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TEXAS DEPARTMENT OF LABOR AND STANDARDS

MOBILE HOME DIVISION

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MOBILE HOME STANDARDS ACT
AND
RULES AND REGULATIONS

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TEXAS DEPARTMENT OF LABOR AND STANDARDS
MOBILE HOME DIVISION

S.B. No. 305

AN ACT

amending the Texas Mobile Home Standards Act, Chapter 656, Acts of the 61st Legislature, Regular Session, 1969, as last amended by Chapter 674, Acts of the 64th Legislature, Regular Session, 1975 (Article 5221f, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Texas Mobile Home Standards Act, Chapter 656, Acts of the 61st Legislature, Regular Session, 1969, as last amended by Chapter 674, Acts of the 64th Legislature, Regular Session, 1975, (Article 5221f, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Short title. This Act may be cited as the Texas Mobile Home Standards Act.

"Section 2. Purpose. It is the legislature's intent to improve the general welfare and safety of the citizens of this state. The legislature finds that mobile homes have become a primary housing resource of many of the citizens of the state; that a growing awareness exists that many consumers are injured by unprincipled and dishonest members of the mobile home industry, that current warranties are deficient, that existing means of remedying these injustices are inadequate and do not provide a viable means for protecting the consumer, and that it is the responsibility of the state to provide for the protection of its citizens through the imposition of certain regulations on the mobile home industry. In recognition of these findings, the legislature deems it necessary to expand various regulatory powers to deal with these problems. The legislature finds this to be the most economical and efficient means of dealing with the problem and serving the public interest. Accordingly, this act shall be liberally construed and applied to promote its underlying policies and purposes.

"Section 3. Definition. Whenever used in this Act, unless the context otherwise requires, the following words and terms have the following meanings:

"(a) 'Mobile home' means a structure, transportable in one or more sections, which is eight body feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

"(b) 'Dealer' means any person other than a manufacturer engaged in the business of buying for resale, selling, or exchanging mobile homes or offering such for sale, exchange, or lease-purchase to consumers. No person shall be considered a dealer unless engaged in the sale, exchange, or lease-purchase of three or more mobile homes to consumers in any consecutive 12-month period.

"(c) 'Manufacturer' means any person who manufactures or assembles mobile homes and sells them to dealers or consumers.

"(d) 'Department' means the Texas Department of Labor and Standards.

"(e) 'Person' means an individual, partnership, company, corporation, association, or other group, however organized.

"(f) 'Broker' means a person engaged by others to negotiate bargains or contracts for the sale, exchange, or lease-purchase of mobile homes to consumers. A broker may or may not be an agent of any party involved in the transaction. No person shall be considered a broker unless engaged in the sale, exchange, or lease-purchase of three or more mobile homes to consumers in any consecutive 12-month period.

"(g) 'Consumer' means any person who seeks or acquires by purchase, exchange, or lease-purchase a mobile home from a manufacturer, dealer or broker.

"(h) 'Salesperson' means any person who for any form of compensation sells or lease-purchases or offers to sell or lease-purchase mobile homes to consumers as an employee or agent of a dealer.

"(i) 'Seal' means a device or insignia issued by the department to be affixed to used mobile homes to indicate compliance with the standards, rules, and regulations established by the department. The seal shall remain the property of the department.

"(j) 'Label' means a device or insignia issued by the department to indicate compliance with the standards, rules, and regulations established by the Department of Housing and Urban Development, and is permanently affixed to each transportable section of each mobile home manufactured after June 15, 1976, for sale to a consumer.

"(k) 'Installation' means when used in reference to a mobile home and when required by this Act, means supporting, blocking, leveling, securing, anchoring, and proper connection of multiple or expandable units and minor adjustments.

"(l) 'Installer' means any person, including a mobile home dealer or manufacturer, who performs installation functions on mobile homes.

"(m) 'Alteration' means the replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a dealer but prior to sale by a dealer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It includes any modification made in the mobile home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance requiring plug-in to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring 'plug-in' to an electrical receptacle, which appliance was not provided with the mobile home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

"(n) 'Lease-purchase' means to enter into a lease contract with a provision conferring on the lessee an option to purchase the mobile home.

"(o) 'Commissioner' means the Commissioner of the Texas Department of Labor and Standards.

"(p) 'Code' means the Texas Mobile Home Standards Code.

"Section 4. Mobile Home Standards (a) The department may adopt standards and requirements for the installation of plumbing, heating, and electrical systems and for the construction of mobile homes as it determines are reasonably necessary in order to protect the health and safety of the occupants and the public.

"(1) Said standards and requirements shall be reasonably consistent with the fundamental principles adopted or issued as ANSI/Standard A119.1 and as amended from time to time by the American National Standards Institute (ANSI) applicable to mobile homes.

"Section 5. Compliance with federal standards. The Texas Mobile Home Standards Code shall be in compliance with the federal standards established under Title VI of the Housing and Community Development Act of 1974, entitled the National Mobile Home Construction and Safety Standards Act of 1974. In case of a conflict between such federal standards and the fundamental principles adopted or issued as ANSI Standards A119.1 and as amended from time to time by the American National Standards Institute (ANSI) applicable to mobile homes, the federal standards shall be applicable and given full force and effect.

"Section 6. Regulations. (a) It is unlawful for any manufacturer to manufacture mobile homes in this state unless such manufacturer has supplied the department with proof of acceptance by a Design Approval Primary Inspection Agency authorized by the Department of Housing and Urban Development, has purchased the required labels, and has all mobile homes manufactured in this state inspected by an accepted In-plant Inspection Agency authorized by the Department of Housing and Urban Development.

"(b) No alteration shall be made on any mobile home to which a label has been affixed prior to installation without the prior written approval of the department or which is not in compliance with the rules and regulations of the department.

"(c) Each manufacturer and dealer of mobile homes shall establish and maintain such records, make such reports, and provide such information as the commissioner may reasonably require to enable him to determine whether such manufacturer or dealer has acted or is acting in compliance with this Act, and shall, upon request of a person duly designated by the commissioner, permit such person to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer or dealer has acted or is acting in compliance with this Act.

"(d) It is unlawful for any manufacturer to sell any mobile home to a dealer in this state if said dealer has not complied with the bonding or security requirements of this Act.

"Section 7. Dealers. It is unlawful for any dealer to sell or offer for sale to dealers or to consumers of this state any mobile home after the adoption or promulgation of the code unless said mobile home complies with the code and bears a label.

"Section 8. Seal of Approval. Any dealer who has acquired a used mobile home without a seal or label shall apply to the department for a seal. The application for a seal shall include an affidavit stating that the unit has been brought up to or meets code requirements in effect at the time the mobile home was manufactured.

"Section 9. Administration and enforcement. (a) The department is hereby charged with the administration and enforcement of this Act.

"(b) The department shall make and enforce rules and regulations reasonably required to effectuate all provisions of this Act and the notification and correction procedures provided in Section 615 of the National Mobile Home Construction and Safety Standards Act of 1974.

"(c) The department shall adopt rules and regulations, promulgate administrative orders, and take all actions necessary to comply with the provisions of the National Mobile Home Construction and Safety Standards Act of 1974 and to provide for the effective enforcement of all mobile home construction and safety standards in order to have its state plan approved by the secretary of the United States Department of Housing and Urban Development.

"(d) At least 30 days before the adoption or promulgation of any change in or addition to the rules and regulations authorized in Subsection (b) and (c) of this Section, the department shall publish in the Texas Register a notice including:

"(2) It is unlawful for any person to sell or offer for sale within this state any mobile home that does not meet the standards and requirements adopted by the department pursuant to this Act.

"(3) The existing standards for the plumbing, heating, and electrical systems and construction of mobile homes shall remain in full force and effect upon the effective date of this Act, and until amended in accordance with the procedure set forth in this section.

"(b) The department may adopt such minimum standards as it deems necessary for the installation of mobile homes except those in the inventories of manufacturers and dealers within this state so that such mobile homes shall withstand winds of minimum hurricane-force velocity within the first two tiers of coastal counties within this state and which shall withstand winds of minimum gale-force velocity in all other counties. Compliance with such installation standards shall be the responsibility of the dealer or manufacturer (when the manufacturer sells mobile homes directly to consumers).

"(1) Counties and municipalities may, with the approval of the department, adopt more stringent standards when necessary for the public health and safety.

