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4781-6-01

Installation of new manufactured homes.

(A) General

- (1) Chapter 4781-6 of the Administrative Code is designated as the "Model Manufactured Home Installation Standards." The model manufactured home installation standards as adopted under by the department of housing and urban development pursuant to 42 USC 3535, 5403, 5404, and 5424 dated October 19, 2007, and as set forth in 24 CFR 3285 dated October 19, 2007, as the adoption date of this rule is incorporated fully as if set out at length herein but as altered with additions, substitutions, and deletions indicated in this rule.
- (2) The provisions of the model manufactured home installation standards shall apply to the installation, construction, use and occupancy, and location of every new manufactured home installed in the state on private property or in a manufactured home park.
- (3) The intent of this rule is to establish uniform requirements for the installation of new manufactured homes on private property or in a manufactured home park.
- (4) Where, in any specific case, different parts of this rule specify different materials, methods of installation, or other requirements, the most restrictive shall govern. Where there is a conflict between the general requirement and the specific requirement, the specific requirement shall be applicable.
- (5) Exceptions:
 - (a) Wood footings or wood foundations as provided in 24 CFR 3285.312(a)(2) dated October 19, 2007, shall be prohibited in the installation of a manufactured home;
 - (b) Footings shall be twenty-eight day compressive strength of three thousand pounds per square inch (psi) instead of the twelve hundred as provided in 24 CFR 3285.312(a)(1)(i) dated October 19, 2007;

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Non-resident installers.

- (A) If an applicant for an Ohio installer's license lives in a state with which Ohio has entered into a reciprocal licensing agreement, the commission may waive the testing and training requirements for a non-resident provided the applicant holds a valid manufactured homes installer license issued by a state with which the commission has entered into a reciprocal licensing agreement.

In such circumstance, the non-resident installer may apply for a license by submitting a commission approved application for a license by reciprocity to the commission which includes a copy of the applicant's current license and proof that the license is not under suspension or probation and has not been revoked, and shall be accompanied by a fee in the amount as set forth in rule 4781-8-01 of the Administrative Code. A non-resident installer application for licensure shall be reviewed by the commission.

- (B) If an applicant for an Ohio installer's license lives in a state with which Ohio has not entered into a reciprocal licensing agreement, the commission, in its discretion, may issue an Ohio license to such non-resident applicant if:

- (1) The applicant holds a license from a state which maintains licensure requirements considered by the commission to be comparable to those of the state of Ohio;
- (2) The applicant has submitted a completed commission approved application form to the commission along with proof that the applicant's license has not been revoked and is not currently under suspension or any disciplinary sanctions;
- (3) The applicant pays a nonrefundable fee in the amount set forth in paragraphs (G)(1) to (G)(4) of rule 4781-8-01 of the Administrative Code;
- (4) Passed the installer's examination as set forth in rule 4781-8-07 of the Administrative Code; and
- (5) Obtains approval of the commission to be licensed as an installer in Ohio.

- (C) Applicants for Ohio licenses that do not live in states in which Ohio has a reciprocal licensing agreement, or live in states which the commission has determined do not have comparable licensing requirements, shall apply for an Ohio license in accordance with rule 4781-8-01 of the Administrative Code and shall be required to meet all of the criteria for licensing in Ohio.

- (D) All non-resident installers shall notify the commission of any change in address or

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residency status. A licensed non-resident installer who establishes permanent residency in the state of Ohio shall, upon expiration of the non-resident license, be required to apply for a new license in accordance with rule 4781-8-01 of the Administrative Code.

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4781-8-05

Supervision of non-licensed persons.

- (A) No person shall install a manufactured home in Ohio without a license issued by the commission unless a licensed installer is present at least eighty per cent of the time supervising during the installation. A licensed manufactured home installer who supervises the work of an unlicensed person is responsible for the installation work that the unlicensed person performs.

- (B) A person who is not a licensed manufactured home installer may perform foundation and base support system construction if supervised by a licensed installer. The licensed installer is responsible for the work performed.

