

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

Statutory Authority: 24 Delaware Code, Section 4416(b)(1) (24 **Del.C.** §4416(b)(1))
24 **DE Admin. Code** 4400

FINAL

ORDER

4400 Delaware Manufactured Home Installation Board

The Delaware Manufactured Home Installation Board (“the Board”) was established to protect the general public from unsafe practices and from occupational practices which tend to reduce competition or fix the price of services rendered by the profession under its purview. The Board was further established to maintain minimum standards of practitioner competence in the delivery of services to the public. The Board is authorized, by 24 **Del.C.** §4416(b)(1), to make, adopt, amend and repeal regulations as necessary to effectuate those objectives.

Pursuant to 24 **Del.C.** §4416(b)(1), the Board has proposed revisions to Rule 9.0. The Board’s licensing law, Chapter 44 of Title 24 of the Delaware Code, provides that all manufactured home installations must be performed in compliance with the requirements of the United States Department of Housing and Urban Development (“HUD”). **See** 24 **Del.C.** §4416(b). The revisions to Rule 9.0 expressly incorporate HUD’s installation requirements. In particular, the rules reference specific sections of the Code of Federal Regulations. These amendments will make explicit what is already included in the Board’s licensing law and will, therefore, provide greater clarity and greater protection for the public.

The Board originally published proposed revisions to the Rules in the Delaware *Register of Regulations* on November 1, 2010, Volume 14, Issue 5. A public hearing was held on November 22, 2010. As the result of Board deliberations, the Board decided to make further revisions to the proposed amendments.

Pursuant to 29 **Del.C.** §10115, notice of the second public hearing and a copy of the proposed regulatory changes were published in the Delaware *Register of Regulations*, Volume 14, Issue 8 on February 1, 2011.

Summary of the Evidence and Information Submitted

A public hearing on the proposed rule revisions was held on March 14, 2011. No written comment was submitted. Further, there was no public comment.

Findings of Fact

The Board carefully reviewed and considered the proposed rule revisions.

As noted herein, the revisions to Rule 9.0 expressly incorporate HUD’s installation requirements and reference specific sections of the Code of Federal Regulations. These changes will state expressly what is already set forth in the Board’s licensing law and will, therefore, provide greater clarity and greater protection for the public.

The Board concluded that the proposed amendments will serve to protect the public from unsafe practices and enhance practitioner competence.

Therefore, the Board finds that adopting the amended rules and regulations as proposed is in the best interests of the citizens of the State of Delaware and is necessary to protect the health and safety of the general public.

Decision and Effective Date

The Board hereby adopts the proposed amendments to the rules and regulations to be effective 10 days following final publication of this Order in the *Register of Regulations*.

Text and Citation

The text of the revised rules and regulations remains as published in the Delaware *Register of Regulations*,

IT IS SO ORDERED this 14th day of March 2011 by the Delaware Manufactured Home Installation Board.

| | |
|--------------------------------------|-----------------------------------|
| Jill Fuchs, President | Leslie Persans, Education Officer |
| Keith Rudy, Vice President | James Brockton |
| Richard Snyder, Secretary | Victor Kennedy |
| Charlie Eggleston, Complaint Officer | Kevin Reinike |

4400 Delaware Manufactured Home Installation Board

1.0 License Required

- 1.1 Only natural persons may be licensed by the Board.
- 1.2 No person shall install manufactured homes or represent themselves as qualified to install manufactured homes without first having been duly licensed unless specifically excepted by statute.
- 1.3 A licensed manufactured home installer must oversee all aspects of the installation of a manufactured home; however, multiple licensed installers may be involved in the installation of a particular home at the discretion of the licensee who certifies the installation on the decal required by Regulation 11.0. The licensed manufactured home installer who certifies the installation on the decal affixed to the data plate is responsible for the installation and certifies that the installation was performed in accord with all applicable law, including the Board's statute and regulations.
- 1.4 Exceptions.
 - 1.4.1 No license is required for persons working under the direct, on site supervision of a Delaware licensed manufactured home installer, as indicated in Section 4403(a)(10) and
 - 1.4.2 No manufactured home installation license is required for persons who are currently certified, licensed, or registered by other boards or commissions of this State and who act within the scope of activity for which they are currently licensed, certified or registered. Examples include, but are not limited to, plumbers, electricians and well and septic installers.

2.0 Applications

- 2.1 All applications for licenses, certificates and renewal of licenses and certificates shall be submitted on forms approved by the Board.
 - 2.1.1 Applications may be obtained over the Internet at the Division of Professional Regulation's website. Applications may also be obtained in person during regular business hours or by mail from the Division of Professional Regulation.
 - 2.1.2 Renewal applications may be submitted in electronic form over the Internet. A licensee or certificate holder who does not have Internet access or otherwise wishes to renew in paper form must contact the Division to request a paper renewal application, and submit the renewal application sufficiently in advance of the renewal deadline to ensure that the license or certificate does not lapse.
- 2.2 The Board may require additional information or explanation when it has questions about an applicant's qualifications or application materials. An application is not complete until the Board has received all required and requested documents, materials, information and fees.
 - 2.2.1 Applications which are incomplete shall be retained for one year to allow an applicant the opportunity to supplement the application. After one year, incomplete applications are destroyed. Thereafter, an applicant must submit a new application with the appropriate fee.
 - 2.2.2 Applicants must meet the requirements for license or certification at the time their applications are complete.