"(2) No mobile home purchased or lease-purchased after the effective date of this Act shall be situated or located within 300 feet of any other mobile home, residence, or building, except those in the inventories of manufacturers and dealers within this state, unless such mobile home is installed in accordance with such minimum standards.

"(3) The department may cooperate with all units of local government within this state and, when requested, may authorize local units of government to make and perform inspection and enforcement activities related to the installation of mobile homes pursuant to contracts or other official designations.

"(c) At least 30 days before the adoption or promulgation of any change in or addition to the standards authorized in this section, or for the approval of more stringent standards by any county or municipality, the department shall publish in the Texas Register a notice including:

"(1) a copy of the proposed change and additions; and

"(2) the time and place that the department will consider any objections to the proposed changes and additions.

"(d) After giving the notice required by Subsection (c) of this section, the department shall afford interested persons an opportunity to participate in the standards adoption process through submission of written data, views, or arguments with or without opportunity to present the same orally on any matter.

"(e) The adoption of requirements and standards shall require the approval of and certification by the commissioner.

"(f) Every requirement or standard or modification, amendment, or repeal of a requirement or standard adopted by the department shall state the date it shall take effect.

"(g) Immediately after their promulgation, the department shall publish in the Texas Register all requirements and standards or amendments thereto.

"(h) The standards and requirements adopted or promulgated by the department for the installation or plumbing, heating, and electrical systems in mobile homes, for the body and frame design and construction of mobile homes, and for the installation of mobile homes shall be known as the Texas Mobile Homes Standards Code.

"(1) a copy of the proposed changes and additions; and

"(2) the time and place that the department will consider any objections to the proposed changes and additions.

"(e) After giving the notice required by Subsection (d) of this section, the department shall afford interested persons an opportunity to participate in the rule-making through submission of written data, views, or arguments with or without opportunity to present the same orally on any matter.

"(f) Every rule or regulation or modification, amendment, or repeal of a rule or regulation adopted by the department shall state the date it shall take effect.

"(g) Immediately after their promulgation, the department shall publish in the Texas Register all rules and regulations or amendments thereto.

"(h) The department through its authorized representatives is authorized to enter at reasonable times and without advance notice any factory, warehouse, or establishment in which mobile homes are manufactured, stored, or held for sale.

"(i) The department is authorized to inspect, at reasonable times and within reasonable limits and in a reasonable manner, any such factory, warehouse, or establishment; and to inspect such books, papers, records, plans, and documents as may reasonably be required. Each such inspection shall be commenced and completed with reasonable promptness.

"(j) The department may establish and require such training programs in the concept, techniques, and inspection of mobile homes for the personnel of local governments as the department considers necessary.

"(k) The department may, at its discretion, accept in-plant inspection reports by a recognized body or agency having follow up in-plant inspection service certifying that the mobile homes comply with the code.

"Section 10. Employment of state inspectors. (a) The department may employ state inspectors as the department deems necessary to carry out the functions of this Act.

"(b) To carry out the provisions of this Act, the department may authorize the state inspectors to travel within or without the state for the purpose of inspecting the manufacturing facilities for mobile homes or for any other purpose in connection with this Act.

"Section 11. Fees. (a) There shall be a fee of \$15 for the inspection of the installation of mobile homes which shall be paid by the dealer or manufacturer who sold the mobile home to the consumer. Said fee shall be paid to the state. This fee shall be paid within 30 days and shall accompany notification to the department of the exact location of the mobile home. The department shall make fee distributions to local governmental subdivisions performing inspections pursuant to contracts or other official designations.

"(b) Looking for guidance to the rules and regulations promulgated under Title VI of the Housing and Community Development Act of 1974 and to that Act itself, the commissioner shall set fees for the following functions:

"(1) There shall be a schedule of fees for the review of mobile home blueprints and supporting data when the department acts as a Design Approval Primary Inspection Agency. This fee shall be paid by the manufacturer seeking approval.

"(2) There shall be an inspection fee on all mobile homes manufactured or assembled

within the State of Texas. This fee shall be paid by the manufacturer of the home. The manufacturer shall also be charged for the actual cost of travel for representatives of the department to and from the manufacturing facility.

"(3) The fees in Subsections (1) and (2) shall not be applicable when an accepted inspection agency authorized by the Department of Housing and Urban Development, other than the department, acts as the Design Approval Primary Inspection Agency or the In-Plant Inspection Agency.

"(4) There shall be a fee for inspection of new or used mobile homes at dealer locations to check compliance with the code and to determine if the mobile home has been damaged in transit. This fee shall be paid by the dealer in possession of the mobile homes at the time the inspection was made. For any given mobile home at a dealer location, this fee may not be assessed more than one time.

"(5) There shall be a fee charged on an hourly basis for inspection of alterations made upon the structure, plumbing, heating, or electrical systems of mobile homes. This fee shall be paid by the dealer making the alteration. The dealer shall also be charged for the actual cost of travel for representatives of the department to and from the dealership making the alteration.

"(6) There shall be a fee for the issuance of seals for used mobile homes which shall be paid by the dealer.

"(c) Fees assessed under this Act shall be paid to the State Treasury and placed in the General Revenue Fund except as otherwise provided in Subsection (a) of this section. In addition, the reimbursement for travel expenses provided in Parts (2) and (4), Subsection (b) of this section, are hereby reappropriated to the department for use in its mobile home program.

"(d) The existing fees charged by the department shall remain in effect upon the effective date of this Act and until the new schedule of fees set forth in Subsection (b) of this section has been promulgated and adopted.

"Section 12 Deleted

"Section 13. Security required. (a) As of the effective date of this Act, manufacturers, dealers, and salespersons are required to file either a performance bond, a cash deposit, or other security in such form as the commissioner may prescribe along with such information as the commissioner may deem necessary to insure compliance with the intent of this Act.

"(b) If a performance bond is filed, it shall be continuous and remain in effect until cancelled by the surety company with notice as provided by this Act. A cash deposit or other security need not be posted annually so long as the applicable amount specified in Subsection (i) of this section remains posted. If a claim is made against a cash deposit causing the deposit to be lessened, the depositor has 20 calendar days in which to deposit additional money or other security so that compliance may be had with the requirements of Subsection (i) of this section. If the deficit is not eliminated within 20 days, any subsequent contract between a consumer and the inadequately covered dealer, manufacturer, or salesperson is voidable at the option of the consumer.

"(c) At the time a consumer enters into a contract, if a manufacturer, dealer, or salesperson has neither posted a cash deposit or other security, nor filed a performance bond, the contract between a consumer and that manufacturer, dealer, or salesperson is voidable at the option of the consumer.

"(d) If a cash deposit or other security is posted, the interest from said deposit shall go to the depositor.

"(e) The bond shall be a surety bond issued by a company authorized to do business in this state and shall be in conformity with the Insurance Code. The cash deposit or other security shall be in such form as the commissioner may deem appropriate to insure compliance with the intent of this Act.

"(f) The bond, cash deposit, or other security shall be to the state for the use by a consumer, the state, or any political subdivision thereof who establishes liability against a manufacturer, dealer, salesperson for damages, restitution, or expenses including reasonable attorney's fees resulting from a cause of action connected with the sale or lease-purchase of a mobile home. A consumer, the state, or political subdivision thereof may recover against the principal or surety jointly and severally for such damages, restitution, or expenses. The bond or other security shall be open to successive claims to the amount of face value or required security. The surety shall not be liable for successive claims in excess of the bond amount, regardless of the number of years the bond remains in force.

"(g) A consumer shall inform the manufacturer, dealer, or salesperson, and the department of any claim against the bond or security no later than two years after the purchase of the mobile home. Whenever the department receives notice of a claim against a bond, the department shall promptly notify the bonding company involved. At the time of sale or delivery of a mobile home to a consumer, the consumer must be given conspicuous written notification of this two-year limit and the notice requirements.

"(h) Any manufacturer or dealer who maintains a place of business at one or more locations shall file with the department a separate bond or security for each location.

"(i) A manufacturer shall be bonded, supply a cash deposit or other security in the amount of \$100,000. A dealer shall be bonded, supply a cash deposit, or other security in the amount of \$25,000. A salesperson shall be bonded, supply a cash deposit or other security in the amount of \$2,000.

