

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

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INFORMATION BULLETIN 98-11 (MH/MP)

**TO: RECREATIONAL VEHICLE MANUFACTURERS
RECREATIONAL VEHICLE INTERESTED PARTIES
DESIGN APPROVAL AGENCIES
QUALITY APPROVAL AGENCIES
MOBILEHOME PARK OPERATORS
SPECIAL OCCUPANCY PARK OPERATORS
LOCAL BUILDING OFFICIALS
CONTINUING EDUCATION COURSE PROVIDERS
DIVISION STAFF**

**SUBJECT: 1998 LEGISLATIVE CHANGES AFFECTING RECREATIONAL
VEHICLES**

This bulletin announces legislative amendments to state laws currently providing authority of the Department to enforce standards for the manufacture and alteration of recreational vehicles. Effective January 1, 1999, Chapter 293 of the 1998 Statutes (AB 1984, Miller) repeals the Department's authority to review and approve plans, conduct inspections, and issue insignia of approval to recreational vehicles to indicate compliance with applicable standards. A "recreational vehicle" as defined in Health and Safety Code section 18010, includes a park trailer, truck camper, travel trailer, 5th wheel trailer, and a motorhome. It does not include a mobilehome, manufactured home, commercial coach, or special purpose commercial coach. All codes referenced herein are printed on the attachment.

Currently, code enforcement by plan check and in-plant inspection is performed through Department approved Design Approval and Quality Assurance Agencies. Alterations are inspected by the Department, and recreational vehicles brought into the state not bearing an insignia of approval, are inspected by the Department and issued an insignia of approval when brought into compliance. These enforcement activities will not be conducted on and after January 1, 1999.

Summary of Legislative Change:

1. The name "recreational vehicle" is repealed from Health and Safety Code sections 18015.5, 18020, 18020.5, 18025, 18026, 18029, and 18030, and sections 18025.5, 18027.3, and 18604 are amended. See attachment.
2. Effective January 1, 1999, it is a violation of state law to offer for sale, sell, rent, or lease any recreational vehicle manufactured on or after January 1, 1999, unless the recreational vehicle is manufactured in compliance with the 1996 Edition of the American National Standards Institute (ANSI) Standard A119.5, for park trailers, and A119.2 for all other recreational vehicles, and bears a label or insignia indicating the manufacturer's compliance to the appropriate ANSI Standard. [Reference Health and Safety Code section 18027.3(f)]
3. Effective January 1, 1999, it is a violation of state law to offer for sale, sell, rent, or lease any recreational vehicle manufactured prior to January 1, 1999, unless the recreational vehicle bears a label or insignia indicating the manufacturer's compliance with the appropriate ANSI Standard, or a department insignia issued prior to January 1, 1999, indicating compliance with state standards in effect at the time of manufacture. [Reference Health and Safety Code section 18027.3(g)]

Note: There is no authority for the department to issue insignia on or after January 1, 1999. Accordingly it will not be possible to obtain a replacement recreational vehicle insignia, or obtain an insignia by inspection from the department. Therefore, recreational vehicles brought into the state, whose manufacturer is no longer in business or available to issue a label or insignia, may not be offered for sale, sold, rented or leased in this state.

4. Effective January 1, 1999, it is a violation of state law to perform an alteration to a recreational vehicle unless that alteration is in compliance with the ANSI A119.2 or A119.5 standards, whichever is appropriate. [Reference Health and Safety Code section 18027.3(h)]

Note: Recreational vehicle dealers making alterations are advised to obtain copies of the ANSI A119.2 and A119.5 standards, and related training. The standards may be purchased from:

- National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, MA 02269-9101, or the;
 - Recreational Vehicle Industry Association, 1896 Preston White Drive, PO Box 2999, Reston, VA 22090-0999.
5. Beginning January 1, 1999, a recreational vehicle that does not bear a label, insignia or an insignia of approval obtained pursuant to Health and Safety Code section 18027.3 (f) or (g) discussed above in #2 and #3, may not occupy a lot in a special occupancy park unless the vehicle owner provides reasonable proof of compliance with ANSI Standard A119.2 or A119.5, whichever is appropriate. [Reference Health and Safety Code section 18604]

