

Chapter Ind 14

MOBILE HOMES

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**Part I
GENERAL**

Ind 14.001 Purpose. The purpose of this code is to promote the health, safety and welfare of the public by the adoption of uniform construction standards, inspection procedures, licensing of manufacturers and warranty for mobile homes; and to promote interstate uniformity through reciprocal agreements with other states and the federal government.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74.

Ind 14.002 Scope. (1) This code applies to:

(a) Mobile homes manufactured, distributed, sold or offered for sale in the state of Wisconsin, including materials, methods and equipment used in the construction thereof.

(b) Licensing of mobile home manufacturers.

(c) Certification of inspection agencies.

(d) Warranty of mobile homes.

(e) Reciprocal agreements with other states.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74.

Ind 14.003 Exemptions. (1) This code does not apply to the following:

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(a) Mobile homes manufactured prior to the first effective date of this code.

(b) Mobile homes manufactured and used primarily for purposes other than human habitation.

(c) Any unit or section which does not meet the definition of mobile home as found in this chapter.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74.

Ind 14.004 Change of ownership, name or address. (1) New or existing manufacturers, dealers and inspection agencies shall notify the department within 10 days of any change of ownership, name or address.

(2) New owners of manufacturing plants shall comply with the requirements of s. Ind 14.10.

(3) New owners of inspection agencies shall comply with the requirements of s. Ind 14.60.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74.

Ind 14.005 Responsibility. Department approval shall not be construed as the assumption of any of the responsibilities of others mentioned in this code.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74.

Ind 14.006 Fees. Fees shall be submitted in accordance with the provisions of ch. Ind 69, Fee Schedule.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74; r. and recr. Register, August, 1980, No. 296, eff. 9-1-80.

Ind 14.007 Appeals. (1) **RIGHT TO APPEAL.** Any person aggrieved by any rule in this code shall have the right to appeal to the department as provided for in Wisconsin Statute 101.02 (6) (e)—(i) and (8).

(a) Such appeal shall be in writing and shall be accompanied by plans, specifications or other information necessary for adequate evaluation of the relief requested.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74.

Ind 14.008 Penalties. Any person violating any rule of this code is subject to the penalties prescribed in the laws of Wisconsin.

Note: The following is an excerpt of the Wisconsin Statutes relating to the penalties for violation of the laws and rules in the design, construction and warranty of mobile homes.

Penalty related to design and construction. 101.94 "(5) Any person who violates this section shall forfeit not less than \$50 nor more than \$500 for each such violation and may be required to indemnify the purchaser for damages caused. Each day the violation continues shall constitute a separate violation."

Penalty related to warranty. "218.17 PENALTIES (1) Any person who violates any provision of ss. 218.14 to 218.16, or any rule promulgated under ss. 218.14 to 218.16, may be fined not more than \$1,000 or imprisoned for not more than 6 months, or both.

"(2) In any court action brought by the department of industry, labor and human relations for violations of this subchapter, the department may recover all costs of testing and investigation, in addition to costs otherwise recoverable, if it prevails in the action.

"(3) Nothing in this subchapter prohibits the bringing of a civil action against a mobile home manufacturer, dealer or salesperson by an aggrieved customer. If judgment is rendered for the customer based on an act or omission by the manufacturer, dealer or salesperson,

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which constituted a violation of this subchapter, the plaintiff shall recover actual and proper attorney's fees in addition to costs otherwise recoverable."

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74.

Ind 14.009 Definitions. (1) **GENERAL.** For purposes of this code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section. Words used in singular include the plural, the plural the singular.

(2) **ALTERATION.** The replacement, addition, modification, removal or function of any equipment or installation which may affect a construction, plumbing, heat producing or electrical system subject to this code.

(3) **APPROVAL.** Acceptable within the limits of this code and criteria established by this department.

(4) **DATE OF MANUFACTURE.** The month, day and year a chassis is placed on the assembly line for construction of a mobile home to begin.

(5) **DELIVERY DATE.** The date on which a mobile home is physically delivered to the site chosen by the mobile home owner.

(6) **DEPARTMENT (DILHR).** The department of industry, labor and human relations.

(7) **DESIGNATED MANUFACTURER'S REPRESENTATIVE.** A person authorized by the manufacturer and having qualifications acceptable to the department to certify each mobile home as being manufactured in compliance with the rules of this code.

(8) **INSPECTION AGENCY.** An independent person or organization, private or public, certified by the department to serve in the evaluation, inspection, testing, listing, approval or labeling of mobile homes, components, materials, methods or equipment regulated by this code.

(9) **LABEL.** A seal or insignia issued or accepted by the department to be affixed to mobile homes complying with this code.

(10) **LENGTH.** The largest of the exterior dimensions of a mobile home unit or section measured from the extreme front to the extreme rear, including expandable rooms, hitch, coupling, tongue and other attachments.

(11) **MOBILE HOME (HOME).** A vehicle having an overall length in excess of 45 feet or a body width of more than 8 feet designed to be towed on its own chassis (comprised of frame and wheels) as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used for year-round residential occupancy and designed to be connected to utilities, excluding, however, recreational vehicles. The mobile home includes the mobile home structure, including the plumbing, heating and electrical systems and all appliances and all other equipment carrying a manufacturer's warranty.

(12) **MOBILE HOME DEALER (DEALER).** A person who, for a commission or other thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an interest in mobile homes or who is engaged wholly or in part in the business of selling mobile homes, whether or not the mobile homes are owned by that person but does not include:

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(a) A receiver, trustee, administrator, executor, guardian or other person appointed by or acting under the judgment or order of any court.

(b) Public officers while performing their official duties.

(c) Any employe of a person enumerated in par. (a) or (b).

(d) Any lender as defined in s. 241.301 (22), Stats.

(e) Persons transferring a mobile home registered in their own name and used for their personal, family or household purposes, if the transfer is an occasional sale and is not part of the business of the transferor.

(13) **MOBILE HOME MANUFACTURER (MANUFACTURER)**. Any person within or without this state who manufactures or assembles mobile homes for sale in this state.

(14) **MOBILE HOME OWNER**. Any person or lessee thereof who purchases a mobile home primarily for use for personal, family or household purposes.

(15) **MOBILE HOME SALESPERSON**. Any person who is employed by a mobile home manufacturer or dealer to sell or lease mobile homes.

(16) **MOBILE HOME SECTION (SECTION)**. A portion of a mobile home which when installed does not provide all the facilities for year-round residential occupancy.

(17) **MOBILE HOME UNIT (UNIT)**. A complete mobile home which when installed provides all the facilities for year-round residential occupancy.

(18) **MODEL**. A specific design of a mobile home which distinguishes it from another within a model group.

(19) **MODEL GROUP**. Two or more models as designated by the manufacturer.

(20) **NEW MOBILE HOME**. A mobile home which has never been occupied, used or sold for personal or business use, manufactured or assembled after the first effective date of this code.

(21) **REASONABLE CARE AND MAINTENANCE**. A determination made by the department on an individual basis after investigation.

(22) **RECREATIONAL VEHICLE**. A vehicle having an overall length of 45 feet or less and a body width of 8 feet or less primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

(23) **UNINHABITABLE**. A situation resulting from a violation of a code rule of sufficient gravity as to be expected to seriously endanger the health, safety or welfare of the occupants.

(24) **USED MOBILE HOME**. A mobile home which has previously been occupied, used or sold for personal or business use, manufactured or assembled after the first effective date of this code.

(25) **WIDTH.** The least of the exterior dimensions of a mobile home unit or section including roof overhangs, bay windows, awnings and similar accessories and permanent projections.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74; am. (1), (12) (Intro.), (b) and (c), Register, June, No. 270, eff. 7-1-78.

Part II CONSTRUCTION

Ind 14.01 Adoption of and consent to incorporate A119.1—1974.

(1) The "Standard for Mobile Homes," designated as ANSI A119.1—1974 and adopted by the American national standards institute January 17, 1974, is hereby incorporated by reference into this code, subject to omissions shown in (b) [(c)].

(a) Interim amendments of A119.1—1974 shall have no effect in the state of Wisconsin until such time as this section is correspondingly revised to reflect those amendments.

(b) National Institute of Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, Ohio 45226, NIOSH Manual of Analytic Methods, NIOSH 77-157-A, 1977.

(c) Omissions from A119.1—1974 shall be as specific below and are not incorporated as a part of this code.

1. A119.1—1974, Part A—General, section 2.1, definition of "mobile home" is omitted.

2. A119.1—1974, Part C—Plumbing Systems, is entirely omitted (see Ind 14.02 (1) (a)).

Note: See Wis. Adm. Code H 62, Design, Construction, Installation, Supervision and Inspection of Plumbing, for rules applicable to plumbing systems.

(d) Copies of the aforementioned standard are on file in the offices of the department of industry, labor and human relations; the secretary of state; and the revisor of statutes.

(2) Pursuant to section 227.025, Wis. Stats., consent has been granted to incorporate by reference the rules contained in A119.1—1974, "Standard for Mobile Homes," adopted by the American national standards institute January 17, 1974, except those omitted in (1) (b) [(c)].