"(j) The bonding company must provide written notification to the department at least 60 days prior to the cancellation of any bond required by this Act. Any cash deposit or other security on file with the department shall remain on file with the department two years after the manufacturer or dealer ceases the business of manufacturing or selling mobile homes or such time as the department may determine that no claims exist against the cash deposit or security.

"(k) Brokers shall be considered to be dealers. Brokers shall not be considered to be dealers if they possess a valid real estate broker or salesperson license as required by The Real Estate License Act (Article 6573(a), Vernon's Texas Civil Statutes). In order for a licensed real estate broker or salesperson to qualify for this exemption he or she may only sell used mobile homes installed on and a part of the sale of real property.

"Section 14. Warranties. (a) After the effective date of this Act, all mobile homes sold by a manufacturer or dealer to consumers shall be covered by the mobile home warranty set forth in this Act.

"(b) The mobile home warranty provided for in this Act shall apply to the manufacturer of the mobile home as well as the dealer who sells the mobile home to the buyer, except as otherwise provided.

"(c) The mobile home warranty shall be set forth in a separate written document; shall be delivered to the consumer by the dealer at the time the contract of sale is signed; and shall contain, but is not limited to, the following terms:

"(1) that the mobile home complies with the code;

"(2) that the warranty shall be in effect for a period of at least one year from date of initial set-up;

"(3) that the mobile home and all appliances and other equipment installed and included therein by the manufacturer or dealer are free from defects in material or workmanship;

"(4) that installation functions performed on the mobile home are performed in compliance with this Act, and other applicable state requirements, provided that such installation operations shall not be performed by any person other than a dealer, manufacturer, or their duly authorized agent;

"(5) that the manufacturer or dealer or both shall take appropriate corrective action within a reasonable period in instances of defects in materials or workmanship, or failures to comply with the code;

"(6) that the manufacturer and dealer shall be jointly and severally liable to the consumer for the fulfillment of the terms of the mobile home warranty, except as provided in Part (4), Subsection (c) of this section, and that the consumer may notify either or both of the need for appropriate corrective action in instances of defects of workmanship, or failure to comply with the code;

"(7) that the warranty contains the address of the dealer and manufacturer where notices of defects may be given.

"Section 15. Monitoring contracts. The department may enter into contracts with the Department of Housing and Urban Development or its designees for the purpose of nationwide monitoring of Department of Housing and Urban Development programs.

"Section 16. Judicial review. (a) Any party to a hearing aggrieved by the decision or order of the commissioner may secure judicial review thereof in the following manner:

"(1) The petition must be filed in a district court of Travis County, Texas, within 30 days after the decision or order of the commissioner becomes final.

"(2) The filing of a petition for review shall not itself stay the effect of the decision or order complained of, but the commissioner or the reviewing court may order a stay upon appropriate terms and if a stay is so granted no supersedeas bond shall be required.

"(3) Service of process: the petition for review shall be served on the commissioner and upon all parties of record in any hearing before the commissioner in respect of the matter for which review is sought. After service of such petition upon the commissioner and within the time permitted for filing an answer, or as soon thereafter as the record is made available to the commissioner, the commissioner shall certify to the district court in which such petition is filed the record of the proceedings to which the petition refers. The cost of preparing and certifying such record shall be paid to the commissioner by the petitioner and taxed as part of the cost in the case, to be paid as directed by the court upon final determination of said cause.

"(4) The review of any decision or order of the commissioner shall be tried by the court without a jury in the same manner as civil actions generally, but no evidence shall be admissible which was not adduced at the hearing.

"(5) The burden of proof shall be on the plaintiff. The reviewing court may affirm the action complained of or remand the matter to the commissioner for further proceedings.

"(6) Appeals from any final judgement may be taken by either party in the manner provided for in civil actions generally, but no appeal bond shall be required of the commissioner.

"Section 17. Penalties. (a) A person who violates a provision of this Act or any rule or regulation of the department commits a Class A misdemeanor.

"(b) Any dealer, manufacturer, or salesperson who violates any provision of this Act or the rules and regulations of the department may be assessed a civil penalty to be paid to the State of Texas in an amount not to exceed \$1,000 for each such violation as the court may deem proper, except that the maximum civil penalty may not exceed \$1,000,000 for any related series of violations occurring within one year from the date of the first violation.

"(c) Whenever it appears that any dealer, manufacturer, or salesperson has violated or is threatening to violate any of the provisions of this Act or of the rules and regulations of the department, either the attorney general or the department may cause a civil suit to be instituted either for injunctive relief to restrain such dealer, manufacturer, or salesperson from continuing the violation or threat of violation or for the assessment and recovery of the civil penalty or for both.

"(d) Failure by a manufacturer or dealer to comply with the warranty provisions in Section 14 of this Act or the code provisions in Section 4 of this Act is considered a deceptive trade practice in addition to those practices delineated in Chapter 17, Subchapter E, Business & Commerce Code. As such, the venue provisions and all remedies available in said subchapter apply to and are cumulative with the remedies in this Act.

"Section 18. Miscellaneous provisions. (a) Any waiver by a consumer of the provisions of this Act is contrary to public policy and is unenforceable and void.

"(b) No provision of this Act shall exclude any other remedy available at law or equity to the consumer.

"(c) If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Fee Structure
063.55.06.001-.008

The following rules are promulgated under authority of Article 5221f, Texas Civil Statutes and Article 6252-1-a, Texas Civil Statutes.

Engineering Services Fees
063.55.06.001

There shall be a fee of \$21.00 per hour for engineering services, including inspections, and for review of mobile home blueprints and supporting data when the department acts as Design Approval Primary Inspection Agency. The fee shall be paid to the department by the mobile home manufacturer for whom the services are performed and shall be received by the department prior to release. The manufacturer shall also be charged for re-imbusement of mileage and per diem incurred by department personnel to and from the location of the manufacturer when such travel is incidental to the engineering services performed.

Initial 100% Inspection Fee
063.55.06.002

There shall be a fee of \$15.00 per hour, not to exceed \$120.00 per day for conducting initial 100% inspections at manufacturer locations when the department acts as an Inplant Primary Inspection Agency for the purpose of certifying the manufacturer as required under Title VI of the Housing and Community Development Act of 1974. This fee shall be paid to the department by the mobile home manufacturer for whom the inspection is conducted. The manufacturer shall also be charged for re-imbusement of mileage and per diem incurred by department personnel to and from the location of the manufacturer.

Plant Inspection Fee
063.55.06.003

There shall be a fee of \$15.00 for the inspection of all mobile homes manufactured or assembled within the state of Texas. This fee shall be paid to the department by the manufacturer of the mobile home by the 10th of each following month and shall accompany a monthly production report of all mobile homes manufactured. The manufacturer shall also be charged for re-imbusement of mileage and per diem incurred by department personnel to and from the location of the manufacturer.

Increased Frequency Inspection Fee
063.55.06.004

There shall be a fee of \$15.00 per man hour not to exceed \$120.00 per man day for increased frequency inspections. An increased frequency inspection shall be scheduled by the department when inspections at a manufacturing facility reveals failures to conform to the design or when there is evidence that the manufacturer is not performing under its approval quality control manual. The department may advise the manufacturer prior to the date of the scheduled inspection and the manufacturer shall comply with instructions, if any, relative to the increased frequency inspection. The manufacturer shall also be charged for re-imbusement of mileage and per diem incurred by department personnel to and from the location of the manufacturer.

Dealer Alteration Fee
063.55.06.005

There shall be a fee of \$15.00 per hour or a minimum fee of \$15.00 for the

inspection of alterations made upon the structure, plumbing, heating, or electrical systems of mobile homes at dealer locations. The fee shall be paid to the department by the dealer making the alterations.

Installation Inspection Fees
063.55.06.006

There shall be a fee of \$15.00 for the inspection of all mobile home installations as required by the Act. Mobile home dealers shall submit to the department reports on a calendar month basis, furnishing full information on all mobile homes sold. Such reports to contain the name and address (location) of the purchaser, complete identification as the department requires. Forms for reporting shall be furnished by the department, and information related to each mobile home sold and installed shall be provided on the form. The fee of \$15.00 for the inspection of each mobile home installation shall be paid to the department by the dealer and accompany the report. Reports shall be due by the 10th of each following month. Responsibility for compliance with installation requirements of mobile homes shall be that of the selling dealer, or manufacturer when the manufacturer sells mobile homes directly to the public. Such installations shall not be performed by any person other than the bonded dealer or duly authorized agent of the dealer or manufacturer.

