

Chapter ILHR 27

MOBILE HOMES

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Note: Chapter Ind 14 was renumbered to be Chapter ILHR 27 pursuant to s. 13.93 (2m) (b) 1, Stats., Register, March, 1985, No. 351.

**Subchapter I
GENERAL**

ILHR 27.001 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.

ILHR 27.002 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.

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(e) Reciprocal agreements with other states.

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

ILHR 27.003 Exemptions. (1) This code does not apply to the following:

(a) Mobile homes manufactured prior to October 1, 1974.

(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; correction in (1) (a) under s. 13.93 (2m) (b) 14, Stats., Register, March, 1985, No. 351.

ILHR 27.004 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. ILHR 27.10.

(3) New owners of inspection agencies shall comply with the requirements of s. ILHR 27.60.

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

ILHR 27.005 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.

ILHR 27.006 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.

ILHR 27.007 Petition for variance. (1) **PROCEDURE.** The department shall consider and may grant a variance to an administrative rule upon receipt of a fee, a completed petition for variance form from the owner and, where applicable, a completed position statement from the chief of the local fire department, provided an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. The department may impose specific conditions in granting a variance to promote the protection of the health, safety and welfare of the employees or the public. Violation of the conditions under which the variance is granted shall constitute a violation of this chapter.

Note 1: Copies of the petition for variance (form SB-8) and the position statement (form SB-8A) are available at no charge from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

Note 2: Section 101.02 (6), Stats., outlines the procedure for submitting petitions to the department and the department procedures for hearing petitions.

(2) **PETITION PROCESSING TIME.** Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and Register, March, 1985, No. 351

fees required to complete the review. The department shall process priority petitions within 10 business days.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74; r. and recr. Register, March, 1985, No. 351, eff. 4-1-85.

ILHR 27.008 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 "(8) (a) A person who violates this subchapter or a rule or order issued under this subchapter shall forfeit not more than \$1,000 for each violation. Each violation of this subchapter constitutes a separate violation with respect to each manufactured home or mobile home or with respect to each failure or refusal to allow or perform an act required by this subchapter, except the maximum forfeiture under this subsection may not exceed \$1,000,000 for a related series of violations occurring within one year of the first violation.

(b) Any individual or a director, officer or agent of a corporation who knowingly and wilfully violates this subchapter in a manner which threatens the health or safety of a purchaser shall be fined not more than \$1,000 or imprisoned not more than one year or both."

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, 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.

ILHR 27.009 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:

(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. 421.301 (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 October 1, 1974.

(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 October 1, 1974.

(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 (e), Register, June, No. 270, eff. 7-1-78; correction in (20) and (24) made under s. 13.93 (2m) (b) 14, Stats., Register, March, 1985, No. 350.

Subchapter II CONSTRUCTION

ILHR 27.01 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 specified in par. (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 Analytical Methods, Second Edition, Volume 1, NIOSH 77-157-A, 1977, method number P & CAM 125, Formaldehyde in Air, except as amended by NIOSH Manual of Analytical Methods, Vol. 7, DHSS (NIOSH) Publication No. 82-100, August, 1981, Page xi.

(c) Omissions from A119.1—1974 shall be as specified 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 s. ILHR 27.02 (1) (a)).

Note: See ch. ILHR 82, Design, Construction, Installation, Supervision and Inspection of Plumbing, for rules applicable to plumbing systems.

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(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 s. 227.025, 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 sub. (1) (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.

Note: The current address of the National Fire Protection Association is Batterymarch Park, Quincy, Mass. 02269.

(b) Copies of NIOSH 77-157-A, 1977, "Manual of Analytical Methods," volume 1, 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; am. (1) (intro) and (b), Register, April, 1982, No. 316, eff. 5-1-82; correction made in (2) (intro.) under s. 13.93 (2m) (b) 7, Stats., Register, March, 1985, No. 351.

ILHR 27.02 Design and construction. (1) The design and construction of mobile homes manufactured or assembled after October 1, 1974 shall conform to ANSI Standard A119.1—1974 and all additions or revisions thereto adopted by the department.

(a) Exception. Plumbing systems shall conform to the applicable rules of ch. ILHR 82, Design, Construction, Installation, Supervision and Inspection of Plumbing.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74; corrections made under s. 13.93 (2m) (b) 7 and 14, Stats., Register, March, 1985, No. 351.

ILHR 27.03 Indoor ambient air quality standards. (1) **CHEMICAL LEVELS.** All new mobile homes designed and constructed on or after the effective date of this rule and offered for retail sale in Wisconsin shall not exceed the chemical concentration in ambient indoor air established in Table ILHR 27.03 as of 60 days after the date of manufacture.

TABLE ILHR 27.03

Chemical	Ambient Indoor Air Maximum Concentration
Formaldehyde	.40 ppm time weighted average (TWA) for duration of test

(a) *Sale of mobile homes.* Nothing in this section shall preclude the sale of mobile homes within the 60 day period from the date of manufacture.

(b) *Penalties.* The penalty provisions of s. 101.94 (8), Stats., for enforcement of ambient air quality standards shall apply only where cor-
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reactive action as specified in sub. (9) is not taken and for failure to comply with the product safety information provisions of sub. (10).

(2) **INDOOR TESTS.** Tests performed to determine the presence and concentration of formaldehyde (HCHO), shall be performed within the mobile home. This section does not require mandatory in-plant testing of mobile homes at the manufacturing plant or dealer's lot.

(3) **TEST METHODS.** All tests performed by the department to determine the presence and concentration of formaldehyde shall be conducted in accordance with the National Institute of Occupational Safety and Health Manual of Analytical Methods, Second Edition, Volume 1, NIOSH 77-157-A, 1977, method number P & CAM 125, Formaldehyde in Air, except as amended by NIOSH Manual of Analytical Methods, Vol. 7, DHSS (NIOSH) Publication No. 82-100, August, 1981, Page xi, or other test methods established by department rule.

(4) **SPECIAL TEST CONDITIONS AND PROCEDURES.** In addition to the test methods specified in sub. (3), the department shall comply with the following conditions and procedures:

(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:

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

Where,

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

(b) *Ventilation.* The mobile home shall be aired out with all interior doors, 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 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.* Except as specified in subd. 2., each sample shall be taken in the center of the habitable room, at a point which is approximately equidistant from opposing walls and at a height of 3½ to 4 feet above the floor. 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 will be made by the department on each mobile home tested pursuant to this section. The test report will 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 department will keep copies of the test reports for at least 24 months. The test reports will be available for inspection at the department during normal working hours. The department will provide a copy of the test report to the owner and manufacturer.

(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 ILHR 27.03. 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 ILHR 27.03 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 ILHR 27.03, and any testing conducted by the manufacturer. Where random tests are performed, and the formaldehyde concentration exceeds that specified in Table ILHR 27.03, 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 ILHR 27.03.

(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 manufac-

turer exceed the concentration specified in Table ILHR 27.03, 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 ILHR 27.03, notwithstanding the provisions of s. ILHR 27.50. Mobile homes with formaldehyde concentrations in excess of those specified in Table ILHR 27.03 shall be tagged as specified in s. ILHR 27.46. 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 ILHR 27.03.

(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 ILHR 27.03, 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 which may result in unpleasant odors and adverse physical effects including eye, nose and throat irritation in humans. The wording of the warning shall be approved by the department. 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 or 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 subjected to the penalties and remedies of the laws and regulations of this code.

History: Cr. Register, March, 1981, No. 303, eff. 10-1-81; am. (1), (2), (3), (4) (intro.) (b) and (d), (5) (c) and (10) (a), Register, April, 1982, No. 316, eff. 5-1-82; deleted (11) under s. 13.93 (2m) (b) 16, Stats., Register, March, 1985, No. 351.

Subchapter III LICENSING

ILHR 27.10 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.

(c) The department shall review and make a determination on an application to manufacture, sell or offer to sell mobile homes within 30 business days of receipt of all forms and documents required to complete the review of the application.

(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; cr. (1) (c), Register, March, 1985, No. 351, eff. 4-1-85.

Subchapter IV APPROVALS, CONFORMANCE, QUALITY CONTROL

ILHR 27.20 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. The department shall review and make a determination on an application for approval of a mobile home model within 3 months of receipt of the application, plans, specifications, forms and other documents required to complete the review. Submittals shall be made to:

(a) The department of industry, labor and human relations for manufacturing plants located in Wisconsin or out-of-state manufacturers not using approved inspection agencies.

(b) A department approved inspection agency, selected by the manufacturer, for plants located out of state.

(2) Information with submittals required by sub. (1) shall include:

(a) Five complete sets of plans and specifications.

1. The plans shall be prints that are drawn to scale, clear, legible and permanent and uniform in size.

2. Each page of the drawings shall include the title block indicating the name of the manufacturer, the manufacturing location(s) and the model.

