

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
4400 Delaware Manufactured Home Installation Board
Statutory Authority: 24 Delaware Code, Section 4416(b)(1) (24 Del.C. §4416(b)(1))
24 DE Admin. Code 4400

FINAL

ORDER

After due notice in the *Register of Regulations* and two Delaware newspapers, public hearings were held on September 11, 2006 and November 13, 2006 at regularly scheduled meetings of the Delaware Manufactured Home Installation Board regarding the adoption of proposed rules and regulations to implement the Board's statute, which was passed by and Act of the 143rd General Assembly and signed into law by the Governor on July 21, 2005. The proposed regulations were published in the *Register of Regulations*, Vol. 10, Issue 2, August 1, 2006. The revised proposed regulations were published in the *Register of Regulations*, Vol. 10, Issue 4, October 1, 2006.

Summary of the Evidence and Information Submitted

No written comments were received. The public was given the opportunity to comment on the proposed regulations at two public meetings.

September 11, 2006 Public Comment

The following comments were made at the public hearing on September 11, 2006:

(1) Kevin Reinike questioned whether the identifying information required to be placed on work vehicles identifying licensees could be abbreviated, because the designation is lengthy. He also questioned whether multiple license numbers could be listed on a work vehicle, or only one licensee per vehicle. Finally, he commented that it would be difficult to have a licensed installer on site to supervise every subcontractor, and questioned whether that was really necessary.

(2) Robert Smith, an electrical inspector with First State Inspection Agency, questioned what happens if neither the municipality nor the county wants to take the responsibility to perform the inspection. The commenter also questioned whether the installation inspector would be responsible to inspect other areas, such as plumbing and HVAC connections.

(3) Tom Morse, from New Dimension Homes, stated that the Board must be specific about the requirements for footers and tie-downs. He also commented that the installer should not be liable for the work done by other professions, and the Board should be clear about the responsibilities assumed by the licensed installer who signs off on the installation. Mr. Morse stated that in West Virginia, the retailer is held responsible for everything. Finally, he commented that the Board needs to make clear what guidelines, such as manufacturer's manuals, the installer must follow, and that the inspector needs access to that manual.

(4) Richard Dewitt, from a manufactured home dealer, echoed the thought that the inspectors need access to the manufacturer's installation manual in order to properly inspect the installation.

(5) Mike Bethel, from New Dimension Homes, stated that installers shouldn't be held responsible for work performed by contractors in other professions, such a drywall installation.

(6) Mr. Blanton was concerned that if a licensed installer is required to be present on the site to oversee all subcontractors, then that is going to increase the cost of the installation, because the installer is going to have to be compensated for that time.

(7) Butch Van Drunen, who is an installer, was concerned that the training course is not clear about which regulations must be followed, such as FEMA guidelines versus the manufacturer's installation manual. The same commenter was concerned that installers are going to have to be told the time frame in which inspectors will come out to perform the inspections, so that they can determine the appropriate time to perform the work. This is a particular concern with respect to digging footers, which can fill up with water and can also be a hazard for

children.

(8) Ken Martin, who has been setting up manufactured housing for about 25 years, was concerned about holding installers responsible for the work of various different professions, which would make them more like a general contractor than they are currently. He was also concerned that if one contractor is required to oversee the entire job from start to finish, then it will put subcontractors that currently perform one specific aspect of the set-up, such as footers, out of business. It would also take power away from park owners to determine who they want to perform specific aspects of the total job, such as footers.

(9) Brian Mummert, a subcontractor who works with a lot of dealerships installing skirting, agreed that requiring one licensee to oversee the entire job would put a lot of subcontractors that specialize like he does out of business. It takes control away from park owners, who sometimes like to specify who they want to do portions of the job. Licensed installers may choose the least expensive subcontractor rather than the one that the park owner would prefer. Also, if people who now typically only perform specific aspects of the job, such as footers, can only work if they get an installer's license, then they may start carrying out entire installations, which they may not be qualified to do.

(10) William Raither, a manufactured home owner, who has had issues with the installation of his own home, felt strongly that the dealers, rather than the installers, are the ones who should be held responsible for the set up of the home. He has had many issues with his new home, which has not cleared inspection and has major problems. Mr. Raither also questioned the appropriateness of Mr. Eggleston's participation on the Board in light of his position with an industry organization.