3.0 License and Certificate Requirements

- 3.1 Each applicant for a manufactured home installer license must provide the Board with the following, or have this information provided from the appropriate source, where indicated:
- 3.1.1 Evidence in a form satisfactory to the Board that the applicant has successfully passed the examination designated by the Board. Evidence shall include confirmation from the Division or other authorized testing agency that the applicant has achieved a passing score on the Board-approved examination.
 - 3.1.2 Evidence in a form satisfactory to the Board that the applicant has completed education requirements set forth in Rule 4.0. Evidence shall include a certificate or other acknowledgement of completion of the education requirement that is submitted to the Board by the education provider. This document shall identify the course, the course provider and location, and the date completed.
 - 3.1.3 Evidence in a form satisfactory to the Board that the applicant is at least 18 years old. Such evidence includes a certified copy of the applicant's birth certificate, a passport, an identification card issued by the State of Delaware or a driver's license issued by the State of Delaware.
 - 3.1.4 Evidence in a form satisfactory to the Board that the applicant, or the applicant's employer, holds a surety bond or irrevocable letter of credit issued by a federally-insured financial institution in an amount equal to or greater than \$10,000. Evidence shall include the original bond or original letter of credit submitted to the Board by the provider of the bond or the letter of credit. Where a bond is submitted, the Division of Professional Regulation shall be listed as the bond holder.
 - 3.1.5 Evidence in a form satisfactory to the Board that the applicant, or the applicant's employer, carries liability insurance in an amount equal to or greater than \$100,000. Evidence shall include a notarized certificate of insurance submitted to the Board by the insurance carrier.
 - 3.1.6 A statement under oath or other verification satisfactory to the Board that the applicant agrees to be responsible for all acts or omissions of any individual acting under the supervision of the applicant while assisting in the installation of manufactured housing.
 - 3.1.7 Reciprocity
 - 3.1.7.1 An applicant for licensure as a manufactured home installer by reciprocity shall complete an application approved by the Board and cause a certificate of good standing to be sent to the Board from the licensing agencies of all jurisdictions where the applicant is or has been licensed. Upon request an applicant for licensure under this provision must submit to the Board a copy of the reciprocal state's current licensure requirements
- 3.2 Each applicant for a certificate of manufactured home installation inspector must provide the Board with the following
- 3.2.1 A completed application on the form approved by the Board.
 - 3.2.2 Evidence in a form satisfactory to the Board that the applicant has successfully completed the certification course designated by the Board. Evidence shall include a certificate or other acknowledgement of completion of the education requirement that is submitted to the Board by the education provider. This document shall identify the course, the course provider and location, and the date completed.
 - 3.2.3 Evidence in a form satisfactory to the Board that the applicant is a full-time, part-time or casual/seasonal employee of an authorized inspection agency. Evidence shall include a current written statement signed by the applicant's supervisor in his capacity as a supervisor identifying the applicant's employment status and date of employment.

13 DE Reg. 1098 (02/01/10)

4.0 Education

- 4.1 All applicants must successfully complete a Board-approved course to qualify for licensure or certification.
- 4.1.1 Training courses must provide at least fifteen (15) hours of education. An "hour" for purposes of this requirement shall mean fifty (50) minutes of instruction or participation in an appropriate course or program. Meals and breaks shall be excluded from credit.

- 4.2 To be approved by the Board, training courses must address the following areas:
- 4.2.1 Federal statutes and regulations governing manufactured housing;
 - 4.2.2 Manufacturer's installation manuals and requirements;
 - 4.2.3 Preparation of manufactured housing stands;
 - 4.2.4 Installation of foundation systems;
 - 4.2.5 Blocking, perimeter support and leveling of manufactured homes;
 - 4.2.6 Structural connections of sections and major components;
 - 4.2.7 Installation of anchoring systems and components;
 - 4.2.8 Installation of vapor barriers, curtain walls, access and ventilations for crawl space areas; and
 - 4.2.9 Connections of other nonstructural components.

5.0 Examination

- 5.1 An applicant for licensure as a manufactured home installer shall obtain a grade of 70% on the Board-approved examination to qualify for licensure.
- 5.2 Applicants may use the following three reference materials during the examination:
 - 5.2.1 A Board-approved reference manual;
 - 5.2.2 The Statute governing this Board, Title 24, Chapter 44 of the **Delaware Code**; and
 - 5.2.3 The Board's Rules and Regulations, 24 **Del. Admin. Code** Section 4400.
- 5.3 Applicants who fail the examination two consecutive times must successfully complete a Board-approved training course after failing the second test and prior to sitting for the examination a third time. Applicants who fail the examination a third time must wait one year from the date of the third test and must re-apply for licensure.

11 DE Reg. 691 (11/01/07)

6.0 Lapse and Renewal of Licenses and Certificates

- 6.1 The biennial licenses and certificates granted by the Board shall lapse on September 30th of each even numbered year beginning in 2008, or on such other date as is specified by the Division of Professional Regulation. It is the responsibility of the licensee to file a renewal application with the Board. The failure of the Board to notify a licensee or certificate holder of the expiration date does not in any way relieve the licensee of the requirements of filing a renewal application with the Board. License and certificate renewal may be accomplished online at the Division of Professional Regulation's website.
- 6.2 Each applicant for renewal must retain proof of completing the continuing education requirements. Extra continuing education hours do not carry over to the next licensing or certification period. Renewal applications will be audited by the Board for compliance with the continuing education requirements.
- 6.3 A license or certificate is lapsed when a licensee has failed to either complete the requirements for renewal or obtain permission for inactive status. A licensee or certificate holder may activate a lapsed license or certificate within one year of the date the renewal application was due by meeting all renewal requirements and paying an additional fee set by the Division of Professional Regulation.
- 6.4 An individual whose license or certificate has lapsed for more than one year must reapply as a new applicant. The applicant must take the examination required by §4416(b)(3) and achieve a passing score unless he or she previously passed an approved licensure test that covered the applicable law and standards in effect at the time of the new application.