- (C) A homeowner may install a manufactured home for the person's own occupancy if the manufactured home is located on property that the person owns and the home is not located in a manufactured home park. The homeowner installing their own home will not be eligible for the dispute resolution program for a used home. The Ohio manufactured homes commission reserves the right to investigate a complaint against a licensed installer for specific work performed if the scope of work is outlined as the installer's responsibility in writing. New homes will always be eligible for dispute resolution for manufacturer's defects. Homeowners must first obtain a permit for the required inspections prior to installation commencement. The homeowner must be responsible for all work themselves, however they may contract out portions of the work to an OMHC licensed installer who is currently active and all contracted work must be identified and agreed upon, in writing, on a form prescribed by OMHC. All permits are valid for one hundred eighty days from issuance unless an extension is granted by the inspection agency. The homeowner shall not occupy the home until the final inspection has been approved and the OMHC seal has been placed on the home. Failure to obtain an approved final inspection would result in a home being occupied illegally and may void any manufacturer warranties and/or homeowner's insurance.

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4781-8-06

Education for applicants.

(A) General education requirements for applicant's installer license.

An applicant shall successfully complete twelve hours of initial licensing education as set forth in paragraph (B) of this rule. The required education shall be completed within six months of the date of the application. Credit shall only be given for courses that have been approved by the commission.

(B) The curriculum of any initial licensing education course shall include instruction in the following areas:

- (1) Ohio law governing manufactured home installation;
- (2) Manufacturers' installation manuals and requirements;
- (3) Preparation of manufactured home sites, including drainage;
- (4) Installation of foundation systems, including calculation of loads from roof to column to footing, and calculation of footing size;
- (5) Blocking, perimeter support and leveling of manufactured homes;
- (6) Connections of sections and components;
- (7) Installation of anchoring systems and components;
- (8) Installation of vapor barriers, curtain walls, access and ventilation for crawl space areas;
- (9) Instruction in all areas included on inspection checklists on forms provided by the commission;
- (10) Work place safety for installers; and
- (11) Code of ethics for installers.

(C) Licensing courses shall help assure that applicant possesses the knowledge, skills, and competence necessary to function as manufactured homes installer in a manner that protects and serves the public interest.

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(D) Any course that is to be conducted in Ohio or primarily for the benefit of Ohio applicants shall accurately and completely address any unique Ohio laws, codes, rules, customary practices, or approved methods, relevant to the subject matter being taught.

(E) No licensing course instructor shall instruct students in any manner or on any subject that is in contradiction to any statute, court decision, administrative rule, or order that has been issued by the commission.

(F) Sponsors of licensing courses.

(1) Application to sponsor a licensing education course.

(a) Sponsors of licensing courses shall follow the same application procedure set forth in rule 4781-9-02 of the Administrative Code for prospective sponsors of continuing education courses, including payment of a nonrefundable fee of one hundred fifty dollars in the form of a check or money order payable to "Treasurer, State of Ohio," or by credit card. Online credit card payments may be subject to a convenience fee as charged to the commission. The commission will not review applications that are not accompanied by all applicable fees.

(b) A commission designee shall determine whether the application materials contain the requisite information as set forth in this rule, whether the course is pertinent to the industry, if the course meets its stated objectives, and if the instructors meet the requirements of rule 4781-9-04 of the Administrative Code. The commission shall review completed applications from prospective sponsors.

(c) Upon approval by the commission, a written document of approval with a course number shall be issued to the course sponsor.

(2) An approved sponsor of an initial education licensing course shall comply with the requirements of rule 4781-9-02 of the Administrative Code regarding use of a sponsor's official name.

(G) Course fees.

(1) The sponsor may establish a fee for students taking a course. The fee shall be all-inclusive, and no separate or additional fee may be charged to students for providing course materials, providing course completion certificates,

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reporting course completion to the commission, or for recouping similar routine administrative expenses. The total amount of any fees to be charged shall be included in any advertising or promotional materials for the course.

