



HOUSE BILL No. 5887

May 15, 1996, Introduced by Rep. Byl and referred to the Committee on Commerce.

A bill to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 16, 16a, 17, 18, 21, 22, 23, 24, 25, 27, 28, 28a, 28b, 28c, 29, 30, 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h, 31, 38, and 43 of Act No. 96 of the Public Acts of 1987, entitled "The mobile home commission act," section 28 as amended by Act No. 241 of the Public Acts of 1993 and sections 28a, 28b, 28c, 38, and 43 as added by Act No. 337 of the Public Acts of 1988, being sections 125.2301, 125.2302, 125.2303, 125.2304, 125.2305, 125.2306, 125.2307, 125.2311, 125.2312, 125.2313, 125.2314, 125.2316, 125.2316a, 125.2317, 125.2318, 125.2321, 125.2322, 125.2323, 125.2324, 125.2325, 125.2327, 125.2328, 125.2328a, 125.2328b, 125.2328c, 125.2329, 125.2330, 125.2330a, 125.2330b, 125.2330c, 125.2330d, 125.2330e, 125.2330f, 125.2330g, 125.2330h, 125.2331, 125.2338, and 125.2343 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, 3, 4, 5, 6, 7, 11,
2 12, 13, 14, 16, 16a, 17, 18, 21, 22, 23, 24, 25, 27, 28, 28a,
3 28b, 28c, 29, 30, 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h, 31, 38,
4 and 43 of Act No. 96 of the Public Acts of 1987, section 28 as
5 amended by Act No. 241 of the Public Acts of 1993 and sections
6 28a, 28b, 28c, 38, and 43 as added by Act No. 337 of the Public
7 Acts of 1988, being sections 125.2301, 125.2302, 125.2303,
8 125.2304, 125.2305, 125.2306, 125.2307, 125.2311, 125.2312,
9 125.2313, 125.2314, 125.2316, 125.2316a, 125.2317, 125.2318,
10 125.2321, 125.2322, 125.2323, 125.2324, 125.2325, 125.2327,
11 125.2328, 125.2328a, 125.2328b, 125.2328c, 125.2329, 125.2330,
12 125.2330a, 125.2330b, 125.2330c, 125.2330d, 125.2330e, 125.2330f,
13 125.2330g, 125.2330h, 125.2331, 125.2338, and 125.2343 of the
14 Michigan Compiled Laws, are amended to read as follows:

TITLE

15
16 An act to create a ~~mobile~~ MANUFACTURED home commission; to
17 prescribe its powers and duties and those of local governments;
18 to provide for a ~~mobile~~ MANUFACTURED home code and the licen-
19 sure, regulation, construction, operation, and management of
20 ~~mobile~~ MANUFACTURED home parks, the licensure and regulation of
21 retail sales dealers, warranties of ~~mobile~~ MANUFACTURED homes,
22 and service practices of dealers; to provide for the titling of
23 ~~mobile~~ MANUFACTURED homes; to prescribe the powers and duties
24 of certain agencies and departments; to provide remedies and pen-
25 alties; to declare the act to be remedial; ~~to repeal this act on~~

1 ~~a specific date,~~ and to repeal ~~certain~~ acts and parts of
2 acts.

3 Sec. 1. This act shall be known and may be cited as "the
4 ~~mobile~~ MANUFACTURED home commission act".

5 Sec. 2. As used in this act:

6 (a) "Campground" means a campground as defined in section
7 12501 of the public health code, Act No. 368 of the Public Acts
8 of 1978, being section 333.12501 of the Michigan Compiled Laws.

9 (b) "Code" means all or a part of the ~~mobile~~ MANUFACTURED
10 home code promulgated ~~pursuant to~~ UNDER section 5.

11 (c) "Commission" means the ~~mobile~~ MANUFACTURED home code
12 commission.

13 (d) "Department" means the department of commerce.

14 (e) "Installer and repairer" means a person, including a
15 ~~mobile~~ MANUFACTURED home dealer, who for compensation installs
16 or repairs ~~mobile~~ MANUFACTURED homes.

17 (f) "Local government" means a county or municipality.

18 (g) ~~"Mobile"~~ "MANUFACTURED home" means a structure, trans-
19 portable in 1 or more sections, ~~which~~ THAT is built on a chas-
20 sis and designed to be used as a dwelling with or without per-
21 manent foundation, when connected to the required utilities, and
22 includes the plumbing, heating, air-conditioning, and electrical
23 systems contained in the structure. FOR A MANUFACTURED HOME MAN-
24 UFACTURED AFTER JUNE 15, 1976, "MANUFACTURED HOME" MEANS A STRUC-
25 TURE CONSTRUCTED IN ACCORDANCE WITH THE NATIONAL MANUFACTURED
26 HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974, TITLE VI

1 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, PUBLIC LAW
2 93-383, 42 U.S.C. 5401 TO 5426.

3 (h) ~~"Mobile"~~ "MANUFACTURED home dealer" means a person
4 other than a manufacturer engaged in the business of buying
5 ~~mobile~~ MANUFACTURED homes for resale, exchange, lease, or rent
6 or offering ~~mobile~~ MANUFACTURED homes for sale, lease, rent, or
7 exchange to customers.

8 (i) ~~"Mobile"~~ "MANUFACTURED home park" means a parcel or
9 tract of land under the control of a person upon which 3 or more
10 ~~mobile~~ MANUFACTURED homes are located on a continual, nonrecre-
11 ational basis and ~~which~~ THAT is offered to the public for that
12 purpose regardless of whether a charge is made ~~therefor~~ FOR
13 PLACING A MANUFACTURED HOME ON THE LAND, together with any build-
14 ing, structure, enclosure, street, equipment, or facility used or
15 intended for use incident to the occupancy of a ~~mobile~~
16 MANUFACTURED home.

17 (j) "Municipality" means a city, village, or township.

18 (k) "Person" means an individual, partnership, association,
19 trust, or corporation, or any other legal entity or combination
20 of legal entities.

21 (l) "Recreational vehicle" means a vehicle primarily
22 designed and used as temporary living quarters for recreational,
23 camping, or travel purposes, including a vehicle having its own
24 motor power or a vehicle mounted on or drawn by another vehicle.

25 (m) "Seasonal ~~mobile~~ MANUFACTURED home park" means a
26 parcel or tract of land under the control of a person upon which
27 3 or more ~~mobile~~ MANUFACTURED homes are located on a continual

1 or temporary basis but occupied on a temporary basis only, and
2 ~~which~~ THAT is offered to the public for that purpose regardless
3 of whether a charge is made ~~therefor~~ FOR PLACING A MANUFACTURED
4 HOME ON THE LAND, together with any building, enclosure, street,
5 equipment, or facility used or intended for use incident to the
6 occupancy of a ~~mobile~~ MANUFACTURED home. Seasonal ~~mobile~~
7 MANUFACTURED home park does not include a campground licensed
8 pursuant to sections 12501 to 12516 of the public health code,
9 Act No. 368 of the Public Acts of 1978, being sections 333.12501
10 to 333.12516 of the Michigan Compiled Laws.

11 (n) "Security interest", "security agreement", "secured
12 party", and "termination statement" have the same meanings as in
13 the uniform commercial code, Act No. 174 of the Public Acts of
14 1962, being sections 440.1101 to 440.11102 of the Michigan
15 Compiled Laws.

16 Sec. 3. (1) The ~~mobile~~ MANUFACTURED home commission is
17 created within the department of commerce.

18 (2) The commission consists of 11 members appointed by the
19 governor with the advice and consent of the senate, each of whom
20 shall be a citizen of this state.

21 (3) The members of the commission shall include each of the
22 following:

23 (a) A representative of an organization whose membership
24 consists of ~~mobile~~ MANUFACTURED home residents.

25 (b) A representative of financial institutions.

1 (c) Two operators of a licensed ~~mobile~~ MANUFACTURED home
2 park having 100 or more sites and 1 operator of a licensed
3 ~~mobile~~ MANUFACTURED home park having less than 100 sites.

4 (d) A representative of organized labor.

5 (e) An elected official of a local government.

6 (f) A licensed ~~mobile~~ MANUFACTURED home dealer.

