

AN ACT

relating to the regulation of manufactured homes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1201.1025, Occupations Code, is amended by adding Subsection (a-1) and amending Subsection (c) to read as follows:

(a-1) A person is exempt from holding a retailer's license as required by Section 1201.101(b) if all manufactured homes sold or offered for sale by the person are:

(1) located in a manufactured home community, as defined by Section 94.001, Property Code; and

(2) sold or offered for sale to the same purchaser in connection with a sale of the real property of the community.

(c) A person who is eligible for an exemption under this section remains subject to the other applicable provisions of this subchapter and department rules regarding the sale or transfer of manufactured homes.

SECTION 2. Section 1201.153(c), Occupations Code, is amended to read as follows:

(c) The notice must:

(1) contain the information required by:

(A) the United States Department of Housing and Urban Development; or

(B) the board; and

1 any other law, the filing of a financing statement to perfect a lien
2 [~~security agreement~~] on the inventory of a retailer as described by
3 Subsection (a) does not prevent a buyer in the ordinary course of
4 business, as defined by Section 1.201, Business & Commerce Code,
5 from acquiring good and marketable title free of that lien, and the
6 department may not consider that lien for the purpose of title
7 issuance.

8 SECTION 5. Section 1201.357(b), Occupations Code, is
9 amended to read as follows:

10 (b) If the manufacturer, retailer, or installer, as
11 applicable, fails or refuses to provide warranty service in
12 accordance with the department order under Section 1201.356, the
13 director may [~~shall~~] hold an informal meeting at which the
14 manufacturer, retailer, or installer must show cause as to why the
15 manufacturer's, retailer's, or installer's license should not be
16 suspended or revoked and at which the consumer may express the
17 person's views. Following the meeting, the director shall either
18 resolve the matter by agreed order, dismiss the matter if no
19 violation is found to have occurred, or institute an administrative
20 action, which may include license suspension or revocation, the
21 assessment of administrative penalties, or a combination of such
22 actions.

23 SECTION 6. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 2706 was passed by the House on April 14, 2023, by the following vote: Yeas 120, Nays 23, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2706 on May 25, 2023, by the following vote: Yeas 127, Nays 12, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2706 was passed by the Senate, with amendments, on May 21, 2023, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor