



HOUSE BILL No. 5847

May 25, 2000, Introduced by Reps. Garcia, Scranton and Richardville and referred to the Committee on Economic Development.

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending 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 (MCL 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), section 28 as amended by 1993
PA 241 and sections 28a, 28b, 28c, and 43 as added and section 38
as amended by 1988 PA 337; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

1
2 An act to create a ~~mobile home~~ MANUFACTURED HOUSING com-
3 mission; to prescribe its powers and duties and those of local
4 governments; to provide for a ~~mobile home~~ MANUFACTURED HOUSING
5 code and the licensure, regulation, construction, operation, and
6 management of ~~mobile~~ MANUFACTURED home parks, the licensure and
7 regulation of retail sales dealers, warranties of ~~mobile~~
8 MANUFACTURED homes, and service practices of dealers; to provide
9 for the titling of ~~mobile~~ MANUFACTURED homes; to prescribe the
10 powers and duties of certain agencies and departments; to provide
11 remedies and penalties; to declare the act to be remedial; ~~to~~
12 ~~repeal this act on a specific date;~~ and to repeal ~~certain~~ acts
13 and parts of acts.

14 Sec. 1. This act shall be known and may be cited as "the
15 ~~mobile home~~ MANUFACTURED HOUSING commission act".

16 Sec. 2. As used in this act:

17 (a) "Campground" means a campground as defined in section
18 12501 of the public health code, ~~Act No. 368 of the Public Acts~~
19 ~~of 1978, being section 333.12501 of the Michigan Compiled Laws~~
20 1978 PA 368, MCL 333.12501.

21 (b) "Code" means all or a part of the ~~mobile home~~
22 MANUFACTURED HOUSING code promulgated pursuant to section 5.

23 (c) "Commission" means the ~~mobile home code~~ MANUFACTURED
24 HOUSING commission CREATED UNDER SECTION 3.

25 (d) "Department" means the department of ~~commerce~~ CONSUMER
26 AND INDUSTRY SERVICES.

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

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

5 (g) ~~"Mobile"~~ "MANUFACTURED home" means a structure, trans-
6 portable in 1 or more sections, ~~which~~ THAT is built on a chas-
7 sis and designed to be used as a dwelling with or without per-
8 manent foundation, when connected to the required utilities, and
9 includes the plumbing, heating, air-conditioning, and electrical
10 systems contained in the structure. MANUFACTURED HOME INCLUDES A
11 MANUFACTURED HOME AS DEFINED IN SECTION 603(6) OF THE NATIONAL
12 MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF
13 1974, TITLE VI OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF
14 1974, PUBLIC LAW 93-383, 42 U.S.C. 5402(6).

15 (h) ~~"Mobile"~~ "MANUFACTURED home dealer" means a person
16 other than a manufacturer engaged in the business of buying
17 ~~mobile~~ MANUFACTURED homes for resale, exchange, lease, or rent
18 or offering ~~mobile~~ MANUFACTURED homes for sale, lease, rent, or
19 exchange to customers.

20 (i) ~~"Mobile"~~ "MANUFACTURED home park" means a parcel or
21 tract of land under the control of a person upon which 3 or more
22 ~~mobile~~ MANUFACTURED homes are located on a continual, nonrecre-
23 ational basis and ~~which~~ THAT is offered to the public for that
24 purpose regardless of whether a charge is made ~~therefor~~ FOR
25 THAT PURPOSE, together with ~~any~~ A building, structure, enclo-
26 sure, street, equipment, or facility used or intended for use
27 incident to the occupancy of a ~~mobile~~ MANUFACTURED home.

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

2 (k) "Person" means an individual, partnership, association,
3 trust, or corporation, or ~~any~~ other legal entity or combination
4 of legal entities.

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

9 (m) "Seasonal ~~mobile~~ MANUFACTURED home park" means a
10 parcel or tract of land under the control of a person upon which
11 3 or more ~~mobile~~ MANUFACTURED homes are located on a continual
12 or temporary basis but occupied on a temporary basis only ~~—~~ and
13 ~~which~~ THAT is offered to the public for that purpose regardless
14 of whether a charge is made ~~therefor~~ FOR THAT PURPOSE, together
15 with ~~any~~ building, enclosure, street, equipment, or facility
16 used or intended for use incident to the occupancy of a ~~mobile~~
17 MANUFACTURED home. Seasonal ~~mobile~~ MANUFACTURED home park does
18 not include a campground licensed pursuant to sections 12501 to
19 12516 of the public health code, ~~Act No. 368 of the Public Acts~~
20 ~~of 1978, being sections 333.12501 to 333.12516 of the Michigan~~
21 ~~Compiled Laws~~ 1978 PA 368, MCL 333.12501 TO 333.12516.

22 (n) "Security interest", "security agreement", "secured
23 party", and "termination statement" have the same meanings as in
24 the uniform commercial code, ~~Act No. 174 of the Public Acts of~~
25 ~~1962, being sections 440.1101 to 440.11102 of the Michigan~~
26 ~~Compiled Laws~~ 1962 PA 174, MCL 440.1101 TO 440.11102.

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

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

6 (3) The members of the commission shall include each of the
7 following:

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

10 (b) A representative of financial institutions.

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

14 (d) A representative of organized labor.