- (2) The sponsor shall pay a course fee of five dollars to the commission per credit hour for each student completing an approved course.

(H) Advertising of courses; solicitation of students.

- (1) Course sponsors shall not use false or misleading advertisements. Advertising shall be in accordance with the provisions of rule 4781-9-02 of the Administrative Code.
- (2) If the number of licensing education credit hours awarded by the commission for a course is less than the number of scheduled hours for a course, then any advertisements or promotional materials must clearly specify the number of commission awarded credit hours for that course.
- (3) Course sponsors shall provide any prospective student with a description of the course content if requested.
- (4) Course sponsors shall specify the sponsor's refund and cancellation policies in any promotional materials.
- (5) Sponsors and instructors may have unapproved material, pamphlets and brochures available for purchase by student but classroom time may not be used to promote or sell any materials, or to solicit membership or affiliation in any business or organization.
- (6) Distance learning courses shall be advertised in accordance with the provisions of rule 4781-9-05 of the Administrative Code for continuing education distance learning courses.

(I) Course scheduling; notice to the commission.

- (1) Courses shall be limited to a maximum of eight classroom hours per day, including breaks. A classroom hour consists of at least fifty minutes of instruction. The maximum amount of instruction time without a break is limited to ninety minutes and any course scheduled for four or more hours must include a meal break of at least one hour. The provisions of this rule do not apply to self-paced distance learning courses.

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- (2) At least ten days before commencement of a schedule course, written notice shall be provided informing the commission of the scheduled course, including the sponsor's name and assigned number, the name and assigned number for the course, the scheduled date and time, specific location(s), and the name of the instructor.
- (3) If there are schedule changes or a cancellation of a course, then at least five calendar days before the originally scheduled course start date, the commission shall be given notice of the changes or cancellation. If the change or cancellation is due to unforeseen circumstances, then the sponsor shall notify the commission the next business day.
- (4) The commission shall be notified as soon as the sponsor becomes aware that a particular course has an enrollment in excess of sixty students. No class shall exceed sixty students without prior approval of the commission.

(J) Course cancellation and refund policies.

- (1) Cancellation and fee refund policies shall be administered in a non-discriminatory manner and shall be clearly defined in course advertising and information.
- (2) If a course is cancelled, pre-registered students shall be notified by the sponsor and all pre-registered students shall be issued a full refund within thirty days of the cancellation. In lieu of a refund and with a student's permission, the fee may be applied towards another course.

(K) A sponsor shall comply with the requirements of rule 4781-9-02 of the Administrative Code regarding notification of course and/or sponsor changes.

(L) Licensing education coordinator.

Every course sponsor shall designate an education coordinator for all commission-approved initial licensing courses. The duties and responsibilities of the initial licensing education coordinator are the same as those set forth in rule 4781-9-03 of the Administrative Code for continuing education coordinators. The coordinator shall ensure that no student receives a certificate of completion or is reported to the commission as having completed a course unless that student has complied with the attendance and student participation requirements of paragraph (D) of rule 4781-9-03 of the Administrative Code.

(M) The sponsor shall comply with the minimum classroom size and facility

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requirements, set forth in paragraph (D) of rule 4781-9-01 of the Administrative Code.

(N) The sponsor shall comply with the requirements of paragraph (E) of rule 4781-9-01 of the Administrative Code for students with disabilities.

(O) Course completion reporting.

(1) The education coordinator shall be responsible for providing course reports to the commission regarding students who have satisfactorily completed the course requirements. All reports shall be received by the commission's education administrator within fifteen calendar days of completion.

(2) For each student who has satisfactorily completed a course, the coordinator shall prepare and submit a report that includes:

(a) Student's name and address;

(b) The date of course completion;

(c) The number of credit hours to be granted to the student;

(d) A course completion certificate signed by at least one instructor of that course;

(e) A fee of five dollars per credit hour per student made payable by check or money order to "Treasurer, State of Ohio," or by credit card. Online credit card payments may be subject to a convenience fee as charged to the commission.