(a) Copies of the ANSI A119.1—1974, "Standard for Mobile Homes," may be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018; National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210; Mobile Homes Manufacturers Association, 6650 North Northwest Highway, Chicago, Illinois 60631; and the Trailer Coach Association, 3855 East LaPalma Avenue, Anaheim, California 92806.

(b) Copies of NIOSH 77-157-A, 1977, "Manual of Analytic Methods", volume I, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402 (Order DHEW (NIOSH) publication number 77-157-A).

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74; renum. (1) (b) and (c) to be (1) (c) and (d), cr. (1) (b), Register, March 1981, No. 303, eff. 10-1-81.

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Ind 14.02 Design and construction. (1) The design and construction of mobile homes manufactured or assembled after the first effective date of this code shall conform to ANSI Standard A119.1—1974 and all additions or revisions thereto adopted by the department.

Note: The first effective date of this code is October 1, 1974.

(a) Exception. Plumbing systems shall conform to the applicable rules of the Wis. Adm. Code, ch. H 62, Design, Construction, Installation, Supervision and Inspection of Plumbing.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74.

Ind 14.03 Indoor ambient air quality standards. (1) **CHEMICAL LEVELS.** All new mobile homes offered for retail sale in Wisconsin on or after the effective date of this rule shall not exceed the chemical concentrations in ambient indoor air established in Table 14.03.

TABLE 14.03

Effective Date	Chemical	Ambient Indoor Air Maximum Concentration
Six Months Following Publication	Formaldehyde	.4 ppm Time Weighted Average (TWA) for duration of test

(2) **INDOOR TEST.** Tests shall be performed in the mobile home to determine the presence and concentration of formaldehyde (HCHO).

(3) **TEST METHODS.** All tests for formaldehyde in the ambient air shall be conducted in accordance with the National Institute of Occupational Safety and Health Manual of Analytical Methods, NIOSH 77-157-A, 1977, or other test methods approved by the department.

(4) **TEST CONDITIONS AND PROCEDURES.** The following applicable conditions and procedures shall be adhered to during the testing specified in Table 14.03:

(a) *Temperature and relative humidity.* Testing shall be carried out at an indoor temperature within the range from 70° F. to 85° F. and at ambient relative humidity conditions. The resulting formaldehyde test levels shall be corrected to a 78° F. condition using the following formula:

$$C = C_0 \times e^{-R(1/t - 1/t_0)}$$

Where,

- C = Test Formaldehyde Concentration Level
- C₀ = Corrected Formaldehyde Concentration Level
- e = Natural Log Base
- R = Coefficient of Temperature = 9799
- t = Actual Test Condition Temperature in °K
- t₀ = Corrected Temperature in °K

(b) *Ventilation.* The mobile home shall be aired out at a ventilation rate of at least 1 outdoor air change per hour, with all interior doors,

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cabinets, closets and drawers open for maximum air exchange, for 2 hours prior to the close-up period. The windows and exterior doors of the mobile home shall be closed for 2 hours prior to commencement of the test with all nonvented gas appliances turned off and no smoking permitted while the home is closed prior to testing and during the test.

1. *Exception.* Mobile homes equipped to provide tempered outside air may be tested with the ventilation system operating at a maximum rate of 1 air change per hour.

(c) *Furniture and contents.* Tests shall be conducted with carpeting, furniture, draperies and other furnishings in place.

(d) *Location of samples.* Samples shall be taken in the habitable portion of each of the following habitable rooms:

1. Bedroom
2. Kitchen, on or in vicinity of kitchen cabinets
3. Living room

(e) *Length of sampling.* The test sampling for both indoor and outdoor ambient air shall be performed for at least one hour, unless otherwise approved by the department.

(5) **TEST RESULTS AND TEST REPORT.** (a) *Validity.* No tests shall be considered valid for the determination of formaldehyde concentration in the air unless made after a minimum of 60 days from the date of the manufacture of the mobile home tested.

(b) *Test results.* The ambient indoor formaldehyde concentration of a mobile home shall be the arithmetic average of the 3 samples specified in sub. (4) (d).

(c) *Test report.* A test report shall be made on each mobile home tested pursuant to this rule, and shall contain the following information: name of manufacturer; serial number; model name; indoor temperature; indoor barometric pressure and relative humidity; location of test samples; indoor air formaldehyde concentration; outdoor temperature; and outdoor relative humidity and barometric pressure. The manufacturer shall keep copies of the test reports at the manufacturing plant. The test reports shall be available for inspection by authorized representatives of the department during normal working hours.

(6) **RANDOM TESTING.** The department may conduct random testing of mobile homes to determine compliance with the indoor air quality standard specified in this section.

