

RULES AND REGULATIONS

**CHAPTER 535-X-12T
TRANSPORTATION OF MANUFACTURED HOMES/BUILDINGS**

TABLE OF CONTENTS

535-X-12T-.01	Purpose
535-X-12T-.02	Definitions
535-X-12T-.03	Scope
535-X-12T-.04	Manufactured Housing Units That Shall Not Be Transported
535-X-12T-.05	Preparation of Manufactured Housing Units for Transport that Originates Outside of Alabama
535-X-12T-.06	Preparation of Manufactured Housing Units for Transport that Originates Within Alabama
535-X-12T-.07	Certification before Transport that Originates Within Alabama
535-X-12T-.08	Delivery of Manufactured Housing Units for Occupancy Within Alabama
535-X-12T-.09	Authorized Transporters of Manufactured Housing Units in Alabama
535-X-12T-.10	Transportation Damage
535-X-12T-.11	Penalties
535-X-12T-.12	Enforcement
535-X-12T-.13	Administrative Costs
535-X-12T-.01	Purpose

Code of Alabama Section 24-6-2 provides that the Alabama Manufactured Housing Commission "...shall function as the principal executive branch agency with powers to provide for a comprehensive manufactured and modular housing and building program with respect to construction, transportation, site location, or manufacturing standards for such structures." Under the same Section, the AMHC is further authorized and empowered to create and enforce regulations pertaining to the transportation of manufactured and modular housing and buildings in Alabama. This Chapter sets out the regulations pertaining to the transportation of manufactured and modular housing and buildings in Alabama.

535-X-12T-.02 Definitions

As used in this Chapter, the following terms shall have the meaning set out below:

- (1) AMHC – The Alabama Manufactured Housing Commission.
- (2) Certified Installer – A person or business entity certified by the AMHC to install a manufactured housing unit.
- (3) Commission – The Alabama Manufactured Housing Commission.
- (4) Manufactured Housing Unit - A manufactured home, manufactured house, manufactured building, modular home, modular house, modular building, or any portion of said structures. Consistent with Code of Alabama Section

24-4A-2, this includes any residential dwelling unit constructed to standards and codes as promulgated by the United States Department of Housing and Urban Development (“HUD”).

- (5) Roadways – Public roads, streets, and highways in Alabama.
- (6) Unit – A manufactured housing unit.
- (7) Transporter – A person or business entity who transports, hauls, or moves a manufactured housing unit.

535-X-12T-.03 Scope

This Chapter applies to all persons and business entities that prepare for transport or transport manufactured housing units into or within the State of Alabama. It is for the protection of the motoring public, pedestrians, and end-users of manufactured housing units.

535-X-12T-.04 Manufactured Housing Units That Shall Not Be Transported

The following manufactured housing units shall not be transported into or within Alabama unless the transporter has obtained a letter of exception from the AMHC:

- (a) Any manufactured home manufactured before June 15, 1976;
- (b) Any pre-HUD manufactured home;
- (c) Any manufactured housing unit without a valid HUD label; and,
- (d) Any manufactured housing unit set out in Section 535-X-12-.04(5) and (6) as not to be transported into Alabama, that is:
 - (1) Any manufactured housing unit that does not have a HUD label indicating federal construction and safety standards were met during construction;
 - (2) Any manufactured housing unit that has been altered structurally from the manufacturer’s design approval plan;
 - (3) Any manufactured housing unit that has been damaged by flood, wind, and/or fire;
 - (4) Any manufactured housing unit that has been denied siting in another State for reasons other than the federal zone requirements for wind, thermal, and/or roof load protection.

535-X-12T-.05 Preparation of Manufactured Housing Units for Transport that Originates Outside of Alabama

Preparation of the manufactured housing unit for transport where transportation originates outside of Alabama shall be in accordance with the laws and applicable rules for the State of origin.

535-X-12T-.06 Preparation of Manufactured Housing Units for Transport that Originates Within Alabama

Only AMHC licensed manufacturers, AMHC licensed retailers, and AMHC certified installers may prepare a manufactured housing unit located in Alabama for transport.

