

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE DISMANTLER, AND
MANUFACTURED HOUSING COMMISSION
CHAPTER 37. MANUFACTURED HOME INSTALLERS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensing Qualifications, Procedures and Fees

765:37-3-4 [AMENDED]

765:37-3-5 [AMENDED]

Subchapter 5. Operation

765:37-5-2 [AMENDED]

765:37-5-5 [AMENDED]

765:37-5-6 [AMENDED]

Subchapter 7. Installation Standards

765:37-7-1 [AMENDED]

Subchapter 9. Assessment of Fine or Denial, Suspension, or Revocation of License

765:37-9-3 [AMENDED]

SUMMARY:

The proposed rule amendments modify the agency name from Oklahoma Used Motor Vehicle and Parts Commission to Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission, changes the license number to a five-digit number, removes outdated language, adds additional placement for installation label, updates record requirements and corrects a grammatical error.

AUTHORITY:

Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission;

47 O.S. Section 582(E)(1);

75 O.S. Section 583 B.3.;

75 O.S. Section 302 et.seq

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle Dismantler, and Manufactured Housing Commission, 421 NW 13th, Suite 330, Oklahoma City, Oklahoma 73103, by February 17th, 2023.

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14th, 2023, at 10:30 AM, at the office of the Used Motor Vehicle Dismantler, and Manufactured Housing Commission, 421 NW 13th, Suite 100, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle Dismantler, and Manufactured Housing Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may

submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 17th, 2023.

COPIES OF PROPOSED RULES: Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle Dismantler, and Manufactured Housing Commission, 421 NW 13th, Suite 330, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 1st, 2023, at the office of the Used Motor Vehicle Dismantler, and Manufactured Housing Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle Dismantler, and Manufactured Housing Commission, 421, NW 13th, Suite 330, Oklahoma City, Oklahoma 73103 (405)521-3600.

CHAPTER 37. MANUFACTURED HOME INSTALLERS

SUBCHAPTER 1. GENERAL PROVISIONS

765:37-1-1. Purpose

The rules of this Chapter have been adopted for the purpose of complying with the provisions of the Administrative Procedures Act, 75 O.S. Section 250 et seq., and 47 O.S. Section 582 (E). This Chapter will provide a description of the qualifications for obtaining a manufactured home installer's license, operation under the license and the grounds for denial, suspension, or revocation of a manufactured home installer's license.

SUBCHAPTER 3. LICENSING QUALIFICATIONS, PROCEDURES AND FEES

765:37-3-1. Fees

The fees required for an initial application, renewal, and additional location for a manufactured home installer's license are recited in 47 O.S. Section 583. A fee will be returned to the applicant in the event the license applied for is denied.

765:37-3-2. Facility

Each manufactured home installer shall have a primary place of business where the installer's records are kept that is accessible to the public and to employees of the Commission.

765:37-3-3. Applicant information; applications

An applicant shall provide sufficient information on the application or otherwise to enable the Commission to determine whether the applicant should be granted a license. Applications for license shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to such applicants. The applications shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the applicant for the license.

765:37-3-4. Issuance of license

(a) **Name.** A manufactured home installer's license will be issued in the legal name of the individual proprietorship, partnership, or legal entity as identified on the application for installer's license.

(b) **Certificate.** A manufactured home installer's license shall consist of a signed certificate bearing the official seal of the Commission and shall specify the name and location of the place of business and assigned installer number, which shall be posted in a conspicuous place in the installer's place or places of business. The manufactured home installer's license number will be prefixed with I, followed by a ~~four~~ five digit number and then the current year of license (I-00000-00).

(c) **Identification card.** The Commission may issue to the licensee an identification card which shall be carried upon the person of the licensee.

(d) **Beginning business.** No applicant for a manufactured home installer's license shall conduct business in the State of Oklahoma until such time as the Commission has issued it

a license.

765:37-3-5. Education requirements

(a) The installer principal, general manager or person with ultimate supervisory authority over the installation business shall attend a qualified Education Program before beginning operation of the business and being licensed by the Commission.