(7) **COMPLAINT TESTING.** (a) *Complaint test.* Upon complaint notification from an owner of a mobile home, the department or its authorized representative shall test the mobile home to determine compliance with the indoor air quality standards specified in Table 14.03. The department will not respond to complaints filed for mobile homes which are more than 24 months old, including mobile homes where the manufacturer has extended the warranty beyond the 24 month period.

(b) *Retesting.* The department or its authorized representative will limit mobile home retesting to mobile homes in which nonconformance

with the indoor air quality standard specified in Table 14.03 have been found and in which modifications have been made by the manufacturer.

(8) **COST OF TESTS.** (a) *Cost to manufacturer.* The manufacturer shall bear the cost of complaint investigation tests conducted by the department where the maximum formaldehyde concentration exceeds that specified in Table 14.03, and any testing conducted by the manufacturer. Where random tests are performed, and the formaldehyde concentration exceeds that specified in table 14.03, the manufacturer shall bear the costs of such tests.

(b) *Cost to owner.* The owner shall bear the cost of complaint investigation tests conducted by the department when the maximum concentration is equal to or less than that specified in Table 14.03.

(9) **CORRECTIVE ACTION.** (a) *In excess of code allowable concentrations.* If the department determines after investigation that the formaldehyde emissions from mobile home building products as sold by the manufacturer exceed the concentration specified in Table 14.03, the manufacturer shall, within 30 days of departmental notification, lower the concentration to a level equal to or less than the maximum concentration specified in Table 14.03, notwithstanding the provisions of s. Ind 14.50. Mobile homes with formaldehyde concentrations in excess of those specified in Table 14.03 shall be tagged as specified in s. Ind 14.46. Dilution of indoor air by mechanical means up to 1 air change per hour may be used to lower the concentration to the standard specified in Table 14.03.

(b) *Equal to or less than code allowable concentrations.* If the formaldehyde emissions from the mobile home building products as sold by the manufacturer is equal to or less than the maximum concentration specified in Table 14.03, no corrective action is necessary on the part of the manufacturer.

(10) **PRODUCT SAFETY INFORMATION.** (a) *Pre-sale warning.* Prior to retail sale, the purchaser shall be notified in writing that building materials and other products in mobile homes may emit formaldehyde and that some persons have experienced unpleasant odors and adverse physical effects from such vapors including eye, nose and throat irritation. The wording of the warning shall be approved by the department and shall state that the mobile home meets the allowable level of formaldehyde concentrations specified in Table 14.03, 60 days after the date of manufacture of the mobile home. The warning shall indicate that formaldehyde concentrations are regulated by the Wisconsin Department of Industry, Labor and Human Relations.

(b) *Mobile home label.* All mobile homes offered for retail sale in this state on or after the effective date of this rule shall have affixed to the front door a pre-sale warning label which shall be obtained from the department and which shall read as follows:

WARNING

Formaldehyde concentrations in this mobile home are regulated by the Wisconsin Department of Industry, Labor and Human Relations. Product safety information, approved by the department about the effects of formaldehyde and the department's regulation of formaldehyde shall be provided to the purchaser prior to the sale of this home. This label shall

not be removed by the mobile home manufacturer or any person offering this mobile home for retail sale in Wisconsin.

(c) *Removal of label.* Any mobile home manufacturer or person offering the mobile home for retail sale in Wisconsin who removes the label specified in par. (b) prior to the sale of the mobile home shall be subject to the penalties and remedies of the laws and regulations of this code.

(11) **SEVERABILITY.** Should any subsection or portion of this section be declared invalid or unconstitutional for any reason, the remainder of the section shall not be affected thereby.

History: Cr. Register, March, 1981, No. 303, eff. 10-1-81.

Part III LICENSING

Ind 14.10 Licensing. (1) All manufacturers shall obtain a license issued by the department before manufacturing, selling or offering mobile homes for sale in Wisconsin.

(a) A separate license shall be required for each manufacturing plant location.

(b) Licenses shall be renewed by January 1st of each year.

(2) All manufacturers applying for a license shall certify that they will comply with this code and the Wisconsin Statutes.

(3) The manufacturer shall keep such license at the plant location for which the license is issued.

(4) Failure of the manufacturer to comply with the rules of this code or Wisconsin Statutes shall constitute grounds for department revocation or suspension of such license.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74; am. (2), Register, June, 1978, No. 270, eff. 7-1-78.

PART IV APPROVALS, CONFORMANCE, QUALITY CONTROL

Ind 14.20 Application for plans and specifications approval. (1) All manufacturers, prior to the construction of any model, shall submit all information required by this section for each manufacturing location. Submittals shall be made to: