



2020 South Dakota Legislature
House Bill 1038
ENROLLED

AN ACT

ENTITLED An Act to revise certain provisions regarding manufactured home construction and safety standards.

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

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

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

The state fire marshal is responsible for the adoption, administration, and enforcement of manufactured home construction and safety standards. The state fire marshal shall promulgate, pursuant to chapter 1-26, the standards and any rules necessary to administer and enforce the standards. The standards promulgated shall be identical to the standards promulgated pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq. and set forth in 24 C. F.R. § 3280 as of January 1, 2020. The state fire marshal shall discharge this duty consistent with the rules promulgated by the United States Department of Housing and Urban Development and set forth in 24 C.F.R. § 3282 as of January 1, 2020.

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

34-34A-9.4. Prohibited acts.

No person may:

- (1) Manufacture for sale, lease, sell, offer for sale or lease, introduce or deliver, or import into the State of South Dakota any home which is manufactured on or after the effective date of any applicable federal manufactured home construction and safety standard and does not comply with that standard;
- (2) Fail or refuse to permit access to or copying of records, or fail to make reports or provide information or fail or refuse to permit entry or inspection as required by § 34-34A-10.1;
- (3) Fail to furnish notification of any defect as required by 42 U.S.C. § 5414;

- (4) Fail to issue a certification required by 42 U.S.C. § 5415;
- (5) Issue a certification to the effect that a manufactured home conforms to all applicable federal manufactured home construction and safety standards if the person, exercising due care, has reason to know that the certification is false or misleading in a material respect;
- (6) Fail to establish and maintain records, to make reports or to provide information that the division may reasonably require to determine if there is compliance with this chapter and with the National Manufactured Housing Construction and Safety Standards Act of 1974; or fail to permit, upon request of a person authorized by the division, inspection of appropriate books, papers, records and documents to determine if a manufacturer, distributor or dealer has acted or is acting in compliance with this chapter or with the National Manufactured Housing Construction and Safety Standards Act of 1974; or
- (7) Issue a certification pursuant to 42 U.S.C. § 5403(h) if that person knows that the certification is false or misleading in a material respect.

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

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

House as Bill No. 1038

2020 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby approved this _____ day of _____, A.D., 2020

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2020
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1038
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State