

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: S3/7/23  
**A Bill**

SENATE BILL 318

By: Senator Irvin

By: Representatives Gramlich, L. Johnson, Wardlaw

### **For An Act To Be Entitled**

AN ACT TO AMEND THE LAW CONCERNING THE ARKANSAS  
MANUFACTURED HOME COMMISSION; TO REQUIRE CIVIL  
PENALTIES ASSESSED BY THE ARKANSAS MANUFACTURED HOME  
COMMISSION TO BE ESTABLISHED BY RULE; AND FOR OTHER  
PURPOSES.

### **Subtitle**

TO AMEND THE LAW CONCERNING THE ARKANSAS  
MANUFACTURED HOME COMMISSION; AND TO  
REQUIRE CIVIL PENALTIES ASSESSED BY THE  
ARKANSAS MANUFACTURED HOME COMMISSION TO  
BE ESTABLISHED BY RULE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-25-104(c), concerning penalties for a violation concerning a manufacturer or retailer of manufactured homes, is amended to read as follows:

(c)(1)(A) Whoever violates any provision of Section 610 of Title VI of Pub. L. No. 93-383 or any regulation or final order issued pursuant to it shall be liable to the State of Arkansas for a civil penalty ~~not to exceed one thousand dollars (\$1,000) for each violation~~ established by the rules promulgated by the Arkansas Manufactured Home Commission and approved by the General Assembly.

(B) Each violation of a provision of Section 610 of Title



VI of Pub. L. No. 93-383 or any regulation or order issued pursuant to it shall constitute a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or perform an act required thereby.

~~(C) However, the~~ The maximum civil penalty shall not exceed ~~one million dollars (\$1,000,000)~~ the amount established under subdivision (c)(1)(A) of this section for any related series of violations occurring within one (1) year from the date of the first violation.

(2) Any individual or a director, officer, or agent of a corporation who knowingly violates Section 610 of Title VI of Pub. L. No. 93-383 in a manner that threatens the health or safety of any purchaser shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one (1) year, or both.

*SECTION 2. Arkansas Code § 20-25-105(a)(1), concerning the creation and members of the Arkansas Manufactured Home Commission, is amended to read as follows:*

*(a)(1) There is created the Arkansas Manufactured Home Commission consisting of ~~ten (10)~~ eight (8) members. Members shall be appointed by the Governor, ~~to be~~ and confirmed by the Senate, ~~and appointments shall be made in such a manner as to result in at least one (1) member residing in each congressional district as the congressional districts now and hereafter exist.~~ The members shall be representative of the following interests:*

*(A) Four (4) members shall be active in the manufactured home industry and licensed or certified under this chapter at the time of their appointment; and*

*(B) ~~Five (5)~~ Four (4) members shall be from the public at large and shall not be employed by or retired from an entity licensed or certified under this chapter at the time of their appointment; and*

*~~(C) One (1) member shall be sixty (60) years of age or older and represent the elderly. He or she shall not be actively engaged in or retired from the manufactured home industry.~~*

*SECTION 3. Arkansas Code § 20-25-106(g), concerning the authority of the Arkansas Manufactured Home Commission to impose a monetary penalty in lieu of other disciplinary action, is amended to read as follows:*

(g)(1) In lieu of suspension, revocation, or refusal to renew a license certification, the commission shall have the authority to impose a monetary penalty and may suspend, refuse to renew, or revoke the license or certification until the penalty is paid to the commission.

(2) The penalty shall:

(A) ~~be~~ Be imposed only if the commission formally finds that:

(i) ~~the~~ The public welfare would not be impaired by the imposition of a monetary penalty rather than suspension, refusal to renew, or revocation of a license or certification; and

(ii) ~~that payment~~ Payment of the monetary penalty should achieve the desired disciplinary purpose~~;~~ and

(B) Not be abated by a subsequent surrender, suspension, failure or refusal to renew a license, or revocation of the license or certification.

~~(2)(3)(A)~~ (3)(A) No monetary penalty imposed by the commission shall exceed ~~one thousand dollars (\$1,000) per violation~~ the penalty established by the rules promulgated by the commission and approved by the General Assembly.

(B) Each separate transaction shall constitute a separate violation.

~~(3)(4)~~ (4) ~~The~~ Except as provided under subdivision (g)(1) of this section, the commission shall not impose a civil penalty upon any person whose license or certification is surrendered, suspended, revoked, or not renewed under this section.

*/s/ Irvin*