

## **BILL ANALYSIS**

C.S.H.B. 610  
By: Larson  
Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law requires a person who sells two or more manufactured homes in a 12-month period to obtain a retailer's license for which the applicant must satisfy multiple requirements, including requirements relating to education, testing, and fees. Interested parties observe that there are owners of manufactured home communities who wish to sell the community to a buyer in a business-to-business sale without having to obtain a retailer's license. C.S.H.B. 610 seeks to allow the owner of a manufactured home community to undertake such a sale without a retailer's license.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Housing and Community Affairs in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 610 amends the Occupations Code to exempt a person from being required to hold a retailer's license under the Texas Manufactured Housing Standards Act in any 12-month period if during that period the person makes not more than two qualifying sales and does not sell any manufactured home other than through those qualifying sales. The bill defines "qualifying sale" as a sale of two or more manufactured homes that are considered to be personal property and sold in a single transaction as part of a manufactured home community. The bill requires the Texas Department of Housing and Community Affairs operating through its manufactured housing division by rule to develop a form necessary for a person to establish eligibility for the exemption. The bill establishes that a person who is eligible for the exemption remains subject to certain other applicable provisions of law regarding the sale of manufactured homes.

### **EFFECTIVE DATE**

September 1, 2013.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 610 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

SECTION 1. Subchapter C, Chapter 1201, Occupations Code, is amended by adding Section 1201.1025 to read as follows:  
Sec. 1201.1025. EXEMPTION FROM

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Subchapter C, Chapter 1201, Occupations Code, is amended by adding Section 1201.1025 to read as follows:  
Sec. 1201.1025. EXEMPTION FROM

RETAILER'S LICENSE REQUIREMENT.

(a) In this section, "qualifying sale" means a sale of two or more manufactured homes that are:

- (1) considered to be personal property; and
- (2) sold as part of a manufactured home community as defined by Section 94.001, Property Code.

(b) Notwithstanding any other law, in any 12-month period a person is exempt from holding a retailer's license as required by Section 1201.101(b) if during that period the person:

- (1) makes not more than two qualifying sales; and
- (2) does not sell any manufactured home other than through those qualifying sales.

(c) The department by rule shall develop a form necessary for a person to establish eligibility for the exemption provided by this section.

(d) A person who is eligible for an exemption under this section remains subject to the other applicable provisions of this subchapter regarding the sale of manufactured homes.

SECTION 2. The change in law made by this Act applies only to the sale of manufactured homes on or after the effective date of this Act. A sale of manufactured homes before that date is governed by the law in effect on the date of the sale, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

RETAILER'S LICENSE REQUIREMENT.

(a) In this section, "qualifying sale" means a sale of two or more manufactured homes that are:

- (1) considered to be personal property; and
- (2) sold in a single transaction as part of a manufactured home community as defined by Section 94.001, Property Code.

(b) Notwithstanding any other law, in any 12-month period a person is exempt from holding a retailer's license as required by Section 1201.101(b) if during that period the person:

- (1) makes not more than two qualifying sales; and
- (2) does not sell any manufactured home other than through those qualifying sales.

(c) The department by rule shall develop a form necessary for a person to establish eligibility for the exemption provided by this section.

(d) A person who is eligible for an exemption under this section remains subject to the other applicable provisions of this subchapter regarding the sale of manufactured homes.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.