

Amendment No. 1 to HB0067

**Marsh
Signature of Sponsor**

AMEND Senate Bill No. 77*

House Bill No. 67

by deleting SECTION 2 and substituting the following:

SECTION 2. Tennessee Code Annotated, Section 68-126-202, is amended by adding the following language as a new, appropriately designated subdivision:

() "Personal use" means use of property by a person or entity not for business purposes and the use of which is not substantially connected with a trade or business or an activity for the production or collection of income;

AND FURTHER AMEND by deleting SECTION 4 and substituting the following:

SECTION 4. Tennessee Code Annotated, Section 68-126-206(a), is amended by deleting the subsection in its entirety and substituting instead the following language:

(a)

(1) It is unlawful to engage in business in this state as a manufacturer or retailer prior to obtaining a license from the commissioner. The commissioner may require of an applicant for a license such information and evidence of qualifications as are reasonably necessary to protect the public safety and welfare. An application for a license shall be submitted on the prescribed form, shall contain the applicant's business tax or privilege tax number, and shall be accompanied by payment of a fee as set by the commissioner by rule, promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; provided, however, that the first percentage increase after January 1, 2016, shall not exceed one hundred percent (100%) of the current fee for a manufacturer's license or retail license; provided, further, that the fee for a

Amendment No. 1 to HB0067

**Marsh
Signature of Sponsor**

AMEND Senate Bill No. 77*

House Bill No. 67

manufacturer's license shall not exceed five hundred dollars (\$500), and the fee for a retailer's license shall not exceed two hundred fifty dollars (\$250). License fees shall be payable annually, and shall not be prorated for portions of a year. All licenses shall expire one (1) year from the date of issuance. The licensing requirements shall not apply to individual employees of a licensed retailer; provided, however, that at least one (1) employee of a licensed retailer who is directly involved in the installation of a manufactured home is required to be certified by the commissioner. In order to obtain such certification, the employee shall have completed a fifteen-hour course and shall have passed an examination in manufactured home installation approved by the commissioner. At least one (1) certified employee shall be physically on site at the time of installation of any manufactured home.

(2) In addition to meeting other lawful requirements, an applicant for a license as a retailer shall present, at the time of application, proof of having completed a fifteen-hour course, approved by the commissioner, covering the installation of manufactured homes.

(3) Prior to being issued a license as a retailer, an applicant shall have passed an examination in manufactured home installation that is approved by the commissioner.

(4) Failure to comply with the requirements of this subsection (a) shall result in nonrenewal of the license, that shall be known as a retailer license.

AND FURTHER AMEND by deleting SECTION 7 and substituting the following:

SECTION 7. Tennessee Code Annotated, Section 68-126-404(d), is amended by deleting the subsection in its entirety and substituting instead the following language:

(d)

(1) An application for a license as an installer shall be submitted on a form prescribed by the commissioner, and shall be accompanied by a fee as set by the commissioner by rule, promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; provided, however, that the first percentage increase after January 1, 2016, shall not exceed one hundred percent (100%) of the current fee; provided, further, that the fee for an installer's license shall not exceed one hundred twenty-five dollars (\$125). An application for a license as an installer shall be accompanied by a surety bond executed by the applicant as principal and by a surety company qualified to do business in this state as a surety. The bond shall be executed to the state of Tennessee and in favor of any consumer who shall suffer any loss as a result of the violation of this part. The bond shall be in the amount of ten thousand dollars (\$10,000). The installer license fee shall be paid annually and shall not be prorated for portions of a year. All licenses shall expire one (1) year from the date of issuance.

(2) An application for certification by an employee of an installer shall be submitted on a form prescribed by the commissioner and shall be accompanied by proof of having completed a fifteen-hour course and passed an examination approved by the commissioner covering the installation of manufactured homes. The license fee and bond requirements specified in subdivision (d)(1) shall not apply to applicants for certification. All certifications shall expire one (1) year from the date of issuance.

(3) The application for a license as an installer shall specify each employee who has been certified by the commissioner as having successfully completed the examination for manufactured home retailers and installers, and who will or may be physically on site at the time of setup of any manufactured home.

(4) In addition to the license fee for the issuance of an installer license, any installer who fails to renew such installer license on or before its expiration date or who commences business in this state prior to obtaining a license shall be required to pay a penalty in an amount that the commissioner may determine by duly promulgated rule for acting as an installer without a license.