(11) Jim Cain, from Capital Homes, expressed concern that following plans for the specific model number of the home, rather than for the specific serial number of the home, would not necessarily produce the correct installation. He felt that soil conditions must be taken into account to correctly install the home. He also expressed concern that small companies would find it very difficult to have one installer on the same site for the duration of an installation. They often have five installations going on at a time, and this would pose a real problem. They use subcontractors, and it would be difficult for them to have a licensed installer on site all of the time to oversee subcontractors. He also does not feel it is appropriate to hold the licensed installers responsible for the work of subcontractors.

(12) Clay Fulton, who runs the insurance agency Delmarva Underwriters, which specializes in surety bonds, noted that he has begun to get questions about the bond requirement and he attended the hearing to learn more about the issue. He also noted that several professions are required to be bonded to impose financial responsibility.

(13) Butch Van Drunen from Butch's Mobile Homes spoke again. He stated that he believed that a licensed installer should be present at all times during the installation, because that is the way to ensure that the installation is performed correctly. He does foresee difficulties with small businesses having a licensed installer on multiple sites at all times, but it is important because it is a dangerous business.

(14) Ken Martin spoke again and asked why, for example, plumbers and electricians, who have much more complex code requirements, are not required to be present for the entire job, whereas this Board is contemplating requiring a licensed installer to be present and overseeing the same job from start to finish.

(15) Brian Van Drunen questioned whether it is necessary to require multiple licensees who are all employed by the same business to each be bonded individually.

(16) Kevin Reinike, of Reybolt Homes, spoke again and commented that they intended to have licensed installers perform the installations, but that they would also be licensed and put their own license number on the installation sticker.

(17) Dave Sherman, with Clayton Homes, expressed concern about whether it is appropriate to allow a company, rather than a natural person, to hold a license. If a company can hold a license, he foresees problems identifying a person to hold accountable in the future, if something goes wrong with an installation, particularly due to employee turnover. He feels that individuals should be held responsible, rather than companies.

(18) Tom Morse, with Mason Homes, emphasized the need to clarify the role of the installer as opposed to other contractors working on the home. He also pointed out the danger in the profession. He expressed concern that the training course did not clarify the appropriate installation methods.

(19) Richard Dewitt spoke again, and noted that the work of other contractors, such as electricians, would continue to be inspected under other applicable codes. This process will not eliminate the requirement that the work of other contractors must pass inspection.

(20) Robin Miller, from Capital Homes, expressed concern about the training course, citing a

specific issue that arose at the class he attended. He suggested that the Board consider other educators.

November 13, 2006 Public Comment

The following comments were made on the revised proposed regulations at the public hearing on November 13, 2006:

(1) Kevin Reinike expressed concern that the training course was not adequate. He stated that the State of Pennsylvania has a much more detailed training course, covering more topics. The Board should consider a new education provider. He heard from several people who attended one course that they felt they were not correctly informed about particular aspects of the installation.

(2) Butch Van Drunen was concerned about the time frame for which a licensed installer would be held responsible for issues that arise with the home. He believes the Board should consider providing a time limit for the installer's liability.

(3) Rob Smith expressed concern about who would be authorized to perform inspections. Currently his company performs inspections under contract with a government agency. He is concerned that his company would not be permitted to inspect manufactured home installations under the Board's statute.

(4) Sam Trice expressed concern that the Board's website was not up-to-date with information about the licensing process.

Findings of Fact and Conclusions of Law

The Board considered the proposed regulations and the public comments at each of the hearings. Pursuant to 24 **Del.C.** §4416, the Board has statutory authority to promulgate rules and regulations to implement or clarify specific sections of its statute. At the September public hearing, many members of the public expressed concerns about the duties and responsibilities of installers in relation to other professions that may perform work on a manufactured home prior to the issuance of the certificate of occupancy, and also about the responsibility of installers in relation to that of retailers. The Board notes that the statute defines an "installation," and that the proposed rules and regulations further clarified that installers would not be responsible for the work of other professions that were already subject to their own inspections, or whose work fell outside of the definition of an "installation." The Board has determined that drywall work, interior trim work, and carpet seaming do not fall within the definition of "installation." The installation of skirting is also outside the definition of "installation" of a manufactured home, and the Board's statute and rules and regulations do not apply to those who install skirting.

The regulations further clarify that only natural persons, and not corporations or other business entities, can hold a license. The Board noted that the statute provides the Board the power to license installers and certify inspectors; however, the Board has no authority to license retailers as occurs in some other jurisdictions. Placing any responsibility on retailers, unless otherwise licensed as installers, falls outside of the Board's powers at this time.

Comments were received about the education course. The Board appreciates the feedback of those who spoke on this topic, and will relay them to the education provider. The regulations do not identify a specific course or course provider. Instead, the rules and regulations provide guidelines for the content of the training and continuing education courses. Using those guidelines, the Board will determine whether or not a particular course that has been submitted for approval can be used to obtain a license or for continuing education. Because of this structure, the Board did not feel that the rules and regulations needed to be altered at this time to address concerns about the training course.

Several members of the public were concerned that they had no clear guidance regarding which laws, regulations or guidelines they should follow to properly install a manufactured home. The Board noted that the statute identifies which information is to be relied on, and therefore which information trumps other requirements. If the home has a manufacturer's installation manual, the law requires the installer to follow the manual, unless the law specifies a more stringent standard. The Board has set certain minimum standards for footers in its regulations, which must be adhered to if they exceed the requirements in the manufacturer's installation manual. Also, more stringent FEMA standards always override specifications in the manufacturer's installation manual.

Two main concerns were voiced about the installation inspections: (1) who would perform them; and (2) whether they would have the necessary information to do so. The statute provides that the counties are responsible for performing the inspections unless a municipality affirmatively indicates to the county that the

municipality will perform the inspection. For those that felt that an adequate inspection could not be performed unless the inspector had a copy of the manual, the Board determined that installers would have to supply the inspectors with the information necessary to inspect the home, either at the time of inspection or in advance. In addition, with respect to Regulation 9.2, the installer must supply a copy of the design, verified to be consistent with the soil conditions. It will be up to the inspection agency to determine when and how they want this information. The Board also feels that the licensed installer need not be present when the footers are inspected.

The Board understands the concern about the license information required on a licensee's work vehicle. The statute indicates the size of the lettering and prohibits any abbreviation. The statute also specifies that each licensee must place the designation on his or her work vehicle. Because these requirements are in the statute, the Board cannot change them in the rules and regulations.

Several comments at the September meeting expressing concern about the impracticality and increased costs associated with requiring one licensed installer to be on site to oversee the entire installation of a particular home. In addition, because it is common for an installer to hire a subcontractor to install footers, this requirement would significantly harm the business of those subcontractors, if not put them out of business. The Board determined to revise the regulations to clarify that a licensed installer must oversee all aspects of an installation, but it need not be the same installer for the entire job. However, the installer that signs the installation sticker will be responsible for the installation, and it will be incumbent upon that installer to be certain that the home was installed correctly, and that any subcontractors performed their tasks properly.

The Board also revised the proposed regulations to eliminate the requirement for a performance bond; instead, the Board will require a license or surety bond. Although the statute specifies that an applicant must provide proof of a "performance bond", the Board understands that it is impractical, if not impossible to obtain a performance bond before an applicant had obtained his or her license. A performance bond is typically a bond that is specific to a particular job, and ensures that a particular job will be completed. A performance bond is often required for a private company engaged in a government construction project. The Board feels that it satisfies the intent of the bond requirement by requiring all applicants to show proof of a license or surety bond, and will propose legislation to change the statute accordingly.

The Board determined that the two changes noted above, which affected proposed Regulation 1.0 and 3.1.4, were substantive. The Board determined to revise the proposed regulations and hold another public hearing to determine whether or not to adopt the revised proposed regulations. The Board published the proposed regulations, as revised, in the October 1, 2006 *Register of Regulations*.