Dealer Monitoring Fees for Used Mobile Homes
063.55.06.007

There shall be a fee of \$3.00 for the inspection of used mobile homes at dealer locations for compliance with the code. The fee shall be paid to the department by the dealer at whose location the inspection is performed at the time of the inspection. If a used mobile home on which an inspection is performed is consignment inventory, the dealer shall pay the inspection fee and seek re-imburement in accordance with the sales agreement between the dealer and the cosigner or owner. The inspection fee shall not be assessed more than one time for each mobile home inspected, but subsequent inspections may be performed at the option of the department. The dealer shall also be charged for re-imburement of mileage and per diem incurred by department personnel to and from the location of the dealer.

Texas Seal Fee for Used Mobile Homes
063.55.06.008

There shall be a fee of \$5.00 for the issuance of Texas Seals. Mobile Home dealers who have acquired a used mobile home manufactured after June 15, 1976 that does not have a federal label affixed, or a used mobile home manufactured prior to June 15, 1976 that does not have a Texas seal affixed, shall file an application to the department for a Texas seal. The application shall include an affidavit stating that the mobile home meets the code requirements in effect at the time of manufacture. The application shall be accompanied by the seal fee of \$5.00 made payable to the department. At the option of the department a compliance inspection may be scheduled prior to the release of the label.

Mobile Home Installations
063.55.07.001-.016

Tie-Down and Blocking Standards
063.55.07.001

.001. Requirement. All mobile homes manufactured prior to March 20, 1974, and purchased or leased after the effective date of these standards shall be blocked in a method approved by the department according to the requirements of these standards, and shall use an anchoring system approved by the department as being in compliance with the requirements of these standards. Said anchoring system is to be designed and installed to resist overturning and lateral movement of the mobile home. For all mobile homes manufactured after March 20, 1974, the manufacturer is required to provide installation instructions, and the complete installation of the mobile home must be in accordance with the manufacturer's detailed instructions.

Definitions
063.55.07.002

.002. Definitions. (a) "Anchoring device" means any device which is attached to the mobile home, in any manner, and is designed to resist the horizontal and vertical forces imposed on the mobile home as a result of wind loading.

(b) "Anchoring equipment" means straps, cables, turnbuckles, and chains including tensioning devices, which are used with ties to secure a mobile home to anchoring devices.

(c) "Anchoring systems" means combination of ties, anchoring equipment, and anchoring devices that will, when properly designed and installed, resist overturning and lateral movement of the mobile home from wind forces.

(d) "Footing" means that portion of the support system that transmits loads directly to the soil.

(e) "Pier" means that portion of the support system between the footing and the mobile home exclusive of caps and shims.

(f) "Ground anchor" means any device at the mobile home stand installed in the ground to transfer mobile home anchoring loads.

(g) "Hurricane resistive mobile home" means a mobile home which meets the wind design load requirements for Zone II in §280.305(c)(2) of the Federal MHCSS.

(h) "Main frame" means the structural components on which the body of the mobile home is mounted.

(i) "Mobile home stand" means that area of a mobile home lot which has been reserved for the placement of a mobile home.

(j) "Stabilizing devices" means all components of the anchoring and support systems such as piers, footings, ties, anchoring equipment, anchoring devices, and any other equipment which supports the mobile home and secures it to the ground.

(k) "Support system" means a combination of footings, piers, caps and shims that will, when properly installed, support the mobile home.

(l) "Tie" means straps, cables, or securing device used to connect the mobile home to anchoring devices.

(m) "Diagonal tie" means a tie intended to primarily resist horizontal or shear forces and which secondarily resist vertical, uplift, and overturning forces.

(n) "Vertical tie" means a tie intended to primarily resist the uplifting and overturning forces.

(o) "Cap" means a 1"x8"x16" and/or 2"x8"x16" wood plate(s) placed between the top of the pier and the bottom of the I-beam. Such cap(s) shall not be less than 1" nominal, nor more than 2¼" actual, total thickness.

(p) "Shims" means a wedge shaped piece of cedar, oak, walnut, pecan, gum, ash, hickory, or elm not to exceed 1" vertical (actual) height.

Provisions for Anchoring Systems
063.55.07.003

.003. Provisions for Anchoring Systems. (a) Each mobile home shall be designed and constructed as a completely integrated structure capable of sustaining the design load requirements of this standard and shall be capable of transmitting these loads to anchoring systems without causing an unsafe deformation or an abnormal internal movement of the structure or its structural parts.

(b) Each mobile home shall have provisions for anchoring systems, which when properly designed and installed, will resist overturning and lateral movement of the mobile home as imposed by the respective design loads.

(c) The provisions of this section shall be followed and the support and anchoring systems shall be designed by a registered Professional Engineer or Architect.

(d) The manufacturer of each mobile home is required to make provisions for the support and anchoring systems but is not required to provide the anchoring equipment. Printed installation instructions for such support and anchoring systems for each model shall be filed with the department. When the manufacturer's installation instructions provide for the main frame structure to be used as the point of connection to diagonal ties, no specific connecting device need to be provided on the frame.

(e) The manufacturer shall provide printed instructions with each mobile home specifying the location, orientation and required capacity of anchoring equipment on which the design is based.

(f) The minimum number of ties required per side shall be sufficient to resist the wind load stated in §280.305(c)(1) and (2) of the Federal MHCSS.

(g) Ties shall be as evenly spaced as practicable along the length of the mobile home, and the distance from each end of the mobile home and the tie nearest that end shall not exceed 8 feet.

(h) When continuous straps are provided as vertical ties, such ties shall be positioned at rafters and studs. Where a vertical tie and a diagonal tie are located at the same place, both ties may be connected to a single anchor, provided that the anchor used is capable of carrying both loadings.

(i) Add-on sections of expandable mobile homes shall have provisions for vertical ties at the exposed ends.

(j) Double wide mobile homes require only diagonal ties. These shall be placed along the main frame and below the outer side wall.

(k) Protection shall be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection shall also be provided to minimize damage to roofing or siding by the cable or strap.

(l) Anchoring equipment shall be capable of resisting all allowable working loads equal to or exceeding 3,150 pounds and shall be capable of with standing 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point of the mobile home.

(m) Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc or steel of not less than 0.30 ounces per square foot of surface coated.

(1) Slit or cut edges of zinc-coated steel strapping do not need to be coated.

(n) All anchoring systems must be installed in accordance with the manufacturer's installation instructions where these instructions are available, and in accordance with the applicable sections of these standards when such instructions are not available.

Tie-Down Standards for Units Lacking Manufacturer's
Installation Instructions
063.55.07.004

.004. Requirements (a) All mobile homes manufactured prior to March 20, 1974 and purchased or leased after March 20, 1974 for which there exists no manufacturer's instructions for anchoring procedures, shall be anchored to the following requirements.

- (1) Ground anchors used shall be of an "approved design" in compliance with requirements of these standards, and shall be used in a soil type for which they are designed and approved. This information is on file with the Department.
- (2) Over-the-top straps shall be placed on top of roof trusses and studs and shall be a continuous strap, running from the anchoring equipment on one side of the mobile home to the anchoring equipment on the opposite side. Strapping shall meet the requirements of Section 063.55.07.003 of these standards and brackets shall be provided for the strapping at sharp corners where otherwise necessary to minimize damage to the roofing and siding.
- (3) Vertical (over-the-top) and diagonal ties may be connected to the same anchoring device provided that the anchoring device used is designed to carry both loads.
- (4) All other applicable requirements of the Texas Mobile Home Tie-Down Standards as set forth in these standards shall be followed.
- (5) The diagonal and over-the-top ties shall be as evenly spaced as possible. Where windows, doors or other obstructions prevent even spacing of over-the-top ties, or where even spacing would place over-the-top ties between two trusses, the over-the-top straps shall be placed on top of the nearest truss.
- (6) The diagonal and over-the-top ties nearest the end of the unit shall be placed no further than 8 feet from the end of the mobile home, and no closer than the third truss/stud space from the end of the mobile home.
- (7) The number of over-the-top and diagonal ties used to anchor a mobile home under this section, shall be in accordance with the following tables:

	Mobile Home Box Width (FT.)			No. Vertical Ties
	10	12	14	
Length of Mobile Home Box (Ft.)	65			6
	to			
	57			5
	56	80		
	to	to		
	46	75	80	4
	46	74	79	
	to	to	to	
	35	56	60	3
	34	55	59	
	to	to	to	
	33	38	40	2
	37	39		
	to	to		
	33	33		

	No. of Diagonal Ties (All Widths)				
	4	5	6	7	8
Length of Box	33	43	53	64	74
	to	to	to	to	to
	42	52	63	73	80

Approval of Anchoring Systems
 063.55.07.005

.005. Requirement. For purposes of design evaluation, the Department considers that anchoring systems fall into two basic categories, those employing ground anchors, and those employing other unspecified types of anchoring devices. Before granting approval of any anchoring systems, the Department will require the anchor manufacturer to submit such information as the Department deems necessary to evaluate the anchor system design and insure its safe performance in accordance with these standards.

