

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

IDAHO FACTORY BUILT STRUCTURES ADVISORY BOARD

24.39.33 – Rules Governing Manufactured/Mobile Home Industry Licensing

Who does this rule apply to?

This rule applies to persons licensed by the Division to engage in the business of manufacturing, selling, or installing manufactured or mobile homes.

What is the purpose of this rule?

The rule prescribes the requirements for licensing of manufacturers, retailers and resale brokers, installers, salesmen, and responsible managing employees to engage in the business of such work in Idaho. This includes the fees for licenses, examination and continuing education requirements, as well as potential penalties and disciplinary action for violations of the requirements.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

Labor -

- [Title 44, Chapter 21, Idaho Code](#) – Manufactured Home Dealer and Installer Licensing
- [44-2104, Idaho Code](#) – Factory Built Structures Advisory Board
- [39-4202, Idaho Code](#) – Factory Built Structures Advisory Board

Who do I contact for more information on this rule?

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24.39.33 – RULES GOVERNING MANUFACTURED/MOBILE HOME INDUSTRY LICENSING

000. LEGAL AUTHORITY.

The administrator of the Idaho Division of Building Safety and the Factory Built Structures Advisory Board are authorized to promulgate rules necessary to implement the provisions of Title 44, Chapters 21 and 22, Idaho Code. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.39.33, “Rules Governing Manufactured/Mobile Home Industry Licensing.” (3-20-20)T

02. Scope. These rules apply to persons engaged in the business of manufacturing, selling, or installing manufactured or mobile homes for purposes of human habitation in Idaho. (3-20-20)T

002. -- 009. (RESERVED)

010. DEFINITIONS.

For the purposes of these rules, the following terms will be used, as defined below: (3-20-20)T

01. Administrator. The administrator of the Division of Building Safety of the state of Idaho. (3-20-20)T

02. Board. The Factory Built Structures Advisory Board. (3-20-20)T

03. Bond. The performance bond required by Section 44-2103, Idaho Code. (3-20-20)T

04. Branch Office. An enclosed structure accessible and open to the public, at which the business of the manufactured/mobile home retailer is conducted simultaneously with and physically separated from his principal place of business. There must be displayed on the exterior a sign permanently affixed to the land or building with letters clearly visible to the major avenue of traffic. The sign must provide the business name of the retailer. (3-20-20)T

05. Business. Occupation, profession, or trade. (3-20-20)T

06. Deceptive Practice. Intentionally publishing or circulating any advertising concerning mobile or manufactured homes which: (3-20-20)T

a. Is misleading or inaccurate in any material respect; (3-20-20)T

b. Misrepresents any of the products or services sold or provided by a manufacturer, manufactured/mobile home retailer, or installation company. (3-20-20)T

07. Division. The Division of Building Safety. (3-20-20)T

08. Installer. A person who owns a business which installs manufactured/mobile homes at the sites where they are to be occupied by the consumer. The term does not include the purchaser of a manufactured/mobile home or a manufactured/mobile home retailer who does not install manufactured/mobile homes. A retailer who does install manufactured/mobile homes is an installer. The term also does not include concrete contractors or their employees. (3-20-20)T

09. Installation. The term includes “setup” and is the complete operation of fixing in place a manufactured/mobile home for occupancy. (3-20-20)T

10. Manufactured Home. A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, 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, except that such term must include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of Housing and Urban Development and

complies with the standards established under 42 U.S.C. Section 5401, et seq. (3-20-20)T

- 11. Manufactured Home Retailer.** Except as otherwise provided in these rules: (3-20-20)T
- a.** Any person engaged in the business of selling or exchanging new and used units; or (3-20-20)T
 - b.** Any person or who buys, sells, lists, or exchanges three (3) or more new and used units in any one (1) calendar year. (3-20-20)T

12. Manufacturer. Any person engaged in the business of manufacturing manufactured homes that are offered for sale, lease, or exchange in the state of Idaho. (3-20-20)T

13. Mobile Home. A factory-assembled structure or structures generally constructed prior to June 15, 1976, the date of enactment of the Federal Manufactured Housing and Safety Standards Act (HUD Code), and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. (3-20-20)T

14. Person. A natural person, corporation, partnership, trust, society, club, association, or other organization. (3-20-20)T

15. Principal Place of Business. The primary physical location at which the business of a manufactured home retailer is lawfully conducted. Each of the following requirements must be met to qualify as the principal place of business: (3-20-20)T

- a.** The business of the manufactured or mobile home retailer is lawfully conducted here; (3-20-20)T
- b.** The office or offices of the retailer is or are located here; (3-20-20)T
- c.** The public may contact the retailer here; (3-20-20)T
- d.** The offices are accessible and open to the public; and (3-20-20)T
- e.** The greatest portion of the retailer’s business is conducted here. The books and other records of a retailer must be kept and maintained at the retailer’s principal place of business and be open to inspection during normal business hours by any authorized agent of the Division. Moreover, there must be displayed on the exterior a sign permanently affixed to the land or building with letters providing the business name of the retailer clearly visible to the major avenue of traffic. (3-20-20)T

16. Used Manufactured Home or Mobile Home. A manufactured home or mobile home, respectively, which has been: (3-20-20)T

- a.** Sold, rented, or leased and occupied prior to or after the sale, rental, or lease; or (3-20-20)T
- b.** Registered with or been the subject of a certificate of title issued by the Idaho Department of Transportation or the appropriate authority of any state, the District of Columbia, or foreign state or country. (3-20-20)T

011. (RESERVED)

012. LICENSE REQUIRED.

It is unlawful to engage in business as a manufacturer, manufactured/mobile home retailer, or installer without being duly licensed by the Division pursuant to Title 44, Chapter 21, Idaho Code, and these rules. No issued licenses are transferable. (3-20-20)T

01. Minimum Age Requirement. No license will be issued to a person under eighteen (18) years of age at the time of license application. (3-20-20)T

02. Designated License Holder. Any applicant for a license under these rules who is not a natural person must designate a natural person to be license holder and represent the corporation, partnership, trust, society, club, association, or other organization for all licensing purposes under these rules including, but not limited to, testing and education. (3-20-20)T

a. The authorization to act as designated license holder must be in writing, signed by the applicant and the person designated, and filed with the Division along with the application. (3-20-20)T

b. Any person designated under Subsection 012.02 of these rules represents one (1) applicant only, and must immediately notify the Division in writing if his working relationship with the applicant has been terminated. The license will be issued in the name of the designated license holder with the name of the organization he represents also noted on the license. The license holder is considered by the Division to be the licensee, even if the license holder is the designated representative of an organization. (3-20-20)T

c. The applicant and the person designated under Subsection 012.02 of these rules agree by acceptance of the designation that the designated person acts as agent of the applicant for all purposes under Title 44, Chapters 21 and 22, Idaho Code, and all rules promulgated thereunder. (3-20-20)T

03. Proof of License. Proof of the existence of any license issued pursuant to these rules is carried upon the person of the responsible managing employee or supervisor of any installation at all times during the performance of the installation work. Such proof must be furnished upon demand of any person. Moreover, any license issued to a manufactured/mobile home retailer must be posted in a conspicuous place on the business premises of the employer for whom the holder of the license is licensed. The license of a manufacturing facility or branch office must also be posted in a conspicuous place at the location licensed. (3-20-20)T

04. Real Estate Brokers. Licensed real estate brokers or real estate salesmen representing licensed real estate brokers are not required to obtain a license under these rules in order to sell or lease a used unit that is currently carried on the tax rolls as personal property and that otherwise falls within the exemption contained in Section 44-2102(2), Idaho Code. (3-20-20)T

05. License for Manufacturers. In order to engage in business in the state of Idaho or to be entitled to any other license or permit required by these rules each manufacturer must be licensed by the Division. (3-20-20)T

06. License for Branch Office of Manufactured/Mobile Home Retailer. (3-20-20)T

a. The Division requires as a condition of licensing and bonding any information it deems necessary for each location where a manufactured/mobile home retailer maintains a branch office. The mere listing of manufactured/mobile homes for sale does not constitute a branch office, but the use of a mobile home park or a state sales office by a licensee for the sale or offering for sale of manufactured/mobile homes does constitute the maintenance of a branch office. A branch office manager may not manage more than one (1) branch office. (3-20-20)T

b. To open a branch office, a retailer must: obtain a license from the Division to operate the branch office; and provide for direct supervision of the branch office, either by himself or by employing a branch office manager. (3-20-20)T

c. If the branch office is closed, the retailer must immediately deliver the license to the Division. (3-20-20)T

