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that has been accepted by the Secretary in accordance with the requirement of subpart H of this part. There are two types of PIA:

(1) Design Approval PIA (DAPIA), which evaluates and approves or disapproves manufactured home designs and quality control procedures, and

(2) Production Inspection PIA (IPIA), which evaluates the ability of manufactured home manufacturing plants to follow approved quality control procedures and provides ongoing surveillance of the manufacturing process. Organizations may act as one or both of these types.

(aa) *Purchaser* means the first person purchasing a manufactured home in good faith for purposes other than resale.

(bb) *Quality Assurance Manual* means a manual, prepared by each manufacturer for its manufacturing plants and approved by a DAPIA which contains: a statement of the manufacturer's quality assurance program, a chart of the organization showing, by position, all personnel accountable for quality assurance, a list of tests and test equipment required, a station-by-station description of the manufacturing process, a list of inspections required at each station, and a list by title of personnel in the manufacturer's organization to be held responsible for each inspection. Where necessary, the quality assurance manual used in a particular plant shall contain information specific to that plant.

(cc) *To red tag* means to affix a notice to a manufactured home which has been found to contain an imminent safety hazard or a failure to conform with any applicable standard. A *red tag* is the notice so affixed to the manufactured home.

(dd) [Reserved]

(ee) *Secretary's agent* means a party operating as an independent contractor under a contract with HUD.

(ff) *Serious defect* means any failure to comply with an applicable Federal manufactured home construction and safety standard that renders the manufactured home or any part thereof not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occu-

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pants of the affected manufactured home.

(gg) *Standards* means the Federal manufactured home construction and safety standards promulgated under section 604 of the Act, 42 U.S.C. 5403, as part 3280 of these regulations.

(hh) *State* includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(ii) *State Administrative Agency* (SAA) means an agency of a State which has been approved or conditionally approved to carry out the State plan for enforcement of the standards pursuant to section 623 of the Act, 42 U.S.C. 5422, and subpart G of this part.

(jj) *State plan application* means the application of any State organization which is submitted to the Secretary for approval as a State Administrative Agency under subpart G.

(kk) *System* means a set or arrangement of materials or components related or connected as to form an operating entity, i.e., heating, ventilating and air-conditioning systems, evaporative coolers.

(ll) [Reserved]

(mm) *United States District Courts* means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(nn) (Same as § 3280.2(a)(22).)

[41 FR 19852, May 13, 1976, as amended at 41 FR 24971, June 21, 1976; 47 FR 28093, June 29, 1982; 61 FR 5216, Feb. 9, 1996; 61 FR 10859, Mar. 15, 1996]

§ 3282.8 Applicability.

(a) *Mobile homes*. This part applies to all manufactured homes that enter the first stage of production on or after June 15, 1976, and to all manufactured homes that enter the first stage of production before June 15, 1976, to which labels are applied under § 3282.205(d).

(b) *States*. This part applies to States that desire to assume responsibility under the Federal manufactured home construction and safety standards enforcement program. It includes requirements which must be met in order for State agencies to be approved by the Secretary under section 623(c) of

the Act, 42 U.S.C. 5422(c). It also includes requirements for States wishing to act as primary inspection agencies, as defined in §3282.7, or to participate in monitoring activities under §3282.308.

(c) *Primary inspection and engineering organizations.* This part applies to each private inspection and engineering organization that wishes to qualify as a primary inspection agency under subpart H.

(d) *Manufactured home manufacturers.* This part applies to all manufacturers producing manufactured homes for sale in the United States. It includes:

(1) Inspection procedures to be carried out in the manufacturing plants.

(2) Procedures by which a manufacturer obtains approval of manufactured home designs.

(3) Procedures by which a manufacturer obtains approval of manufacturing quality control and assurance programs.

(4) Procedures by which a manufacturer may obtain production inspections and certification labels for its manufactured homes.

(e) *Manufactured home dealers and distributors.* This part applies to any person selling, leasing, or distributing new manufactured homes for use in the United States. It includes prohibitions of the sale of new manufactured homes to which labels have not been affixed pursuant to subpart H of these regulations or that have been altered, damaged, or otherwise caused not to be in compliance with the Federal standards.

(f) *Purchasers, owners and consumers.* This part applies to purchasers, owners and consumers of manufactured homes in that it sets out procedures to be followed when purchasers, owners and consumers complain to manufacturers, States, the Secretary or others concerning problems in manufactured homes for which remedies are provided under the Act.

(g) *Recreational vehicles.* Recreational vehicles are not subject to this part, part 3280, or part 3283. A recreational vehicle is a vehicle which is:

(1) Built on a single chassis;

(2) 400 Square feet or less when measured at the largest horizontal projections;

(3) Self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(h) *Imported manufactured homes.* Imported manufactured homes are covered by the regulations except as modified by regulations promulgated jointly by the Secretary and the Secretary of the Treasury.