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3. A title page with a table of contents shall be provided for each set of plans submitted.

Note: Plumbing drawings shall be included as a part of the plans required in par. (a). The department will forward them to the bureau of plumbing, for review.

- (b) Three quality control manuals.
- (c) Three copies of the identification system.
- (d) Three copies of the warranty.

Note: Once a manufacturer's quality control manual, identification system and warranty are approved, the copies required in pars. (b), (c) and (d) need not be submitted with subsequent plan submittals provided they are unchanged.

(e) Three complete sets of structural calculations, certified by a registered professional engineer or architect.

Note: If tests are to be made in lieu of calculations, the department reserves the right to approve and witness the test.

(f) One copy of the plans approval application form (supplied by the department).

(g) The plan review fees (see s. ILHR 27.006).

(h) All information deemed necessary by the department to ensure correct interpretation of the plans and specifications by department, inspection agency and manufacturing personnel.

(3) Manufacturers submitting applications and plans not conforming to this section will be notified in writing of information required. Failure to submit such information within 90 days shall constitute a nonapproval and all fees shall be forfeited.

(a) Subsequent submissions shall be processed as new applications.

(4) Manufacture shall not commence until all information required by this section has been approved.

(5) Manufacturers of component parts may submit plans, specifications, calculations, test reports and all other information deemed necessary by the department for approval.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74; am. (1) (intro.), Register, March, 1985, No. 351, eff. 4-1-85.

ILHR 27.21 Approval and disapproval of materials, methods and equipment. (1) The department may disapprove any material, method or equipment determined to be inadequate for the protection of health, safety and welfare, including those listed or labeled by an approved testing agency.

(2) The department shall review and make a determination on an application for approval of materials, methods and equipment within 30 business days of receipt of all forms, fees, plans and documents required to complete the review.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74; cr. (2), Register, March, 1985, No. 351, eff. 4-1-85.

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ILHR 27.22 Plans available. The manufacturer shall keep at the manufacturing site one copy of the approved plans, specifications and quality control manual for use by any authorized inspector.

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

ILHR 27.23 Conformance, changes. (1) Construction of the mobile home or component parts shall conform to the plans, specifications and methods as approved under the requirements of this code.

(2) Plans, specifications, warranties, quality control manual or component parts shall not be changed in any respect which may involve any provision of this code except with the written consent of the approving agency.

(3) No person shall alter a mobile home bearing an approved label where such alteration causes the mobile home to be in noncompliance with these rules.

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

ILHR 27.27 Quality control program. (1) A quality control program manual shall be developed which outlines a program adequate to ensure that the manufacturer will be able to construct the mobile home in accordance with the approved plans and specifications.

(a) The manual shall be on substantial paper, 8½" x 11".

Note: A recommended outline for the quality control manual for mobile homes can be obtained from the department.

(2) The manufacturer shall designate a qualified officer or employe to be responsible for the quality control program.

(a) Name and qualifications of the designated person shall be submitted to the department or inspection agency for approval.

(b) Where there is a change in personnel designated as the quality control inspector, the department shall be notified by following the procedure in par. (a).

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74; correction in (2) (b) made under s. 13.93 (2m) (b) 4, Stats., Register, March, 1985, No. 351.

Subchapter V LABELING

ILHR 27.30 Labels. (1) **LABELS REQUIRED.** All mobile homes manufactured within or out of this state and distributed or offered for sale in Wisconsin shall bear an approved label prior to leaving the manufacturing plant with the following exceptions:

(a) Exceptions:

1. Mobile homes distributed or offered for sale in this state and manufactured in a state with which a reciprocal agreement is in effect, shall bear a label complying with the terms established in the agreement.

2. Mobile homes manufactured prior to October 1, 1974.

(2) **APPROVAL FOR USE.** (a) Manufacturers shall not use department labels until approval(s) have been granted.

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(b) 1. Each manufacturer shall request an initial issuance of a 2 months supply of labels on a form furnished by the department.

2. Subsequent issuance of labels is contingent upon receipt of the department label-use form, accounting for labels used.

a. Replacement labels will be issued on a one-to-one basis.

3. Out-of-state manufacturers shall request department labels through their approved inspection agency.

4. Required fees shall be submitted with each request for labels.

5. Forms required by 1. and 2. shall be signed by the designee specified under s. ILHR 27.27 (2).

6. The department shall respond to requests for initial issuance and subsequent issuance of labels within 15 business days of receipt of the request from a manufacturer.