(f) Student's date of birth; and

(g) Student's mailing address and daytime telephone number.

(3) The course sponsor shall also provide a certificate of completion to the student who satisfactorily completes a course within fifteen days of completing the course. The certificate may be used by the applicant as proof of having completed the course.

(4) The commission shall be provided reports on any applicant who does not

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satisfactorily complete a course. The course sponsor shall not provide a certificate of completion, or report the student as having completed the course, if the student fails to satisfy the requirements of this rule.

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4781-8-07

Examination for installers or inspectors.

- (A) An applicant to become a licensed manufactured home installer or certified manufactured home inspector shall contact and arrange with an approved state licensing examination provider for taking the examination. The applicant shall receive a passing score on the state exam within six months of the date of the application.
- (B) The state licensing or certification examination shall include, but not be limited to:
- (1) Ohio law governing manufactured home installations;
 - (2) Manufacturer installation manuals and requirements;
 - (3) Preparation of manufactured home site, including drainage;
 - (4) Installation of foundation systems, including calculation of loads from roof to column to footing and calculation of footing size;
 - (5) Blocking, perimeter support, and leveling of manufactured homes;
 - (6) Connections of sections and components;
 - (7) Installation of anchoring systems and components;
 - (8) Installation of vapor barriers, curtain walls, access and ventilation for crawl space areas;
 - (9) Instruction in all areas included on inspection checklists as provided by the commission;
 - (10) Work place safety for installers or inspectors; and
 - (11) Code of ethics for installers or code of ethics for inspectors, whichever is applicable.
- (C) Examination report.
- (1) The licensing or certification examination provider shall provide the commission with a report of all examination results within two weeks of the examination. The report shall contain the following:

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- (a) The date of the exam;
 - (b) The applicant's names and date of birth;
 - (c) The applicant's mailing address, and day time telephone number;
 - (d) All examination pass or fail results.
- (2) The examination provider may notify the applicant of their own results of the examination, however, only the report sent directly to the commission shall be used to determine if the applicant has attained a passing score on the examination.
- (D) A minimum score of seventy per cent on the examination, in addition to compliance with the requirements of rule 4781-9-01 of the Administrative Code is required before the commission may issue a license to an applicant. The commission or its designee shall notify any individual who has failed to attain a minimum score of seventy per cent.
- (E) The testing agency shall provide an examination under the following conditions:
- (1) The examination shall be subject to review by the commission or its designee;
 - (2) The examination shall have documented statistically justifiable, objective and valid questions;
 - (3) The examination shall use multiple versions of the examination and its questions;
 - (4) The testing agency shall be able to ensure the security of the examination and its questions;
 - (5) The testing agency shall verify the identity of the individual taking the examination;
 - (6) The examination shall be multiple choice;
 - (7) The examination shall contain items from each of the subject areas discussed in the installation class requirements and the inspection check lists;

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- (8) Locations for examinations shall have seating availability such that any applicant who is an Ohio resident shall be able to take an exam at a location within one hundred miles of the applicants Ohio residence within a three month period; and
- (9) Regardless of additional locations, examinations shall be offered in Franklin county a minimum of four times a year.

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Examination development and sponsor.

(A) The commission may contract with recognized national testing service providers to administer the examinations for Ohio manufactured homes installer license, and Ohio manufactured homes inspector certification. The examinations shall demonstrate that the applicant has knowledge of chapter 4781. of the Revised Code and the rules promulgated thereunder. The commission may, at any time, review the content of the examinations.

(B) Each examination provider shall ensure that:

- (1) Examinations shall consist of statistically justifiable, objective and valid multiple choice questions that address each of the subject areas covered in the installation training course and commission approved inspection checklists;
- (2) Each examination shall have multiple versions each of which shall be of equal validity, objectivity, and difficulty;
- (3) Examinations shall be kept in a secure location;
- (4) The identity of the individual taking the examination shall be verified;
- (5) The examination shall be designed so as to take an installer or inspector of average ability no more than two hours to complete the examination; and
- (6) Within fifteen working days after completion of the examination, the commission shall be provided with the examination results for each applicant.