(i) *Export manufactured homes.* Manufactured Homes intended solely for export are not governed by this part or by part 3280 of this title if a label or tag stating that the manufactured home is intended solely for export is placed on the manufactured home or the outside of the container, if any, in which it is to be exported. However, any manufactured home so tagged or labeled that is not exported but is sold to a purchaser in the United States is subject to this part and part 3280 of this title.

(j) *Add-on.* An add-on added by the dealer or some other party not the manufacturer (except where the manufacturer acts as a dealer) as part of a simultaneous transaction involving the sale of a new manufactured home, is not governed by the standards and is not subject to these regulations. However, the addition of the add-on must not affect the ability of the basic manufactured home to comply with the standards. If the addition of an add-on causes the basic manufactured home to fail to conform to the standards, sale, lease, and offer for sale or lease of the home is prohibited until the manufactured home is brought into conformance with the standards. While the standards do not govern add-ons, the Secretary has the authority to promulgate standards for add-ons and may do so in the future.

(k) A structure (including an expandable room, tip-out, or tag-along unit) which is designed and produced as an integral part of a manufactured home when assembled on site, is governed by the standards and these regulations regardless of the dimensions of such structure.

(l) *Multifamily homes.* Mobile homes designed and manufactured with more than one separate living unit are not

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covered by the standards and these regulations.

[41 FR 19852, May 13, 1976, as amended at 41 FR 24970, June 21, 1976; 42 FR 35013, July 7, 1977; 44 FR 68733, Nov. 29, 1979; 47 FR 28093, June 29, 1982]

§ 3282.9 Computation of time.

(a) In computing any period of time prescribed by the regulations in this part, refer to § 26.16(a) of this title.

(b) Extensions of any of the time periods set out in these regulations may be granted by the Secretary or, as appropriate, by a State Administrative Agency, upon a showing of good cause by the party governed by the time period.

[42 FR 2580, Jan. 12, 1977, as amended at 61 FR 10859, Mar. 15, 1996]

§ 3282.10 Civil and criminal penalties.

Failure to comply with these regulations may subject the party in question to the civil and criminal penalties provided for in section 611 of the Act, 42 U.S.C. 5410. The maximum amount of penalties imposed under section 611 of the Act shall be \$1,100 for each violation, up to a maximum of \$1,375,000 for any related series of violations occurring within one year from the date of the first violation.

[72 FR 5589, Feb. 6, 2007]

§ 3282.11 Preemption and reciprocity.

(a) No State manufactured home standard regarding manufactured home construction and safety which covers aspects of the manufactured home governed by the Federal standards shall be established or continue in effect with respect to manufactured homes subject to the Federal standards and these regulations unless it is identical to the Federal standards.

(b) No State may require, as a condition of entry into or sale in the State, a manufactured home certified (by the application of the label required by § 3282.362(c)(2)(i)) as in conformance with the Federal standards to be subject to State inspection to determine compliance with any standard covering any aspect of the manufactured home covered by the Federal standards. Nor may any State require that a State label be placed on the manufactured

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home certifying conformance to the Federal standard or an identical standard. Certain actions that States are permitted to take are set out in § 3282.303.

(c) States may participate in the enforcement of the Federal standards enforcement program under these regulations either as SAAs or PIAs or both. These regulations establish the exclusive system for enforcement of the Federal standards. No State may establish or keep in effect through a building code enforcement system or otherwise, procedures or requirements which constitute systems for enforcement of the Federal standards or of identical State standards which are outside the system established in these regulations or which go beyond this system to require remedial actions which are not required by the Act and these regulations. A State may establish or continue in force consumer protections, such as warranty or warranty performance requirements, which respond to individual consumer complaints and so do not constitute systems of enforcement of the Federal standards, regardless of whether the State qualifies as an SAA or PIA.

(d) No State or locality may establish or enforce any rule or regulation or take any action that stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress. The test of whether a State rule or action is valid or must give way is whether the State rule can be enforced or the action taken without impairing the Federal superintendence of the manufactured home industry as established by the Act.

[42 FR 2580, Jan. 12, 1977, as amended at 56 FR 65186, Dec. 16, 1991; 61 FR 10859, Mar. 15, 1996]

§ 3282.12 Excluded structures—modular homes.

(a) The purpose of this section is to provide the certification procedure authorized by section 604(h) of the National Manufactured Housing Construction and Safety Standards Act under which modular homes may be excluded from coverage of the Act if the manufacturer of the structure elects to have