7.0 Inactive License or Certificate; Expiration; Reactivation

- 7.1 A licensee or certificate holder with a valid license may request in writing to be placed on inactive status. Inactive status can be effective for up to two years.

- 7.2 Each inactive license and certificate shall expire at the end of the biennial licensing and certificate period applicable to active licensees, which is September 30 of even-numbered years beginning in 2008. An inactive license or certificate may be renewed for two years by application to the Division upon proof of 10 hours of continuing education in the past two years.
- 7.3 An inactive license may be reactivated by the Board upon written request on a form designated by the Board, proof of insurance and bond, proof that the licensee has completed the requisite continuing education, and payment of a prorated fee to be computed by the Division of Professional Regulation.
- 7.4 An inactive certificate may be reactivated by the Board upon written request on a form designated by the Board, proof of completion of the requisite continuing education, and payment of a prorated fee to be computed by the Division of Professional Regulation.
- 7.5 A licensee or certificate holder is not authorized to work as a licensed manufactured home installer or certified manufactured home installation inspector, respectively, in this State during the period of inactive status.

8.0 Continuing Education ("CE")

- 8.1 Licensees and certificate holders shall complete 10 hours of approved CE by September 30 of each biennial renewal period.
 - 8.1.1 This requirement is prorated for license or certificate holders during their initial licensing period as follows:
 - 8.1.1.1 A person licensed less than one year does not need to complete CE at the first renewal.
 - 8.1.1.2 A person licensed one year but less than two years must submit 5 CE hours at the first renewal.
 - 8.1.2 An "hour" for purposes of continuing education credit shall mean fifty (50) minutes of instruction or participation in an appropriate course or program. Meals and breaks shall be excluded from credit.
- 8.2 The Board may consider a waiver of CE requirements or acceptance of partial fulfillment based on the Board's review of a written request with supporting documentation of hardship.
- 8.3 Courses must be approved by the Board in order to qualify as CE. Approved courses appear on the website of the Division of Professional Regulation.
 - 8.3.1 Courses shall be designed to maintain and enhance the knowledge and skills of licensees related to the installation of manufactured housing.
 - 8.3.2 Course providers, licensees and certificate holders may request Board approval of courses at any time by submitting a written request to the Board and including a course outline with the number of classroom hours and the curriculum vitae or resume of the instructor.
 - 8.3.3 Course providers, licensees and certificate holders seeking pre-approval should submit the request a sufficient amount of time in advance of the CE course to permit the Board to consider the request at a regularly-scheduled Board meeting.
- 8.4 Proof of continuing education is satisfied with an attestation by the licensee that he or she has satisfied the requirements of Rule 8.0.
 - 8.4.1 Attestation may be completed electronically if the renewal is accomplished online. Alternatively, licensees and certificate holders may submit the attestation in paper form on forms approved by the Board.
 - 8.4.2 Licensees and certificate holders selected for random audit will be required to supplement the attestation with attendance verification pursuant to Rule 8.5.
 - 8.4.3 Approval of CE automatically expires on September 30, 2008 and every two years thereafter on each September 30. A sponsor must reapply for approval as provided in Rule 8.3.
- 8.5 Random audits will be performed by the Board to ensure compliance with the license and certificate requirements. Licensees and certificate holders selected for the random audit shall submit verification that they maintain the required bond and liability insurance, verification of required employment status, and the completion of the required CE, as applicable and any other information required by the Board to confirm their continued eligibility for the license or certificate.

- 8.5.1 In a renewal year, the Board will notify licensees and certificate holders within sixty (60) days after September 30 that they have been selected for audit.
- 8.5.2 Licensees selected for random audit are required to submit verification within twenty (20) days of receipt of notification of selection for audit.
- 8.5.3 The Board shall review all documentation submitted by licensees pursuant to the CE audit. If the Board determines that the licensee has met the CE requirements, his or her license shall remain in effect. If the Board determines that the licensee has not met the CE requirements, the licensee shall be notified and a hearing may be held pursuant to the Administrative Procedures Act. The hearing will be conducted to determine if there are any extenuating circumstances justifying the noncompliance with the CE requirements. Unjustified noncompliance with the CE requirements set forth in these rules and regulations shall constitute a violation of 24 **Del.C.** §4441(a) and the licensee may be subject to one or more of the disciplinary sanctions set forth in 24 **Del.C.** §4441.

