

Adopt Inst 301.10 through Inst 301.12, previously effective 4/14/12 (Document #10115), and expired 4/14/2022, to read as follows:

CHAPTER INST 400 CONTINUED STATUS

Part Inst 401 RENEWAL

Inst [~~301.10~~] **401.01** Expirations and Renewal of License.

(a) A license shall expire [~~every third year on the last day of the month of the licensee's birthday unless prior to that time the board has granted an application for license renewal pursuant to this chapter. The board shall send a renewal reminder notice no later than 30 days in advance of the expiration date.~~] **2 years from the date of issuance.**

~~[(b) Licenses may be renewed during the month following the licensee's birthday month, retroactive to the first day of the month.~~

~~— (c) Upon failure to renew within the time set forth in (a) or (b) above, a licensee may renew his or her their license by submitting an application for renewal and the required \$50.00 fee plus \$10.00 before the last day of the second month following the month of his or her birthday month.]~~

~~[(d)](b) Any installer whose license is not renewed [within 2 months of the expiration date] shall apply for an initial license [under Inst 301.04 and submit a \$75.00 fee].~~

~~[(e)](c) In addition to completing the application required in Inst [3]401.11, an applicant for renewal of license shall provide the dates and number of the previous license on the application.~~

~~[(f)](d) Individuals licensed as installers shall be eligible for renewal of their licenses if they:~~

(1) Are not in violation of this chapter;

(2) Submit evidence that the requirements of 3 hours of continuing education pursuant to Inst 304.01 (c) has been met; [~~and~~]

(3) Submit evidence of a surety bond or letter of credit as required under RSA 205-D:9 and Inst 302.01 [~~(g)](a)[-]; and~~

(4) Pay the fee required by Plc 1002.23.

Inst [~~301.11~~] **401.02** Renewal Application.

(a) The applicant shall supply the [following on the application form for license renewal Inst 3R] information described in Plc 304.03 (a), (c), (d), (e) and (g) on the “Universal Application for License Renewal” form:

(b) In addition to the information required by (a) above the applicant for license Renewal shall provide the following information on the “Manufactured Home Installation Addendum to the Universal Application for License Renewal”:

(1) Yes or no to the question “I have met all the continuing education requirements required by Insp 404.01.”

(c) The applicant shall sign and date the application in accordance with Plc 304.05.

~~[(a) Applicant's name and any names previously used;~~

~~— (b) Applicant's:~~

~~a) Home address;~~

~~b. Business address;~~

~~c. Home and business telephone number;~~

~~d. Home and business e-mail address; and~~

~~e Business facsimile number;~~

~~— (c) A statement indicating any disciplinary or legal action brought against the applicant as a manufactured housing installer by any licensing/certification board or jurisdiction and if so a description of the incident;~~

~~(d) A statement indicating that the applicant has complied with the continuing education requirements of Inst 304.01 (c);~~

~~— (e) Disclosure of whether the applicant has:~~

~~a. Since the last renewal been convicted of mishandling funds or other property entrusted to the applicant by another party, and if so, the court of conviction and disposition;~~

~~b. Filed bankruptcy, and if so, the dates of prior filings;~~

~~c. Been convicted of a misdemeanor or felony or a crime other than a minor traffic offense, that has not been annulled;~~

~~d. Been sued civilly, and if so an explanation; and~~

~~e. Convicted of any crime, and if so, the date and the name of the court;~~

~~— (f) Acknowledgment that the provision of materially false information in the application knowingly provided is a basis for denial;~~

~~— (g) Acknowledgement that, if the applicant provided false information that is discovered after the license is renewed, it shall be a basis for disciplinary action by the board; and~~

~~— (h) The applicant's signature and date.]~~

Inst [301.12] **401.03 Denial of Renewal.**

(a) Renewal shall be reviewed in accordance with Plc 304.06 through Plc m304.09 and denied [if, after notice and an opportunity for hearing, there is a] **after** finding [of]:

- (1) Noncompliance with the continuing education requirements of Inst 304.01 (c);
- (2) Any act for which discipline shall be imposed under Inst 303;
- (3) Reasons for which an initial application would have been denied; or
- (4) Failure to furnish complete or accurate information on a renewal license application.