Approval of Ground Anchoring Systems
 063.55.07.006

.006. Requirements for approval. To secure approval of their product each ground anchor manufacturer must submit to the Department the following data:

- (a) Detailed drawing of each type of anchor submitted for approval.
 - (1) Each drawing shall show model identification, all dimensions, type of welds, or fastening, type of material, method of securing strap, orientation after installation in soil, and direction(s)

- of applied load(s), and must indicate location of model number on all major components (head, shaft, and tensioning device).
- (2) Each drawing shall bear the seal of a registered Professional Engineer, registered in the state of the anchor manufacturer, or in the State of Texas.

(b) Each model must be tested and certified to destruction by a recognized independent testing laboratory, in compliance with the requirements of MHD-GA-001. The lab report shall show results from the following tests:

- (1) Strap or cable connection to anchor head, loaded in direction of expected applied loads. Failure shall not be less than 4,725 pounds.
- (2) Anchor head connection to a shaft or other member, which will extend below the ground surface, loaded in the direction of reactions caused by load on the strap or cable. Failure shall not be less than 4,725 pounds.
- (3) Shaft or member connection to a soil bearing device, loaded in the direction of reactions caused by load on the strap or cable. Failure shall not be less than 4,725 pounds.
- (4) The ground anchor installed, with strap or cable attached, in a soil type(s) for which it is specified and loaded in direction of expected applied loads. For purposes of evaluation failure shall not occur at less than 4,725 pounds, or three inches of movement in any direction.
- (5) Graphs and charts of all tests performed.

(c) The result from each test will include:

- (1) Point and mode of failure.
- (2) Force required for failure.
- (3) Description of test procedure.
- (4) Test equipment used.

(d) The report of the results of the test in specified soil or rock groups also include:

- (1) Method of installation.
- (2) Date of installation.
- (3) Date of test.
- (4) Soil profile description of anchoring material.

(e) The ground anchor manufacturer must describe a method that an installer (not knowledgeable about soil mechanics) can use to identify soil types at the installation site. An independent testing lab shall test the manufacturer's method in an excavation filled with one soil type or in a soil strata already identified according to methods described in these standards.

(f) The anchor manufacturer shall furnish and ship with each anchor information as to those types of soil in which the anchor has been tested and certified for installation and instructions as to the method of installation and procedure for identifying soil types.

Tests for Ground Anchors
063.55.07.007

.007. Tests for ground anchors. (a) Each of the following items of a ground anchor system must be tested to failure by a recognized independent testing laboratory.

- (1) Strap or cable connection to anchor head, (loaded in the direction of expected applied loads).

- (2) Anchor head connection to a shaft or other member extended below the ground surface, (loaded in the direction of reactions caused by load on the strap or cable).
- (3) Shaft or member connection to a soil friction device, (loaded in the direction of reactions caused by load on the strap or cable).
- (4) The ground anchor installed with strap or cable attached in a soil type(s) for which it is specified, loaded in the direction of the expected applied loads. For test purposes, a three inch movement indicates failure.

(b) Ground anchors are divided into two categories:

- (1) Soil anchors for use in soils that have an ASTM D1586 Blow Count between 14 and 40, and a Test Probe Value (MHD-GA-001) between 200 in-lbs. and 550 in-lbs. (Blow counts below 14 or torque values below 200 in-lbs. will require that a Professional Engineer be consulted for soil identification and design of the stabilizing device.)
- (2) Rock anchors for use in soils that have an ASTM D1586 Blow Count over 40, and a Test Probe Torque Value over 550 in-lbs.

(c) Soil anchor testing in specified soil:

- (1) There shall be no surcharge (from testing device or any other object) placed on the ground within a distance from the anchor equal to one-half the depth of the anchor.
- (2) The soil profile description shall be based on penetration test, (ASTM D1586, Blow Count), test probe value (MHD-GA-001), or boring and sampling techniques and shall identify all soil strata to a depth one foot greater than the depth of the anchor.
- (3) As an alternative to field testing in natural deposits, the independent testing laboratory may test anchors in an excavation filled with a single soil type. The artificial deposit will be prepared according to specifications provided by the Department (MHD-GA-001).

(d) Rock anchor testing in specified soil:

- (1) Rock anchors shall be field tested in natural rock strata or tested in a rock sample. In either case, the drilled hole in the rock must be deep enough so that there is a minimum of six inches of rock depth above the rock and anchor contact area. There must be six inches of rock thickness below the drilled hole and twelve inches of rock around the drilled hole. The natural rock strata or rock sample must be geologically described (MHD-GA-001).

(e) Resistance to weathering:

- (1) The manufacturer will supply additional tests proving the anchoring device's resistance to the effects of weathering, such as that encountered along the Texas Gulf Coast (MHD-GA-001).

Approval of Anchoring Systems Employing
Anchoring Devices Other Than Ground Anchors
063.55.07.008

will divide anchoring systems, employing anchoring devices other than ground anchors, into two categories: those intended to be manufactured and sold to the general public for profit, and those intended to be used by an individual home owner, on a particular mobile home, and not intended to be resold or manufactured and sold for profit.

(b) Anchoring systems using anchoring devices other than ground anchors, and intended to be manufactured and sold to the general public for profit shall comply with the following requirements.

- (1) The anchoring system will be designed by a registered Professional Engineer or Architect, registered in the State of Texas, or the State of the anchor manufacturer.
- (2) The anchor manufacturer will submit to the Department the following information:
 - (A) All major components of the anchoring system must be marked with the model number and manufacturer name in a conspicuous place.
- (3) The following set of engineering drawings, bearing the seal of a registered Professional Engineer or Architect, will be required for each model anchoring system for which approval is requested.
 - (A) One or more orthographic projections showing all components, dimensions, location of model number and manufacturer's name, and type of welds, and fasteners.
 - (B) Section or cut-a-way drawings, where necessary, showing details of internal structure.
 - (C) Assembly drawing showing the relationship of one component to another when properly installed.
- (4) Engineering calculations supporting the performance of the anchoring system for which approval is requested.
- (5) Each anchoring system for which approval is being sought under this Section of these standards must be tested to destruction by a recognized independent testing laboratory. The test report will consist of the following:
 - (A) Description and drawing or photograph of the test set-up.
 - (B) Description of test procedure, including a discussion of the basic assumptions made in establishing the test procedure.
 - (C) Copies of all raw data taken during the test(s).
 - (D) Graphs of all pertinent, reduced data, legible and clearly identified.
 - (E) Photographs or drawings of all failed components.
 - (F) A summary of the test results, including a discussion of the factors contributing to any observed failure of any component(s), and a conclusion containing recommendations as to the overall performance of the anchoring system, and its potential uses.
 - (G) The manufacturer will supply additional test proving the anchoring system's resistance to the effects of weathering, such as that encountered along the Texas Gulf Coast. (MHD-GA-001)
 - (H) The Department may require whatever additional tests of any component or components of the anchoring system as it deems necessary to assure the public safety and well-being.
- (6) The manufacturer seeking approval of an anchoring system under this Section of these standards must supply the Department with detailed installation instructions (including drawings) for each make and model mobile home that each of his anchoring system models can be used with. Copies of these installation instructions must be provided to installers and consumers. An anchoring system model will be considered approved only for use with those makes and models of

mobile homes for which the Department has been supplied installation instructions, if the installation requirements are unique or different for each model and make.

(c) Approval of anchoring systems employing devices other than ground anchors and intended to be used by an individual mobile home owner for installation of a particular mobile home, and not intended to be resold or manufactured and sold for profit.