13 DE Reg. 1098 (02/01/10)

9.0 Manufactured Home Installation Requirements

- 9.1 ~~Manufactured homes shall be installed in accord with Section 4421(b).~~
- 9.2 ~~Footers. Manufactured homes installed in this State shall be installed on piles or concrete footers. Concrete footers shall consist of a minimum of 3000 psi concrete and shall be a minimum of 24 inches in diameter, at least eight (8) inches thick and set two (2) feet deep from final grade where soil conditions permit. Where the regulations of the Department of Housing and Urban Development, the manufacturer's installation instructions or manual, NCSB/ANSI code or the set of plans designed for the specific manufactured home under the seal of a registered professional engineer, as applicable under Section 4421(b), require more stringent standards, those standards shall apply.~~
- 9.3 ~~Anchoring. Manufactured homes installed in the State shall be anchored. Anchors shall be installed in accord with the regulations of the Department of Housing and Urban Development, the manufacturer's installation instructions or manual, NCSB/ANSI code or the set of plans designed for the specific manufactured home under the seal of a registered professional engineer, as applicable under Section 4421(b).~~
- 9.1 Manufactured homes shall be installed, at minimum, in accordance with Section 4421(b) of this chapter and all applicable regulations of the United States Department of Housing and Urban Development ("HUD)," as set forth in the Code of Federal Regulations ("C.F.R."). HUD requirements are available online at www.dpr.gov.
- 9.2 Site suitability. Pursuant to 24 C.F.R. §3285.103, prior to the initial installation of a new manufactured home, the installer shall verify that the design and construction of the home, as indicated on the design zone maps provided with the home, are suitable for the site location where the home is to be installed.
- 9.3 Site preparation.
 - 9.3.1 Soil conditions. Pursuant to 24 C.F.R. §3285.201, the manufactured home's foundation shall be constructed on firm, undisturbed soil or fill compacted to at least 90 percent of its maximum relative density, and the site shall be graded to ensure adequate drainage. Pursuant to 24 C.F.R. §3285.202, the soil classification and bearing capacity shall be determined before the foundation is constructed and anchored.
 - 9.3.2 Drainage. Pursuant to 24 C.F.R. §3285.203, drainage shall be provided to direct surface water away from the manufactured home to protect against erosion of the foundation supports and to prevent water build-up under the home. All drainage shall be diverted away from the home and must slope a minimum of one-half inch per foot away from the foundation for the first ten feet.
- 9.4 Foundation construction. Foundations for manufactured home installations shall be designed and constructed in accordance with 24 C.F.R. §§3285.301 - 3285.315 and must be based on site conditions, home design features, and the loads the home was designed to withstand, as shown on the home's data plate.

- 9.4.1 Piers. Pursuant to 24 C.F.R. §3285.302, the piers used shall be capable of transmitting vertical live and dead loads to the footing or foundation. Pier materials, design, loads, configuration and location shall meet the requirements set forth at 24 C.F.R. §§3285.303 - 3285.312.
- 9.4.2 Footings. Pursuant to 24 C.F.R. §3285.312, materials approved for footings shall provide equal load-bearing capacity and resistance to decay. Footings shall be placed on undisturbed soil or fill compacted to 90 percent of maximum relative density. A footing shall support every pier. Footing materials, placement, and sizing shall meet the requirements set forth at 24 C.F.R. §3285.310.
- 9.5 Anchoring. Pursuant to 24 C.F.R. §§3285.401 - 3285.406., the manufactured home shall be secured against the wind, including wind in the longitudinal direction, by use of anchor assembly type installations or by connecting the home to an alternative foundation system, as set forth at 24 C.F.R. §3285.301. Ground anchor installations shall meet the requirements for certification and testing, specifications, number and location set forth at 24 C.F.R. §3285.402.
- 9.6 Installation of optional features. Optional features, such as expanding rooms, appliances, and skirting, shall be installed pursuant to the requirements set forth at 24 C.F.R. §§3285.501 - 3285.505.
 - 9.6.1 Comfort cooling systems. Pursuant to 24 C.F.R. §3285.503, when not provided and installed by the home manufacturer, any comfort cooling systems that are installed shall be installed according to the appliance manufacturer's installation standards. Installation of any comfort cooling system shall meet the requirements set forth at 24 C.F.R. §3285.503(a).
- 9.7 Ductwork, plumbing and fuel supply systems.
 - 9.7.1 Ductwork connections. Multi-section homes with ductwork in more than one section require crossover connection to complete the ductwork system of the manufactured home. All ductwork connections shall be sealed to prevent air leakage. Installation, sealing and support of ductwork shall meet the requirements set forth at 24 C.F.R. §3285.606.
 - 9.7.2 Plumbing.
 - 9.7.2.1 Water supply. Multi-section homes with plumbing in both sections require water-line crossover connections to join all sections of the manufactured home. Crossover design requirements are set forth at 24 C.F.R. §3280.609. When the local water supply pressure exceeds 80 psi to the home, a pressure-reducing valve shall be installed. Standards for installation of the mandatory shutoff valve, freezing protection and testing procedures are set forth at 24 C.F.R. §3280.609.
 - 9.7.2.2 Drainage system. Multi-section homes with plumbing in more than one section require drainage system connections to join all sections of the home. Installation, assembly, support and testing of drainage systems shall meet the requirements set forth at 24 C.F.R. §3285.604.
 - 9.7.3 Fuel supply systems. The gas piping system in the home shall be designed for pressure that is at least 7 inches of water column and not more than 14 inches of water column. Installation, crossovers and testing shall meet the requirements set forth at 24 C.F.R. §3285.605.
- 9.8 Electrical systems. Pursuant to 24 C.F.R. §3285.701, multi-section homes with electrical wiring in more than one section require crossover connections to join all sections of the home. Pursuant to 24 C.F.R. §3285.702, exterior lighting fixtures, ceiling-suspended fans and chain-hung lighting fixtures shall be installed as required by their listings and 24 C.F.R. §3280. Installation, grounding and testing shall meet the requirements set forth at 24 C.F.R. §3285.702. Pursuant to 24 C.F.R. §3285.703, smoke alarms shall be functionally tested as required by the manufacturer instructions and shall be consistent with 24 C.F.R. §3280.208. Considerations concerning installation of telephone and cable TV are set forth at 24 C.F.R. §3285.906.
- 9.9 Exterior and interior close-up.
 - 9.9.1 Exterior close-up. Pursuant to 24 C.F.R. §3285.801, exterior siding and roofing needed to join all sections of the manufactured home shall be installed according to manufacturer installation requirements consistent with 24 C.F.R. §§3280.305 and 3280.307. Weatherproofing and installation of hinged roofs and eaves shall meet the requirements of 24 C.F.R. §3285.801.