- (a) Only AMHC licensed manufacturers and AMHC licensed retailers may prepare a new manufactured housing unit located in Alabama for transport.
- (b) In the case of used manufactured housing units that have been occupied and where an AMHC licensed manufacturer or retailer is not involved, the following tasks must be completed:
 - (1) Anchoring systems and devices must be carefully removed in the reverse order from which they were installed.
 - (2) Ridge Caps must be removed from multi-section homes or buildings.
 - (3) Multi-section homes or buildings must be carefully separated following the reverse procedure used to connect homes or buildings together.
 - (4) The furnishings and contents must be either secured or removed.
 - (5) Plumbing, electrical, heat-producing equipment and air-conditioning must be properly disconnected by Alabama licensed/certified contractors who are otherwise regulated by State law.
 - (6) Wheels and axles must be properly installed to the frame of the home or building.
 - (7) All piers must be removed from under the home or building.
 - (8) The bottom board must be secured for movement.
 - (9) The unit must be secured to protect the inside of the home or building from moisture and wind damage.

535-X-12T-.07 Certification before Transport that Originates within Alabama

- (a) Where transport is to be performed by transporters who are not AMHC licensed manufacturers, AMHC licensed retailers, **or** AMHC certified installers:

If a manufactured housing unit has been prepared for transportation in accordance with 535-X-12T-.06 above and is to be transported by a federal motor carrier who is not an AMHC licensed manufacturer (or under written contract with said manufacturer), an AMHC licensed retailer (or under written contract with said retailer), or an AMHC certified installer, then the certified installer who prepared the unit for transport shall certify that, providing the transporter obeys speed restrictions and exercises ordinary care, the unit (1) has been properly prepared to prevent its components and contents from falling off during transportation; (2) is in such condition that it may safely be transported from its origin site over roadways without damage to the unit in transit and without causing a hazard to the motoring public; and, (3) is unlikely to be damaged in its being delivered to the destination site and disconnected from the delivering power unit. The certified installer shall notify the AMHC by priority mail, fax, or e-mail at least 72 hours before scheduled transport indicating that the home/building meets the three above conditions. An AMHC inspector will inspect the unit prior to its transportation and, if the unit is determined to be fit for transport, issue a decal authorizing its transport. The decal shall be valid for ten (10) days after issuance. The federal motor carrier will affix the decal in a position near the center of the back of the unit so it can be seen by an enforcement official.
- (b) Where transport is to be performed by AMHC certified installers:

If a manufactured housing unit has been prepared for transportation in accordance with 535-X-12T-.06 above and is to be transported by an AMHC certified installer, then the certified installer shall ensure that the unit (1) has been properly prepared to prevent its components and contents from falling off during transportation; (2) is in such condition that it may safely be transported from its origin site over roadways without damage to the unit in transit and without causing a hazard to the motoring public; and, (3) is unlikely to be damaged in its being delivered to the destination site and disconnected from the delivering power unit.

535-X-12T-.08 Delivery of Manufactured Housing Units for Occupancy within Alabama

- (a) When an AMHC licensed retailer, person or business entity under contract with said retailer, or an AMHC certified installer transports a manufactured housing unit to its installation site in Alabama, the licensed retailer or the certified installer shall notify the AMHC by priority mail, fax, or e-mail within 72 hours of the delivery. Units not to be immediately installed shall be properly blocked until installation by an AMHC certified installer.
- (b) When a federally certified motor carrier transports a manufactured housing unit for installation in Alabama, he or she must give the AMHC at least 72 hours advance notice of the date, time, and place of delivery at its installation site. Such notice shall be provided by certified mail, fax, or e-mail. In order to minimize down time for the federally certified motor carrier, any variation from the date, time, or place originally given to the AMHC shall be communicated by fax or e-mail to AMHC as soon as practicable.

An AMHC inspector will meet the federally certified motor carrier at the delivery site at the appointed time. The federally certified motor carrier may not detach the manufactured housing unit unless an AMHC inspector has placed on the unit a dated decal identifying the unit and the inspector who conducted the inspection. The AMHC inspector shall note any safety-related transportation damage visible on the unit, including any unit damage that may have caused damage to roadways, flying debris on the roadways, or part of the unit protruding beyond the unit's normal frame or body. If the AMHC inspector observes or notes damage that may be the result of a possible criminal violation (such as unreported motor vehicle accident damage such as from a hit and run), the inspector may notify law enforcement officials. The inspector's reports will become a part of the Commission's public records.

