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H.722

Introduced by Representatives Sharpe of Bristol, Botzow of Pownal, and
Miller of Shaftsbury

Referred to Committee on

Date:

Subject: Commerce and trade; consumer protection; manufactured homes

Statement of purpose of bill as introduced: This bill proposes to amend the
State consumer protection laws to apply to manufactured homes that fail to
meet federal energy conservation standards.

An act relating to manufactured homes and energy conservation standards

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 9 V.S.A. chapter 63 is amended to read:

CHAPTER 63. CONSUMER PROTECTION

Subchapter 1. General Provisions

* * *

§ 2453. PRACTICES PROHIBITED; ANTITRUST AND CONSUMER
PROTECTION

(a) Unfair methods of competition in commerce and unfair or deceptive
acts or practices in commerce are hereby declared unlawful.

1 (b) It is the intent of the ~~Legislature~~ General Assembly that in construing
2 subsection (a) of this section, the courts of this State will be guided by the
3 construction of similar terms contained in Section 5(a)(1) of the Federal Trade
4 Commission Act as from time to time amended by the Federal Trade
5 Commission and the courts of the United States.

6 (c) The Attorney General shall make rules, when necessary and proper to
7 carry out the purposes of this chapter, relating to unfair methods of competition
8 in commerce and unfair or deceptive acts or practices in commerce. The rules
9 shall not be inconsistent with the rules, regulations, and decisions of the
10 Federal Trade Commission and the federal courts interpreting the Federal
11 Trade Commission Act.

12 (d) Violation of a rule adopted by the Attorney General is prima facie proof
13 of the commission of an unfair or deceptive act in commerce.

14 (e) The provisions of subsections (a), (c), and (d) of this section shall also
15 be applicable to real estate transactions.

16 * * *

17 Subchapter 1F. Manufactured Homes

18 § 2470oo. DEFINITIONS

19 As used in this subchapter, “manufactured home” has the same definition as
20 the term in 42 U.S.C. § 5402(6).

1 § 2470pp. APPLICABILITY

2 (a) A manufactured home is a good or service within the meaning of
3 subsection 2451a(b) of this chapter.

4 (b) This subchapter applies only to persons who are regularly and primarily
5 engaged in trade or commerce in this State in connection with selling
6 manufactured homes.

7 (c) This subchapter applies to manufactured homes that are subject to the
8 National Manufactured Housing Construction and Safety Standards Act of
9 1974 as amended by the Manufactured Housing Improvement Act of 2000,
10 42 U.S.C. §§ 5401-5426.

11 § 2470qq. PROHIBITION

12 A person shall not sell to a consumer a manufactured home that fails to
13 comply with federal energy conservation standards for manufactured homes
14 established under federal law, including the standards set forth in 24 C.F.R.
15 part 3280.

16 § 2470rr. VIOLATIONS

17 (a) A person who violates this subchapter commits an unfair and deceptive
18 act in trade and commerce in violation of section 2453 of this chapter.

19 (b) The Attorney General has the same authority to make rules, conduct
20 civil investigations, enter into assurances of discontinuance, and bring civil
21 actions as provided under subchapter 1 of this chapter.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2018.