07. License to Engage in Business as Manufactured/Mobile Home Retailer, Manufacturer, or Installer; Application; Bond; Issuance, Expiration, and Renewal. (3-20-20)T

a. Applicants for a manufacturer's, retailers, or installer's license must furnish: (3-20-20)T

i. Any proof the Division may deem necessary that the applicant is a manufacturer, retailer, or installer; (3-20-20)T

- ii. Any proof the Division may require that the applicant has a principal place of business; (3-20-20)T
 - iii. Any proof the Division may require of the applicant's good character and reputation and of his fitness to engage in the activities for which the license is sought; (3-20-20)T
 - iv. In the case of a retailer in new manufactured homes, an instrument in the form prescribed by the Division executed by or on behalf of the manufacturer certifying that the applicant is an authorized franchise dealer for the make concerned; (3-20-20)T
 - v. The fee and proof of bond fixed by rule; and (3-20-20)T
 - vi. Proof of passing the examination required by these rules, as applicable. (3-20-20)T
- b.** Within thirty (30) days after receipt of a completed application, the Division will issue or deny the license. (3-20-20)T
- c.** Each license is valid for a period of one (1) year from the date of issuance and may be renewed for like consecutive period upon application to and approval by the Division. (3-20-20)T
- d.** If any installer's working relationship with his employer is terminated, the employer must immediately deliver the license of the terminated installer to the Division. (3-20-20)T

013. THE DIVISION'S MAILING ADDRESS.

Any correspondence or notices required by these rules or Title 44, Chapters 21 or 22, Idaho Code, may be addressed to the Division of Building Safety, 1090 E. Watertower Street, Suite 150 Meridian, Idaho 83642. (3-20-20)T

014. PROOF OF EDUCATION REQUIRED.

01. Satisfactory Proof for Initial Application Submission. An application for a license as a manufactured/mobile home installer must include proof satisfactory to the Division that the applicant has completed the following number of hours of initial education in order to be approved: (3-20-20)T

- a.** Installers and retailers who are installers: eight (8) hours. (3-20-20)T
- b.** The course of initial education must be approved by the Division and must include information relating to the provisions of these rules, Title 44, Chapters 21 and 22, Idaho Code, and the Manufactured Housing Construction Safety Standards Act of 1974. (3-20-20)T

02. Satisfactory Proof for License Renewal. The Division will not renew any installer license, or retailer license of any retailer who is also an installer, issued pursuant to Title 44, Chapters 21 or 22, Idaho Code, or these rules until the licensee has submitted proof satisfactory to the Division that he has, during the three (3) years immediately preceding the renewal of the license, completed at least eight (8) hours of continuing education. (3-20-20)T

03. Continuing Education Course. The course of continuing education must be approved by the Division and include information relating to the following: (3-20-20)T

- a.** Manufactured housing or mobile home parks; (3-20-20)T
- b.** The construction, including components and accessories, rebuilding, servicing, installation, or sale of manufactured/mobile homes; (3-20-20)T
- c.** Legislative issues concerning manufactured/mobile home housing and manufactured/mobile home parks, including pending and recently enacted state or federal legislation; and (3-20-20)T
- d.** These rules, Title 44, Chapters 21 or 22, Idaho Code, and the Manufactured Housing Safety Standards Act of 1974. (3-20-20)T

015. EXAMINATION OF APPLICANT FOR LICENSE.

01. Required Examinations. The Division requires a written examination of each applicant for an initial license as a manufactured/mobile home retailer or installer. To avoid the requirement of an examination and be considered a renewal, any licensee must renew his license within six (6) months of its expiration date. (3-20-20)T

02. Approval of Examination and Grade. Examinations for all classifications under these rules must be approved by the Division and the Board. No license will be issued unless the applicant receives a final grade of seventy percent (70%) or higher. (3-20-20)T

016. DISCIPLINARY ACTION AGAINST LICENSEES.

The Division may deny, suspend, refuse to renew, or revoke any license issued under Title 44, Chapter 21, Idaho Code, or these rules or reissue the license subject to reasonable conditions upon any of the following grounds: (3-20-20)T

01. Violation of Rules and Statutes. For any willful or repeated violation of these rules, IDAPA 24.39.34, “Rules Governing Manufactured or Mobile Home Installations,” or Title 44, Chapters 21 or 22, Idaho Code. (3-20-20)T

02. Failure to Have Principal Place of Business. With regards only to a manufactured/mobile home retailer, failure of the applicant or licensee to have a principal place of business. (3-20-20)T