(b) The education program shall be of such duration and content as to prepare the installer for installation of a manufactured home. Applicants who have attended a qualified education program within twenty-four (24) months preceding application shall be deemed to have met the education requirement. ~~Applicants prior to the effective date of these rules, shall have until November 1, 2001, to obtain the requisite education requirement.~~

(c) A licensee shall attend an education program of such duration and content as to keep the licensee informed of changing standards or procedures as continuing education at least every three (3) years from the licensee's initial licensing.

(d) A licensee shall meet or have in its employment at least one (1) individual who has met the above education requirements and who will have actual authority over any employees involved in the installation of manufactured homes. Failure to maintain this requirement shall be grounds for suspension or revocation of the installer's license until such requirements is met.

765:37-3-6. Renewal of license

All licenses issued under the provisions of the Commission's statutory authority shall expire on the 31st day of December of the odd numbered year, following the date of issue and shall be nontransferable. All applications for renewal should be submitted by the 1st day of November of each odd numbered year, and licenses shall be issued by the following January 10th. If application has not been made for renewal of license, such license shall expire on December 31st of the odd numbered year, and it shall be illegal for any person to represent itself and act as an installer thereafter.

765:37-3-7. Changes

(a) **Ownership.** A change of ownership, including a change in a primary stockholder in the case of a corporation, or membership in the case of a limited liability company, shall require a new application and approval by the Commission before the business may begin operation.

(b) **Notification.** A change of ownership or any other change, such as change of name or address, which makes Commission records no longer accurate must be reported to the Commission for approval immediately in writing on forms prescribed by the Commission. The installer must meet all the requirements as prescribed for licensing. The Commission may revoke or suspend a license after it has been granted for change of condition resulting in failure to maintain the qualifications for license. The Commission may endorse changes on the license without charge.

SUBCHAPTER 5. OPERATION

765:37-5-1. Forms required

(a) **Forms.** The following forms shall be required in the installation of a manufactured home by a manufactured home installer:

- (1) Installer's invoice
- (2) Installation label
- (3) Set-up inspection form.

(b) **Approval.** All forms must be approved by the Commission. The content and forms to be used shall be filed twenty (20) days prior to use, and if not rejected in the twenty (20) days from the filing date, the forms will be conditionally approved.

765:37-5-2. Installation label

Upon completion of the installation of a manufactured home by a licensed installer, the installer shall place an installation label containing the installer's name, license number and date of installation in a position on or around the breaker box for the home and/or on the outside of the home near the serial number identifying the home. The label shall be of a size of at least two inches by three inches (2" x 3") and shall have on one side an adhesive which will allow the label to be permanently placed in the aforesaid position.

765:37-5-3. Records

Each installer shall keep for a period of five (5) years from the date of installation (or as required by any other federal, state or local regulation), a record of the installation of each manufactured home he installs which shall show the name of the party the installer contracted with for the installation the home, a description of the manufactured home and such other information as the Commission may prescribe. The records shall be available upon request to authorized agents or employees of the Commission. If it is determined that a licensee has knowingly provided false or misleading information when requested to provide records, the licensee may be subject to any appropriate sanction authorized by rule or statute.

765:37-5-4. Inspections

The Commission may conduct inspections of manufactured home installations at random or systematically, as required, to verify compliance by the installer with installation standards.

765:37-5-5. Submission of set-up inspection forms

The set-up inspection form for new manufactured home installations shall be submitted within thirty (30) days of the completion of the installation and shall be approved by a certified installation inspector, local authority having jurisdiction (LAHJ) or licensed engineer. The form shall also be submitted to the manufactured home dealer selling the home, which copy the dealer is to keep with its records of the sale of the home.

765:37-5-6. Installer's Fees

(a) A used manufactured home inspection fee of Seventy-Five Dollars (\$75.00) shall be paid by the installer at or before the time of installation of any used manufactured home sited and installed in the State of Oklahoma, but no later than that fifteenth (15th) day of the month subsequent to the month in which the installation is performed.