7 (g) One resident of a licensed ~~mobile~~ MANUFACTURED home
8 park having 100 or more sites and 1 resident of a licensed
9 ~~mobile~~ MANUFACTURED home park having less than 100 sites.

10 (h) A manufacturer of ~~mobile~~ MANUFACTURED homes.

11 (4) A person appointed to be a member under subsection
12 (3)(a), (d), (e), (g), or a member of that person's immediate
13 family shall not have more than a 1% ownership interest in or
14 income benefit from a manufacturer of ~~mobile~~ MANUFACTURED
15 homes, a retail seller of ~~mobile~~ MANUFACTURED homes, a licensed
16 ~~mobile~~ MANUFACTURED home park, or a supplier of ancillary prod-
17 ucts or services to the ~~mobile~~ MANUFACTURED home industry.

18 (5) The term of each member shall be for 3 years. A vacancy
19 in the office of a member shall be filled by the governor for the
20 remainder of the unexpired term, not more than 1 month after the
21 vacancy is created, in the same manner as the original
22 appointment.

23 (6) The per diem compensation of the commission and the
24 schedule for reimbursement of expenses shall be established annu-
25 ally by the legislature.

26 (7) Six members of the commission constitute a quorum for
27 all purposes, notwithstanding the existence of a vacancy in the

1 commission's membership. Action may be taken by the commission
2 by a vote of a majority of the members appointed and serving.
3 Meetings of the commission may be called by the chairperson or by
4 3 members on 3 business days' actual notice. At least 1 meeting
5 shall be held each calendar quarter. The commission may hold
6 meetings anywhere in this state.

7 (8) The commission shall elect a member of the commission as
8 its chairperson and another member as its vice-chairperson. The
9 duties and powers of the chairperson and vice-chairperson shall
10 be as prescribed in the commission's rules.

11 (9) A member of the commission may be removed from office by
12 the governor for inefficiency, neglect of duty, or misconduct or
13 malfeasance in office. A member of the commission who has a
14 direct pecuniary interest in a matter before the commission shall
15 disclose that interest before the commission taking action with
16 respect to the matter, which disclosure shall become a part of
17 the record of the commission's official proceedings.

18 Sec. 4. (1) The commission may do all of the following:

19 (a) Promulgate rules to implement and administer this act.

20 (b) Act for the purpose of establishing a uniform policy
21 relating to all phases of ~~mobile~~ MANUFACTURED home businesses,
22 ~~mobile~~ MANUFACTURED home parks, and seasonal ~~mobile~~
23 MANUFACTURED home parks.

24 (c) Determine the sufficiency of local ~~mobile~~ MANUFACTURED
25 home ordinances ~~which~~ THAT are designed to provide local gov-
26 ernments with superintending control over ~~mobile homes~~

1 MANUFACTURED HOME businesses, ~~mobile~~ MANUFACTURED home parks,
2 or seasonal ~~mobile homes~~ MANUFACTURED HOME parks.

3 (d) Conduct public hearings relating to the powers pre-
4 scribed in this subsection.

5 (2) The director of commerce or an authorized representative
6 of the director shall do all of the following:

7 (a) Administer the rules promulgated by the commission.

8 (b) Conduct hearings relating to violations of this act or
9 rules promulgated under this act.

10 (c) Make investigations to determine compliance with this
11 act and rules promulgated under this act.

12 (d) Provide assistance to the commission as the commission
13 requires.

14 (3) The commission shall not act for the purpose of regulat-
15 ing ~~mobile~~ MANUFACTURED homes that are not located within a
16 ~~mobile~~ MANUFACTURED home park or a seasonal ~~mobile~~
17 MANUFACTURED home park, except as relates to the business, sales,
18 and service practices of ~~mobile~~ MANUFACTURED home dealers and
19 the business practices of ~~mobile~~ MANUFACTURED home installers
20 and repairers.

21 Sec. 5. (1) The commission shall promulgate the ~~mobile~~
22 MANUFACTURED home code subject to section 4. The code shall con-
23 sist of rules governing all of the following:

24 (a) The licensure, density, layout, permits for construc-
25 tion, construction of ~~mobile~~ MANUFACTURED home parks including
26 standards for roads, utilities, open space, or proposed
27 recreational facilities, and safety measures sufficient to

1 protect health, safety, and welfare of ~~mobile~~ MANUFACTURED home
2 park residents, except water supply, sewage collection and treat-
3 ment, and drainage facilities ~~which~~ THAT are regulated by the
4 department of public health.

5 (b) The business, sales, and service practices of ~~mobile~~
6 MANUFACTURED home dealers.

7 (c) The business practices of ~~mobile~~ MANUFACTURED home
8 installers and repairers.

9 (d) The licensure and regulations of ~~mobile~~ MANUFACTURED
10 home installers and repairers.

11 (e) The setup and installation of ~~mobile~~ MANUFACTURED
12 homes inside ~~mobile~~ MANUFACTURED home parks or seasonal
13 ~~mobile~~ MANUFACTURED home parks.

14 (f) The regulation of the responsibilities, under the
15 ~~mobile~~ MANUFACTURED home warranty, of the ~~mobile~~ MANUFACTURED
16 home components manufacturer, the ~~mobile~~ MANUFACTURED home
17 assembler or manufacturer, and the ~~mobile~~ MANUFACTURED home
18 dealer, including the time period and relationships of each under
19 the warranty, and the remedies available, if any, if the respon-
20 sible parties cease to operate as a business.

21 (g) Abuses relating to all of the following:

22 (i) Consumer deposits, except utility deposits from consum-
23 ers who are direct customers of utilities regulated by the
24 Michigan public service commission.

25 (ii) Detailed listing of furnishings and fixtures by a manu-
26 facturer of a new ~~mobile~~ MANUFACTURED home or a ~~mobile~~
27 MANUFACTURED home dealer for a used ~~mobile~~ MANUFACTURED home.

1 (iii) Disclosure and delivery of manufacturer's warranties.

2 (iv) Used ~~mobile~~ MANUFACTURED homes. A ~~mobile~~
3 MANUFACTURED home dealer shall provide A detailed listing of its
4 service records for used ~~mobile~~ MANUFACTURED homes ~~which~~ THAT
5 are being sold by the dealer and of which the dealer has
6 knowledge.

7 (h) Applications for and issuance of certificates of title
8 for ~~mobile~~ MANUFACTURED homes.

9 (2) As part of the code, the commission shall also promul-
10 gate rules governing the licensure, density, layout, permits for
11 construction, and construction of seasonal ~~mobile~~ MANUFACTURED
12 home parks, including standards for roads, utilities, open space,
13 proposed recreational facilities, and safety measures sufficient
14 to protect the health, safety, and welfare of seasonal ~~mobile~~
15 MANUFACTURED home park residents, except water supply, sewage
16 collection and treatment, and drainage facilities ~~which shall~~
17 ~~be~~ THAT ARE regulated by the department of public health.

18 (3) The rules promulgated for seasonal ~~mobile~~ MANUFACTURED
19 home parks may impose a less stringent standard than the rules
20 promulgated for ~~mobile~~ MANUFACTURED home parks.

21 Sec. 6. (1) The department of public health shall promul-
22 gate rules for ~~mobile~~ MANUFACTURED home parks and seasonal
23 ~~mobile~~ MANUFACTURED home parks setting forth minimum standards
24 regulating:

25 (a) Water supply system.

26 (b) Sewage collection and disposal system.

1 (c) Drainage.

2 (d) Garbage and rubbish storage and disposal.

3 (e) Insect and rodent control.

4 (f) General operation, maintenance, and safety.

5 (g) Certification of compliance under section 17.

6 (2) Representatives of local government shall act in an
7 advisory capacity in the promulgation of the code.

8 (3) The commission shall consult with appropriate state and
9 local governments in developing the procedures for effective
10 coordination of efforts. The commission shall recommend proce-
11 dures to the governor and the legislature for coordinating state
12 agency decisions and activities pertaining to this act.