Part Inst 402 TRAINING AND CONTINUING EDUCATION PROGRAMS

Inst [304] **402.01** [Administration of Training and Continuing Education] Program[s]
Requirements.

~~[(a) To be eligible for an installation license an individual shall first successfully complete an initial training program and to maintain his or her license, the licensee shall attend a continuing education program which has been approved by the board.]~~

~~[(b)]~~**(a)** To be eligible for approval, an initial training program shall:

- (1) Be administered and conducted by a New Hampshire association or organization experienced in the installation of manufactured houses;
- (2) Contain a minimum of 6 hours of instruction; and
- (3) Address the following subject areas:
 - a. 2 hours shall be devoted to laws and rules relative to installation of manufactured housing; and
 - b. 4 hours in the servicing and installation of manufactured housing, including but not limited to site preparation, foundations, actual installation of house, installation of features such as hinged roofs, multiple or expandable sections.

~~[(c)]~~**(b)** To be eligible for approval, a renewal training program shall:

- (1) Be administered and conducted by a New Hampshire association or organization experienced in the installation of manufactured houses; and
- (2) Contain a minimum of 3 hours of instruction;
- (3) Address the following subject areas:
 - a. A condensed review of the initial training program;
 - b. Updated installation requirements and techniques;
 - c. Recent amendments to statutes and rules that affect manufactured housing installation, as well as recent court decisions relative to installation.

~~[(d)]~~**(c)** All program providers, whether for initial or renewal training, shall:

(1) Provide a copy of a completion certificate, **to the individual taking the training**, designed for, and capable of, preventing fraud and forgery and which verifies course completion; ~~and~~

(2) Have the instructor sign and date the certification of completion described in (1) above; and

(2) Provide written materials for class participation as well as ~~a helpful~~ installation reference(s) **designed to enhance the participants knowledge of and ability to install manufactured houses.**

Inst 40[4]2.02 Application for Approval.

(a) Any person wishing to ~~establish an approved~~ **obtain approval of a** manufactured installation training and continuing education program shall submit a written request to the board.

(b) The written request shall contain at minimum the following information:

(1) Name, address, and telephone number of the organization and its ~~affiliations~~ and pertinent licenses;

(2) Description of program; and

(3) List of teaching instructors, including **each instructors** name[s and], addresses, ~~and their~~ education[~~at~~], and work experience[~~background~~].

~~[(c) After an opportunity for a hearing, the board shall, when necessary revoke an approval for any course which does not follow this part.~~

~~Inst 304.03 Inspection of Certificates. The board shall establish at its office a system for the recording of completed training and continued education certificates, which shall be kept for 5 years for public inspection.]~~

Inst [301.08] **402.03 Reporting Requirements.** [(a)] A licensee shall report any changes in [address, name, or other material changes in the conditions or qualifications set forth] **information provided** in the original application to the [board office] **OPLC**, in writing, no later than [10] **30** days after the change.

Part Inst 403 CONTINUING EDUCATION REQUIREMENTS

Adopt Inst 403, previously effective 4/14/12 (Document #10115) and expired 4/15/22 and renumbered as Inst 303, to read as follows:

PART Inst [3]403 [DISCIPLINARY ACTION ON LICENSE] REVOCATION, SUSPENSION, AND OTHER SANCTIONS

Inst 403.01 Misconduct. Misconduct shall be:

(a) Knowingly or negligently providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board or the OPLC, including during the process of applying for a license, license renewal, or license reinstatement;

(b) Conviction of any criminal offense other than a traffic violation;

(c) Failure to report to the board a conviction described in (b) above within 30 days;

(d) Disciplinary action by a regulatory authority in another domestic or foreign jurisdiction;

(i) Practice without a currently valid license; and

(k) Violation of:

(1) Any provision of RSA 205-D:1;

(3) Any rule adopted by the board; or

(4) Any state or federal law reasonably related to the licensee's authority to practice or the licensee's ability to practice safely.

