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**HOUSE BILL NO. 1374**

Offered January 22, 2010

A *BILL to amend and reenact § 36-85.28 of the Code of Virginia and to amend and reenact the second enactment of Chapter 141 of the Acts of Assembly of 2009, relating to the Manufactured Housing Licensing and Transaction Recovery Fund Law.*

Patron—Scott, J.M.

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That § 36-85.28 of the Code of Virginia is amended and reenacted as follows:**

§ 36-85.28. Limitation on damages; disclosure to buyer.

A. If a buyer fails to accept delivery of a manufactured home, the manufactured home dealer may retain actual damages according to the following terms:

1. If the manufactured home is *a single section unit and is* in the dealer's stock and is not specially ordered from the manufacturer for the buyer, the maximum retention shall be \$1,000.

2. If the manufactured home is a single section unit and is specially ordered from the manufacturer for the buyer, the maximum retention shall be \$2,000.

3. If the manufactured home is larger than a single section unit in the dealer's stock and is not specially ordered for the buyer, the maximum retention shall be \$4,000.

4. If the manufactured home is larger than a single section unit and is specially ordered for the buyer from the manufacturer, the maximum retention shall be \$7,000.

B. A dealer shall provide a written disclosure to the buyer at the time of the sale of a manufactured home alerting the buyer to the actual damages that may be assessed of the buyer, as listed in subsection A, for failure to take delivery of the manufactured home as purchased.

**2. That the second enactment of Chapter 141 of the Acts of Assembly of 2009 is amended and reenacted as follows:**

2. That the provisions of this act amending *subsection D of § 36-85.31 of the Code of Virginia* shall expire on July 1, 2011.

INTRODUCED

HB1374