03. False Information. Material misstatement in the application or otherwise furnishing false information to the Division. (3-20-20)T

04. Disclosing Contents of Examination. Obtaining or disclosing the contents of an examination given by the Division. (3-20-20)T

05. Deceptive Practice. The intentional publication, circulation, or display of any advertising which constitutes a deceptive practice as that term is defined in Subsection 010.06 of these rules. (3-20-20)T

06. Failure to Provide Business Name. Failure to include in any advertising the name of the licensed retailer or installer, or the name under which he is doing business. (3-20-20)T

07. Encouraging Falsification. Intentionally inducing an applicant or licensee to falsify an application. (3-20-20)T

08. Poor Workmanship. Performing workmanship which is grossly incompetent or repeatedly below the standards adopted by Title 44, Chapters 21 and 22, these rules, IDAPA 24.39.34, “Rules Governing Manufactured or Mobile Home Installations,” the Federal Manufactured Housing and Safety Standards Act of 1974, or the latest Idaho adopted editions of the International Building Code, the National Electrical Code, the Idaho State Plumbing Code, and the International Mechanical Code, then in effect. (3-20-20)T

09. Installation Supervisor Required. Failure to have an employee personally supervise any installation of a manufactured/mobile home. (3-20-20)T

10. Failure of Organizations to License its Employees. Failure of an organization to have its employees maintain any license as required by these rules. (3-20-20)T

11. Failure to Honor Warranties. Failure to honor any warranty or other guarantee given by a licensee for construction, workmanship, or material as a condition of securing a contract, or of selling, leasing, reconstructing, improving, repairing, or installing any manufactured/mobile home, or accessory structure. (3-20-20)T

12. Revocation or Denial of License. Revocation or denial of a license issued pursuant to these rules or an equivalent license by any other state or U.S. territory. (3-20-20)T

13. Failure to Maintain Any Required License. Failure of the licensee to maintain any other license required by any city or county of this state. (3-20-20)T

14. Failure to Respond to Notice. Failure to respond to a notice served by the Division as provided by law within the time specified in the notice. (3-20-20)T

15. Failure to Permit Access to Documentary Materials. Failure or refusing to permit access by the Division to relevant documentary materials after being requested to do so by the Division. (3-20-20)T

16. Conviction of Misdemeanor. Conviction of a misdemeanor for violation of any of the provisions of Title 44, Chapters 21 or 22, Idaho Code. (3-20-20)T

17. Conviction of Felony. Conviction or withheld judgment for a felony in this state, any U.S. territory, or country. (3-20-20)T

18. Dealing with Stolen Manufactured or Mobile Homes. To knowingly purchase, sell, or otherwise acquire or dispose of a stolen manufactured or mobile home. (3-20-20)T

19. Violation of Permit or Inspection Requirements. To knowingly violate any permit or inspection requirements of any city or county of this state. (3-20-20)T

017. PROCEDURES FOR LICENSING SUSPENSION, REVOCATION OR NONRENEWAL.

Any proceeding to suspend, revoke, or not renew any license will be conducted as a contested case in accordance with the provisions of Title 67, Chapter 52, Idaho Code, and the “Idaho Rules of Administrative Procedure of the Attorney General,” IDAPA 04.11.01.000, et seq. (3-20-20)T

018. APPLICATION FOR NEW LICENSE.

Any person whose license has been revoked may not apply for a new license until the expiration of one (1) year from the date of such revocation. (3-20-20)T

019. FEES.

01. Fees for Issuance and Renewal of License. The following fees for the issuance and renewal of a license will be charged, and no application for licensing pursuant to these rules will be accepted by the Division unless it is accompanied by the appropriate fee: (3-20-20)T

a. Manufactured/mobile home retailer license: four hundred forty dollars (\$440). Retailers who are also installers will not have to pay an installer's license fee in order to hold both licenses. (3-20-20)T

b. Manufacturer license: four hundred forty dollars (\$440); (3-20-20)T

c. Manufactured/mobile home installer license: two hundred twenty dollars (\$220); (3-20-20)T

02. Performance Bonding Requirements. No application for licensing pursuant to these rules will be accepted unless it is accompanied by evidence of the following performance bond: (3-20-20)T

a. Manufacturer: twenty thousand dollar (\$20,000) bond; (3-20-20)T

b. Manufactured/mobile home retailer: twenty thousand dollar (\$20,000) bond; (3-20-20)T

c. Manufactured/mobile home installer: five thousand dollar (\$5,000) bond. Retailers who are also installers will not be required to post an installer's bond in order to hold both licenses. (3-20-20)T