- (b) The fees paid shall be used for the purpose of inspecting installations of used manufactured homes. The inspection may be conducted by a representative of the Oklahoma Used Motor Vehicle, Dismantler, and Parts Manufactured Housing Commission or its designee. The decision to inspect an installation shall be made by Commission staff. The decision to inspect an installation may be made by random selection, pursuant to a complaint as part of an audit or review of a particular installer or as part of an investigation.
- (c) A manufactured home dealer or installer shall co-operate with the Commission's employee or designee as needed to conduct an inspection of an installation for which the dealer or installer may bear some responsibility for assuring that the installation was properly performed.
- (d) Any fees not used for inspection of installations may be used for any other purposes of the Commission but primarily for the education of manufactured home dealers and installers, investigation of manufactured home complaints and administration of the regulatory laws relating to the manufactured home industry.
- (e) The Commission may assess a fine not to exceed One Thousand Dollars (\$1,000.00) per violation for violation of this section.

SUBCHAPTER 6. DEFINITIONS

765:37-6-1. Terms used

- (a) **Permanent installation.** Installation of a manufactured home shall be deemed a permanent installation in any circumstance in which the manufactured home will be occupied.
- (b) **Generic Set.** Installation of a previously occupied (used) manufactured home according to the standards set forth in Subchapter 7 hereinafter shall be deemed a generic set.
- (c) **HUD Standards and Rules.** All references to "HUD Standards" or "HUD Rules" shall refer to HUD's Model Manufactured Home Installation Standards (24 CFR Part 3285). All references in this Chapter to HUD Rules shall refer to HUD's Manufactured Home Installation Program (24 CFR Part 3286).

SUBCHAPTER 7. INSTALLATION STANDARDS

765:37-7-1. Acceptable procedure

- (a) Any new manufactured home stored at any location or in the possession of any entity (retailer, installer, distributor or manufacturer) for more than thirty (30) days must be temporarily supported in accordance with the manufacturer's installation instructions.
- (b) All new manufactured homes to be installed in the State of Oklahoma shall be installed, including site preparation, according to HUD's Manufactured Home Model Installation Standards (24 CFR Part 3285) or DAPIA approved manufacturer installation instructions.
- (c) Any previously occupied manufactured home to be installed in the state of Oklahoma may be installed according to the installation standards set forth in the manufacturer's installation manual or according to the installation standards set forth hereinafter (generic set) or an approved plan by a professional engineer or registered architect.

(d) Use of an installer not licensed at the time of the installation by the Oklahoma Used Motor Vehicle, Dismantler, and Parts Manufactured Housing Commission for the installation of any new or previously occupied manufactured home shall be deemed an unacceptable procedure and shall subject any dealer contracting with said unlicensed installer to any liabilities and penalties attributable to such unlicensed activity.

(e) In determining the applicable frost line for permanently installed manufactured homes, the installer shall refer to the manufacturer's installation instructions, or the local authority having jurisdiction (LAHJ).

(e) In determining the applicable frost line for permanently installed manufactured homes, the installer shall use the ANSI 225.1 map. A frost line of three inches (3") is presumed in McCurtain County. A frost line of three to six inches (3-6") is presumed in Bryan, Choctaw, Atoka, Pushmataha, Latimer, LeFlore, Haskell and Sequoyah Counties. A frost line of ten to fifteen inches (10-15") is presumed in Woods, Major, Garfield, Alfalfa and Grant Counties. A frost line of six to ten inches (6-10") is presumed in all the remaining counties of the state. An installer may rely on verifiable local standards in determining the frost line in any specific location. When the frost line depth is not available from the local authority having jurisdiction, a registered professional engineer, registered architect or registered geologist must be consulted to determine the required frost line depth.

765:37-7-2. Site preparation

(a) **New manufactured home installations.** Site preparations for all new manufactured home installations shall conform to HUD standards.