- 9.9.2 Structural interconnection of multi-section homes. Pursuant to 24 C.F.R. §3285.802, for multi-section homes, structural interconnections along the interior and exterior at the mate-line are required to join all sections of the home. Structural interconnection and closing of gaps shall meet the requirements set forth at 24 C.F.R. §3285.802.
- 9.9.3 Interior close-up. Pursuant to 24 C.F.R. §3285.803, all shipping blocking, strapping or bracing shall be removed from appliances, windows and doors. Installation of shipped-loose wall paneling shall meet the requirements of §3285.803.
- 9.9.4 Bottom board repair. The bottom board covering shall be inspected and repaired pursuant to the requirements of 24 C.F.R. §3285.804.
- 9.10 Skirting. Pursuant to 24 C.F.R. §3285.504, skirting, if installed, shall be of weather-resistant materials or provided with protection against weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 oz./ft.2 Installation of skirting shall meet the requirements set forth at 24 C.F.R. §3285.504.
- 9.11 Completion of operational checks and adjustments. Upon completion of installation, installer shall check all items listed in Rule 9.0 and shall make any needed adjustments to ensure compliance with all HUD requirements.

10.0 Inspection

- 10.1 Of the maximum five (5) inspections required by Section 4422(a):
 - 10.1.1 One inspection shall be performed once the ground is prepared for the concrete to be poured.
 - 10.1.2 One inspection shall be performed upon completion of the installation in accord with Section 4422(a).

11.0 Decals

- 11.1 A decal represents the installer's certification that the installation was completed in compliance with the manufacturer's installation manual and all applicable law.
- 11.2 Licensees shall purchase Board approved decals from the Board for a fee to be established by the Division.
 - 11.2.1 Decals may only be purchased by licensees in good standing.
 - 11.2.2 Decals shall be numbered in sequence and affixed by the licensed installer to the manufactured home in accord with Section 11.4 below.
- 11.3 The licensed installer shall clearly inscribe the installation completion date, the name of the installer, and the installer's license number in blue or black ink on the decal.
- 11.4 The decal shall be permanently affixed in plain view next to the manufactured home data plate. In the absence of a data plate, the decal shall be permanently affixed in the interior breaker panel box.
- 11.5 Licensees shall record the decal number, installation completion date, location of manufactured home, and the name of owner in a log maintained by the licensee on a continuous basis.

12.0 Use of Designations

- 12.1 A licensee shall prominently display the words "Licensed Manufactured Home Installer" or the abbreviation "Lic. Mfd. Home Installer" and his license number on the exterior of all vehicles used for work in not less than two inch letters and numbers.
- 12.2 Only an individual who is registered with the Board and holds a license as a manufactured home installer may use the designation "Licensed Manufactured Home Installer" and other designations which suggest that the user is a licensed manufactured home installer.
- 12.3 No individual, sole proprietorship, partnership, corporation, or any other entity authorized under Delaware law or a similar statute of another state shall hold him/her/itself or otherwise use the title or designation "licensed manufactured home installer or any other title, designation, or abbreviation of any titles or designations likely to be confused with "licensed manufactured home installer".

13 DE Reg. 1098 (02/01/10)

13.0 Organization of the Board

- 13.1 Election of Officers. Beginning in 2007, the Board shall elect officers to serve for a one year term from April 1-March 31. Elections shall be held annually and shall occur no earlier than 3 months prior to April 1.
- 13.2 Duties of the Officers
 - 13.2.1 President - The president shall preside at all meetings, designate subordinates when provided by law, sign correspondence on behalf of the Board, and perform other functions inherent in the position. In conducting meetings or hearings, the President may limit or exclude evidence as provided under the Administrative Procedures Act unless overruled by a majority of the Board.
 - 13.2.2 Vice President - The Vice President assumes the duties and powers of the President when the President is unavailable.
 - 13.2.3 Secretary - The Secretary assumes the duties and powers of the President when neither the President nor the Vice President is available.
 - 13.2.4 Complaint officer - The complaint officer shall be a member who works with the investigator of the Division of Professional Regulation when complaints are investigated pursuant to 29 **Del.C.** §8807. The complaint officer shall report to the Board when complaints are closed and recuse himself from participating in disciplinary hearings involving matters that have been reviewed in his or her capacity as complaint officer.
 - 13.2.5 Education officer - The education officer may review courses submitted for continuing education approval and makes recommendations to the Board.