(C) Locations for examinations.

- (1) The installer examination and inspector examination shall be offered in Franklin county no less than four times in a given calendar year.
- (2) In addition to the requirement set forth in paragraph (C)(1) of this rule, the examinations may at the discretion of the commission also be offered in as many other Ohio counties as is necessary to ensure that each applicant has the option, at least once every three months, to take the examination at a location that is no more than one hundred miles from any applicant's Ohio residence.
- (3) All examinations shall be conducted in facilities that:
 - (a) Accommodates all enrolled applicants for the examination comfortably;

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- (b) Shall be equipped with student desks, worktables with chairs, or other seating arrangement which provides a surface whereby each student can sit and write;
- (c) Has sufficient light, heat, cooling, and ventilation;
- (d) Has, if necessary, a public address system such that all applicants can hear examination instructions and announcements;
- (e) Shall be free of distractions that could disrupt the examination; and
- (f) Complies with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, or other laws requiring sponsors to accommodate persons with disabilities.

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Code of ethics for licensed manufactured home installers.

(A) General.

- (1) To safeguard the health and safety of the public and the state of Ohio, to maintain integrity and high standards of skills and practice in the manufactured home installer, the following rules of professional conduct, promulgated in accordance with Chapter 4781. of the Revised Code, shall be binding upon every person holding a license as a manufactured home installer in Ohio.
- (2) The manufactured homes installer is charged with having knowledge and understanding of Chapter 4781. of the Revised Code and its rules for his or her conduct as an installer. Such knowledge shall encompass the understanding that the installation of manufactured homes, is a privilege, as opposed to a right, and the licensee shall be forthright and candid in statements or written responses to the commission or its designee on matters pertaining to professional conduct.

(B) Code of ethics for manufactured homes installers.

- (1) The manufactured home installer shall protect the health and safety of the public and colleagues in the performance of professional duties. If a situation arises which threatens the health and safety of the public or the installer's colleagues, the installer shall:
 - (a) If an inspector advises an installer of a situation or deficiency, the installer shall correct the situation or deficiency immediately and notify the person or entity which gives rise to the situation that correction is required;
 - (b) Refuse to proceed with the installation involved;
 - (c) Notify the proper authority, if in the installer's opinion, the situation is significantly important or dangerous; and
 - (d) Immediately notify the commission if the situation involves the professional conduct of another licensee and/or inspector.
- (2) The manufactured home installer shall undertake only those assignments which the licensee is qualified by training, education, and experience to perform. An installer must submit an estimate of the cost of an installation prior to undertaking performance. The installer must provide a homeowner/installer

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agreement on a form prescribed by the commission prior to commencement of work. If the competence of an installer comes into question, the commission shall require that licensee to cooperate in any investigation by the commission.

- (3) It shall be the duty of every installer who performs work on the installation of the manufactured home, including but not limited to, structure, foundation, tie downs, blocking, leveling, weather proofing, electrical, gas, plumbing, sewer connections, or mechanical systems, to guarantee that the work is in compliance with Chapter 4781. of the Revised Code and the rules promulgated thereunder.
- (4) The manufactured home installer shall only express an opinion as a technical or expert witness before any court or quasi-judicial proceeding, if the installer's opinion is based on adequate information, a competent technical background on the subject matter, and upon an honest conviction as to the propriety of the opinion.
- (5) The manufactured home installer shall at all times act with complete integrity for each client and shall be honest in all dealings with customers and the public.
- (6) The manufactured home installer shall respond promptly to all complaints.
- (7) The manufactured home installer shall maintain current knowledge of the products, methods, techniques and technology associated with the installation of manufactured homes and with related business practices.
- (8) The manufactured home installer shall recognize and not fail in his or her responsibility to supervise unlicensed installers, or knowingly permit unlicensed installations to occur without the supervision of a licensed installer.
- (9) The manufactured home installer who has knowledge or reason to believe that another person or firm is guilty of violating any of the provisions of Chapter 4781. of the Revised Code or the rules promulgated thereunder, shall immediately notify the commission in writing.
- (10) The manufactured home installer shall not directly or indirectly pay, solicit or offer any bribe or payment for professional employment or to influence favorable inspection results.