(b) **Previously occupied manufactured home installations.** The purchaser or homeowner shall bear the responsibility for adequate site preparation for any installation other than a new manufactured home installation, including grading, drainage requirements and utilities connections.

(c) **Notice.** A manufactured home manufacturer and a manufactured home dealer shall notify the purchaser by written notice signed by both parties of the applicable site preparation standards. The dealer may act as the manufacturer's agent in providing said notice to the purchaser.

765:37-7-3. Support Systems

(a) Footing.

(1) The manufacturer's installation manual shall be used to determine acceptable footing materials, sizes and placement.

(2) For previously occupied (used) manufactured homes footing pads, when used, shall consist of three 4 X 8 X 16 solid concrete blocks or a solid 4 X 16 X 16 concrete block, ABS at least a minimum of 384 square inches in size, tested to a load-bearing capacity of not less than 6,000 pounds. Footing should be installed on a soil with an allowable soil bearing pressure of at least 1,500 P.S.F. unless the site specific information requires the use of lower values based on soil classification and type. If these conditions are encountered, a professional engineer, registered architect or licensed geologist shall be consulted to determine the soil bearing pressure and footing sizes required. All organic material (i.e., grass, loose top soil,

etc.) must be removed from under each foundation support. The foundation for each manufactured home shall be installed on firm undisturbed soil or fill with at least 90 percent soil compaction. Supporting information, i.e., proper soil testing, such as by a penetrometer, may be used to change the assumed P.S.F.

(b) Piers.

(1) Frame piers less than 36 inches high (measured from the top of the footing to the top of the cap), are permitted to be constructed of single, open, or closed cell concrete blocks 8" X 8" by 16" when the design capacity of the block is not exceeded. The frame piers must be installed so that the long sides are at right angles to the supported I-beam. The concrete blocks must be stacked with their hollow cells aligned vertically and must be positioned at right angles to the footings. Alternatively, piers up to 36 inches in height may be manufactured steel piers, provided they meet HUD standards set forth in CFR 3285.308(b), are rated, listed and labeled for the required load capacity and are installed according to the pier manufacturer's installation instructions.

(2) All frame piers between 36 inches and 67 inches high (measured from the top of the footing to the top of the cap) and all corner piers over three blocks high must be constructed out of double, interlocked concrete blocks, when the design capacity is not exceeded.

(3) Piers 54 inches high or less (measured from the top of the footing to the top of the cap) which are required at mate-line supports, perimeter piers, exterior door piers on sidewalls, and piers at exterior wall openings are permitted to be constructed of single open-cell or closed-cell concrete blocks, with nominal dimensions of 8" X 8" X 16", when the design capacity of the block is not exceeded. Piers in excess of 54 inches high up to 67 inches high (measured from the top of the footing to the top of the cap) which are required at mate-line supports, perimeter piers, exterior door piers on sidewalls, and piers at exterior wall openings must be constructed out of double, interlocked concrete blocks, when the design capacity of the block is not exceeded. Piers used for perimeter support must be installed with the long dimension parallel to the perimeter rail. Perimeter piers, marriage line supports, or other supports must be located on both sides of side wall exterior doors (such as entry, patio and sliding glass doors) and any other side wall or mating line opening of 48 inches or greater in width and under load-bearing porch posts, factory installed fireplaces, and fireplace stoves. In areas where the open span is greater than 10 feet, intermediate piers and footings must be placed at a maximum of 10 feet on center.

(4) A minimum clearance of 12 inches must be maintained between the lowest member of the main frame (I-beam or channel beam) and the grade under all areas of the home.

(c) Pier caps.

(1) Structural loads must be evenly distributed across capped-hollow block piers.

(2) Caps must be solid concrete or masonry and least 4 inches in nominal thickness, and hardwood lumber at least 2 inches in nominal thickness, or be corrosion protected of a minimum one half inch thick steel. All caps must be of the same length and width as the piers on which they rest. When split caps are used on

double-stacked blocks, the caps must be installed with the long dimension across the joint in the blocks below. When split caps are used, double filler and double shim sets must be used.