- (1) All anchoring systems, for mobile homes required to be "tied down" by the Texas Mobile Home Standards Act, that meet the criteria of Section (c) of these standards must be approved by the Department. The submittal for approval shall consist of the following:
 - (A) Drawings or photographs of all elements of the anchoring system. If photographs are supplied, some type of scale should be indicated in each photograph.
 - (B) A brief description of the anchoring system clearly describing the materials the components are fabricated from.
- (2) The Department recommends that anchoring systems as described by Section (c) of these standards be designed by a registered Professional Engineer or Architect.

Quality Control
063.55.07.009

.009. Quality Control. (a) The Department will require that the manufacturer of any anchoring system, who wishes approval of his product for sale in the State of Texas, submit to the Department a quality control program that will assure a quality product, free from defects. The quality control program will outline procedures for the following:

- (1) Adequate sample testing, based on the number of units produced to assure 98% confidence limits.
 - (A) Samples tested must meet or exceed performance of the original unit tested for approval.
 - (B) The Department will, on a quarterly basis, require that copies of test reports of random samples be forwarded to Austin.

(b) Actions to be taken in the event of sufficient unsatisfactory tests of random samples to cause confidence limits to drop below 98% level.

(c) Actions to be taken in the event that defective units are found in the field.

- (1) Isolated
- (2) Multiple cases

(d) Copy of manufacturer's warranty.

Withdrawal of Approval of Anchoring Systems
063.55.07.010

.010. Withdrawal of Approval. The Department may withdraw approval of any anchoring system for one or more of the following reasons:

- (1) A change in design, material, or construction of an anchoring system model.
 - (A) Such a change will be construed to constitute a new model anchoring system and will require a complete resubmittal to the applicable sections of these standards.
 - (B) Upon written request, detailing the desired change, and presenting evidence as to why the desired change would not effect the performance of the anchoring system, and should not necessitate

a model change; the Department will consider waiving this requirement.

- (2) Receipt of sufficient unsatisfactory, random sample reports, as to indicate the anchoring system will be unable to assure the safety and well-being of the general public.
- (3) Receipt of sufficient field reports of defective units as to indicate that the anchoring system is unable to assure the safety and well-being of the general public.
- (4) If there occurs a substantial change in licensee, management, or contract manufacturer, the Department may suspend approval of an anchoring system until sufficient evidence is presented that the materials, design, or quality control program for that anchoring system will not be altered.
- (5) If the Department determines that a change in design, material, or quality control program will effect a substantive change in an anchoring system. The anchoring system must be resubmitted to the Department for complete reevaluation.

(b) The Department may, on receipt of new or additional information, reevaluate any anchoring system, and may withdraw approval of that anchoring system if it deems such action to protect the safety and well-being of the general public.

Notification of Withdrawal of Approval Anchoring Systems
063.55.07.011

.011. Notification of Withdrawal of Approval. (a) The Department will notify a manufacturer of an anchoring system, in writing, of the model(s) anchoring system(s) for which approval is being withdrawn. The notification will state, in detail, the reason that approval is being withdrawn, and the effective date of such withdrawal.

- (1) The manufacturer of anchoring systems may request a hearing at which evidence may be presented, showing why approval should not be withdrawn for the anchoring system model(s) in question. Such hearings or presentations of views will follow the requirements of the Department's procedures for hearings as set forth in the Act.

Texas Minimum Blocking Standards
063.55.07.012

.012. Blocking Standards. (a) Installation of mobile homes for mobile homes purchased after the effective date of these standards must meet or exceed the following support and blocking requirements.

(b) Pier Placement:

- (1) Piers and/or support are to be located in accordance with the mobile home manufacturer's installation instructions.
- (2) Piers are to be placed under the main frame, not to exceed 10 foot on center spacing. Where practical, end piers shall be placed within 1 foot of the main frame. When the location and spacing of wheels and axles or other structural members of the mobile home frame or undercarriage prevents spacing of piers on 10 foot centers the spacing shall be 10 foot maximum spacing in all other areas, and shall be as close to 10 foot maximum spacing as practicable in the area of the obstruction.

(c) Pier Footing for Concrete Piers:

- (1) The footing for each concrete pier shall be 16"x16"x4" solid concrete pad, precast or poured in place or equivalent. Footing pads made of other materials, if approved by the Department, may be used with metal stands. Concrete runners shall be acceptable of 16" wide and 4" in thickness.
- (2) All grass and organic matter should be removed and the pier footing placed on firm ground.

(d) Pier Footing for Metal Blocking Stands:

- (1) Wood pads 2"x12"x24" or phenolic resin bonded particle board pads, if approved by the Department are acceptable for use with metal stands.
- (2) Solid concrete pads 16"x16"x4" precast may be used with metal stands if specifically approved by the Department. Such pads shall be marked to indicate approval.

(e) Pier Components shall be as follows:

- (1) Concrete blocks, meeting ASTM-C90-70 Grade (N) standards, placed above the footing block perpendicular to main frame member.
 - (A) 8"x8"x16" open cells or solid (open cells vertical).
 - (B) 2"x8"x16" or 4"x8"x16" solid blocks (short dimension vertical).
- (2) Wood plate(s) 1"x8"x16" or 2"x8"x16", as required for use with concrete piers, shall be placed on top of the concrete blocks. If two layers of wood plates are used in combination the total thickness shall not exceed 2½ inches.
- (3) Hardwood shims may be fitted and driven tight between the wood plate(s) and the main frame, not to exceed 1 inch vertical height.

(f) Height of Concrete Piers:

- (1) All piers 30" to 48" in height (measured from top of footing or footing block to main frame member) shall be double tiered with blocks interlocked and capped with a 4"x16"x16" solid concrete block and wood plates (two 1"x8"x16" or two 2"x8"x16" placed side by side).
- (2) Piers that exceed 48" in height must be designed by a registered Professional Engineer or Architect.

(g) Pier and pier components are to be undamaged and installed in a workmanship manner to accomplish the purpose intended.

(h) When the support or blocking system installed is based upon a design certified by a registered Professional Engineer or Architect, a brief description of the system and a copy of the certification shall be furnished to the mobile home owner.

Other Materials and Methods
063.55.07.013

.013. Other Materials and Methods. (a) Mobile homes covered by these standards may be supported and blocked by methods and with materials other than concrete blocks. Materials and/or type piers other than concrete blocks shall meet the requirements of the following standards. For the purpose of evaluation, the Department considers that mobile home piers or supports that use design and/or material other than those specified in these standards shall be divided into two categories, those designed to be produced or duplicated and sold to the general public and those constructed by the owner or his agent, to be used for one mobile home and not intended for duplication or resale.

- (1) Mobile home piers and/or supports constructed by the owner or his agent, to be used for one mobile home, and not intended for duplication or resale, shall be designed by a registered Professional Engineer. A copy of such certification shall be forwarded to the Department following the set-up of the home.
 - (2) The Department considers that mobile home piers and supports using materials and/or design other than specified in these standards, designed to be produced or duplicated and sold to the general public can be divided into two categories.
 - (A) Devices for blocking or supporting mobile homes using materials or designs other than metal stands, shall be designed by a registered Professional Engineer in Texas or in the state of the manufacturer, and will conform to the following standards.
 - (3) All mobile home blocking/support pier/systems shall be tested to destruction by a recognized independent testing laboratory. The tests shall include the following:
 - (A) A description of the test set-up including a sketch(s) or photograph(s) of the test set-up.
 - (B) A description of the test procedure.
 - (C) Copies of the raw data sheets.
 - (D) A summation or conclusion of the test report results.
 - (4) The manufacturer of the blocking/support pier shall submit the following information to the Department.
 - (A) A complete test report.
 - (B) Engineering drawings showing:
 - (i) Location and design of trademark and model number to be permanently affixed to the blocking/support pier to identify the manufacturer.
 - (ii) All welds or connections.
 - (iii) Material used.
 - (iv) Assembly drawing.
 - (C) Engineering calculations
 - (i) Compression
 - (ii) Overturning
 - (iii) Component member stress
 - (D) After receipt of the above information, the Department may, if it deems necessary, request additional information needed to complete the evaluation of the blocking/support pier or system.
- (b) Standards for metal mobile home blocking/support piers.
- (1) All submittals for approval of metal mobile home blocking/support piers shall contain the following:
 - (2) Engineering calculations; type and magnitude of stresses in:
 - (A) Base plate
 - (B) Legs or supporting structure
 - (C) Crown
 - (D) Jack screws
 - (E) "I" beam attachment plate
 - (F) Overturning (Toppling) calculations
 - (3) Engineering drawings must accompany the submittal, and should be in a neat and legible format.
 - (A) Construction
 - (i) Welds; type, dimensions and specifications
 - (ii) Dimensions and specifications of pier
 - (iii) Model designation number
 - (4) Each metal mobile home blocking pier must be assigned a model