13 Sec. 7. (1) A local government ~~which~~ THAT proposes a
14 standard related to ~~mobile~~ MANUFACTURED home parks or seasonal
15 ~~mobile~~ MANUFACTURED home parks, or related to ~~mobile~~
16 MANUFACTURED homes located within a ~~mobile~~ MANUFACTURED home
17 park or a seasonal ~~mobile~~ MANUFACTURED home park that is higher
18 than the standard provided in this act or the code; or a standard
19 related to the business, sales, and service practices of ~~mobile~~
20 MANUFACTURED home dealers, or the business of ~~mobile~~
21 MANUFACTURED home installers and repairers, that is higher than
22 the standard provided in this act or the code shall file the pro-
23 posed standard with the commission. The commission may promul-
24 gate rules to establish the criteria and procedure for implemen-
25 tation of higher standards by a local government. The commission
26 shall review and approve the proposed standard unless the
27 standard is unreasonable, arbitrary, or not in the public

1 interest. If the commission does not approve or disapprove the
2 proposed standard within 60 days after it is filed with the com-
3 mission, the standard shall be considered approved unless the
4 local government grants the commission additional time to con-
5 sider the standard. After the proposed standard is approved, the
6 local government may adopt the standard by ordinance. The ordi-
7 nance shall relate to a specific section of the code.

8 (2) A local government standard related to ~~mobile~~
9 MANUFACTURED homes not located within a ~~mobile~~ MANUFACTURED
10 home park or seasonal ~~mobile~~ MANUFACTURED home park need not be
11 filed with the ~~mobile~~ MANUFACTURED home commission, unless the
12 standard relates to the business, sales, and service practices of
13 ~~mobile~~ MANUFACTURED home dealers, or the business of ~~mobile~~
14 MANUFACTURED home installers and repairers.

15 (3) A local government ordinance shall not be designed as
16 exclusionary to ~~mobile~~ MANUFACTURED homes generally whether the
17 ~~mobile~~ MANUFACTURED homes are located inside or outside of
18 ~~mobile~~ MANUFACTURED home parks or seasonal ~~mobile~~
19 MANUFACTURED home parks.

20 (4) A local government ordinance shall not contain a stan-
21 dard for the setup or installation of ~~mobile~~ MANUFACTURED homes
22 that is incompatible with, or is more stringent than, either of
23 the following:

24 (a) The manufacturer's recommended setup and installation
25 specifications.

26 (b) The ~~mobile~~ MANUFACTURED home setup and installation
27 standards promulgated by the federal department of housing and

1 urban development ~~pursuant to~~ UNDER the national manufactured
2 housing construction and safety standards act of 1974, TITLE VI
3 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, PUBLIC LAW
4 93-383, 42 U.S.C. 5401 to 5426.

5 (5) In the absence of any setup or installation specifica-
6 tions or standards for foundations as set forth in subsection
7 (4)(a) or (b), the local government standards for site-built
8 housing ~~shall~~ apply.

9 (6) A local government ordinance shall not contain roof con-
10 figuration standards or special use zoning requirements that
11 apply only to, or ~~excludes~~ EXCLUDE, ~~mobile~~ MANUFACTURED
12 homes. A local government ordinance shall not contain a manufac-
13 turing or construction standard that is incompatible with, or is
14 more stringent than, a standard promulgated by the federal
15 department of housing and urban development ~~pursuant to~~ UNDER
16 the national manufactured housing construction and safety stan-
17 dards act of 1974, 42 U.S.C. 5401 to 5426. A local government
18 ordinance may include reasonable standards relating to ~~mobile~~
19 MANUFACTURED homes located outside of ~~mobile~~ MANUFACTURED home
20 parks or seasonal ~~mobile~~ MANUFACTURED home parks ~~which~~ THAT
21 ensure that ~~mobile~~ MANUFACTURED homes compare aesthetically to
22 site-built housing located or allowed in the same residential
23 zone.

24 Sec. 11. (1) A person who desires to develop a ~~mobile~~
25 MANUFACTURED home park or a seasonal ~~mobile~~ MANUFACTURED home
26 park shall submit a preliminary plan to the appropriate
27 municipality, local health department, county road commission,

1 and county drain commissioner for preliminary approval. The
2 preliminary plan shall include the location, THE layout, THE gen-
3 eral design, and a general description of the project. The pre-
4 liminary plan shall not include detailed construction plans.

5 (2) The municipality may grant preliminary approval if the
6 proposed ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~
7 MANUFACTURED home park conforms to applicable laws and local
8 ordinances not in conflict with this act and laws and ordinances
9 relative to:

10 (a) Land use and zoning.

11 (b) Municipal water supply, sewage service, and drainage.

12 (c) Compliance with local fire ordinances and state fire
13 laws.

14 (3) The county drain commissioner shall review and may
15 approve outlet drainage. The county road commission shall review
16 and may approve ingress and egress roads. The county road com-
17 mission and the county drain commissioner shall adopt and publish
18 standards to implement this subsection. The county road commis-
19 sion and the county drain commissioner ~~shall~~ DO not have
20 authority as to interior streets and drainage in the ~~mobile~~
21 MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED home
22 park, unless the streets or drains are dedicated to the public.

23 (4) The local health department shall grant preliminary
24 approval, under the guidance of the department of public health,
25 for on-site water and sewage service and general site
26 suitability.

1 (5) If a reviewing agency as provided in this section has
2 not returned the preliminary plan to the developer, either
3 approved, modified, or disapproved, within 60 days after it
4 receives the preliminary plan, the preliminary plan ~~shall be~~ IS
5 considered approved.

6 (6) Coordination of approvals by state and local governments
7 shall be provided by the director of public health before it may
8 grant construction approval.

9 (7) The developer shall submit the preliminary approval with
10 the final plans to the department of public health for review
11 before the department of commerce may issue a construction
12 permit.

13 Sec. 12. (1) When all preliminary approvals are made, the
14 developer shall submit the legal documents and the final plans
15 draft to the department.

16 (2) The department shall review the filing and within 90
17 days after filing issue its approval or disapproval. Upon the
18 approval of all the reviewing agencies, the department shall
19 issue a permit to construct the ~~mobile~~ MANUFACTURED home park
20 or seasonal ~~mobile~~ MANUFACTURED home park.

21 Sec. 13. (1) A person shall not construct a ~~mobile~~
22 MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED home
23 park without obtaining a permit issued by the department.

24 (2) Construction may begin upon the granting of a permit to
25 construct by the department.

26 Sec. 14. Upon completion of the construction of the
27 ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED

1 home park, the owner or operator of the park and a registered
2 professional engineer or architect shall file with the department
3 an affidavit certifying that the ~~mobile~~ MANUFACTURED home park
4 or seasonal ~~mobile~~ MANUFACTURED home park, lot, and work were
5 completed in accordance with the approved specifications and
6 plans.

7 Sec. 16. (1) A person shall not operate a ~~mobile~~
8 MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED home
9 park without a license.

10 (2) Upon completion, review, and approval of certifications,
11 the department shall grant a license to operate a ~~mobile~~
12 MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED home
13 park.

14 (3) An annual license shall be granted and renewed by the
15 department based upon the certifications and recommendations of
16 the appropriate agencies and local governments.

17 (4) If a person submits a timely application for renewal of
18 a license and pays the appropriate fee, the person may continue
19 to operate a ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~
20 MANUFACTURED home park unless notified that the application for
21 renewal is not approved.

22 (5) A campground ~~which~~ THAT is currently licensed under
23 sections 12501 to 12516 of the public health code, Act No. 368 of
24 the Public Acts of 1978, being sections 333.12501 to 333.12516 of
25 the Michigan Compiled Laws, THAT was previously licensed under
26 the licensing provisions of Act No. 243 of the Public Acts of
27 1959, being sections 125.1035 to 125.1043 of the Michigan

1 Compiled Laws, as a seasonal trailer park, and ~~which~~ THAT
2 currently meets the seasonal trailer park construction standards
3 under Act No. 243 of the Public Acts of 1959 ~~—~~ may apply for
4 and shall be licensed as a seasonal ~~mobile~~ MANUFACTURED home
5 park under this act if the campground meets all other require-
6 ments for licensure under this act as a seasonal ~~mobile~~
7 MANUFACTURED home park.

8 Sec. 16a. ~~Mobile~~ MANUFACTURED homes located in a seasonal
9 ~~mobile~~ MANUFACTURED home park may be occupied on a full-time
10 basis from April 1 to October 31, but shall not be occupied for
11 more than 15 consecutive days in any 30-day period from
12 November 1 to March 31.

13 Sec. 17. (1) The department of public health or its autho-
14 rized representative shall conduct an annual physical inspection
15 of ~~mobile~~ MANUFACTURED home parks and seasonal ~~mobile~~
16 MANUFACTURED home parks in accordance with standards established
17 by the department of public health. If the ~~mobile~~ MANUFACTURED
18 home park or seasonal ~~mobile~~ MANUFACTURED home park is
19 approved, the department of public health shall issue a certifi-
20 cation of compliance to the department of commerce that the park
21 is licensable.

22 (2) Except for purposes of issuing a license or renewing a
23 license ~~pursuant to~~ UNDER this act, a local government ~~may~~
24 SHALL not make an inspection unless it has reason to believe that
25 this act, the code, or rules promulgated ~~pursuant to~~ UNDER this
26 act were violated.

1 Sec. 18. (1) A variance in the design and construction of a
2 ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED
3 home park may be granted upon notice of the request to the local
4 government and the department of public health at the time of
5 filing with the department of commerce. If the local government
6 grants a variance ~~which~~ THAT would permit activities violative
7 of the minimum standards of the code, the local government shall
8 file with the department a copy of the variance order and an
9 explanation of the reason for the granting of the order. The
10 department may approve or disapprove the variance or revoke the
11 variance upon notice and hearing.

12 (2) After a public hearing the department may grant a spe-
13 cific variance to a substantive requirement of the code if the
14 literal application of the substantive requirement would result
15 in an exceptional, practical difficulty to the applicant, and if
16 the specific condition justifying the variance is neither so gen-
17 eral nor recurrent in nature as to make an amendment of the code
18 with respect to the condition reasonably practical or desirable.

19 (3) The department may attach in writing a condition in con-
20 nection with the granting of a variance that in its judgment is
21 necessary to protect the health, safety, and welfare of the
22 people of this state. The variance shall not exceed the minimum
23 necessary to alleviate the exceptional, practical difficulty.

24 (4) A variance to a local ordinance, zoning requirement, or
25 local rule may be granted only by a local government.

26 (5) A variance to a rule promulgated under this act may be
27 granted only by the commission.

1 Sec. 21. (1) A ~~mobile~~ MANUFACTURED home dealer shall not
2 engage in the retail sale of a ~~mobile~~ MANUFACTURED home without
3 a license.

4 (2) A ~~mobile~~ MANUFACTURED home dealer, ~~mobile~~
5 MANUFACTURED home installer, or repairer may obtain an initial or
6 renewal license by filing with the commission an application
7 together with consent to service of process in a form prescribed
8 by the commission ~~pursuant to~~ UNDER section 35.

9 (3) An initial or renewal license under this act shall be
10 issued for not more than 1 year. Licenses shall expire on
11 October 1.

12 (4) The annual license fee for a ~~mobile~~ MANUFACTURED home
13 dealer is \$150.00 or any other lesser amount established
14 ~~pursuant to~~ UNDER section 9(5).

15 (5) The annual license fee for a ~~mobile~~ MANUFACTURED home
16 installer or repairer is \$50.00 or any other lesser amount estab-
17 lished ~~pursuant to~~ UNDER section 9(5).

18 (6) A licensed ~~mobile~~ MANUFACTURED home dealer, ~~mobile~~
19 MANUFACTURED home installer, or repairer may file an application
20 for the license of a successor, whether or not the successor is
21 then in existence, for the unexpired portion of the year. The
22 commission may grant or deny the application.

23 (7) A licensee who submits a timely application for renewal
24 of a license and pays the appropriate fee may continue sales of
25 ~~mobile~~ MANUFACTURED homes unless notified that the application
26 for renewal is not approved.

1 Sec. 22. The commission may promulgate rules to require a
2 licensed ~~mobile~~ MANUFACTURED home dealer to post a surety bond
3 in an amount up to \$10,000.00 for each sales location and may
4 determine conditions of the bond. An appropriate deposit of cash
5 or securities shall be accepted in lieu of a REQUIRED bond.
6 ~~which is required.~~

7 Sec. 23. A licensed ~~mobile~~ MANUFACTURED home dealer shall
8 make and keep accounts, and other records as the commission pre-
9 scribes by rule. The records required shall be preserved for 3
10 years unless the commission otherwise prescribes by rule for par-
11 ticular types of records. If the information contained in a
12 record filed with the commission is or becomes inaccurate or
13 incomplete in any material respect, the licensee promptly shall
14 file a correcting amendment.

15 Sec. 24. A ~~mobile~~ MANUFACTURED home dealer shall not DO
16 THE FOLLOWING:

17 (a) Advertise or represent a ~~mobile~~ MANUFACTURED home as
18 other than calendar or model year.

19 (b) Misapply consumer deposits on a ~~mobile~~ MANUFACTURED
20 home or a ~~mobile~~ MANUFACTURED home park.

21 (c) Fail to place deposits, down payments, or similar pay-
22 ments for the purchase or right to purchase a ~~mobile~~
23 MANUFACTURED home in a separate escrow account subject to return
24 upon cancellation of the purchase order by the prospective pur-
25 chaser under the rules or orders as the commission promulgates or
26 issues unless the dealer ~~shall post~~ POSTS a bond or a deposit

1 of cash or securities for protection of these payments in an
2 amount acceptable to the commission.

3 (d) Fail to disclose to the department any direct or indi-
4 rect business relationships with financial and loan institutions,
5 banks, and insurance companies.

6 Sec. 25. (1) The commission shall promulgate rules relating
7 to the responsibility of the ~~mobile~~ MANUFACTURED home dealer,
8 ~~mobile~~ THE MANUFACTURED home installer, and the ~~mobile~~
9 MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED home
10 park owner for installation and setup of a ~~mobile~~ MANUFACTURED
11 home.

12 (2) A person licensed under any of the following acts
13 ~~shall~~ IS not ~~be~~ required to be licensed as a ~~mobile~~
14 MANUFACTURED home installer and repairer in order to perform work
15 on ~~mobile~~ MANUFACTURED homes for which the person is licensed,
16 unless the work performed also includes the setup, installation,
17 or general repair of ~~mobile~~ MANUFACTURED homes:

18 (a) The electrical administrative act, Act No. 217 of the
19 Public Acts of 1956, being sections 338.881 to 338.892 of the
20 Michigan Compiled Laws.

21 (b) Act No. 266 of the Public Acts of 1929, being sections
22 338.901 to 338.917 of the Michigan Compiled Laws.

23 (c) The Forbes mechanical contractors act, Act No. 192 of
24 the Public Acts of 1984, being sections 338.971 to 338.988 of the
25 Michigan Compiled Laws.

26 (3) The electrical administrative act, Act No. 217 of the
27 Public Acts of 1956, being sections 338.881 to 338.892 of the

1 Michigan Compiled Laws, Act No. 266 of the Public Acts of 1929,
2 being sections 338.901 to 338.917 of the Michigan Compiled Laws,
3 and the Forbes mechanical contractors act, Act No. 192 of the
4 Public Acts of 1984, being sections 338.971 to 338.988 of the
5 Michigan Compiled Laws, ~~shall~~ DO not apply to the setup or
6 installation of a ~~mobile~~ MANUFACTURED home and the following
7 connections or replacement or repair of the following connec-
8 tions, by a licensed ~~mobile~~ MANUFACTURED home installer and
9 repairer:

10 (a) Factory-installed electrical wiring, devices, appli-
11 ances, or appurtenances to available electrical meters or
12 pedestals.

13 (b) Factory-installed piping, fixtures, plumbing appliances,
14 and plumbing appurtenances to sanitary drainage or storm drainage
15 facilities, venting systems, or public or private water supply
16 systems.

17 (c) Factory-installed process piping, heating and cooling
18 equipment, and systems or supply lines to available service
19 meters or mains.

20 Sec. 27. (1) A person shall not, in connection with the
21 offer, sale, purchase, or rental of a ~~mobile~~ MANUFACTURED home,
22 ~~mobile~~ MANUFACTURED home site, or RELATED equipment, ~~relating~~
23 ~~thereto~~ DO EITHER OF THE FOLLOWING:

24 (a) Employ a devise, scheme, or artifice to defraud.

