

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2009**

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**SENATE BILL 70**

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

Sponsors: Senators Bingham; Allran, Brown, Brunstetter, Clary, Goss, Hartsell, Jacumin,  
Jones, Kinnaird, McKissick, and Stevens.

Referred to: Commerce.

February 5, 2009

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

The General Assembly of North Carolina enacts:

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

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

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

"§ 143-143.16. Warranties.

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

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

(1) The manufacturer warrants:

a. That all structural elements, plumbing systems, heating, cooling and fuel burning systems, electrical systems, and any other components included by the manufacturer are manufactured and installed free from substantial defects.

b. That the flooring of the bathroom and kitchen areas of the manufactured home is manufactured or constructed with treated plywood.

(2) The dealer warrants:



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

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

19 "**§ 143-150.1. Plywood flooring required in bathroom and kitchen areas of manufactured**  
20 **homes.**

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

23 **SECTION 4.** This act is effective when it becomes law except that Sections 2 and  
24 3 of this act become effective only if the United States Congress amends the National  
25 Manufactured Housing Construction and Safety Standards Act of 1974, Pub. L. 93-383, Title  
26 VI, 88 Stat. 700, codified as amended at 42 U.S.C. § 5401 to allow the State to enact  
27 construction and safety standards for manufactured homes.