(c) All labels shall remain the property of the department.

(d) Any manufacturer continuing to produce mobile homes in nonconformance with this code after having been served with a notice setting forth in what respect the provisions of the code have been violated, shall be denied labels and the unused labels previously issued shall be returned to the department or inspection agency. Upon satisfactory proof of compliance, such manufacturer may resubmit for labels as specified in par. (b).

(3) ASSIGNMENT AND LOCATION. Labels shall be assigned, affixed and located in accordance with the following:

(a) Each label shall be assigned by department number and manufacturer's serial number and affixed to each completed unit or section which complies with the provisions of this code.

1. Labels shall be affixed by the designee specified under s. ILHR 27.27 (2).

(b) Assigned labels shall not be transferred and are void when not affixed as assigned.

1. Voided labels shall be returned to the department.

(c) Labels shall be securely affixed to the exterior of the unit or section and located in a conspicuous location, preferably as near as possible to the main door.

(4) REMOVAL OR REPLACEMENT. Authorization shall be obtained from the department to remove or replace a label.

(a) Any unauthorized person removing or replacing a label shall be subject to the penalties and remedies of the laws and regulations of this code.

(b) Any alteration made to a mobile home bearing an approved label, where such alteration causes the mobile home to be in noncompliance with these rules, shall be deemed just cause for removal of the label.

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(5) **COUNTERFEITING.** Any person counterfeiting or using counterfeit labels shall be subject to the penalties and remedies of the laws and regulations of this code.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74; cr. (2) (b) 6., Register, March, 1985, No. 351, eff. 4-1-85; correction in (1) (a) 2. under s. 13.93 (2m) (b) 14, Stats., Register, March, 1985, No. 351.

ILHR 27.31 Identification numbers. (1) Every unit or section shall be identified by the manufacturer with a serial number through a system acceptable to the department.

Note: The department will accept the numbering system recommended by the American association of motor vehicle administrators (AAMVA).

(2) Identification numbers shall be securely affixed in a visible and accessible location on the front structural frame cross member and shall be legible.

(3) The manufacturer shall submit an identification number coding system at the time of submitting plans for approval under s. ILHR 27.20.

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

Subchapter VI INSPECTION & ENFORCEMENT

ILHR 27.40 Right of entry. The department, by its representative, shall have the right, at all reasonable hours, to enter into and upon any facility producing mobile homes, materials, equipment or component parts thereof; any testing, inspection, evaluation or listing agency facility; and any mobile home park or dealer's premises to establish compliance with the rules of this code and those adopted for mobile home plumbing by the department.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74; correction made under s. 13.93 (2m) (b) 6, Stats., Register, March, 1985, No. 351.

ILHR 27.41 Violation corrections. Whenever a representative of the department finds violation of these rules, the party responsible therefore shall correct the violation within a reasonable time, such time to be fixed in an order.

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

ILHR 27.42 Inspection requests. All persons holding title to a mobile home affected by this code, may request an inspection of their home by the department. If the inspection request is related to obtaining a label, the owner shall submit a written request for a label. The department shall respond to a request for inspection of a mobile home within 10 business days of receipt of a request to inspect a mobile home from the owner of the mobile home.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74; am. Register, June, 1978, No. 270, eff. 7-1-78; am. Register, March, 1985, No. 351, eff. 4-1-85.

ILHR 27.46 Noncompliance tags. (1) Mobile homes found to be in nonconformance with the rules of this code shall be affixed with a noncompliance tag and violations shall be corrected before any unit or section is affixed with a label or is distributed or offered for sale in this state.

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(2) Noncompliance tags shall be affixed only by persons designated by the manufacturer as specified in s. ILHR 27.27 (2), the department or a certified inspection agency.

(3) Tags shall be attached in a conspicuous location on nonlabeled units, sections or components and at the location of the label on labeled units.

(4) A record of tags shall be maintained by the manufacturer or inspection agency and shall be made available to the department upon request.

(5) Tags shall be removed only by persons authorized under sub. (2).

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

Subchapter VII WARRANTIES & COMPLAINTS

ILHR 27.50 Warranty requirements. (1) **REQUIRED.** A one-year written warranty shall be provided for every new mobile home sold or leased by a manufacturer, dealer, salesperson or by any person who induces a resident of this state to enter into the transaction by personal, mail, telephone or other solicitation.

(2) **TERMS.** All warranties required in sub. (1) shall contain the following terms:

(a) That the mobile home meets those standards prescribed by law or the administrative rules of the department of industry, labor and human relations and the department of health and social services, which are in effect at the time of its manufacture.

