes shall warrant each  
20 new manufactured home sold in this State in accordance with the warranty requirements  
21 prescribed by this section for a period of at least 12 months, measured from the date of  
22 delivery of the manufactured home to the buyer. The warranty requirements for each  
23 manufacturer, dealer, supplier and set-up contractor of manufactured homes are as  
24 follows:

- 25           (1) The manufacturer warrants that all structural elements, plumbing  
26 systems, heating, cooling and fuel burning systems, electrical systems,  
27 and any other components included by the manufacturer are  
28 manufactured and installed free from substantial defects.

- 1           (1a) The manufacturer warrants that the flooring of the bathroom and  
2           kitchen areas of the manufactured home are manufactured or  
3           constructed with treated plywood.
- 4           (2) The dealer warrants:
- 5           a. That any modifications or alterations made to the manufactured  
6           home by the dealer or authorized by the dealer are free from  
7           substantial defects. Alterations or modifications made by a  
8           dealer shall relieve the manufacturer of warranty responsibility  
9           as to the item altered or modified and any resulting damage.
- 10          b. That a setup performed by the dealer on the manufactured home  
11          is performed in compliance with the Code.
- 12          c. That the setup and transportation of the manufactured home by  
13          the dealer did not result in substantial defects.
- 14          (3) The supplier warrants that any warranties generally offered in the  
15          ordinary sale of his product to consumers shall be extended to buyers  
16          of manufactured homes. The manufacturer's warranty shall remain in  
17          effect notwithstanding the existence of a supplier's warranty.
- 18          (4) The set-up contractor warrants that the manufactured home is set up in  
19          compliance with the Code and that the setup did not result in any  
20          substantial defects."

21           **SECTION 3.** Article 9B of Chapter 143 of the General Statutes is amended  
22 by adding the following new section to read:

23           "**§ 143-150.1. Plywood flooring in kitchen and bathroom areas of manufactured**  
24           **home.**

25           The flooring of the kitchen and bathroom areas of all manufactured homes  
26           manufactured or sold in this State shall be manufactured with treated plywood."

27           **SECTION 4.** This act is effective when it becomes law except that Sections  
28 2 and 3 of this act become effective only if the United States Congress amends the  
29 National Manufactured Housing Construction and Safety Standards Act of 1974, Pub.  
30 L. 93-383, Title VI, 88 Stat. 700, codified as amended at 42 U.S.C. § 5401 to allow the  
31 State to enact construction and safety standards for manufactured homes.