14.0 Discipline; Unlicensed Practice; Board Appointment of Licensed Installer or Certified Inspector

- 14.1 If the Board requires a licensed installer to take over the work done by an unauthorized practitioner pursuant to Section 4416(b)(13), the Board will choose the licensed installer from among those licensed installers who have volunteered to perform such work, whose license is in good standing and not subject to probation, other discipline or a pending complaint, and whose business address in the jurisdiction of the same authorized inspection agency as the subject property and closest in proximity to the subject property. If there are no volunteers who qualify, then the Board shall select a licensee at random. A licensee selected at random may be excused from the performance of this duty if he presents evidence that it will cause a hardship.
- 14.2 If the Board requires a certified inspector to inspect work completed by an unauthorized practitioner pursuant to Section 4416(b)(13), the Board will choose a certified inspector employed by the authorized inspection agency in whose jurisdiction the manufactured home is situated.

15.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

- 15.1 If the report is received by the president of the regulatory Board, that person shall immediately notify the Director of Professional Regulation or his/her designate of the report. If the Director of Professional Regulation receives the report, he/she shall immediately notify the president of the regulatory Board, or that president's designate or designates.
- 15.2 The president of the regulatory Board or that president's designate or designates shall, within 7 days of receipt of the report, contact the individual in question and inform him/her in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give him/her the opportunity to enter the Voluntary Treatment Option.
- 15.3 In order for the individual to participate in the Voluntary Treatment Option, he/she shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial evaluation and screen shall take place within 30 days following notification to the professional by the participating Board president or that president's designate(s).
- 15.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating Board president or that president's designate or designates or the Director of

- the Division of Professional Regulation or his/her designate may, in consultation with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or his/her designate and the president of the participating Board or that president's designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the president of the participating Board.
- 15.5 Failure to cooperate fully with the participating Board president or that president's designate or designates or the Director of the Division of Professional Regulation or his/her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board president or that president's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in subsection (h) of this section.
- 15.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:
- 15.6.1 Entry of the regulated professional into a treatment program approved by the participating Board. Board approval shall not require that the regulated professional be identified to the Board. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.
- 15.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the president of the participating Board or to that president's designate or designates or to the Director of the Division of Professional Regulation or his/her designate at such intervals as required by the president of the participating Board or that president's designate or designates or the Director of the Division of Professional Regulation or his/her designate, and such person making such report will not be liable when such reports are made in good faith and without malice.
- 15.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.
- 15.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment program(s). In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Board, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board in addition to the administrative costs associated with the Voluntary Treatment Option.
- 15.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Board's president or his/her designate or designates or to the Director of the Division of Professional Regulation or his/her designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.
- 15.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.
- 15.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Board may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.
- 15.8 The participating Board's president, his/her designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional at any

- time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.
- 15.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.
 - 15.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Board shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.
 - 15.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, criminal or disciplinary liability arising from such reports, and shall have his/her confidentiality protected if the matter is handled in a nondisciplinary matter.
 - 15.12 Any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall have his/her confidentiality protected unless otherwise specified in a participating Board's rules and regulations. In such an instance, the written agreement with the regulated professional shall include the potential for disclosure and specify those to whom such information may be disclosed.

16.0 Crimes Substantially Related to the Practice of Manufactured Home Installation or Installation Inspection

- 16.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of solicitation to commit any of the following crimes, is deemed to be substantially related to the practice of manufactured home installation or manufactured home installation inspection in the State of Delaware, without regard to the place of conviction:
 - 16.1.1 Reckless endangering in the first degree. 11 **Del.C.** §604
 - 16.1.2 Assault in the first degree. 11 **Del.C.** §613
 - 16.1.3 Criminally negligent homicide. 11 **Del.C.** §631
 - 16.1.4 Manslaughter. 11 **Del.C.** §632
 - 16.1.5 Murder by abuse or neglect in the second degree. 11 **Del.C.** §633
 - 16.1.6 Murder by abuse or neglect in the first degree. 11 **Del.C.** §634
 - 16.1.7 Murder in the second degree. 11 **Del.C.** §635
 - 16.1.8 Murder in the first degree. 11 **Del.C.** §636
 - 16.1.9 Unlawful sexual contact in the second degree. 11 **Del.C.** §768
 - 16.1.10 Unlawful sexual contact in the first degree. 11 **Del.C.** §769
 - 16.1.11 Rape in the fourth degree. 11 **Del.C.** §770
 - 16.1.12 Rape in the third degree. 11 **Del.C.** §771
 - 16.1.13 Rape in the second degree. 11 **Del.C.** §772
 - 16.1.14 Rape in the first degree. 11 **Del.C.** §773
 - 16.1.15 Sexual extortion. 11 **Del.C.** §776
 - 16.1.16 Continuous sexual abuse of a child. 11 **Del.C.** §778
 - 16.1.17 Kidnapping in the second degree. 11 **Del.C.** §783
 - 16.1.18 Kidnapping in the first degree. 11 **Del.C.** §783A
 - 16.1.19 Arson in the third degree. 11 **Del.C.** §801
 - 16.1.20 Arson in the second degree. 11 **Del.C.** §802
 - 16.1.21 Arson in the first degree. 11 **Del.C.** §803
 - 16.1.22 Criminal mischief. 11 **Del.C.** §811
 - 16.1.23 Burglary in the third degree. 11 **Del.C.** §824
 - 16.1.24 Burglary in the second degree. 11 **Del.C.** §825
 - 16.1.25 Burglary in the first degree. 11 **Del.C.** §826
 - 16.1.26 Possession of burglar's tools or instruments facilitating theft. 11 **Del.C.** §828