1. That any alteration, other than the manufacturer's or dealer's correction of a defect in material or workmanship, without the approval of the department of industry, labor and human relations to the mobile home could affect the warranty and label certification.

a. Any such alteration shall not be a part of the warranty.

b. Alteration, as defined in ch. ILHR 27, Mobile Homes, is 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 the Wisconsin Mobile Home Code, ch. ILHR 27.

(b) That the mobile home is free from defects in material and workmanship and is reasonably fit for human habitation if it receives reasonable care and maintenance.

(c) That the manufacturer and/or dealer will take corrective action for defects which become evident within one year from the delivery date and which the home owner has given written notice to the manufacturer or dealer not later than one year and 10 days after the delivery date to the address set forth in the warranty.

(d) That the mobile home manufacturer and dealer will make the appropriate adjustments and repairs, within 30 days after notification of the defect, at the site of the mobile home without charge to the mobile home owner.

1. That any repair, replacement, substitution or alteration will restore the mobile home to the condition in which it was warranted except for reasonable wear and tear, at no cost to the purchaser or his assignee.

(e) That if during any period of time after notification of a defect, the mobile home is uninhabitable, that period of time will not be considered part of the one-year warranty period.

(f) A list of all parts and equipment not covered by the warranty.

(g) Date of delivery.

(3) **WAIVER.** No manufacturer or dealer shall waive any remedies under any law nor waiver, exclude, modify or limit any warranty, express or implied, including the implied warranty of merchantability and fitness for a particular purpose.

(4) **TRANSFERS.** Transfer of a mobile home from one owner or lessee to another during the effective period of the warranty shall not terminate the warranty.

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

ILHR 27.56 Complaints. (1) Any complaint received by the department which alleges violation of this code or warranty may be forwarded to the dealer and/or manufacturer involved who shall, within 30 days after receipt of the complaint notice, report to the department on the disposition of the complaint.

(a) Failure to correct legitimate code or warranty violations will result in a department investigation and assessment of appropriate fees.

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

Subchapter VIII INSPECTION AGENCIES

ILHR 27.60 Inspection agencies. (1) Any inspection or testing agency serving manufacturers licensed by the department shall obtain an annual certification.

(a) Exception: Any agency serving out-of-state manufacturing plants in states having a reciprocal agreement with this state shall obtain certification from such state.

(b) The department shall review and make a determination on an application for certification by an inspection or testing agency within 30 business days of receipt of an application, fees, and all related documents required to complete the review.

(2) To apply for department certification, the agency shall submit an application with the required fee to the department accompanied by written materials evidencing:

(a) The names and qualifications of agents or officers and location of offices.

(b) Certification through affidavit of independence and absence of conflict of interests.

(c) Procedures and facilities used in providing services, which assures compliance with the rules of this code.

(d) Recordkeeping systems adequate to carry out the objectives of the department.

(3) Any inspection agency to be certified by the department shall agree in writing:

(a) That the department may monitor by inspection any or all conditions specified in sub. (2);

(b) To make all information and records available upon request;

(c) To enforce all applicable rules of this code in the interest of life, health, safety and welfare.

(4) Any deficiencies found by the department during agency monitoring or field inspection and not corrected in a reasonable amount of time shall be cause for revocation or suspension of the agency's certification.

History: Cr. Register, September, 1974, No. 225, eff. 10-1-74; cr. (1) (b), Register, March, 1985, No. 351, eff. 4-1-85.

Subchapter IX RECIPROCTY

ILHR 27.70 Reciprocity. (1) Any state may establish a reciprocal agreement with this state provided:

(a) The state laws and regulations are equally effective as those specified in this code;

(b) The conditions of par. (a) are actually enforced;

(c) Such state agrees to monitoring of the reciprocal agreement by the department.

(2) Violations of any conditions of a reciprocal agreement may be deemed cause for suspension or revocation.

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

Subchapter X RECORDS

ILHR 27.80 Recordkeeping. (1) All manufacturers shall maintain records, as deemed necessary by the department, to substantiate compliance and distribution of all mobile homes.

(2) All dealers shall maintain records, as deemed necessary by the department, indicating the names and addresses of purchasers and delivery dates of mobile homes.

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

ILHR 27.81 Availability of records. Manufacturers and dealers shall provide access to the records mentioned in s. ILHR 27.80 upon request by the department and shall retain such records for at least 3 years after delivery date.

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