designation number. This model designation number must be shown on the engineering drawings, and must be stamped on the blocking pier in the same location. The location should be such that the model designation number will be readily visible when the blocking pier is in service. The Department will consider that approval has been extended only to those blocking pier models which have been submitted for evaluation. Any new blocking pier model, or any change in specification, material, or design of an existing blocking pier model on the part of the manufacturer, or the addition of a new blocking pier model line or change in specifications, material or design of an existing blocking pier model line on the part of a distributor will necessitate assigning a new model designation number to the new or altered blocking pier, and will require submittal to this Department for complete design evaluation under the new model designation number. Exception to this requirement may be granted if after examining evidence submitted by the manufacturer or distributor, it is the opinion of this Department that the requested modification to an existing blocking pier model or model line does not substantially affect the design or performance of the blocking pier model or model line.

- (5) All mobile home metal blocking/support piers must be tested according to the requirements established by the Department (TMH-BE-001).
- (6) The Department will require that the manufacturer of any mobile home metal blocking/support pier who wishes approval of his product for sale in the State of Texas, submit to the Department a quality control program that will assure a quality product, free from defects. The quality control program will outline procedures for the following:
 - (A) Adequate sample testing, based on the number of units produced, to assure 98% confidence limits.
 - (i) Samples tested must meet or exceed performance of the original unit tested for approval.
 - (ii) The Department will, on a quarterly basis, require that copies of test reports of random samples be forwarded to Austin.
 - (B) Action to be taken in the event of sufficient unsatisfactory test of random samples to cause confidence limits to drop below 98% level.
 - (C) Action to be taken in the event that defective units are found in the field.
 - (i) Isolated cases
 - (ii) Multiple cases

Multi-Family Mobile Homes
063.55.07.014

.014. Multi-Family Homes. (a) The standards governing the construction, electrical, plumbing, fire safety, heating ventilation, and air-conditioning of multi-family mobile homes shall be the Federal Mobile Home Construction and Safety Standards as published in the "Federal Register" on December 18, 1975, and as amended by Interpretive Bulletins published by the Federal Department of Housing and Urban Development as they become part of the Federal Law, and as amended by the following standards:

(b) A "living unit" is the area of a multi-family mobile home designed for occupancy by one family.

(c) Fire safety

(1) Marriage Walls

(A) All marriage walls separating individual living units of

multi-family mobile home units must be of fire resistive construction, providing not less than one hour fire resistance protection as defined by ASTM-E119-69.

- (B) The fire resistive marriage wall construction must extend vertically from the inside bottom surface of the roof covering to the inside top surface of the floor, and horizontally from the inside or living unit surface of one intersecting wall to the inside or living unit surface of the opposite intersecting wall.
- (C) There shall be no doors, windows, openings, or penetrations for gas, plumbing or electrical systems passing through both sides of any marriage wall.
- (D) All marriage walls must be considered as shear walls if they are installed perpendicular to the longitudinal axis of the unit, and must be anchored to the ceiling and floor in the same manner as other interior shear walls.

(d) Planning considerations

(1) Exterior doors

- (A) Each individual living unit of a multi-family mobile home unit must have at least two exterior doors located remote from each other.
- (B) To be considered remote:
 - (i) The doors must not be in the same room or group of rooms which are not defined as fixed walls.
 - (ii) Doors may not be less than 12 feet center to center from each other.
 - (iii) An exterior door must be accessible from the doorway of each bedroom without traveling more than 35 feet.

(e) Electrical

- (1) Each individual living unit must have its own complete self-contained electrical system.
 - (A) There shall be no crossover or interconnection of any branch circuit of separate individual living units of multi-family mobile home units.
 - (B) Each individual living unit of multi-family mobile home units shall have a separate distribution panelboard. Circuits from two different individual living units of multi-family mobile homes may not employ the same distribution panelboard.
 - (C) Each individual living unit of multi-family mobile home units shall have separate heat tape and exterior receptacle outlets, installed in accordance with applicable sections of the Federal Mobile Home Construction and Safety Standards.
 - (D) Each exterior door of every individual living unit of multi-family mobile home units shall be equipped with a listed exterior lighting fixture.
 - (E) Receptacle outlets serving opposite sides of marriage walls for adjacent individual living units shall not fall in the same stud spacing.

(f) Gas Piping System

- (1) The gas piping system(s) for multi-family mobile home units shall be so designed that the gas supply to one individual living unit may be

shut off without disrupting the gas flow to any other individual living unit of that multi-family mobile home unit.

- (2) Each multi-family mobile home unit gas piping system(s) shall have a master gas shut off valve, the closing of which will eliminate the supply of gas to all individual living units of the multi-family mobile home unit. The location of the gas shut off valve will be within 12 inches of an exterior edge of the unit and shall be conspicuously marked with a metal plate bearing the marking: MASTER GAS SHUT OFF VALVE. The letters of the marking shall be at least 3/8 inches in height.

(g) Heating, Cooling and Fuel Burning Systems

(1) Heating System

- (A) Each individual living unit of multi-family mobile homes shall be equipped with thermostatic controls that will allow the interior temperature of the unit to be controlled independently of all other living units of the mobile home.
- (B) Each individual living unit of multi-family mobile homes shall be equipped with an air supply duct and return air system that is completely independent of the air supply and return air supply of all other living units of the mobile home.
- (C) There shall be no interconnection of any kind between the air supply duct and return air supply of the individual living units of the mobile home.

(2) Cooling System

- (A) The cooling system of each individual living unit of multi-family mobile homes shall be so designed that the interior temperature of the living unit can be controlled independently of the interior of all other living units of the mobile home.
- (B) The cool air supply and return air supply system of individual living units of multi-family mobile homes shall be designed so that the air flow in the cool air supply and return air supply system of one living unit cannot communicate with the air flow in the cool air supply or return air supply of any other living unit of the mobile home.

(3) Water Heaters

- (A) If the water heater demand requirements of all living units of a multi-family mobile home are supplied by a single water heater and hot water supply piping system, then the water heater and hot water supply piping system shall be sized in accordance with the maximum based on the maximum fixture load of the entire multi-family mobile home unit.

(h) Water Distribution and Waste Drain System

(1) Water Distribution System

- (A) The hot and cold water distribution system of multi-family mobile homes must be designed in such a manner that the water supply to one individual living unit can be cut off without disrupting the water supply system of any other living unit of the mobile home.

(2) Waste Drain System

- (A) The waste of all living units of a multi-family mobile home may drain into a common waste drain system, so long as the waste drain system is properly sized for the load of all living units in the mobile home.