The revised proposed regulations were considered at the November 13, 2006 public hearing. At the November hearing, members of the public commented on four topics: (1) the education provider, (2) the responsibility undertaken by the licensed installer, (3) whether private companies contracting with a government entity would be able to perform inspections; and (4) the lack of information about the licensing process. First, the Board noted the concerns about the training course; however, the regulations do not specify a particular course provider. The Board has the ability to approve other courses that are submitted to them if those courses meet the qualifications in the regulations. The regulations describe the type of training course that would be acceptable, and state that the Board will review requests from educational providers and determine whether or not courses submitted for approval could be used to satisfy the training or the continuing education requirement; therefore, this issue does not involve a change to the rules and regulations at this time, as noted above. Second, with respect to the scope of the installer's responsibility, the Board again felt that the definition of installation in the statute, as explained in the regulations, addressed the fact that installers would not be responsible for work that was subject to its own codes and inspection process, or that otherwise fell outside the definition of an "installation." The Board does not feel that it is appropriate to place a time limit on the installer's responsibility. Whether or not an installer is responsible for problems that arise with a manufactured home will depend on the facts and circumstances of each individual case. Third, the issue of who may perform inspections is specifically addressed in the statute, and the Board cannot alter the requirements by regulation. Finally, the Board noted the questions about information on the website, and clarified the area on the website where prospective licensees can obtain the necessary information.

In summary, at the November meeting, the Board again considered the proposed rules and regulations and the public comments. The comments raised at the November meeting did not implicate the language of the proposed rules and regulations. After deliberations, the Board determined that it had the authority to promulgate the regulations to implement and clarify its statute, and voted unanimously to adopt the regulations as published in the October *Register of Regulations*.

Decision and Effective Date

The Board hereby adopts the rules and regulations, as published in the *Register of Regulations*, Vol. 10, Issue 4, October 1, 2006, to be effective 10 days following publication of this order in the *Register of Regulations*.

Text and Citation

The text of the revised rule remains as published in the *Register of Regulations*, Vol. 10, Issue 4, October 1, 2006, and as attached hereto as Exhibit A.

SO ORDERED this 11th day of December, 2006.

DELAWARE MANUFACTURED HOME INSTALLATION BOARD

Allan Redden, President
William Dale Hammond, Vice President
Estella Class, Education Officer
James W. Brockton, Complaint Officer
Charles Eggleston
Van Milligan
Jill Fuchs
Victor Kennedy

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 holds a bond in an amount of equal to or greater than \$10,000. Evidence shall include an acknowledgement submitted to the Board from the provider of the bond.

3.1.5 Evidence in a form satisfactory to the Board that the applicant carries liability insurance in an amount equal to or greater than \$100,000. Evidence shall include an acknowledgement submitted to the Board from 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.

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 two consecutive times must wait one year before retesting.

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 ten (10) days of receipt of notification of selection for audit.

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).

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" and his license number on the exterior of all vehicles used for work in not less than three 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".

13.0 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 is 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