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- (11) The manufactured home installer shall not falsify or permit misrepresentations of his or her professional qualifications, and shall not misrepresent or exaggerate the responsibility or the skills competency required for any employment or any installations.
- (12) The manufactured home installer shall ensure that any advertisements, brochures, or other solicitations for employment do not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments with the intent and purpose of enhancing qualifications and work experience.
- (C) Conviction of a felony or the revocation or suspension of a license in another jurisdiction for conduct that would violate any of part of this rule if it occurred in the state of Ohio may be grounds for the commission to charge the licensee with a violation of this rule.
- (D) A person shall return his or her license and identification card to the commission within three business days after receipt of notice of revocation, suspension or non-renewal.

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Adjudication hearings.

(A) General.

The commission shall determine the need for adjudication hearings in accordance with sections 119.06 to 119.13 of the Revised Code.

- (1) After a denial, revocation, or suspension of a license issued pursuant to Chapter 4781. of the Revised Code, the manufactured homes commission shall notify the licensee or applicant of their right to request a hearing. The notice shall be in writing and sent by certified mail, return receipt requested.
- (2) The notice shall include:
 - (a) The charges or reasons for the denial, suspension or revocation;
 - (b) The applicable laws or rules directly involved; and
 - (c) A statement informing the licensee or applicant that:
 - (i) The licensee or applicant is entitled to a hearing if the request is received by the manufactured homes commission within thirty days of the date the notice was mailed;
 - (ii) The licensee or applicant may appear in person or be represented by an attorney;
 - (iii) The licensee or applicant may choose to present their position, argument, or contentions in writing; and
 - (iv) The licensee or applicant may present evidence, and examine witnesses appearing on the licensee or applicant's behalf and cross-examine the commission's witnesses at the hearing.
- (3) Upon receiving a request within thirty days of the date of the mailing of the notice for hearing from the licensee or applicant, the commission or its executive director shall immediately set the date, time, and location of the hearing. The date set for hearing shall be within seven and fifteen days of receiving the request for hearing, unless continued by the commission on its own motion or continued by agreement of both parties.
- (4) The executive director may issue subpoenas for any witnesses or to compel the

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production of any books, records, or papers in accordance with Chapter 119. of the Revised Code upon request of the licensee, applicant, or legal counsel to the board. Such request for subpoenas shall be made no later than fourteen days prior to the date of the adjudication hearing. The service and enforcement of subpoenas shall be made in accordance with Chapter 119. of the Revised Code.

- (5) A licensee, applicant or representative of the licensee or applicant may request a continuance of the scheduled hearing by submitting a written request no later than fourteen days prior to the scheduled hearing date. The executive director may grant a continuance upon good cause.

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4781-9-04

Instructor requirements.

(A) All continuing education instructors shall possess the ability to:

- (1) Present instruction in a thorough, accurate, logical, orderly, and understandable manner;
- (2) Use varied instructional techniques in addition to straight lecture, such as class discussion and role-playing; and
- (3) Use instructional aids, such as computer-based slide shows, overhead projector, or the like to enhance learning.

(B) Instructors shall ensure that class sessions are started on time and are conducted for the full amount of time that is scheduled. Instructors shall also ensure that each continuing education course is taught according to the course outline and plan that was approved by the commission, including the furnishing of approved student materials.

(C) Instructors shall be knowledgeable in the area which they are teaching and meet one or more of the following:

- (1) Five years experience in the industry as an installer, or in a management, supervisory, inspection or quality assurance capacity.
- (2) A license, registration, or certification from a national certification agency or a state agency.
- (3) A degree from an accredited educational institution.
- (4) Other professional qualifications as approved by the commission or its designee.

(D) Continuing education credit for commission staff or instructors.