Procedures for Dealer Alterations
063.55.07.015

.015. Definition (a) "Alteration" means the replacement, addition, and modification or removal of any equipment or installation after sale by the manufacturer to a dealer or distributor but prior to sale by a dealer to a purchaser which may affect the construction, fire safety, occupancy plumbing, heat-producing or electrical system. It includes any modification made in the mobile home which may affect the compliance of the home with the standards but it does not include the repair or replacement of a component or appliance requiring plug-in to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring "plug-in" to an electrical receptacle, which appliance was not provided with the mobile home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

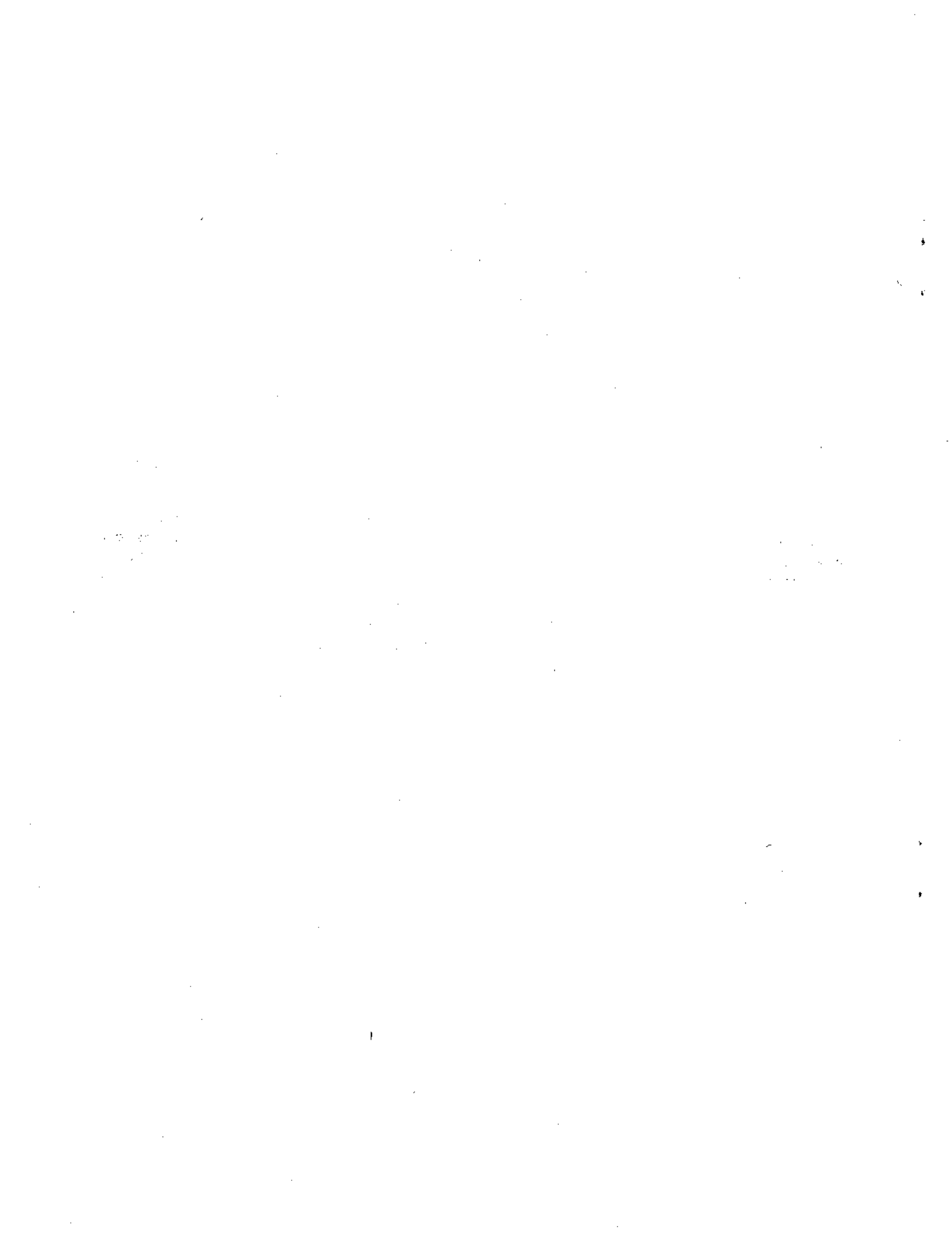
(b) Prior to making the alterations to a mobile home, a dealer must request approval from the Department for such alterations. Requests for approval of alterations will be made through the "Dealer Alteration" form or the "Dealer A/C Alteration" form supplied by the Department.

(c) If approval is not granted, the Department will notify the dealer in writing of the reason the approval was refused. If additional information is deemed necessary to complete the evaluation of the request for approval, the dealer shall furnish such additional information at the request of the Department.

(d) No alteration shall be started without prior approval from the Department. Following completion of approved alterations the dealer shall notify the Department in writing of such completion; the Department may accept the dealer's certification that such alterations were made as approved. The Department may inspect the altered unit to assure compliance with the applicable standards.

Texas Mobile Home Standards Code
063.55.07.016

.016 Standards Code. (a) The Texas Mobile Home Standards Code shall be the Federal Standards established under Title VI of the Housing and Community Development Act of 1974 and each change, amendment, or requirement shall become effective in conjunction with the effective date set by the federal program.



Mobile Home Installation by Agent
063.55.08.001

Whenever a mobile home dealer authorizes an agent to install a mobile home sold under the provisions of Section 14(4) the agent shall be a person that has demonstrated to the satisfaction of the dealer an expertise in such functions.

Responsibility for providing proper facilities for connection of utilities shall be that of the purchaser unless such connection provision is part of the sales agreement.

Correction Requirements
063.55.08.002

The dealer or manufacturer shall take immediate corrective action when notification is received from a consumer and the nature of the complaint indicates an imminent safety hazard or serious defect. A reasonable period of time required by section 14(c)(5) for correction of all other defects or failures to comply with the code shall be considered to be 30 days after the dealer or manufacturer has received notification from a consumer. The dealer or manufacturer should confirm in writing to the consumer the date that personnel are scheduled to the consumer location. The dealer or manufacturer shall keep a record of the date the notification was received, the disposition, and the date of correction.

The manufacturer and dealer shall make available for review by department personnel records to assure that warranty work, including corrections or failures to comply with design, has been accomplished and that such warranty work has been done in accordance with the design and properly completed.

Dealer Sales Information
063.55.08.003

Mobile home dealers shall make available for review by department personnel as part of each sales record the following information:

1. Name and address of the purchaser.
2. Date of purchase.
3. Verification that the mobile home warranty was delivered to the consumer at the time the contract was signed. (Section 14(c))
4. Verification that the consumer received written notice of a two year limitation of notice for filing a claim against the bond. (Section 13(g))
5. Verification of the date that the information card was mailed to the manufacturer. (3282.211 page 19861)

Security Requirements
063.55.08.004

For purposes of meeting the security requirements of Section 13 "Cash deposit or security" means an assignment of a certificate of deposit or irrevocable letter of credit from or on a state or federally chartered bank or savings and loan association, properly signed and filed with the Department. Such deposits or letters are hereinafter referred to as "security". Forms shall be furnished by the department for filing an assignment of such security. If such security is reduced by a claim, the depositor shall within 20 days make up the deficit as required by subsection (b). No advance notice is required by the department to the depositor, but the department shall verify receipt of the deposit.

An assignment of such security filed with the department for compliance with Section 13 of the act shall remain on file with the department for two years after written notice to

the department that the depositor has ceased doing business. An assigned certificate of deposit, or irrevocable letter of credit deposited with the department may be withdrawn after two years following written notice by the depositor that (i) the depositor has ceased doing business or (ii) the filing of a bond in lieu of or to replace the assigned security. In the event a bond is filed to replace the assigned security and the initial effective date of the bond is the same or prior to the date of the assignment of the security, such security or deposit may be immediately withdrawn upon written request.

Rules for Hearings
063.55.08.005

(a) All hearings on contested cases held pursuant to the Texas Mobile Home Standards Act include hearings as provided in Section 16 of the Act, as implemented by Section 13 through 20 of the APTRA.

(b) After a manufacturer receives notice of an alleged violation under Section 16 of the APTRA, he may avoid a hearing by correcting the violations. The manufacturer should immediately notify the department when the corrections have been completed, whereupon the department will re-inspect to determine if the corrections have been made. If the corrections have not been effected within 30 days of the original deficiency notification, a notice of hearing will be issued.

(c) The department may assess transcription costs to one or all parties of the hearing, by the authority of Section 13(g) of the APTRA. The department will attempt to minimize such costs by providing a court reporter in the employ of the department for all hearings. If a party objects to the use of the department employee, it may notify the department not later than seven days prior to the scheduled hearing. In such event, the Commissioner will select an independent court reporter for the hearing. This will result in additional cost, which may be assessed to the requesting party as set out above.

(d) In hearings held under the TMHSA, published rules and regulations of the Secretary of the Department of Housing and Urban Development issued pursuant to the National Mobile Home Construction and Safety Standards Act of 1974, shall be considered, if relevant. If the Mobile Home Division believes that such rules and regulations may have some bearing on the subject of the hearing, the notice of hearing will refer to such HUD rules and regulations.

(e) Parties are not granted, by these rules, a right to submit proposed findings of fact. The Commissioner, however, at his discretion, may accept submitted proposed findings of fact; the Commissioner shall rule on each proposed finding so accepted.