START\_STATUTE41-4001.  Definitions

In this chapter, unless the context otherwise requires:

1.  "Accessory structure" means the installation, assembly, connection or construction of any one‑story habitable room, storage room, patio, porch, garage, carport, awning, skirting, retaining wall, evaporative cooler, refrigeration air conditioning system, solar system or wood decking attached to a new or used manufactured home, mobile home or factory‑built building.

2.  "Act" means the national manufactured housing construction and safety standards act of 1974 and title VI of the housing and community development act of 1974 (P.L. 93‑383, as amended by P.L. 95‑128, 95‑557, 96‑153 and 96‑339).

3.  "Alteration":

(a)  Means the replacement, addition, modification or removal of any equipment or installation after the sale by a manufacturer to a dealer or distributor but before the sale by a dealer to a purchaser, which may affect compliance with the standards, construction, fire safety, occupancy, plumbing or heat‑producing or electrical system.

(b)  Does not include:

(i)  The repair or replacement of a component or appliance requiring plug‑in to an electrical receptacle if the replaced item is of the same configuration and rating as the component or appliance being repaired or replaced.

(ii)  The addition of an appliance requiring plug‑in to an electrical receptacle if the appliance is not provided with the unit by the manufacturer and the rating of the appliance does not exceed the rating of the receptacle to which the appliance is connected.

4.  "Board" means the board of manufactured housing.

5.  "Broker" means any person who acts as an agent for the sale or exchange of a used manufactured home or mobile home except as exempted in section 41‑4028.

6.  "Certificate" means a numbered or serialized label or seal that is issued by the director as certification of compliance with this chapter.

7.  "Closed construction" means any building, building component, assembly or system manufactured in such a manner that concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage or destruction.

8.  "Commercial" means a building with a use‑occupancy classification other than single‑family dwelling.

9.  "Component" means any part, material or appliance that is built‑in as an integral part of the unit during the manufacturing process.

10.  "Consumer" means either a purchaser or seller of a unit regulated by this chapter who uses the services of a person licensed by the department.

11.  "Consummation of sale" means that a purchaser has received all goods and services that the dealer or broker agreed to provide at the time the contract was entered into, the transfer of title or the filing of an affidavit of affixture, if applicable, to the sale. Consummation of sale does not include warranties.

12.  "Dealer" means any person who sells, exchanges, buys, offers or attempts to negotiate or who acts as an agent for the sale or exchange of factory‑built buildings, manufactured homes or mobile homes except as exempted in section 41‑4028.  A lease or rental agreement by which the user acquired ownership of the unit with or without additional remuneration is considered a sale under this chapter.

13.  "Defect" means any defect in the performance, construction, components or material of a unit that renders the unit or any part of the unit unfit for the ordinary use for which it was intended.

14.  "Department" means the Arizona department of housing.

15.  "Director" means the director of the department.

16.  "Earnest monies" means all monies given by a purchaser or a financial institution to a dealer or broker before consummation of the sale.

17.  "Factory‑built building":

(a)  Means a residential or commercial building that is:

(i)  Either wholly or in substantial part manufactured at an off‑site location and transported for installation or completion, or both, on‑site.

(ii)  Constructed in compliance with adopted codes, standards and procedures.

(iii)  Installed temporarily or permanently.

(b)  Does not include a manufactured home, recreational vehicle, panelized commercial building using open construction, panelized residential building using open or closed construction or domestic or light commercial storage building.

18.  "HUD" means the United States department of housing and urban development.

19.  "Imminent safety hazard" means an imminent and unreasonable risk of death or severe personal injury.

20.  "Installation" means:

(a)  Connecting new or used mobile homes, manufactured homes or factory‑built buildings to on‑site utility terminals or repairing these utility connections.

(b)  Placing new or used mobile homes, manufactured homes, accessory structures or factory‑built buildings on foundation systems or repairing these foundation systems.

(c)  Providing ground anchoring for new or used mobile homes or manufactured homes or repairing the ground anchoring.

21.  "Installer" means any person who engages in the business of performing installations of manufactured homes, mobile homes or factory‑built buildings.

22.  "Installer of accessory structures" means any person who engages in the business of installing accessory structures.

23.  "Listing agreement" means a document that contains the name and address of the seller, the year, manufacturer and serial number of the listed unit, the beginning and ending dates of the time period that the agreement is in force, the name of the lender and lien amount, if applicable, the price the seller is requesting for the unit, the commission to be paid to the licensee and the signatures of the sellers and the licensee who obtains the listing.

24.  "Local enforcement agency" means a zoning or building department of a city, town or county or its agents.

25.  "Manufactured home" means a structure built in accordance with the act.

26.  "Manufacturer" means any person that is engaged in manufacturing, assembling or reconstructing any unit regulated by this chapter.

27.  "Mobile home" means a structure built before June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on‑site utilities.  Mobile home does not include recreational vehicles and factory‑built buildings.

28.  "Office" means the office of manufactured housing within the department.

29.  "Open construction" means any building, building component, assembly or system manufactured in such a manner that all portions can be readily inspected at the building site without disassembly, damage or destruction.

30.  "Purchaser" means a person purchasing a unit in good faith from a licensed dealer or broker for purposes other than resale.

31.  "Qualifying party" means a person who is an owner, employee, corporate officer or partner of the licensed business and who has active and direct supervision of and responsibility for all operations of that licensed business.

32.  "Reconstruction" means construction work performed for the purpose of restoration or modification of a unit by changing or adding structural components or electrical, plumbing or heat or air producing systems.

33.  "Recreational vehicle" means a vehicular type unit that is:

(a)  A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold for camping.

(b)  A motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self‑propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

(c)  A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty square feet and not more than four hundred square feet when it is set up, except that it does not include fifth wheel trailers.

(d)  A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than three hundred twenty square feet.  This subdivision includes fifth wheel trailers.  If a unit requires a size or weight permit, it shall be manufactured to the standards for park trailers in a 119.5 of the American national standards institute code.

(e)  A portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

34.  "Residential" means a building with a use‑occupancy classification of a single-family dwelling or as governed by the international residential code.

35.  "Salesperson" means any person who, for a salary, commission or compensation of any kind, is employed by or acts on behalf of any dealer or broker of manufactured homes, mobile homes or factory‑built buildings to sell, exchange, buy, offer or attempt to negotiate or act as an agent for the sale or exchange of an interest in a manufactured home, mobile home or factory‑built building.

36.  "Seller" means a natural person who enters into a listing agreement with a licensed dealer or broker for the purpose of resale.

37.  "Site development" means the development of an area for the installation of the unit's or units' locations, parking, surface drainage, driveways, on‑site utility terminals and property lines at a proposed construction site or area.

38.  "Statutory agent" means a person who is on file with the corporation commission as the statutory agent.

39.  "Title transfer" means a true copy of the application for title transfer that is stamped or validated by the appropriate government agency.

40.  "Unit" means a manufactured home, mobile home, factory‑built building or accessory structures.

41.  "Used unit" means any unit that is regulated by this chapter and that has been sold, bargained, exchanged or given away from a purchaser who first acquired the unit that was titled in the name of that purchaser.

42.  "Workmanship" means a minimum standard of construction or installation reflecting a journeyman quality of the work of the various trades. END\_STATUTE