16.1.27 Robbery in the second degree. 11 **Del.C.** §831
16.1.28 Robbery in the first degree. 11 **Del.C.** §832
16.1.29 Carjacking in the second degree. 11 **Del.C.** §835
16.1.30 Carjacking in the first degree. 11 **Del.C.** §836
16.1.31 Theft. 11 **Del.C.** §841
16.1.32 Theft of motor vehicle. 11 **Del.C.** §841A
16.1.33 Theft; lost or mislaid property; mistaken delivery. 11 **Del.C.** §842
16.1.34 Theft; false pretense. 11 **Del.C.** §843
16.1.35 Theft; false promise. 11 **Del.C.** §844
16.1.36 Theft of services. 11 **Del.C.** §845
16.1.37 Extortion. 11 **Del.C.** §846
16.1.38 Theft of rented property. 11 **Del.C.** §849
16.1.39 Receiving stolen property. 11 **Del.C.** §851
16.1.40 Identity theft. 11 **Del.C.** §854
16.1.41 Forgery. 11 **Del.C.** §861
16.1.42 Possession of forgery devices. 11 **Del.C.** §862
16.1.43 Forgery and related offenses. 11 **Del.C.** §863
16.1.44 Falsifying business records. 11 **Del.C.** §871
16.1.45 Tampering with public records in the second degree. 11 **Del.C.** §873
16.1.46 Tampering with public records in the first degree. 11 **Del.C.** §876
16.1.47 Offering a false instrument for filing. 11 **Del.C.** §877
16.1.48 Issuing a false certificate. 11 **Del.C.** §878
16.1.49 Bribery. 11 **Del.C.** §881
16.1.50 Bribe receiving. 11 **Del.C.** §882
16.1.51 Deceptive business practices. 11 **Del.C.** §906
16.1.52 Criminal impersonation. 11 **Del.C.** §907
16.1.53 Criminal impersonation of a police officer. 11 **Del.C.** §907B
16.1.54 Securing execution of documents by deception. 11 **Del.C.** §909
16.1.55 Insurance fraud. 11 **Del.C.** §913
16.1.56 Home improvement fraud. 11 **Del.C.** §916
16.1.57 New home construction fraud. 11 **Del.C.** §917
16.1.58 Dealing in children. 11 **Del.C.** §1100
16.1.59 Sexual exploitation of a child. 11 **Del.C.** §1108
16.1.60 Unlawfully dealing in child pornography. 11 **Del.C.** §1109
16.1.61 Possession of child pornography. 11 **Del.C.** §1111
16.1.62 Sexual offenders; prohibitions from school zones. 11 **Del.C.** §1112
16.1.63 Sexual solicitation of a child. 11 **Del.C.** §1112A
16.1.64 Bribery. 11 **Del.C.** §1201
16.1.65 Receiving a Bribe. 11 **Del.C.** §1203
16.1.66 Giving unlawful gratuities. 11 **Del.C.** §1205
16.1.67 Receiving unlawful gratuities. 11 **Del.C.** §1206
16.1.68 Improper influence. 11 **Del.C.** §1207
16.1.69 Official misconduct. 11 **Del.C.** §1211
16.1.70 Profiteering. 11 **Del.C.** §1212
16.1.71 Perjury in the third degree. 11 **Del.C.** §1221
16.1.72 Perjury in the second degree. 11 **Del.C.** §1222