6. Beginning January 1, 1999, the Department's remaining authority will be to investigate information and complaints of possible noncompliance with the state laws enacted or amended by Chapter 293, "at a factory". Accordingly, no other type of complaint regarding a recreational vehicle will be accepted. Complaints regarding alterations, or sales of used recreational vehicles in violation of state laws, should be directed to the local City or District Attorney. [Reference Health and Safety Code section 18025.5]

Reminder of Existing Law:

1. Health and Safety Code section 18027.3 (e) continues to prohibit the use of more than one electrical power supply cord on a recreational vehicle.
2. Health and Safety Code section 18020.5 provides that any person knowingly violating the provisions of Division 13, Part 2, which includes all sections discussed above in #2, #3, and #4, is guilty of a misdemeanor, punishable by a fine not exceeding \$2000, by imprisonment not exceeding 30 days, or both.
3. No recreational vehicle located in a mobilehome park or special occupancy park (commonly known as recreational vehicle parks) may be rented or leased unless the unit bears a label or insignia as discussed above in #2 and #3. [Reference Health and Safety Code section 18604]

By separate written directive, Quality Assurance Agencies will be informed as to the process for returning unassigned insignia and obtaining refunds.

Questions regarding this Information Bulletin may be directed to our Manufactured Housing Program Specialists at (916) 445-3338.



Norman Sorensen
Deputy Director

Health and Safety Code Sections Referenced in Information Bulletin 98-11

18010. "Recreational vehicle" means either of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(1) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(2) It is built on a single chassis.

(3) It may only be transported upon the public highways with a permit.

18015.5. The provisions of Chapter 4 (commencing with Section 18025), applicable to manufactured homes and mobilehomes, shall also apply to commercial coaches, except that reasonable variations in standards for commercial coaches shall be established by regulations if the department determines these variations will not endanger public health, welfare, or safety.

18020. (a) Except for the provisions of Section 18027.3, and except as provided by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401, et seq.), as it applies to the manufacture of new manufactured housing, the department shall enforce this part and the rules and regulations adopted pursuant to this part.

(b) The department may, at the department's sole option, enforce Chapter 4 (commencing with Section 18025) and the rules and regulations adopted pursuant to that Chapter 4 through department-approved third-party entities. The department shall adopt regulations for the approval of third-party entities, including, but not limited to, all of the following criteria:

(1) Freedom from any conflict of interest.

(2) Qualifications of personnel.

(3) Frequency of inspections or monitorings of manufacturer quality control.

(4) Involvement in collusive or fraudulent actions related to the performance of activities required by Section 18013.2.

(5) Any other conditions of operation that the department may reasonably require.

(c) The department may require rotation of third-party entities performing inspection services for any manufacturing facility within the state to prevent the third-party entity from either performing within the same facility for more than 365 calendar days or performing inspections for any facility when the third-party entity performed inspection services within the previous 365 calendar days.

(d) The department shall monitor the performance of third-party entities approved pursuant to subdivision (b) and shall require periodic reports in writing containing information that the department may reasonably require to determine compliance with the conditions of the department's approval.

(1) When the department receives information about an alleged inadequacy in the performance of a third-party entity, including any involvement in collusive or fraudulent actions related to the performance of activities required by Section 18013.2, it shall consider the information in its monitoring efforts and make a determination about the validity of the alleged inadequacy in a timely manner.

(2) When the department determines, either through its monitoring efforts or through information provided by any other person, that an approved third-party entity has failed to perform according to the conditions of approval, the department may withdraw approval by forwarding written notice to the approved third-party entity by registered mail to its address of record, briefly summarizing the cause for the department's decision.

(3) A third-party entity, upon having its approval withdrawn by the department, may request a hearing before the director of the department. The request for hearing shall be in writing and either delivered or postmarked prior to midnight on the 10th calendar day from the date of the department's notice.

(4) The department, upon timely receipt of a written request for hearing, shall, within 30 calendar days, schedule a hearing before the director or his or her agent. All hearings pursuant to this subdivision shall be held in the department's Sacramento offices and the decision of the director shall be final.

(5) A third-party entity whose approval has been withdrawn by the department shall not be permitted to reapply for the department's approval pursuant to subdivision (b) for a period of one year from the date that the approval was withdrawn by the department.

(6) A third-party entity whose approval has been withdrawn more than once by the department shall not be permitted to reapply for department approval pursuant to subdivision (b) for a period of not less than one year from the date that the department's approval was last withdrawn.

(7) No third-party entity shall perform the activities required by Section 18013.2 unless it has the approval of the department.

(e) (1) Upon finding a violation of subdivision (b) on the part of a third-party entity, the director shall issue citations and levy administrative fines. Each citation and fine assessment shall be in writing and describe the particulars for the citation. The citation and fine assessment shall be issued no later than six months after discovery of the violation.

(2) The fine for the first violation shall be at least five hundred dollars (\$500) and shall not exceed one thousand dollars (\$1,000). The fine for the second violation shall be at least two thousand dollars (\$2,000) and not exceed four thousand dollars (\$4,000). The fine for the third violation shall be at least five thousand dollars (\$5,000), and shall not exceed ten thousand dollars (\$10,000). The fines shall be assessed for each day the violation occurs. If a third-party entity has been cited more than three times during a 365 day period, the approval to conduct inspections on behalf of the department shall be suspended for a minimum of one year.

(3) The third-party entity may request an administrative hearing on the citation or fine. If the party fails to request a hearing within 30 days, and does not pay the fine, the approval to perform inspections shall be automatically revoked, until the time that the department finds that the circumstances which led to the citation have been corrected and the fines have been paid.

(4) Upon review of the findings from the administrative hearing, the director may modify, rescind, or uphold the citation and fine assessment. The decision of the director shall be served by regular mail.

(5) The fines shall be paid into the Housing and Community Development Fund, which is hereby created in the State Treasury, and shall be used, when appropriated by the Legislature, to offset the department's costs to administer this part.

(f) The remedies provided in this part to any aggrieved party are not exclusive and shall not preclude the applicability of any other provision of law.

18020.5. (a) Any person who knowingly violates any provision of this part or any rule or regulation issued pursuant to this part, except for a violation of any federal manufactured home or mobilehome construction and safety standard for which a penalty is provided in Section 18021, is guilty of a misdemeanor, punishable by a fine not exceeding two thousand dollars (\$2,000), by imprisonment not exceeding 30 days, or by both.

(b) Notwithstanding Section 801 of the Penal Code, the one-year period for filing an indictment or an information or complaint with respect to any misdemeanor in subdivision (a) by a licensee in the first sale or lease of any manufactured home, mobilehome, or commercial coach to a consumer shall commence on the date that the manufactured home, mobilehome, or commercial coach, is delivered to the consumer.

18025. (a) Except as provided in subdivision (b), (c), and (d), it is unlawful for any person to sell, offer for sale, rent, or lease within this state, any manufactured home or any mobilehome, commercial coach, or special purpose commercial coach manufactured after September 1, 1958, containing structural, fire safety, plumbing, heat-producing, or electrical systems and equipment unless the systems and equipment meet the requirements of the department for those systems and equipment and the installation of them. The department may adopt those rules and regulations which shall be reasonably consistent with recognized and accepted principles for structural, fire safety, plumbing, heat-producing, and electrical systems and equipment and installations, respectively, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe structural, fire safety, plumbing, heat-producing, and electrical equipment and installations.

(b) All manufactured homes and mobilehomes manufactured on or after June 15, 1976, shall comply with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C., Sec. 5401 et seq.).

(c) The sale of used manufactured homes and mobilehomes by a dealer licensed pursuant to this part shall be subject to Section 18046.

(d) The sale of used manufactured homes and mobilehomes by a real estate broker or salesperson licensed under Division 4 (commencing with Section 10000) of the Business and Professions Code shall be subject to Section 2079 of the Civil Code.

18025.5. (a) Pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C., Sec. 5401 et seq.), the department may assume responsibility for the enforcement of manufactured home and mobilehome construction and safety standards relating to any issue with respect to which a federal standard has been established. The department may adopt regulations to ensure acceptance by the Secretary of Housing and Urban Development of California's plan for the administration and enforcement of federal manufactured home and mobilehome safety and construction standards.

(b) The department may to conduct inspections and investigations that it determines may be necessary to secure enforcement of this part and regulations adopted pursuant to this part.

(c) Subsection (b) shall not apply to the enforcement of Section 18027.3 unless the department determines there is a compelling reason to exercise oversight in the inspection of recreational vehicles or park trailers at a factory, in which case the department may investigate the inspection, or conduct a department inspection, on recreational vehicles or park trailers at a factory and utilize any means necessary to collect a fee on the manufacturer for the cost of the department investigation or inspection.

(d) For the purposes of enforcement of this part and the related regulations, persons duly designated by the director of the department, upon presenting appropriate credentials to the owner, operator, or agent in charge, may do both of the following:

(1) Enter, at any reasonable times and without advance notice, any factory, warehouse, sales lot, or establishment in which manufactured homes, mobilehomes, commercial coaches, or special purpose commercial coaches are manufactured, stored, held for sale, sold, or offered for sale, rent, or lease.

(2) Inspect, at reasonable times and within reasonable limits and in a reasonable manner, any factory, warehouse, sales lot, or establishment, and inspect the books, papers, records, and documents to ensure compliance with this part.

18026. (a) All manufactured homes, mobilehomes, commercial coaches, and special purpose commercial coaches manufactured on or after September 1, 1958, that are sold, offered for sale, rented, or leased within this state shall bear a federal label or an insignia of approval issued by the department, whichever is appropriate, to indicate compliance with the regulations of the department adopted pursuant to this part, which were in effect on the date of manufacture of the manufactured home, mobilehome, commercial coach, or special purpose commercial coach.

(b) The department may issue insignia for manufactured homes, mobilehomes, commercial coaches, or special purpose commercial coaches manufactured prior to the effective dates of the appropriate regulations that meet the requirements of reasonable standards of health and safety as set forth in this part or the regulations adopted pursuant to this part in effect at the time of that issue.

(c) It is unlawful for any person to remove, or cause to be removed, an insignia of approval affixed pursuant to this section without prior authorization by the department.

18027.3. (a) The Legislature finds and declares as follows:

(1) The American National Standards Institute (ANSI) has adopted standards for the design and safety of recreational vehicles, including park trailers, pursuant to procedures that have given diverse views an opportunity to be considered and which indicate that interested and affected parties have reached substantial agreement on their adoption.

(2) The ANSI A119.2 and A119.5 standards are designed to protect the health and safety of persons using recreational vehicles and park trailers.

(3) Compliance with those standards as required by this section may be enforced by any law enforcement authority having appropriate jurisdiction, pursuant to Section 18020.5, which makes it a crime to violate any provision of this part. Therefore, to promote governmental efficiency and economy and to avoid duplication of activities and services, it is appropriate to eliminate the role of the department in modifying and enforcing standards for the construction of recreational vehicles.

(b) Recreational vehicles specified in subdivision (a) of Section 18010 that are manufactured on or after January 1, 1999, shall be constructed in accordance with Standard No. A119.2 as contained in the 1996 edition of the Standards of the American National Standards Institute.

(c) Recreational vehicles specified in subdivision (b) of Section 18010 that are manufactured on or after January 1, 1999, shall be constructed in accordance with Standard No. A119.5 as contained in the 1998 edition of the Standards of the American National Standards Institute.

(d) A change in Standard No. A119.2 or A119.5 contained in a new edition of the Standards of the American National Standards Institute shall become operative on the 180th day following the publication date.

(e) No recreational vehicle shall be equipped with more than one electrical power supply cord.

(f) Any recreational vehicle manufactured on or after January 1, 1999, that is offered for sale, sold, rented, or leased within this state shall bear a label or an insignia indicating the manufacturer's compliance with the American National Standards Institute standard specified in subdivision (b) or (c).

(g) Any recreational vehicle manufactured prior to January 1, 1999, that is offered for sale, sold, rented, or leased within this state shall bear a label or an insignia of approval indicating the manufacturer's compliance with the American National Standards Institute standard or a department insignia issued prior to January 1, 1999, indicating compliance with the state standard that was in effect pursuant to this chapter on the date of manufacture, including any modifications contained in regulations.

(h) It is unlawful for any person to do either of the following:

(1) Remove, or cause to be removed, a label, an insignia, or an insignia of approval affixed pursuant to this section.

(2) Alter or convert, or cause to be altered or converted, any recreational vehicle in a manner that is inconsistent with ANSI Standard A119.2 or A119.5 when the recreational vehicle is used, occupied, sold, or offered for sale within this state.

18029. It is unlawful for any person to alter or convert, or cause to be altered or converted, 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 that bears a department insignia of approval or federal label when the manufactured home, mobilehome, special purpose commercial coach, or commercial coach is used, occupied, sold, or offered for sale within this state, unless its performance as altered or converted is in compliance with regulations adopted by the department. The department may adopt regulations providing requirements for alterations and conversions described in this section.

18029.5. (a) The department may adopt rules and regulations, which it determines to be reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in manufactured homes, mobilehomes, special purpose commercial coaches, and commercial coaches. All manufactured homes and mobilehomes manufactured on or after June 15, 1976, shall comply with the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, et seq.).

(b) The chief fire official of every city, county, city and county, fire protection district, or other local fire protection agency shall file a report on each manufactured home and mobilehome fire occurring within his or her jurisdiction with the State Fire Marshal. The report shall be made on forms provided by the State Fire Marshal.

(c) The State Fire Marshal shall annually compile a statistical report on all manufactured home and mobilehome fires occurring within this state and shall furnish the department with a copy of the report. The annual report shall include, but need not be limited to, the number of manufactured home and mobilehome fires, the causes of the fires, the monetary loss, and any casualties or fatalities resulting from the fires.

18030. (a) If the department determines that standards for commercial coaches and special purpose commercial coaches prescribed by the statutes or regulations of another state are at least equal to the standards prescribed by the department, the department may so provide by regulation. Thereafter, any commercial coaches and special purpose commercial coaches which that other state has approved as meeting its standards shall be deemed to meet the standards of the department, if the department determines that the standards of the other state are actually being enforced.

(b) In lieu of the procedure set forth in subdivision (a), the department may contract with approved third-party entities for enforcement of the applicable provisions of this part for commercial coaches or special purpose commercial coaches manufactured outside this state for sale within this state. Third-party entities may apply to the department for enforcement authority pursuant to this subdivision by providing evidence to the satisfaction of the department that they satisfy all of the following criteria:

(1) They are independent and free from conflict of interest, have the ability to enforce this part, and shall enforce this part without an actual conflict of interest or any appearance of a conflict of interest.

(2) They are adequately staffed with qualified personnel who can, and shall, implement all provisions of the contract, including monitoring, reporting, and enforcement.

(3) They have the authority, through contract or otherwise, and the ability to obtain correction of defects detected or reported as a result of their enforcement activities.

(4) They meet any other conditions of operation that the department may reasonably incorporate into the contract.

(c) If the department enters into a contract authorized by subdivision (b), the department may require cancellation clauses, fees, personnel resumes, reports, or other reasonable information or documents deemed necessary to ensure that subdivision (b) and this part are adequately enforced.

18604. (a) No manufactured home, mobilehome, or recreational vehicle within a park shall be rented or leased unless it bears a label, an insignia, or an insignia of approval required by Section 18026 or 18027.3, or a federal label issued pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 et seq.).

(b) A recreational vehicle that does not bear a label, an insignia, or an insignia of approval, as required by subdivision (f) or (g) of Section 18027.3, may not occupy any lot in a special occupancy park unless the vehicle owner provides reasonable proof of compliance with ANSI Standard No. A119.2 or A119.5. A department label or insignia shall constitute one form of reasonable proof of compliance with ANSI Standards. This subdivision does not apply to a recreational vehicle occupying a lot in a special occupancy park on December 31, 1998, unless the vehicle is moved to a different special occupancy park on or after January 1, 1999.