(d) **Gaps.** Any gaps that occur during installation between the bottom of the main chassis beam and foundation support system must be filled by hardwood plates not thicker than 2 inches nominal thickness. 2 inch or 4 inch nominal thickness concrete block must be used to fill in any remaining vertical gaps.

(e) **Shims.** Nominal 4" X 6" X 1" shims may be used to level the home and fill any gaps between the base of the main chassis beam and the top of the pier cap. Shims must be used in pairs, and must be driven in tightly so that they do not occupy more than one inch of vertical height.

(f) **Manufactured pier heights.** Manufactured pier heights must be selected so that the adjustable risers do not extend more than 2 inches when finally positioned.

(g) **Spacing.**

(1) New manufactured homes shall follow the manufacturer's installation instructions for spacing.

(2) Previously occupied (used) manufactured homes.

(A) Pier spacing shall be measured from center to center of piers.

(B) For single section homes the center of end piers shall not exceed 2 feet from the frame-ends. Piers are to be placed under each longitudinal mainframe member, not to exceed 6 feet on-center. The frame piers must be installed so that the long sides are at right angles or perpendicular to the main frame member. Side wall openings 48 inches or wider, porch transition, sliding glass doors, all exterior side doors on side walls must have perimeter piers, installed with the long dimension parallel to the perimeter rail or be supported by additional outriggers or floor joists, or by a 4 X 4 wood timber supporting a minimum of two joists under both sides of the opening.

(C) For multi-section homes the center of end piers shall not exceed 2 feet from the frame-ends. Piers are to be placed under each longitudinal mainframe member at a spacing, not to exceed 6 feet on-center. The frame piers must be installed so that the long sides are at right angles or perpendicular to the main frame member. Side wall openings 48 inches or wider, porch transition, sliding glass doors, all exterior side doors on side walls must have perimeter piers, installed with the long dimension parallel to the perimeter rail or be supported by additional outriggers or floor joists, or by a 4 X 4 wood timber supporting a minimum of two joists, under both sides of the opening.

765:37-7-4. Anchoring for previously occupied manufactured homes

(a) Ties shall be as evenly spaced as practicable along the length of the home, and the distance from each end of the home and the diagonal tie nearest that end shall not exceed 2 feet. Ties will be spaced no more than 11 feet apart on a side, allowing adjustment for obstructions (any strap spacing may be exceeded by 10%, so long as the average strap spacing does not exceed 11 feet). The number of ties per side will be calculated by the formula: section-length, divided by the spacing of 11 feet (rounded to next whole number), plus 1 tie. [The result for a 16'x80' (overall length) would be 8 diagonal ties per side.]

- (b) Over-the-top vertical ties will not be necessary for home 13.5 feet or wider, with 10 feet or less wall height, with I-beams that are 96 inches or more apart, with no evidence that vertical ties have been cut or removed and with diagonal ties installed extending to the nearest I-beam.
- (c) Where a vertical tie and 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.
- (d) Anchors shall be capable of resisting a minimum total load capacity of 4,725 pounds (2,143 kg) and a working capacity of 3,150 pounds (1,429kg).
- (e) All anchoring devices shall be installed in accordance with the anchor manufacturer's instructions, including, but not limited to, the use of approved stabilizer plates or 10" diameter x 18" deep poured concrete cylinders to prevent lateral movement of the anchor through the soil.
- (f) Tie down anchors are not required when the home is installed on a FOUNDATION SYSTEM designed by an architect or registered engineer, which is designed to resist all tributary vertical live and dead loads, as well as lateral loads (wind or seismic), for the local conditions.