- (1) Commission members or commission staff may receive continuing education credit for the number of unduplicated subject matter hours he or she instructs provided that the member does not receive compensation from the course sponsor.
- (2) Commission members and its staff shall not receive compensation for teaching commission approved courses but the commission member or staff may have

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their expenses covered for travel, hotel and meals for the time period they are teaching a course.

- (3) Course instructors may receive continuing education credit for the number of unduplicated subject matter hours he or she instructs.

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Manufactured housing dealer net worth and bond requirement.

No manufactured housing dealer shall be issued a manufactured housing dealer's license or permitted to operate under such a license unless the manufactured housing dealer has a net worth, verifiable upon request by the commission, in the sum of at least seventy-five thousand dollars. The manufactured housing dealer shall also purchase and maintain a bond in the amount of twenty-five thousand dollars of a surety company authorized to transact business in this state, to which claims may be made to:

- (A) Recover any loss a purchaser(s) or prospective purchaser(s) may experience from a loss of their financial down payment due to the dealer's inability to fulfill its contractual obligations to the purchaser(s) or potential purchaser(s); and
- (B) Recover any loss incurred by the purchaser, or prospective purchaser, as a result of a conviction of a fraudulent act in a court of competent jurisdiction committed by the applicant, licensee, representative, or salesperson.

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4781-11-10

Manufactured housing broker bond requirements.

Every applicant for a manufactured housing broker license and every licensed manufactured housing broker shall purchase and maintain a bond in the amount of twenty-five thousand dollars of a surety company authorized to transact business in this state, to which claims may be made to:

- (A) Recover any loss a purchaser or prospective purchaser may experience concerning the down payment toward the purchase of a manufactured housing;
- (B) Recover any loss a purchaser or prospective purchaser may experience as a result of the misuse by the manufactured housing broker of a noninterest-bearing special or trust account of deposits or of any funds that are legally required to be deposited therein;
- (C) Satisfy any person who suffers a loss because taxes were not collected or paid by the manufactured housing broker on the purchase of manufactured housing;
- (D) Recover any loss incurred by the purchaser or prospective purchaser, as a result of a conviction of a fraudulent act in a court of competent jurisdiction committed by the applicant, licensee, representative, or salesperson.

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Manufactured housing broker special or trust bank account.

- (A) Each person licensed as a manufactured housing broker shall at all times maintain a special or trust bank account that is noninterest-bearing, is separate and distinct from any personal or other account of the manufactured housing broker, and into which shall be deposited and maintained all escrow funds, security deposits, and other moneys received by the manufactured housing broker in a fiduciary capacity. The depository where special or trust accounts are maintained in accordance with this rule shall be located in Ohio.
- (B) Upon renewal, every licensed manufactured housing broker shall submit written proof to the commission of the continued maintenance of the special or trust account required to be maintained by this chapter. The written proof shall set forth that:
- (1) The special or trust bank account is noninterest-bearing;
 - (2) The special or trust bank account is separate and distinct from any personal or other account of the manufactured housing broker;
 - (3) The dates of existence of the account; and
 - (4) The depository where the special or trust accounts are maintained is located in the state of Ohio.

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Record retention.

- (A) A manufactured housing dealer and a manufactured housing broker shall maintain the following records of all manufactured housing purchased, leased and sold:
- (1) Name and address of the previous owner;
 - (2) Serial number where applicable (vehicle identification number);
 - (3) Title number, county and state;
 - (4) Year and make of said manufactured housing;
 - (5) A purchase agreement for each manufactured housing sold, which shall include a description of the manufactured housing, the name, address, and phone number of the purchaser, the address where the home is going to if different than the purchaser's address, the sales price, and may include the manufactured housing dealer's or manufactured housing broker's permit number;
 - (6) Lease contracts and security agreements.
- (B) Records must be maintained and easily accessible for a period of three years by those holding a license granted under Chapter 4781. of the Revised Code and by any person who held a license and has since gone out of business.
- (C) The business records shall be open for reasonable inspection by the commission.