

Rule 120-3-7-.08. Annual License

- (1) Every manufacturer who manufactures manufactured homes in Georgia and every manufacturer who manufactures manufactured homes outside the State of Georgia and who sells or offers for sale said manufactured homes in Georgia shall apply for and obtain a license from the Manufactured Housing Section of the Safety Fire Division on the prescribed form and accompanied by the fee as provided in O.C.G.A. § 8-2-135(1) and (2). For licensing purposes, each plant location shall be treated as a separate entity and shall adhere to all licensing requirements. The applicant for licensure shall specify the actual physical location where manufactured homes are built or assembled. Every manufacturer receiving a license shall display the license in the place of business and shall make such license available upon request for verification by an authorized representative of the Commissioner.

- (2) Every retailer and retail broker who sells or offers for sale to consumers three (3) or more new or previously owned manufactured or mobile homes in a twelve (12) month period in Georgia shall apply for and obtain a license from the Manufactured Housing Section of the Safety Fire Division on the prescribed form and accompanied by the fee as provided in O.C.G.A. § 8-2-135(3) and (5). For licensing purposes, each retailer lot or location and retail broker location shall be treated as a separate entity and shall adhere to all licensing requirements. The applicant for licensure shall specify the actual physical address where manufactured or mobile homes are located. Every retailer or retail broker receiving a license shall keep the license in the place of business and shall make such license available upon request for verification by an authorized representative of the Commissioner. The application for said license shall include a complete authorization form prescribed by the Commissioner of Insurance which allows the verification of criminal history by the department.

- (3) Every installer who installs new or previously owned manufactured or mobile homes anywhere within the State of Georgia in accordance with O.C.G.A. § 8-2-161(1) shall apply for and obtain a license from the Manufactured Housing Section of the Safety Fire Division, to operate as a licensed installer, on the prescribed form and accompanied by the fee as provided in O.C.G.A. § 8-2-161(1). The applicant shall specify an actual physical location where the installer's business is based and where records are maintained. The application for said license shall include a completed authorization form as prescribed by the Commissioner of Insurance which allows the verification of criminal history by the department.
 - (a) The application for licensure for each installer shall be accompanied by proof of



successful completion of an installation training course and corresponding examination, authorized or approved by the Commissioner, and designated for licensure. The course must have been taken within 12 months prior to the initial application for licensure. Continuing education Refresher courses approved by the Commissioner shall be taken every 24 months thereafter. ~~A temporary license which shall be valid for no longer than six (6) months, allowing installations to be performed during that time period, may be issued at the discretion of the Commissioner without proof of attendance at the required course, provided however, that the applicant shall complete an approved course within six (6) months of the date of issuance of the temporary license.~~

- (b) A licensed installer may employ or contract with other authorized accountable personnel individuals to assist with the installations of manufactured or mobile homes. The licensee ~~shall be, although not~~ required to be at the installation site at all times, unless at least one authorized accountable personnel is continually at the installation site while the installation work is in progress and is accountable to the licensee. The licensee shall be responsible for ensuring that any installation performed under said license be in compliance with the applicable instructions and the licensee shall be responsible for providing remedial action when required. Proof of licensure and/or authorization of accountable personnel, shall be maintained at the installation site at all times for verification by local code officials and authorized representatives of the Commissioner. The proof may be in the form of the original license, copy of the original license or on a form prescribed by the Commissioner. Local jurisdictions are authorized to require proof of licensure prior to issuing any permits necessary to perform installations of manufactured and mobile homes. "Authorized accountable personnel" is defined as a person or persons who have successfully completed the installation training course, and any applicable continuing education courses, and their corresponding examinations, approved by the Commissioner. A certificate of Completion will be provided by the Manufactured Housing Section of the Safety Fire Division to these individuals upon proof of successful completion of these courses and examinations. Any retailer or retail broker licensed under the provisions of the Manufactured Housing Act who uses the services of or otherwise employs a person, partnership, corporation, entity, etc. that is not licensed as an installer in the State of Georgia shall be subject to the revocation of said retailer's and retail broker's license or other penal measures as prescribed by this Regulation. Any failure to comply with the provisions contained herein shall be considered a violation of the Manufactured Housing Act and be subject to penal measures prescribed by the Commissioner of Insurance,

including but not limited to, the revocation of any applicable license.