25 (b) Make an untrue statement of material fact or omit to
26 state a material fact necessary to make the statement not

1 misleading, in the light of the circumstances under which it is
2 made.

3 (2) A person shall not willfully authorize, direct, or aid
4 in publication, advertisement, distribution, or circulation of a
5 statement or representation concerning a ~~mobile~~ MANUFACTURED
6 home, ~~mobile~~ MANUFACTURED home site, or RELATED equipment
7 ~~relating thereto, which~~ THAT misrepresents the facts concerning
8 the ~~mobile~~ MANUFACTURED home, ~~mobile~~ MANUFACTURED home site,
9 or RELATED equipment. ~~relating thereto.~~

10 (3) A person with knowledge that an advertisement, pamphlet,
11 prospectus, or letter concerning a ~~mobile~~ MANUFACTURED home,
12 ~~mobile~~ MANUFACTURED home site, or RELATED equipment ~~relating~~
13 ~~thereto~~ contains a written statement that is false or fraudulent
14 ~~—~~ shall not issue, circulate, publish, or distribute the adver-
15 tisement, pamphlet, prospectus, or letter concerning a ~~mobile~~
16 MANUFACTURED home, ~~mobile~~ MANUFACTURED home site, or RELATED
17 equipment. ~~relating thereto.~~

18 (4) A person shall not willfully make ~~any~~ A material mis-
19 representation in the sale of a ~~mobile~~ MANUFACTURED home,
20 ~~mobile~~ MANUFACTURED home site, or RELATED equipment. ~~relating~~
21 ~~thereto.~~

22 Sec. 28. (1) An owner or operator of a ~~mobile~~ MANUFACTURED
23 home park or seasonal ~~mobile~~ MANUFACTURED home park shall not
24 engage, or permit an employee or agent to engage, in any of the
25 following unfair or deceptive methods, acts, or practices:

26 (a) Directly or indirectly charging or collecting from a
27 person an entrance fee.

1 (b) Requiring a person to directly or indirectly purchase a
2 ~~mobile~~ MANUFACTURED home from another person as a condition of
3 entrance to, or lease or rental of, a ~~mobile~~ MANUFACTURED home
4 park or seasonal ~~mobile~~ MANUFACTURED home park space.

5 (c) Directly or indirectly charging or collecting from a
6 person a refundable or nonrefundable exit fee.

7 (d) Requiring or coercing a person to purchase, rent, or
8 lease goods or services from another person as a condition of any
9 of the following:

10 (i) Entering into a park or lease.

11 (ii) Selling a ~~mobile~~ MANUFACTURED home through the park
12 owner or operator ~~—~~ or his or her agent or designee upon leav-
13 ing a ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~
14 MANUFACTURED home park.

15 (iii) Renting space in a ~~mobile~~ MANUFACTURED home park or
16 seasonal ~~mobile~~ MANUFACTURED home park.

17 (e) Directly or indirectly charging or collecting from a
18 person money or other thing of value for electric, fuel, or water
19 service without the RESIDENT'S OR TENANT'S use of that service
20 ~~by a resident or tenant~~ being first accurately and consistently
21 measured, unless that service is included in the rental charge as
22 an incident of tenancy.

23 (f) Conspiring, combining, agreeing, aiding, or abetting in
24 the employment of a method, act, or practice that violates this
25 act.

1 (g) Renting or leasing a ~~mobile~~ MANUFACTURED home or site
2 in a ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~
3 MANUFACTURED home park without offering a written lease.

4 (h) Subject to section 28a, prohibiting a resident from
5 selling his or her ~~mobile~~ MANUFACTURED home on-site for a price
6 determined by that resident, if the purchaser qualifies for ten-
7 ancy and the ~~mobile~~ MANUFACTURED home meets the conditions of
8 written park rules or regulations. This subdivision does not
9 apply to seasonal ~~mobile~~ MANUFACTURED home parks.

10 (i) Subject to reasonable ~~mobile~~ MANUFACTURED home park or
11 seasonal ~~mobile~~ MANUFACTURED home park rules governing the
12 location, size, and style of exterior television antenna, prohib-
13 iting a person from installing or maintaining an exterior televi-
14 sion antenna on a ~~mobile~~ MANUFACTURED home within the park
15 unless the ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~
16 MANUFACTURED home park provides park residents, without charge, a
17 central television antenna for UHF-VHF reception.

18 (J) REQUIRING A REPOSSESSING LENDER TO PAY A HOMEOWNER'S
19 DEBTS THAT WERE INCURRED BEFORE REPOSSESSION OF THE MANUFACTURED
20 HOME.

21 (K) PROHIBITING A REPOSSESSING LENDER FROM SELLING A MANU-
22 FACTURED HOME ON-SITE.

23 (2) A tenant of a ~~mobile~~ MANUFACTURED home park or sea-
24 sonal ~~mobile~~ MANUFACTURED home park may bring an action on his
25 or her own behalf for a violation of this section.

26 (3) If the commission has reason to suspect that the owner
27 of a ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~

1 MANUFACTURED home park is engaged in conduct that violates
2 existing water utility tariffs or qualifies the owner of a
3 ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED
4 home park for regulation as a water utility, the commission shall
5 promptly send a written report of the alleged violation to the
6 Michigan public service commission.

7 Sec. 28a. (1) ~~Mobile~~ MANUFACTURED home park rules or reg-
8 ulations may include provisions governing the physical condition
9 of ~~mobile~~ MANUFACTURED homes and the aesthetic characteristics
10 of ~~mobile~~ MANUFACTURED homes in relation to the ~~mobile~~
11 MANUFACTURED home park in which they are located, subject to all
12 of the following:

13 (a) The age or size of a ~~mobile~~ MANUFACTURED home shall
14 not be used as the sole basis for refusing to allow an on-site,
15 in-park sale or for refusing to allow the ~~mobile~~ MANUFACTURED
16 home to remain on-site. THE PARK RULES OR REGULATIONS SHALL NOT
17 ESTABLISH A MINIMUM VALUE OR A MINIMUM SALE PRICE FOR A MANUFAC-
18 TURED HOME AS A CONDITION TO AN IN-PARK SALE OF THE HOME. The
19 burden of going forward in a suit against the ~~mobile~~
20 MANUFACTURED home park owner or operator for violation of this
21 subdivision is on the resident.

22 (b) The standards incorporated in the written park rules or
23 regulations governing the physical condition and aesthetic char-
24 acteristics of ~~mobile~~ MANUFACTURED homes in the ~~mobile~~
25 MANUFACTURED home park shall apply equally to all residents.

1 (c) A ~~mobile~~ MANUFACTURED home sold on-site shall conform
2 with Act No. 133 of the Public Acts of 1974, being sections
3 125.771 to 125.774 of the Michigan Compiled Laws.

4 (d) Any charge connected to the on-site, in-park sale of a
5 ~~mobile~~ MANUFACTURED home, other than the inspection fee permit-
6 ted under subdivision (e) and the commission or fee charged by a
7 ~~mobile~~ MANUFACTURED home dealer licensed under this act who is
8 engaged by the seller to transact the sale, is an entrance or
9 exit fee in violation of section 28.

10 (e) A park owner or operator may charge a reasonable fee to
11 inspect the ~~mobile~~ MANUFACTURED home before sale. The charge
12 shall not be more than \$30.00, or the amount charged for building
13 permit inspections by the municipality in which the ~~mobile~~
14 MANUFACTURED home is located, whichever is higher.

15 (f) The standards governing the physical condition of
16 ~~mobile~~ MANUFACTURED homes and the aesthetic characteristics of
17 ~~mobile~~ MANUFACTURED homes in the ~~mobile~~ MANUFACTURED home
18 park, as incorporated in the written park rules, shall not be
19 designed to defeat the intent of this section.

20 (2) Subsection (1)(f) ~~shall~~ DOES not apply if the ~~mobile~~
21 MANUFACTURED home park is changing its method of doing business
22 and provides not less than 1 year's notice, unless a different
23 notice period is otherwise provided by law, of the proposed
24 change to all affected ~~mobile~~ MANUFACTURED home park
25 residents. A change in a ~~mobile~~ MANUFACTURED home park's
26 method of doing business includes, but is not limited to, any of
27 the following:

1 (a) Conversion to a ~~mobile~~ MANUFACTURED home park
2 condominium ~~pursuant to~~ UNDER the condominium act, Act No. 59
3 of the Public Acts of 1978, being sections 559.101 to 559.275 of
4 the Michigan Compiled Laws.

5 (b) Conversion to total rental of both ~~mobile~~ MANUFACTURED
6 home site and park-owned ~~mobile~~ MANUFACTURED homes.

7 (c) Changes in use of the land on which the ~~mobile~~
8 MANUFACTURED home park is located.

9 (3) Notwithstanding subsection (1) or (2), a ~~mobile~~
10 MANUFACTURED home park may require a ~~mobile~~ MANUFACTURED home
11 to be moved to a comparable site within the ~~mobile~~ MANUFACTURED
12 home park, at the expense of the mobile ~~mobile~~ MANUFACTURED
13 home park.

14 (4) If, after termination of a resident's tenancy for just
15 cause as provided in chapter 57a of the revised judicature act of
16 1961, Act No. 236 of the Public Acts of 1961, being sections
17 600.5771 to 600.5785 of the Michigan Compiled Laws, the resident
18 of a ~~mobile~~ MANUFACTURED home park sells his or her ~~mobile~~
19 MANUFACTURED home to the owner or operator of the ~~mobile~~
20 MANUFACTURED home park, or to any entity in which the owner or
21 operator has any interest, the resident ~~shall have~~ HAS the
22 right to have the ~~mobile~~ MANUFACTURED home's value appraised
23 and, if so appraised, the sale price of the ~~mobile~~ MANUFACTURED
24 home shall not be less than the appraised value.

25 (5) Except as provided in subsection (1)(a), a ~~mobile~~
26 MANUFACTURED home park owner or operator, or both, has the burden
27 of going forward to show compliance with subsection (1).

1 Sec. 28b. A ~~mobile~~ MANUFACTURED home park rule that does
2 either of the following shall not be enforced against a resident,
3 unless the rule was proposed and in force before the resident was
4 approved for tenancy in the ~~mobile~~ MANUFACTURED home park:

5 (a) Prohibits those children who were previously approved
6 under prior park rules from residing in the ~~mobile~~ MANUFACTURED
7 home park. A rule prohibiting children, or additional children,
8 shall not be enforced against persons who were residents of the
9 ~~mobile~~ MANUFACTURED home park at the time the rule was adopted
10 until after 1 year's notice to those persons.

11 (b) Prohibits a resident from keeping those pets ~~which~~
12 THAT were previously approved under prior park rules, except dan-
13 gerous animals.

14 Sec. 28c. (1) A lease or rental agreement or rules or regu-
15 lations that are adopted ~~pursuant to~~ UNDER a lease or rental
16 agreement may include a provision that requires liquidated dam-
17 ages to be awarded to the prevailing party in a contested action
18 to terminate a tenancy in a ~~mobile~~ MANUFACTURED home park for
19 just cause under section 5775 of the revised judicature act of
20 1961, Act No. 236 of the Public Acts of 1961, being section
21 600.5775 of the Michigan Compiled Laws.

22 (2) A provision allowed under subsection (1) may require
23 liquidated damages of not more than \$500.00 for an action in the
24 district court and not more than \$300.00 for each appellate
25 level. Liquidated damages shall not be construed to be a
26 penalty.

1 Sec. 29. A utility company shall notify the department 10
2 days before shutoff of service for nonpayment, including sewer,
3 water, gas, or electric service, when the service is being sup-
4 plied to the licensed owner or operator of a ~~mobile~~
5 MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED home
6 park for the use and benefit of the park's tenants.

7 Sec. 30. (1) After December 31, 1978, every ~~mobile~~
8 MANUFACTURED home located in this state ~~shall be~~ IS subject to
9 the certificate of title provisions of this act, except for any
10 new ~~mobile~~ MANUFACTURED home owned by a manufacturer or
11 licensed ~~mobile~~ MANUFACTURED home dealer and held for sale.

12 (2) After December 31, 1978, a certificate of title for a
13 ~~mobile~~ MANUFACTURED home issued by the secretary of state
14 before January 1, 1979, ~~pursuant to~~ UNDER THE MICHIGAN VEHICLE
15 CODE, Act No. 300 of the Public Acts of 1949, being sections
16 257.1 to 257.923 of the Michigan Compiled Laws, shall be consid-
17 ered to be a certificate of title issued by the department under
18 this act and ~~shall be~~ IS subject to all of the provisions of
19 this act respecting certificates of title.

20 (3) After December 31, 1978, a ~~mobile~~ MANUFACTURED home
21 shall not be sold or transferred except by transfer of the cer-
22 tificate of title for the ~~mobile~~ MANUFACTURED home ~~pursuant~~
23 ~~to~~ UNDER this act.

24 Sec. 30a. (1) An owner of a ~~mobile~~ MANUFACTURED home
25 ~~which~~ THAT is subject to the certificate of title provisions of
26 this act shall make application to the department for the
27 issuance of a certificate of title for the ~~mobile~~ MANUFACTURED

1 home upon the appropriate form furnished by the department,
2 accompanied by a fee of \$45.00 or any lesser amount established
3 ~~pursuant to~~ UNDER section 9(5). The application shall bear the
4 signature of the owner written in ink, shall be acknowledged by
5 the owner before a person authorized to take acknowledgments, and
6 shall contain ALL OF THE FOLLOWING:

7 (a) The name and address of the owner.

8 (b) A description of the ~~mobile~~ MANUFACTURED home, includ-
9 ing the name of the manufacturer, the year and model, and the
10 manufacturer's serial number or, in the absence of a serial
11 number, a number assigned by the department. A number assigned
12 by the department shall be permanently placed on the ~~mobile~~
13 MANUFACTURED home in the manner and place designated by the
14 department.

15 (c) A statement of the names and addresses of the holders of
16 any security interests in the ~~mobile~~ MANUFACTURED home, in the
17 order of their priority.

18 (d) Further information as may reasonably be required by the
19 department to enable it to determine whether the owner of the
20 ~~mobile~~ MANUFACTURED home is entitled to a certificate of title
21 for the ~~mobile~~ MANUFACTURED home.

22 (2) If the department is not satisfied as to the ownership
23 of the ~~mobile~~ MANUFACTURED home, before issuing a certificate
24 of title for it, the department may require the applicant to file
25 a properly executed surety bond in a form prescribed by the
26 department, executed by the applicant and a company authorized to
27 conduct a surety business in this state. The bond shall be in an

1 amount equal to twice the value of the ~~mobile~~ MANUFACTURED home
2 as determined by the department and shall be conditioned to
3 indemnify or reimburse the department, any prior owner, any
4 holder of a security interest in the ~~mobile~~ MANUFACTURED home,
5 and any subsequent purchaser of the ~~mobile~~ MANUFACTURED home,
6 and their successors in interest, against any expense, loss, or
7 damage, including reasonable attorney's fees, by reason of the
8 issuance of a certificate of title to the ~~mobile~~ MANUFACTURED
9 home or on account of any defect in the right, title, or interest
10 of the applicant in and to the ~~mobile~~ MANUFACTURED home. Each
11 interested person has a right of action to recover on the bond
12 for a breach of its conditions, but the aggregate liability of
13 the surety to all persons shall not exceed the amount of the
14 bond. The bond shall be returned at the end of 5 years, or
15 before 5 years if the currently valid certificate of title is
16 surrendered to the department, unless the department has received
17 notification of the pendency of an action to recover on the
18 bond.

19 (3) The department shall examine and determine the genuine-
20 ness, regularity, and legality of an application for a certifi-
21 cate of title for a ~~mobile~~ MANUFACTURED home and of any other
22 application lawfully made to the department, and may in all cases
23 make investigation or require additional information as may be
24 considered necessary, and shall reject any application if not
25 satisfied ~~of~~ AS TO the genuineness, regularity, or legality of
26 it or the truth of any statement contained in it, or for any
27 other reason, when authorized by law.

1 (4) The fee for obtaining a duplicate, replacement, or
2 corrected title, for placing or terminating a lien on the title,
3 or for placing a name on the title is \$15.00 or any other lesser
4 amount established ~~pursuant to~~ UNDER section 9(5).

5 Sec. 30b. (1) The department upon receipt of the required
6 application and fees shall issue a certificate of title except as
7 otherwise provided.

8 (2) The certificate of title shall contain upon its face the
9 date issued, the name and address of the owner, a description of
10 the ~~mobile~~ MANUFACTURED home as determined by the department, a
11 statement of all security interests in the ~~mobile~~ MANUFACTURED
12 home as set forth in the application, the date on which the
13 application was filed, and other information as the department
14 may require.

15 (3) The certificate of title shall contain upon the reverse
16 side forms for assignment of title or interest and warranty of
17 title by the owner with space for notation of security interests
18 in the ~~mobile~~ MANUFACTURED home at the time of a transfer to be
19 signed in ink, and other forms as the department may consider
20 necessary to facilitate the effective administration of this
21 section. The certificate shall bear the seal of the department.

22 (4) The certificate of title shall be mailed or delivered to
23 the owner or other person as the owner may direct in a separate
24 instrument, in the form as the department shall prescribe.

25 Sec. 30c. (1) If the owner of a ~~mobile~~ MANUFACTURED home
26 transfers or assigns the owner's title or interest to the
27 ~~mobile~~ MANUFACTURED home, the owner shall indorse on the back

1 of the certificate of title an assignment of the ~~mobile~~
2 MANUFACTURED home with warranty of title with a statement of all
3 security interests in the ~~mobile~~ MANUFACTURED home, and shall
4 cause the certificate to be mailed or delivered to the department
5 or to the purchaser or transferee at the time of the delivery to
6 the purchaser or transferee of the ~~mobile~~ MANUFACTURED home.

7 (2) Upon the delivery of a ~~mobile~~ MANUFACTURED home and
8 the transfer, sale, or assignment of the title or interest in a
9 ~~mobile~~ MANUFACTURED home, the effective date of the transfer of
10 title or interest shall be the date of execution of either the
11 application for title or the certificate of title.

12 (3) The purchaser or transferee, unless the purchaser or
13 transferee is a licensed dealer, shall ~~cause to be presented~~
14 PRESENT to the department the certificate of title accompanied by
15 the applicable fee, as follows:

16 (a) Except as provided in subdivision (b) or (c), \$45.00.

17 (b) Except as provided in subdivision (c), \$15.00, if the
18 sale, assignment, or other transfer will require the addition or
19 deletion from the certificate of title of any of the following:

20 (i) The owner's spouse.

21 (ii) A person related to the owner within the fourth degree
22 of consanguinity as computed by the civil law method.

23 (iii) A person related to the owner's spouse within the
24 fourth degree of consanguinity as computed by the civil law
25 method.

26 (c) Any other lesser amount established ~~pursuant to~~ UNDER
27 section 9(5).

1 (4) Upon presentation of the certificate of title
2 accompanied by the applicable fee, a new certificate of title
3 shall be issued. A certificate of title issued under subsection
4 (3) and this subsection shall be mailed or delivered to the owner
5 or any other person the owner may direct in a separate instrument
6 in a form as prescribed by the department.

7 (5) If a security interest is reserved or created at the
8 time of the transfer, the parties shall comply with section 30d.

9 (6) If the transferee of a ~~mobile~~ MANUFACTURED home is a
10 ~~mobile~~ MANUFACTURED home dealer who holds the ~~mobile~~
11 MANUFACTURED home for resale, the dealer ~~shall~~ IS not ~~be~~
12 required to forward the certificate of title to the department,
13 but the dealer shall retain possession of the assigned certifi-
14 cate of title. Upon transfer of the dealer's title or interest
15 to another person, the dealer shall execute and acknowledge an
16 assignment and warranty of title upon the certificate of title
17 and deliver it to the person to whom the transfer is made if the
18 person is a licensed dealer; otherwise application for a new
19 title shall be made by the transferor as provided in section
20 30a(1).

21 Sec. 30d. (1) If an owner named in a certificate of title
22 creates a security interest in the ~~mobile~~ MANUFACTURED home
23 described in the certificate, ALL OF THE FOLLOWING APPLY:

24 (a) The owner shall immediately execute an application in
25 the form prescribed by the department showing the name and
26 address of the holder of the security interest and deliver the
27 certificate of title, application, and a fee of \$1.00 together

1 with a copy of the application which need not be signed, to the
2 holder of the security interest.

3 (b) The holder of the security interest shall ~~cause~~ MAIL
4 OR DELIVER the certificate of title, application, and fee and the
5 copy of the application ~~to be mailed or delivered~~ to the
6 department.

7 (c) The department shall indicate on the copy of the appli-
8 cation the date and place of filing of the application and return
9 the copy to the person presenting it.

10 (d) Upon receipt of the certificate of title, application,
11 and the required fee the department shall issue a new certificate
12 in the form ~~provided~~ PRESCRIBED by section 30b setting forth
13 the name and address of each holder of a security interest in the
14 ~~mobile~~ MANUFACTURED home for which a termination statement has
15 not been filed and the date on which the application first stat-
16 ing the security interest was filed, and mail the certificate to
17 the owner.

18 (2) A holder of a security interest may assign, absolutely
19 or otherwise, the security interest to a person other than the
20 owner without affecting the interest of the owner or the validity
21 of the security interest, but a person without notice of the
22 assignment is protected in dealing with the holder of the secur-
23 ity interest as the holder of the security interest. The
24 assignee may have the certificate of title indorsed with the
25 assignee named as the holder of the security interest by provid-
26 ing the department with a copy of the assignment instrument but
27 the failure of the assignee to do so ~~shall~~ DOES not affect the

1 validity of the security interest or the assignment of the
2 security interest.

3 (3) The filing under this section or under section 30a of an
4 application for a certificate of title showing the name and
5 address of the holder of a security interest in a ~~mobile~~
6 MANUFACTURED home is equivalent to the filing of a financing
7 statement with respect to the security interest under article 9
8 of the uniform commercial code, Act No. 174 of the Public Acts of
9 1962, being sections 440.9101 to 440.9994 of the Michigan
10 Compiled Laws.

11 (4) When there is not an outstanding obligation or commit-
12 ment to make advances, incur obligations, or otherwise give
13 value, secured or to be secured by a security interest in a
14 ~~mobile~~ MANUFACTURED home, the secured party shall, within 10
15 days after satisfaction of the obligation and, in any event
16 within 30 days, execute a termination statement in the form pre-
17 scribed by the department and mail or deliver the termination
18 statement to the owner or other person as the owner, may direct.
19 The owner other than a dealer holding the ~~mobile~~ MANUFACTURED
20 home for resale, shall promptly cause the certificate, all termi-
21 nation statements, and an application for certificate of title
22 accompanied by a fee of \$1.00 to be mailed or delivered to the
23 department, which shall issue a new certificate.

24 Sec. 30e. (1) If the interest of the owner in a ~~mobile~~
25 MANUFACTURED home is terminated by the enforcement of a security
26 agreement, the transferee of the owner's interest shall promptly
27 mail or deliver to the department the last certificate of title,

1 if the transferee has possession of it, an application for a new
2 certificate in the form prescribed by the department, and an
3 affidavit made by or on behalf of the holder of the security
4 interest so enforced STATING that the ~~mobile~~ MANUFACTURED home
5 was repossessed, that the interest of the owner was lawfully ter-
6 minated by enforcement of the security agreement, and whether the
7 holder has delivered the last certificate of title to the trans-
8 feree of the owner's interest, naming the transferee, or if not,
9 the reason delivery was not made and the then location of the
10 certificate of title so far as known to the holder. If the
11 holder of the security interest succeeds to the interest of the
12 owner and holds the ~~mobile~~ MANUFACTURED home for resale, the
13 holder shall not be required to secure a new certificate of title
14 but, upon transfer to another person, shall promptly mail or
15 deliver to the transferee or to the department the certificate,
16 if in the holder's possession, the affidavit, and other documents
17 required to be sent to the department by the transferee.