Inst [3]403.0[+1]2 [~~Disciplinary Action: Reprimand, License Suspension/Revocation~~] **Sanctions.**

(a) [~~After an opportunity for a hearing pursuant to Inst 209 and upon a determination that misconduct has occurred, as defined by RSA 205:D:13, II the board shall take any of the following disciplinary actions as appropriate, to the seriousness of the misconduct~~] **Disciplinary measures available to the board to sanction misconduct shall be:**

- (1) Reprimand by written warning, which shall remain on record for a period of no less than 3 years;
- (2) Suspension of a license, not to exceed 5 years;
- (3) Limiting or restricting a licensee, including but not limited to working under the supervision of a licensee in good standing with the board, for a period of time set by the board;
- (4) Require participation in continuing education program especially in an area the installer is found to be deficient;
- (5) Revocation of license; or
- (6) Imposition of an administrative fine up to \$1500.00 for each offense.

(b) A written warning of reprimand imposed pursuant to (a)(1) above against a licensee shall not be utilized to impose enhanced sanctions against the licensee once the expiration date has passed.

(c) [~~For the purposes of (a)(2) above, in determining the appropriate time sanction for suspension of a license, the board shall consider the severity of the misconduct, the number of offenses and whether or not the licensee is a repeat offender.~~] **Additional measures available to the board to sanction misconduct shall be denial of license renewal or reinstatement.**

~~[Inst 303.02 Administrative Fine for Misconduct Offense.~~

- ~~— (a) Administrative fines shall not be held in abeyance;~~
- ~~— (b) For the purpose of a subsequent offense, the offense shall have occurred within 3 years;~~
- ~~— (c) Fines shall be based on the severity of the offense, the number of offenses and whether the installer is a repeat offender.~~
- ~~— (d) The fine shall be paid within 30 days from the receipt of the written order. All payments for fines shall be made payable to the “Treasurer, State of New Hampshire”, and mailed to:~~

~~Manufactured Housing Installation Standards Board
NH Joint Board
121 South Fruit Street
Concord, NH 03301~~

- ~~— (e) If a fine is not paid within 30 days of the receipt of the order, a notice of hearing shall be issued to the installer to show cause why he should not be suspended for non-payment of the fine. If after a hearing it is found that the fine has not been paid, the licensee shall be suspended until full payment is received.]~~

Inst 403.03 Procedure for Imposition of Sanctions. Other than immediate license suspension authorized by RSA 541-A:30, III, the board shall impose disciplinary sanctions only:

- (a) After prior notice to the licensee and the opportunity for the licensee to be heard; or**
- (b) By agreement in a settlement between the board and the licensee.**

Inst 403.04 Determinations Required for Sanctions.

- (a) In determining which sanction or combination of sanctions to impose, the board shall:**
 - (1) First determine the nature of the act or omission constituting the misconduct done by the licensee;**
 - (2) Next determine whether the misconduct has one or more of the characteristics listed in (b) below; and**
 - (3) Finally, apply the standards in Inst 403.05.**
- (b) The characteristics shall be:**
 - (1) The misconduct actually caused physical or mental harm;**
 - (2) The misconduct had the potential to cause physical or mental harm;**
 - (3) The misconduct repeated earlier misconduct done by the licensee, as determined by:**
 - a. An earlier hearing;**

b. An earlier settlement agreement predicated on the same misconduct by the licensee; or

c. An admission by the licensee;

(4) The misconduct was not the first misconduct by the licensee, as determined by:

a. An earlier hearing;

b. An earlier settlement agreement predicated on the same misconduct by the licensee; or

c. An admission by the licensee; and

(5) The misconduct was intentional rather than the result of negligence or inadvertence.

Inst 403.04 Standards for the Selection of Sanctions. The board shall select appropriate sanction(s):

(a) From the list in Inst 403.02; and

(b) By choosing, in light of the characteristics determined pursuant Inst 403.04(b) the sanction or combination of sanctions most likely to:

(1) Protect public health and safety;

(2) Prevent future misconduct by the licensee;

(3) Take into account any acknowledgement of fault by the licensee and any cooperation by the licensee with the board's investigation of misconduct;

(4) Correct any attitudinal, educational or other deficiencies which led to the licensee's misconduct;

(5) Encourage the responsible instillation of manufactured housing; and

(6) Demonstrate to the licensee and the public the board's intention to insure that its licensees practice in accordance with applicable law and the public welfare.

Inst 403.05 Unauthorized Practice. When the board determines that one of the following measures is likely to be the most effective way to stop unauthorized practice the board shall:

(a) Issue a cease and desist order against the person or entity engaged in the unauthorized practice; or

(b) Seek an injunction against such person or entity.