	<u>16.1.65</u>	<u>Receiving a Bribe. 11 Del.C. §1203</u>
	<u>16.1.66</u>	<u>Giving unlawful gratuities. 11 Del.C. §1205</u>
	<u>16.1.67</u>	<u>Receiving unlawful gratuities. 11 Del.C. §1206</u>
	<u>16.1.68</u>	<u>Improper influence. 11 Del.C. §1207</u>
	<u>16.1.69</u>	<u>Official misconduct. 11 Del.C. §1211</u>
	<u>16.1.70</u>	<u>Profiteering. 11 Del.C. §1212</u>
	<u>16.1.71</u>	<u>Perjury in the third degree. 11 Del.C. §1221</u>
	<u>16.1.72</u>	<u>Perjury in the second degree. 11 Del.C. §1222</u>
	<u>16.1.73</u>	<u>Perjury in the first degree. 11 Del.C. §1223</u>
	<u>16.1.74</u>	<u>Making a false written statement. 11 Del.C. §1233</u>
	<u>16.1.75</u>	<u>Terroristic threatening of public officials or public servants. 11 Del.C. §1240</u>
	<u>16.1.76</u>	<u>Bribing a witness. 11 Del.C. §1261</u>
	<u>16.1.77</u>	<u>Bribe receiving by a witness. 11 Del.C. §1262</u>
	<u>16.1.78</u>	<u>Tampering with a witness. 11 Del.C. §1263</u>
	<u>16.1.79</u>	<u>Interfering with a child witness. 11 Del.C. §1263A</u>
	<u>16.1.80</u>	<u>Bribing a juror. 11 Del.C. §1264</u>
	<u>16.1.81</u>	<u>Bribe receiving by a juror. 11 Del.C. §1265</u>
	<u>16.1.82</u>	<u>Tampering with a juror. 11 Del.C. §1266</u>
	<u>16.1.83</u>	<u>Misconduct by a juror. 11 Del.C. §1267</u>
	<u>16.1.84</u>	<u>Tampering with physical evidence. 11 Del.C. §1269</u>
	<u>16.1.85</u>	<u>Hate crimes. 11 Del.C. §1304</u>
	<u>16.1.86</u>	<u>Bombs, incendiary devices, Molotov cocktails and explosive devices. 11 Del.C.</u>
<u>§1338</u>		
	<u>16.1.87</u>	<u>Carrying a concealed deadly weapon. 11 Del.C. §1442</u>
	<u>16.1.88</u>	<u>Carrying a concealed dangerous instrument. 11 Del.C. §1443</u>
	<u>16.1.89</u>	<u>Possessing a destructive weapon. 11 Del.C. §1444</u>
	<u>16.1.90</u>	<u>Unlawfully dealing with a dangerous weapon. 11 Del.C. §1445</u>
	<u>16.1.91</u>	<u>Unlawfully dealing with a switchblade knife. 11 Del.C. §1446</u>
	<u>16.1.92</u>	<u>Possession of a deadly weapon during commission of a felony. 11 Del.C. §1447</u>
	<u>16.1.93</u>	<u>Possession of a firearm during the commission of a felony. 11 Del.C. §1447A</u>
	<u>16.1.94</u>	<u>Possession and purchase of deadly weapons by persons prohibited. 11 Del.C.</u>
<u>§1448</u>		
	<u>16.1.95</u>	<u>Receiving a stolen firearm. 11 Del.C. §1450</u>
	<u>16.1.96</u>	<u>Theft of a firearm. 11 Del.C. §1451</u>
	<u>16.1.97</u>	<u>Unlawfully dealing with knuckles-combination knife. 11 Del.C. §1452</u>
	<u>16.1.98</u>	<u>Unlawfully dealing with martial arts throwing star. 11 Del.C. §1453</u>
	<u>16.1.99</u>	<u>Giving a firearm to person prohibited. 11 Del.C. §1454</u>
	<u>16.1.100</u>	<u>Engaging in a firearms transaction on behalf of another. 11 Del.C. §1455</u>
	<u>16.1.101</u>	<u>Unlawfully permitting a minor access to a firearm. 11 Del.C. §1456</u>
	<u>16.1.102</u>	<u>Possession of a weapon in a Safe School and Recreation Zone. 11 Del.C. §1457</u>
	<u>16.1.103</u>	<u>Removing a firearm from the possession of a law enforcement officer. 11 Del.C.</u>
<u>§1458</u>		
<u>Del.C. §1459</u>	<u>16.1.104</u>	<u>Possession of a weapon with a removed, obliterated or altered serial number. 11</u>
	<u>16.1.105</u>	<u>Criminal Penalties, Organized Crime and Racketeering. 11 Del.C. §1504</u>
	<u>16.1.106</u>	<u>Act of intimidation. 11 Del.C. §3532</u>
	<u>16.1.107</u>	<u>Aggravated act of intimidation. 11 Del.C. §3533</u>
	<u>16.1.108</u>	<u>Prohibited Acts A; penalties. 16 Del.C. §4751</u>
	<u>16.1.109</u>	<u>Prohibited Acts B; penalties. 16 Del.C. §4752</u>
	<u>16.1.110</u>	<u>Unlawful delivery of non controlled substance. 16 Del.C. §4752A</u>
	<u>16.1.111</u>	<u>Prohibited Acts C; penalties. 16 Del.C. §4753</u>
	<u>16.1.112</u>	<u>Trafficking in marijuana, cocaine, illegal drugs, methamphetamines, Lysergic Acid</u>
<u>Diethylamide (L.S.D.), designer drugs, or 3,4-methylenedioxymethamphetamine (MDMA). 16 Del.C. §4753A</u>		
	<u>16.1.113</u>	<u>Prohibited acts D; penalties. 16 Del.C. §4754</u>

- 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) (Final)