

IC 22-15-4

Chapter 4. Certification of Industrialized Building Systems and Mobile Structures

IC 22-15-4-1

Industrialized building systems; qualification for certification; seal; exemption

Sec. 1. (a) The division shall certify an industrialized building system for use in Indiana to an applicant who qualifies under this section. If an applicant qualifies for certification under this section, the division shall provide the applicant with a seal for the certified industrial building system.

(b) To qualify for a certification under this section, an applicant must:

- (1) submit proof that the division has issued a design release under IC 22-15-3 for the model or series of industrialized building systems being constructed;
- (2) demonstrate, in an in-plant inspection, that the industrialized building system covered by the application has been constructed in conformity with all applicable building laws and fire safety laws; and
- (3) pay the fee set by the commission under IC 22-12-6-6.

(c) The exemption under IC 22-13-4-2 applies to an industrialized building system certified under this section.

As added by P.L.245-1987, SEC.4. Amended by P.L.22-2005, SEC.48; P.L.1-2006, SEC.389.

IC 22-15-4-2

Mobile structures; qualification for certification; seal; exemption

Sec. 2. (a) The division shall certify a mobile structure for sale and use in Indiana for an applicant who qualifies under this section. If an applicant qualifies for certification under this section, the division shall provide the applicant with a seal for the certified mobile structure.

(b) To qualify for certification under this section, an applicant must:

- (1) submit proof that the division has issued a design release under IC 22-15-3 for the model or series of mobile structures being constructed;
- (2) demonstrate, in an in-plant inspection, that the mobile structure covered by the application has been constructed in conformity with all applicable building laws and fire safety laws;
- (3) certify in an affidavit that a seal provided by the division will not be attached to a mobile structure that does not conform to the requirements adopted by the commission in its rules; and
- (4) pay the fee set by the commission under IC 22-12-6-6.

(c) The exemption under IC 22-13-4-2 applies to a mobile

structure certified under this chapter.

As added by P.L.245-1987, SEC.4. Amended by P.L.22-2005, SEC.49; P.L.1-2006, SEC.390.

IC 22-15-4-3

Inspections and certifications; authorization

Sec. 3. The commission may authorize any qualified person to conduct inspections and issue certifications under this chapter.

As added by P.L.245-1987, SEC.4.

IC 22-15-4-4

Agreements for certification outside Indiana; requirements

Sec. 4. (a) The department may enter into an agreement under IC 22-13-2-12 to authorize the sale and use of industrialized building systems and mobile structures that are not certified under section 1 or 2 of this chapter but are certified under the requirements of any of the following:

- (1) The United States Department of Housing and Urban Development.
- (2) Another state.
- (3) A foreign country.

(b) The department may enter into an agreement under IC 22-13-2-12 to inspect and certify industrial building systems and mobile structures under the requirements of any of the following:

- (1) The United States Department of Housing and Urban Development.
- (2) Another state.
- (3) A foreign country.

As added by P.L.245-1987, SEC.4. Amended by P.L.101-2006, SEC.36.

IC 22-15-4-5

Sale or offering for sale of manufactured mobile structure that is kept or transported without required seal and affidavit; offense

Sec. 5. A person who offers to sell or sells for money or other consideration a mobile structure that:

- (1) is manufactured after:
 - (A) January 1, 1972, if the mobile structure is designed to be a dwelling; or
 - (B) June 30, 1987, if the mobile structure is not designed to be a dwelling; and
- (2) is kept or transported without:
 - (A) a seal issued under IC 9-8-1.5 (before its repeal on July 1, 1987) or section 2 or 4 of this chapter; and
 - (B) an affidavit from the manufacturer (if the mobile structure was manufactured in Indiana or the mobile structure was manufactured outside Indiana and has not been used by its owner) or a dealer who has sold at least three (3) mobile structures in the previous twelve (12) month period

(if the mobile structure was manufactured outside Indiana and the mobile structure has been used by its owner) that states that the mobile structure meets or exceeds the applicable requirements adopted by the commission in its rules or an agreement under IC 22-13-2-12;

commits a Class C infraction.

As added by P.L.245-1987, SEC.4. Amended by P.L.3-1990, SEC.79.

IC 22-15-4-6

Sale or offering for sale of certified mobile structure altered or converted in violation of rule; offense

Sec. 6. A person who offers to sell or sells a mobile structure that:

(1) was certified under IC 9-8-1.5 (before its repeal on July 1, 1987) or certified by the division under section 2 or 4 of this chapter; and

(2) has been altered or converted in violation of a rule adopted by the commission;

commits a Class C infraction.

As added by P.L.245-1987, SEC.4. Amended by P.L.3-1990, SEC.80; P.L.1-2006, SEC.391.

IC 22-15-4-7

Manufactured home standards; violations of 42 U.S.C. 5409, or regulation or final order issued thereunder; maximum judgment; offenses

Sec. 7. (a) For purposes of this section, a reference to 42 U.S.C. 5409 refers to that section as it existed on January 1, 2003.

(b) As used in this section, "purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

(c) A person who violates 42 U.S.C. 5409, or any regulation or final order issued under 42 U.S.C. 5409, is liable to the department for a civil penalty not to exceed one thousand dollars (\$1,000) for each violation. Each violation of 42 U.S.C. 5409, or any regulation or final order issued under 42 U.S.C. 5409, constitutes a separate violation with respect to:

(1) each manufactured home; or

(2) each failure or refusal to allow or perform an act required by 42 U.S.C. 5409 or a regulation or order issued under 42 U.S.C. 5409.

However, the maximum judgment imposed under this subsection may not exceed one million dollars (\$1,000,000) for any related series of violations occurring within one (1) year after the date of the first violation.

(d) The department may recover the civil penalty described in subsection (c) in a civil action commenced in any court with jurisdiction.

(e) Notwithstanding IC 35-50-3-2, an individual or a director, an officer, or an agent of a corporation who knowingly violates 42

U.S.C. 5409 in a manner that threatens the health or safety of any purchaser commits a Class A misdemeanor and shall be fined not more than one thousand dollars (\$1,000) dollars or imprisoned not more than one (1) year, or both.

As added by P.L.245-1987, SEC.4. Amended by P.L.222-1989, SEC.17; P.L.141-2003, SEC.12.