18 (2) If the interest of the owner in a ~~mobile~~ MANUFACTURED
19 home is terminated by sale pursuant to a levy of execution,
20 attachment, or other process of a court, the transferee of the
21 owner's interest shall promptly mail or deliver to the department
22 the last certificate of title, if the transferee has possession
23 of it, an application for a new certificate of title in the form
24 prescribed by the department and an affidavit, upon a form pre-
25 scribed by the department, made by the officer of the court who
26 conducted the sale, setting forth the date of the sale, ~~and~~ the
27 name of the purchaser, and whether the officer has delivered the

1 certificate of title to the purchaser. ~~and if not,~~ IF THE
2 CERTIFICATE OF TITLE WAS NOT DELIVERED TO THE PURCHASER, THE
3 OFFICER SHALL STATE IN THE AFFIDAVIT the reason delivery was not
4 made and the ~~then~~ location of the certificate of title so far
5 as known to the officer.

6 (3) A person holding a certificate of title ~~where~~ IN WHICH
7 the interest of the owner named in the certificate has been ter-
8 minated in the manner provided by subsection (1) or (2) shall
9 mail or deliver the certificate to the department upon its
10 request. The delivery of the certificate pursuant to the request
11 of the department does not affect the rights of the person sur-
12 rendering the certificate, and the action of the department in
13 issuing a new certificate of title is not conclusive upon any
14 rights of an owner or holder of a security interest named in the
15 old certificate.

16 (4) The department, upon receipt of an application for a new
17 certificate of title by a transferee in the manner provided by
18 subsection (1) or (2), with proof of the transfer, the required
19 fee, and any other documents required by law, shall issue a new
20 certificate of title in the name of the transferee as owner, set-
21 ting forth all security interests noted on the last certificate
22 of title as having priority over the security agreement so
23 enforced and shall mail or deliver the new certificate to the
24 owner. If the outstanding certificate of title is not delivered,
25 the department shall make demand for the outstanding certificate
26 of title from the holder.

1 Sec. 30f. The department shall retain and appropriately
2 file every surrendered certificate of title. The file shall be
3 maintained so as to permit the tracing of title of the ~~mobile~~
4 MANUFACTURED home designated in a surrendered certificate for a
5 period of 10 years.

6 Sec. 30g. (1) The department may cancel or refuse to issue
7 a certificate of title UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

8 (a) If the department is satisfied that the certificate of
9 title was fraudulently or erroneously issued.

10 (b) If the department determines that the holder of the cer-
11 tificate has made or is making an unlawful use of the
12 certificate.

13 (c) If the department determines that the required fee has
14 not been paid and the fee is not paid upon reasonable notice or
15 demand.

16 (d) If the department is authorized under any other provi-
17 sion of this act.

18 (e) Upon receipt of notification from another state or for-
19 eign country that a certificate of title issued by the department
20 has been surrendered by the owner in conformity with the laws of
21 the other state or foreign country.

22 (f) If it is shown by satisfactory evidence that delivery of
23 a ~~mobile~~ MANUFACTURED home in the possession of a dealer was
24 not made to the applicant to whom the certificate was issued.

25 (2) Before a cancellation under subsection (1)(a), (b), or
26 (d) is made, the person affected shall be given notice and an
27 opportunity to be heard.

1 Sec. 30h. The commission in consultation with the secretary
2 of state shall promulgate rules, which shall further define and
3 distinguish between the term ~~mobile~~ MANUFACTURED home as used
4 in this act and the term trailer coach as used in the Michigan
5 vehicle code, Act No. 300 of the Public Acts of 1949, being sec-
6 tions 257.1 to 257.923 of the Michigan Compiled Laws.

7 Sec. 31. A person who offers, sells, or purchases a
8 ~~mobile~~ MANUFACTURED home or equipment or a ~~mobile~~
9 MANUFACTURED home site in violation of this act or the code may
10 have an action brought against him or her to rescind the transac-
11 tion and recover damages.

12 Sec. 38. (1) The department may issue an order to show
13 cause why an order imposing sanctions or penalties allowed under
14 this act should not be issued by the commission if the department
15 finds that the order is in the public interest, and any of the
16 following:

17 (a) An application filed pertaining to a license, a disclo-
18 sure statement, or a related document filed with the department
19 in connection with a ~~mobile~~ MANUFACTURED home license ~~—~~ is
20 incomplete in any material respect or contains a statement
21 ~~which~~ THAT is false or misleading, in the light of the circum-
22 stances under which it is made.

23 (b) A provision of this act, or a rule, order, or condition
24 lawfully imposed under this act, was not complied with or was
25 violated in connection with the offering by the person filing the
26 document; the developer, dealer, or operator; a partner, officer,
27 director, proprietor, or manager of the developer, dealer, or

1 operator; or a person directly or indirectly controlling, or
2 directly controlled by, the developer, dealer, or operator.

3 (c) The project worked or tended to work a fraud or decep-
4 tion or would so operate, or the project would create an unrea-
5 sonable risk to prospective tenants, as defined by rules promul-
6 gated by the commission.

7 (d) The developer, dealer, or operator; a partner, officer,
8 director, proprietor, or manager of the developer, dealer, or
9 operator; a person directly or indirectly controlling or directly
10 controlled by the developer, dealer, or operator; or a person
11 identified in the application for a license, or a disclosure
12 statement, was within the past 10 years convicted of an offense
13 under this act, or is the subject of an administrative order
14 issued under this act, or had a civil judgment entered against
15 him or her as a result of a violation of this act or a rule
16 promulgated or order issued ~~pursuant to~~ UNDER this act, and the
17 department determines that the involvement of the person in the
18 sale or development of the project creates an unreasonable risk
19 to prospective tenants or ~~mobile~~ MANUFACTURED home purchasers.

20 (e) The developer, dealer, or operator; a partner, officer,
21 director, proprietor, or manager of the developer; a person
22 directly or indirectly controlling or directly controlled by the
23 developer, dealer, or operator; or a person identified in the
24 application for a license, or a disclosure statement, was con-
25 victed of a violation or WAS the subject of an administrative
26 order or civil judgment as a result of a violation of a statute
27 regulating the offering of securities or franchises or licensing

1 or regulating builders, real estate brokers, or real estate
2 salespersons, or of violation of the land sales act, Act No. 286
3 of the Public Acts of 1972, being sections 565.801 to 565.835 of
4 the Michigan Compiled Laws, or a rule promulgated or an order
5 issued under that act.

6 (f) The applicant's method of business, construction, devel-
7 opment, or sales includes or would include activities ~~which~~
8 THAT are illegal.

9 (g) The applicant failed to pay the proper fee.

10 (h) The applicant failed to comply with the state warranty
11 laws.

12 (2) When it appears to the department that a person engaged
13 in an act or practice constituting a violation of this act or a
14 rule promulgated or order issued under this act, the department
15 may issue a notice to show cause why a cease and desist order
16 should not be issued.

17 (3) After 10 days' notice and opportunity for hearing, the
18 department may stop construction as to part or all of a project
19 if continuing the building will cause irreparable harm to resi-
20 dents and prospective residents of the project.

21 Sec. 43. (1) If, after notice and a hearing as provided in
22 the administrative procedures act of 1969, Act No. 306 of the
23 Public Acts of 1969, being sections 24.201 to 24.328 of the
24 Michigan Compiled Laws, a person is determined to have violated
25 this act, the commission may impose 1 or more of the following
26 penalties:

1 (a) Censure.

2 (b) Probation.

3 (c) Placement of a limitation on a license.

4 (d) Suspension of a license. The commission may request the
5 appointment of a receiver when taking action under this
6 subdivision.

7 (e) Revocation of a license. The commission may request the
8 appointment of a receiver when taking action under this
9 subdivision.

10 (f) Denial of a license.

11 (g) A civil fine of not more than \$10,000.00.

12 (h) A requirement that restitution be made.

13 (2) A fine collected under this section shall be deposited
14 with the state treasurer and credited to the ~~mobile~~
15 MANUFACTURED home commission fund.

16 (3) This section does not prohibit actions being taken under
17 other sections of this act.

18 (4) The pursuit in court of the lawful rights of a licensee
19 does not constitute a violation of this act, regardless of the
20 outcome of the court action.