765:37-7-5. Perimeter skirting for previously occupied manufactured homes

- (a) **Skirting.** Skirting, if used shall be of durable materials suitable for exterior exposures. Any lumber used in connection with skirting within 6 inches of the ground shall be pressure treated to prevent decay and termite infestations.
- (b) **Ventilation.** Ventilation shall be provided for the crawlspace at a minimum of one square foot of free area for every 150 square feet of the home's floor area. Ventilation may be obtained by:
 - (1) Ventilation openings shall be placed at or near each corner of the home and shall be located so as to provide cross-ventilation on at least two opposite sides of solid foundations;
 - (2) Self-ventilating skirting may be used to satisfy cross ventilation in all other areas.
- (c) **Moisture/Vapor retarder.** When a polyethylene moisture-retarder sheet is placed on the ground underneath the home the polyethylene shall be of a thickness of at least six (6) mil. It is the responsibility of the purchaser or homeowner to see that it is installed.
- (d) **Vents and drains.** Dryer vents and air conditioning condensation drains must pass through the skirting to the outside, rather than terminating underneath the home.

SUBCHAPTER 8. CERTIFIED INSPECTION PROGRAM

765:37-8-1 New Manufactured Home Inspections

- (a) All new manufactured home installations shall be inspected by a certified installation inspector.
- (b) In addition to certified installation inspectors who meet the qualifications set forth herein, a certified installation inspector may include a HUD certified DAPIA or IPIA, an engineer experienced in manufactured home installations, an inspector certified by authorities with jurisdiction where the manufactured home is installed or a qualified Commission employee.

(c) The purpose of the inspection of the installation by a certified inspector is to verify that the installation was performed in a manner which complies with new manufactured home installation standards.

(d) The Manufactured Home Advisory Committee shall review and recommend the educational and experiential standards for certified installation inspectors to the Commission for approval. Said standards shall include at a minimum, eight (8) hours of training in a classroom setting and four (4) hours in sited training. Said standards shall be published on the Commission website and distributed to every licensed installer. Such standards may be changed or modified as the need for changes or modifications become apparent.

(e) An applicant for a certified installation inspector shall be approved by the Manufactured Home Advisory Committee and the Commission.

(f) A certified installation inspector shall be authorized to perform an installation inspection on any new manufactured home installation performed within the State of Oklahoma.

(g) The Manufactured Home Advisory Committee shall recommend the qualifications for instructors of candidates for designation as certified installation instructors and submit said qualifications to the Commission for approval.

SUBCHAPTER 9. ASSESSMENT OF FINE OR DENIAL, SUSPENSION, OR REVOCATION OF LICENSE

765:37-9-1. Grounds

(a) The Commission may deny an application for a license, or revoke or suspend a license after it has been granted for any of the reasons listed in 47 O.S. Sections 584 (A)(1) through (6), or for violation of any statute or regulation relating to the installation of a manufactured home.

(b) The Commission may in addition to any other sanction or penalty assessed, impose a fine as authorized by law.

765:37-9-2. Prohibition

A person whose license has been revoked shall not have a financial interest of any kind in a manufactured home installer's business, nor shall that person participate in any way, including in an advisory position, in the operation of a manufactured home installer's business.

765:37-9-3 Enforcement and Inspections for Enforcement of Standards

(a) The Commission shall administer and enforce these provisions. Any person, agent, or organization approved and authorized by the Commission may inspect any installation system and equipment to ~~insure~~ ensure compliance with these rules.

(b) In the event an inspection is required to enforce these provisions, inspections may be made by an approved Third Party Inspector in accordance with Design Approval Primary Inspection Agency (DAPIA) approved manufacturer's installation instructions, engineer design or HUD's Model Manufactured Home Installation Standards (24 CFR Part 3285) for new manufactured homes. An approved third party inspector includes the following: An

employee of a participating jurisdiction, individual, employee of a private firm, home inspector having demonstrated proficiency in manufactured homes, or a professional licensed engineer or architect all of whom have been approved by the Commission to perform installation inspections. The Commission shall adopt a standard installation authorization form to be used statewide by the Commission and Certified Inspectors, a standard inspection form, and established minimum inspection requirements. The inspection referred to in this subsection pertains only to the first-time installation of a manufactured home. A copy of the Inspection record shall be maintained by the qualified third party, installer and retailer for a minimum of five (5) years and shall be available for review and inspection by the Commission.