03. Money or Securities Deposit in Lieu of Performance Bond. A money or securities deposit will be accepted by the Division in lieu of the performance bonding requirement as set forth at Title 44, Chapter 21, Idaho Code, and Subsection 019.02 of these rules, under the following circumstances: (3-20-20)T

- a. Any such money or securities deposit is in a principal sum equal to the face amount of the performance bond required for the applicable licensing category; (3-20-20)T
- b. Any such money deposit is deposited in a time certificate of deposit that provides on its face that the principal amount of such certificate of deposit is payable to the Division upon presentment and surrender of the instrument; (3-20-20)T
- c. Any such time certificate of deposit has a maturity date of one (1) year from the effective date of licensure and has an automatic renewal provision for subsequent years; (3-20-20)T
- d. Any such time certificate of deposit must be provided to the Division at the time of application for licensure and be retained by the Division during the effective period of licensure unless otherwise expended by the Division to insure completion of the licensee's performance; (3-20-20)T
- e. Any such time certificate of deposit will be returned to an unsuccessful applicant for licensure; (3-20-20)T
- f. The principal amount of any such time certificate of deposit, to the extent not otherwise expended to insure completion of the licensee's performance, will be returned to the depositor by the Division on or before ninety (90) days subsequent to the occurrence of any of the following events: voluntary surrender or return of a license; expiration of a license; lapse of a license; or revocation or suspension of a license; and (3-20-20)T
- g. Any interest income earned by reason of the principal amount of the time certificate of deposit is the property of the licensee. (3-20-20)T

020. LICENSING COMPLAINTS.

Persons who wish to submit complaints to the Division for its consideration regarding the fitness to hold a license of anyone currently licensed or applying for a license under these rules must do so in writing and be signed, dated, provide the name of the licensee or applicant, specific details giving rise to the complaint, and contain the complainant's valid address and telephone number. (3-20-20)T

021. CIVIL PENALTIES.

The following acts subject the violator to penalties based on the following schedule: (3-20-20)T

01. Industry Licensing. Except as provided for by Section 44-2106, Idaho Code, any person who engages in the business of a manufacturer, retailer, or installer, as defined in Section 44-2101A, Idaho Code, without being duly licensed by the Division is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

02. Deceptive Practice. In accordance with Section 44-2106(2), Idaho Code, any retailer or installer, who intentionally publishes or circulates any advertising that is misleading or inaccurate in any material respect or that misrepresents any of the products or service sold or provided by a manufacturer, retailer or installer is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

03. Dealing with Stolen Manufactured or Mobile Homes. In accordance with Section 44-2106(2), Idaho Code, any person who knowingly purchases, sells, or otherwise acquires or disposes of a stolen manufactured or mobile home is subject to a civil penalty of not more than one thousand dollars (\$1,000). (3-20-20)T

04. Failure to Maintain a Principal Place of Business. In accordance with Section 44-2106(2), Idaho Code, any person who is a retailer duly licensed by the Division and who fails to maintain a principal place of business within Idaho, is subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

05. Violation of Rules and Statutes. Any person who knowingly violates any of the provisions of these rules, IDAPA 24.39.34, "Rules Governing Manufactured or Mobile Home Installations," or the provisions of

Title 44, Chapters 21 or 22, Idaho Code, is subject to a civil penalty of five hundred dollars (\$500) for the first offense and one thousand dollars (\$1,000) for each offense thereafter. (3-20-20)T

06. Gross Violation. In case of continued, repeated, or gross violations of these rules or IDAPA 24.39.34, “Rules Governing Manufactured or Mobile Home Installations,” a license revocation may be initiated for licensed individuals under Title 44, Chapter 21, Idaho Code. Non-licensed individuals are subject to prosecution by the appropriate jurisdiction under Idaho law. (3-20-20)T

022. MANUFACTURED HOME BUYER’S INFORMATION AND DISCLOSURE FORM.

The Manufactured Home Buyer's Information and Disclosure Form must be presented by manufactured home retailers to each purchaser of a new manufactured home, and must be executed by the retailer and purchaser at the time the initial purchase order is signed for the sale of a new manufactured home. The form is available at the Division office. (3-20-20)T

023. -- 999. (RESERVED)

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