

AMENDED IN ASSEMBLY MAY 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 880

Introduced by Assembly Member Niello

February 26, 2009

~~An act to amend Section 7027.3 of the Business and Professions Code, relating to contractors.~~ *An act to amend Section 7026.2 of the Business and Professions Code, and to add Section 18007.5 to the Health and Safety Code, relating to manufactured housing.*

LEGISLATIVE COUNSEL'S DIGEST

AB 880, as amended, Niello. ~~Contractors: license fraud penalty.~~ *Manufactured housing: prefabricated panelized homes.*

(1) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board. Existing law specifies that a violation of various provisions of the Contractors' State License Law is a misdemeanor. Existing law includes in the definition of the term "contractor" any person engaged in the business of the construction, installation, alteration, repair, or preparation for moving of a mobilehome or mobilehome accessory buildings and structures upon a site for the purpose of occupancy.

This bill would, except as specified, include any person engaged in the business of the construction, installation, alteration, repair, or preparation for the moving of a prefabricated panelized home in the definition of the term "contractor." By expanding the definition of a crime, the bill would impose a state-mandated local program.

(2) The Mobilehomes-Manufactured Housing Act of 1980 requires the Department of Housing and Community Development to enforce

various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, special purpose commercial coach, or commercial coach. The act defines several terms for its purposes.

This bill would define the term “prefabricated panelized home” for purposes of the act.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law provides for the licensure and regulation of contractors by the Contractor’s State License Board within the Department of Consumer Affairs, and specifies that contractor’s license fraud is punishable by a fine of up to \$10,000, imprisonment, as specified, or by both that fine and imprisonment.~~

~~This bill would raise the maximum fine to \$15,000.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7026.2 of the Business and Professions
- 2 Code is amended to read:
- 3 7026.2. (a) For the purposes of this chapter, “contractor”
- 4 includes any person engaged in the business of the construction,
- 5 installation, alteration, repair, or preparation for moving of a
- 6 *prefabricated panelized home*, mobilehome, or mobilehome
- 7 accessory buildings and structures upon a site for the purpose of
- 8 occupancy as a dwelling.
- 9 (b) “Contractor” does not include the manufacturer of the
- 10 mobilehome or mobilehome accessory building or structure if it
- 11 is constructed at a place other than the site upon which it is installed
- 12 for the purpose of occupancy as a dwelling, and does not include
- 13 the manufacturer when the manufacturer is solely performing work
- 14 in compliance with the manufacturer’s warranty. “Contractor”
- 15 includes the manufacturer if the manufacturer is engaged in onsite
- 16 construction, alteration, or repair of a mobilehome or mobilehome

1 accessory buildings and structures pursuant to specialized plans,
2 specifications, or models, or any work other than in compliance
3 with the manufacturer’s warranty.

4 (c) “Contractor” does not include a seller of a manufactured
5 home or mobilehome who holds a retail manufactured home or
6 mobilehome dealer’s license under Chapter 7 (commencing with
7 Section 18045) of Part 2 of Division 13 of the Health and Safety
8 Code, if the installation of the manufactured home or mobilehome
9 is to be performed by a licensed contractor and the seller certifies
10 that fact in writing to the buyer prior to the performance of the
11 installation. The certification shall include the name, business
12 address, and contractor’s license number of the licensed contractor
13 by whom the installation will be performed.

14 (d) “Contractor” does not include a seller of a prefabricated
15 panelized home who holds a retail manufactured home or
16 mobilehome dealer’s license under Chapter 7 (commencing with
17 Section 18045) of Part 2 of Division 13 of the Health and Safety
18 Code, if the installation of the prefabricated panelized home is to
19 be performed by a licensed contractor and the seller certifies that
20 fact in writing to the buyer prior to the performance of the
21 installation. The certification shall include the name, business
22 address, and contractor’s license number of the licensed contractor
23 by whom the installation will be performed.

24 ~~(e)~~

25 (e) For the purposes of this chapter, the following terms have
26 the following meanings:

27 (1) “Mobilehome” means a vehicle defined in Section 18008
28 of the Health and Safety Code.

29 (2) “Mobilehome accessory building or structure” means a
30 building or structure defined in Section 18008.5 of the Health and
31 Safety Code.

32 (3) “Manufactured home” means a structure defined in Section
33 18007 of the Health and Safety Code.

34 (4) “Prefabricated panelized home” means a structure as
35 defined in Section 18007.5 of the Health and Safety Code.

36 SEC. 2. Section 18007.5 is added to the Health and Safety
37 Code, to read:

38 18007.5. (a) For purposes of this part, “prefabricated
39 panelized home” means a structure that meets all of the following
40 requirements:

1 (1) *Is transportable in one or more sections or panels, including*
 2 *exterior siding.*

3 (2) *Is eight feet or more in width, or 40 feet or more in length.*

4 (3) *Is built to be permanently attached to a piece of real*
 5 *property.*

6 (4) *Is designed to be used as a single-family dwelling with or*
 7 *without a foundation when connected to the required utilities.*

8 (b) *“Prefabricated panelized home” includes, but is not limited*
 9 *to, any structure that meets all of the requirements of subdivision*
 10 *(a), with the exception of paragraph (2), and complies with the*
 11 *standards established under the National Manufactured Housing*
 12 *Construction and Safety Standards Act of 1974 (42 U.S.C. Sec.*
 13 *5041 et seq.).*

14 *SEC. 3. No reimbursement is required by this act pursuant to*
 15 *Section 6 of Article XIII B of the California Constitution because*
 16 *the only costs that may be incurred by a local agency or school*
 17 *district will be incurred because this act creates a new crime or*
 18 *infraction, eliminates a crime or infraction, or changes the penalty*
 19 *for a crime or infraction, within the meaning of Section 17556 of*
 20 *the Government Code, or changes the definition of a crime within*
 21 *the meaning of Section 6 of Article XIII B of the California*
 22 *Constitution.*

23 ~~SECTION 1. Section 7027.3 of the Business and Professions~~
 24 ~~Code is amended to read:~~

25 ~~7027.3. Any person, licensed or unlicensed, who willfully and~~
 26 ~~intentionally uses, with intent to defraud, a contractor’s license~~
 27 ~~number that does not correspond to the number on a currently valid~~
 28 ~~contractor’s license held by that person, is punishable by a fine~~
 29 ~~not exceeding fifteen thousand dollars (\$15,000), or by~~
 30 ~~imprisonment in state prison, or in county jail for not more than~~
 31 ~~one year, or by both that fine and imprisonment. The penalty~~
 32 ~~provided by this section is cumulative to the penalties available~~
 33 ~~under all other laws of this state. If, upon investigation, the registrar~~
 34 ~~has probable cause to believe that an unlicensed individual is in~~
 35 ~~violation of this section, the registrar may issue a citation pursuant~~
 36 ~~to Section 7028.7.~~