- (c) An individual who transports a manufactured or mobile home to the site of installation shall be excluded from licensure as an installer provided he or she performs only such temporary blocking as is necessary to stabilize the home and shall not, under these circumstances, be considered to be an installer. However, any further blocking of the home by the carrier shall be considered to be an installation of the unit, and the carrier shall comply with licensure requirements of an installer and the installation must be performed in compliance with O.C.G.A. § 8-2-160 et seq. and the applicable rules of the Commissioner. A partial installation of a manufactured or mobile home is not allowed under the Manufactured Housing Act.
 - (d) Any installer who is discovered by a state or local inspector to have performed an installation in a manner contrary to the methods indicated by the manufacturers installation instruction manual and Rule 120-3-7-.21, as applicable, shall be deemed to be in violation of the Manufactured Housing Act and shall be subject to revocation of his or her license and/or other penal measures as prescribed by the Commissioner of Insurance, this Regulation or other applicable Georgia law.
 - (e) In all cases in which the installation is arranged by and/or paid for by the retailer or retail broker, the retailer and retail broker shall assume responsibility for the proper set up of the mobile or manufactured home. Failure to comply with the requirements of this subsection shall be deemed a violation of the Manufactured Housing Act and shall be subject to the revocation of the retailer's or retail broker's license or other penal measures as prescribed by this Regulation or other applicable Georgia law. This subsection shall not relieve any installer from any responsibilities and applicable penalties.
- (4) Applications for licensure must be approved by the Commissioner or his or her delegate before engaging in any activities contemplated by the Manufactured Housing Act and requiring licensure for manufacturers, retailers, retail brokers or installers. Each license shall be valid from January 1 through December 31 of the year in which the license is issued. License fees shall not be prorated for the remainder of the year in which the application is made but shall be paid for the entire year regardless of the date of application. All licenses are non-transferable regarding ownership and/or location. Any licensed entity changing the business name, or any other information not referenced herein, presented on the original application for licensure shall notify the Manufactured Housing Section of the Safety Fire Division of any change of information contained in the

original application for licensure within twenty (20) days and shall complete a revised application.

- (5) Applications for renewal licenses for manufacturers, retailers, retail brokers and installers shall be obtained and submitted to the Manufactured Housing Section of the Safety Fire Division on or before January 1 of each year and shall be accompanied by a completed consent form allowing a criminal history background check by the Safety Fire Commissioner's Office. On or before December 1 of each year, the Manufactured Housing Section of the Safety Fire Division shall forward a Notice of Renewal by electronic mail ~~regular United States mail~~ to each licensee at the last known email address on the records of the Safety Fire Commissioner. After ~~sending~~ depositing the Notice of Renewal by electronic mail, ~~in the United States mail~~, the Manufactured Housing Section shall have no further duty or obligation to notify the licensee of the expiration of annual license. The fee for delinquent renewal applications received after January 10 of each year shall be double the regular annual fee.

- (6) A license may be refused or a license duly issued may be suspended or revoked or the renewal of such license may be refused by the Commissioner if, ~~after notice and hearing as provided for in Rule 120-3-7.10 of these Rules and Regulations~~, he or she finds that the applicant or the holder of a license:
 - (a) has violated any provision of the Act, the Standards, the Manufactured Homes Act or these Rules and Regulations;
 - (b) has intentionally made any misstatement or misrepresented or concealed any material fact in the application for the license;
 - (c) has obtained or attempted to obtain a license by fraud or misrepresentation;
 - (d) has been determined to have engaged in, or to be engaging in, a fraudulent or dishonest practice or to have demonstrated a lack of trustworthiness or lack of competence;
 - (e) has been convicted by final judgment in any state or federal court of a felony; or
 - (f) has willfully failed to comply with or has willfully violated any proper order, rule or regulation issued by the Commissioner or the Secretary.

- (g) in the case of a license application, if any person having control of the applicant is subject to any of the grounds for refusal stated in subparagraphs (a) through (f) above, the license may be refused. For purposes of this subparagraph, control shall be presumed if the person owns ten percent or more of the applicant, or if the person owns ten percent or more of the voting securities of a corporate applicant.
- (7) Before any license application shall be refused or any license shall be suspended or revoked or the renewal thereof refused as provided for in this Rule, the Commissioner shall give notice of his or her intention to do so to the applicant or the holder of a license in accordance with the Georgia Administrative Procedure Act, O.C.G.A. Chapter 50-13, and O.C.G.A. 25-2-29, and applicable Rules and Regulations of the Safety Fire Commissioner. as set forth in Rule ~~120-3-7-10~~ of these Rules and Regulations.
- (8) In situations where persons otherwise would be entitled to a hearing prior to an order, the Commissioner may issue an order to become effective within twenty (20) days from the date of the order, unless persons subject to the order request a hearing within ten (10) days after receipt of the order. Failure to make a request shall constitute a waiver of any provision contained herein for the hearing.
- (9) Any person who engages in any activities identified by the Manufactured Housing Act as requiring licensure as a manufacturer, retailer, retail broker or installer without having first obtained the appropriate license or who conducts said business without proper licensure or with an expired license shall be deemed to be in violation of the Manufactured Housing Act and shall be subject to the penalties prescribed in O.C.G.A. §§ 8-2-141 or 8-2-166 after notice and hearing as prescribed by this Regulation.
- (10) Lists of licensees shall be made available to the general public upon request pursuant to the provisions of O.C.G.A. § 50-18-70 et seq.

Authority: O.C.G.A. §8-2-133, 8-2-161, 8-2-164.