- 16.1.73 Perjury in the first degree. 11 **Del.C.** §1223
- 16.1.74 Making a false written statement. 11 **Del.C.** §1233
- 16.1.75 Terroristic threatening of public officials or public servants. 11 **Del.C.** §1240
- 16.1.76 Bribing a witness. 11 **Del.C.** §1261
- 16.1.77 Bribe receiving by a witness. 11 **Del.C.** §1262
- 16.1.78 Tampering with a witness. 11 **Del.C.** §1263
- 16.1.79 Interfering with a child witness. 11 **Del.C.** §1263A
- 16.1.80 Bribing a juror. 11 **Del.C.** §1264
- 16.1.81 Bribe receiving by a juror. 11 **Del.C.** §1265
- 16.1.82 Tampering with a juror. 11 **Del.C.** §1266
- 16.1.83 Misconduct by a juror. 11 **Del.C.** §1267
- 16.1.84 Tampering with physical evidence. 11 **Del.C.** §1269
- 16.1.85 Hate crimes. 11 **Del.C.** §1304
- 16.1.86 Bombs, incendiary devices, Molotov cocktails and explosive devices. 11 **Del.C.** §1338
- 16.1.87 Carrying a concealed deadly weapon. 11 **Del.C.** §1442
- 16.1.88 Carrying a concealed dangerous instrument. 11 **Del.C.** §1443
- 16.1.89 Possessing a destructive weapon. 11 **Del.C.** §1444
- 16.1.90 Unlawfully dealing with a dangerous weapon. 11 **Del.C.** §1445
- 16.1.91 Unlawfully dealing with a switchblade knife. 11 **Del.C.** §1446
- 16.1.92 Possession of a deadly weapon during commission of a felony. 11 **Del.C.** §1447
- 16.1.93 Possession of a firearm during the commission of a felony. 11 **Del.C.** §1447A
- 16.1.94 Possession and purchase of deadly weapons by persons prohibited. 11 **Del.C.** §1448
- 16.1.95 Receiving a stolen firearm. 11 **Del.C.** §1450
- 16.1.96 Theft of a firearm. 11 **Del.C.** §1451
- 16.1.97 Unlawfully dealing with knuckles-combination knife. 11 **Del.C.** §1452
- 16.1.98 Unlawfully dealing with martial arts throwing star. 11 **Del.C.** §1453
- 16.1.99 Giving a firearm to person prohibited. 11 **Del.C.** §1454
- 16.1.100 Engaging in a firearms transaction on behalf of another. 11 **Del.C.** §1455
- 16.1.101 Unlawfully permitting a minor access to a firearm. 11 **Del.C.** §1456
- 16.1.102 Possession of a weapon in a Safe School and Recreation Zone. 11 **Del.C.** §1457
- 16.1.103 Removing a firearm from the possession of a law enforcement officer. 11 **Del.C.** §1458
- 16.1.104 Possession of a weapon with a removed, obliterated or altered serial number. 11 **Del.C.** §1459
- 16.1.105 Criminal Penalties, Organized Crime and Racketeering. 11 **Del.C.** §1504
- 16.1.106 Act of intimidation. 11 **Del.C.** §3532
- 16.1.107 Aggravated act of intimidation. 11 **Del.C.** §3533
- 16.1.108 Prohibited Acts A; penalties. 16 **Del.C.** §4751
- 16.1.109 Prohibited Acts B; penalties. 16 **Del.C.** §4752
- 16.1.110 Unlawful delivery of non controlled substance. 16 **Del.C.** §4752A
- 16.1.111 Prohibited Acts C; penalties. 16 **Del.C.** §4753
- 16.1.112 Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, Lysergic Acid Diethylamide (L.S.D.), designer drugs, or 3,4-methylenedioxymethamphetamine (MDMA). 16 **Del.C.** §4753A
- 16.1.113 Prohibited acts D; penalties. 16 **Del.C.** §4754
- 16.1.114 Possession and delivery of non controlled prescription drug. 16 **Del.C.** §4754A
- 16.1.115 Prohibited acts; penalties. 16 **Del.C.** §4756
- 16.1.116 Hypodermic syringe or needle; delivering or possessing; disposal; exceptions; penalties. 16 **Del.C.** §4757

- 16.1.117 Distribution to persons under 21 years of age; penalties. 16 **Del.C.** §4761
- 16.1.118 Purchase of drugs from minors; penalties. 16 **Del.C.** §4761A
- 16.1.119 Distribution, delivery, or possession of controlled substance within 1,000 feet of school property; penalties; defenses. 16 **Del.C.** §4767
- 16.1.120 Distribution, delivery or possession of controlled substance in or within 300 feet of park, recreation area, church, synagogue or other place of worship; penalties; defenses. 16 **Del.C.** §4768
- 16.1.121 Drug paraphernalia. 16 **Del.C.** §4771(a) and (b)
- 16.1.122 Penalties [drug paraphernalia]. 16 **Del.C.** §4774
- 16.1.123 Attempt to evade or defeat tax. 30 **Del.C.** §571
- 16.1.124 Failure to collect or pay over tax. 30 **Del.C.** §572
- 16.1.125 Failure to file return, supply information or pay tax. 30 **Del.C.** §573
- 16.1.126 Fraud and false statements. 30 **Del.C.** §574
- 16.1.127 Obtaining benefit under false representation. 31 **Del.C.** §1003
- 16.1.128 Reports, statements or documents. 31 **Del.C.** §1004(1)-(4)
- 16.1.129 Unlawful possession or manufacture of proof of insurance. 21 **Del.C.** §2118A
- 16.1.130 Altering or forging certificate of title, manufacturer's certificate of origin, registration card, vehicle warranty or certification sticker or vehicle identification plate. 21 **Del.C.** §2316
- 16.1.131 Unlawful application for or use of license or identification. 21 **Del.C.** §2751
- 16.1.132 False statements. 21 **Del.C.** §2752
- 16.1.133 Removed, falsified or unauthorized identification number on vehicle, bicycle or engine; removed or affixed license/registration plate with intent to misrepresent identity; penalty. 21 **Del.C.** §6705(a)-(e)
- 16.1.134 Possession of blank title; blank registration card; vehicle identification plate; warranty sticker and registration card. 21 **Del.C.** §6708(a) and (b).
- 16.1.135 Removal of warranty or certification stickers; vehicle identification plates; confidential vehicle identification numbers; penalty. 21 **Del.C.** §6709(a)
- 16.1.136 Unlawful possession of assigned titles, assigned registration cards, vehicle identification plates and warranty stickers; penalty. 21 **Del.C.** §6710(a)
- 16.1.137 Permits Required [regarding environmental control]. 7 **Del.C.** §6003
- 16.1.138 Criminal Penalties [for violation of §6003 or Regulations]. 7 **Del.C.** §6013
- 16.2 Crimes substantially related to the practice of manufactured home installation or manufactured home installation inspection shall be deemed to include any crimes under any federal law, state law or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

10 DE Reg. 1156 (01/01/07)

15 DE Reg. 374 (09/01/11) (Final)