Once the decal has been affixed, the federally certified motor carrier may then disconnect the unit, remove the wheels and axles, and temporarily secure the unit. Units not to be immediately installed shall be properly blocked until installation by a certified installer. The federally certified motor carrier may not install or attempt to install the unit unless the federally certified motor carrier is also an AMHC certified installer.

535-X-12T-.09 Authorized Transporters of Manufactured Housing Units in Alabama

Only the following persons or business entities may lawfully transport manufactured housing units into Alabama or on its roadways:

- (a) AMHC licensed manufacturers, and persons or business entities under written contract with them, provided that they comply with all applicable federal and state statutes and regulations.
- (b) AMHC licensed retailers, and persons or business entities under written contract with them, provided that they comply with all applicable federal and state statutes and regulations.
- (c) AMHC certified installers, provided that they comply with all applicable federal and state statutes and regulations.
- (d) Federally certified motor carriers, provided that they otherwise meet all applicable Federal and State licensure requirements (i.e. licenses, registrations, certificates, and insurance policies are all current and meet all applicable regulations) and all provisions of this Chapter. Nothing in this Chapter shall be interpreted to in any way limit the power of the Alabama Department of Transportation, the Alabama Public Service Commission, or the Alabama Department of Public Safety to regulate motor vehicles or their drivers.
- (e) Federal, State, or local emergency services personnel, provided that such transportation is for the limited purpose of remedying an immediate hazard to the public.

535-X-12T-.10 Transportation Damage

- (a) If an AMHC inspector determines a manufactured housing unit has been prepared for transport in violation of the applicable State laws, rules, or regulations (as defined elsewhere in this Chapter) and such violation has caused damage to, or flying debris on, roadways, or protrusion of a part of the unit beyond the unit's normal frame or body (where such protrusion existed in Alabama), then the penalty provisions of 535-X-12T-.11 apply.
- (b) Where a manufactured housing unit being transported in Alabama causes damage to, or flying debris on, roadways, or there is a protrusion of a part of the unit beyond the unit's normal frame or body (where such protrusion existed in Alabama), then the penalty provisions of 535-X-12T-.11 apply.
- (c) Where a manufactured housing unit to be installed in Alabama receives transportation damage that creates a serious defect or imminent safety hazard that takes the unit out of compliance with federal and/or State safety-related standards, the transporter shall be liable for such damage to the full extent permitted by State and federal law. In such cases, the penalty provisions of 535-X-12T-.11 apply.

- (d) Where a manufactured housing unit to be installed in Alabama receives other transportation damage, the transporter shall be liable for such damage to the full extent permitted by the State and federal law.
- (e) Nothing herein shall be construed to limit the rights of the State, any county or local government, any business entity, any person, or any property owner from asserting rights or recovering damages arising from improper transportation of a manufactured housing unit.

535-X-12T-.11 Penalties

- (a) Any violation of this Chapter may be prosecuted criminally with a maximum penalty of \$1,000 or one year imprisonment.
- (b) In lieu of prosecution under Subsection (a) above, and only with the consent of the AMHC, a violator may elect to receive an administrative fine of up to \$1,000.
- (c) Any AMHC certified installer who violates this Chapter may, in addition to sections (a) and (b) above, have his or her certification suspended or revoked.
- (d) In the case of a federally certified motor carrier who violates this Chapter, and in addition to sections (a) and (b) above, the AMHC may send an official complaint to the Federal Motor Carrier Safety Administration with a request that it take official action against the carrier.

535-X-12T-.12 Enforcement

In addition to the AMHC and AMHC personnel, the provisions of this Chapter may be enforced by Alabama Department of Transportation, the Alabama Public Service Commission, and the Alabama Department of Public Safety.

535-X-12T-.13 Administrative Costs

The Commission may establish a schedule of fees to pay the costs of implementing and enforcing these rules.

Author: Jim Sloan

Statutory Authority: Code of Alabama, 1975, §§24-4A-2, et seq.; 24-6-4.

History of Rule: New: Filed April 13, 2009; effective May 20, 2009.