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

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

17 (g) One resident of a licensed ~~mobile~~ MANUFACTURED home
18 park having 100 or more sites and 1 resident of a licensed
19 ~~mobile~~ MANUFACTURED home park having less than 100 sites.

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

21 (4) A person appointed to be a member under subsection
22 (3)(a), (d), (e), OR (g), or a member of that person's immediate
23 family shall not have more than a 1% ownership interest in or
24 income benefit from a manufacturer of ~~mobile~~ MANUFACTURED
25 homes, a retail seller of ~~mobile~~ MANUFACTURED homes, a licensed
26 ~~mobile~~ MANUFACTURED home park, or a supplier of ancillary
27 products or services to the ~~mobile~~ MANUFACTURED home industry.

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

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

9 (7) Six members of the commission constitute a quorum for
10 all purposes, notwithstanding the existence of a vacancy in the
11 commission's membership. Action may be taken by the commission
12 by a vote of a majority of the members appointed and serving.
13 Meetings of the commission may be called by the chairperson or by
14 3 members on 3 business days' actual notice. At least 1 meeting
15 shall be held each calendar quarter. The commission may hold
16 meetings anywhere in this state.

17 (8) The commission shall elect a member of the commission as
18 its chairperson and another member as its vice-chairperson. The
19 duties and powers of the chairperson and vice-chairperson ~~shall~~
20 ~~be~~ ARE as prescribed in the commission's rules.

21 (9) A member of the commission may be removed from office by
22 the governor for inefficiency, neglect of duty, or misconduct or
23 malfeasance in office. A member of the commission who has a
24 direct pecuniary interest in a matter before the commission shall
25 disclose that interest before the commission taking action with
26 respect to the matter. ~~—, which~~ THE disclosure shall become a
27 part of the record of the commission's official proceedings.

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

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

3 (b) Act for the purpose of establishing a uniform policy
4 relating to all phases of ~~mobile~~ MANUFACTURED home businesses,
5 ~~mobile~~ MANUFACTURED home parks, and seasonal ~~mobile~~
6 MANUFACTURED home parks.

7 (c) Determine the sufficiency of local ~~mobile~~ MANUFACTURED
8 home ordinances ~~which~~ THAT are designed to provide A local
9 ~~governments~~ GOVERNMENT with superintending control over
10 ~~mobile~~ MANUFACTURED home businesses, ~~mobile~~ MANUFACTURED home
11 parks, or seasonal ~~mobile homes~~ MANUFACTURED HOME parks.

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

14 (2) The director of ~~commerce~~ CONSUMER AND INDUSTRY
15 SERVICES or an authorized representative of the director shall do
16 all of the following:

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

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

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

22 (d) Provide assistance to the commission as the commission
23 requires.

24 (3) The commission shall not act for the purpose of regulat-
25 ing ~~mobile~~ MANUFACTURED homes that are not located within a
26 ~~mobile~~ MANUFACTURED home park or a seasonal ~~mobile~~
27 MANUFACTURED home park, except as relates to the business, sales,

1 and service practices of ~~mobile~~ MANUFACTURED home dealers and
2 the business practices of ~~mobile~~ MANUFACTURED home installers
3 and repairers.

4 Sec. 5. (1) The commission shall promulgate the ~~mobile~~
5 ~~home~~ MANUFACTURED HOUSING code subject to section 4. The code
6 shall consist of rules governing all of the following:

7 (a) The licensure, density, layout, permits for construc-
8 tion, AND construction of ~~mobile~~ MANUFACTURED home parks
9 including standards for roads, utilities, open space, or proposed
10 recreational facilities, and safety measures sufficient to pro-
11 tect health, safety, and welfare of ~~mobile~~ MANUFACTURED home
12 park residents. ~~, except~~ THE RULES DO NOT GOVERN water supply,
13 sewage collection and treatment, and drainage facilities ~~which~~
14 ~~are regulated by~~ THAT the department of ~~public health~~
15 ENVIRONMENTAL QUALITY REGULATES.

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

18 (c) The business practices of ~~mobile~~ MANUFACTURED home
19 installers and repairers.

20 (d) The licensure and ~~regulations~~ REGULATION of ~~mobile~~
21 MANUFACTURED home installers and repairers.

22 (e) The setup and installation of ~~mobile~~ MANUFACTURED
23 homes inside ~~mobile~~ MANUFACTURED home parks or seasonal
24 ~~mobile~~ MANUFACTURED home parks.

25 (f) The regulation of the responsibilities, under the
26 ~~mobile~~ MANUFACTURED home warranty, of the ~~mobile~~ MANUFACTURED
27 home components manufacturer, the ~~mobile~~ MANUFACTURED home

1 assembler or manufacturer, and the ~~mobile~~ MANUFACTURED home
 2 dealer, including the time period and relationships of each under
 3 the warranty, and the remedies available, if any, if the respon-
 4 sible parties cease to operate as a business.

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

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

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

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

13 (iv) Used ~~mobile~~ MANUFACTURED homes. A ~~mobile~~
 14 MANUFACTURED home dealer shall provide detailed listing of its
 15 service records for used ~~mobile~~ MANUFACTURED homes ~~which~~ THAT
 16 are being sold by the dealer and ~~of which~~ THAT the dealer has
 17 knowledge OF.

18 (h) Applications for and issuance of certificates of title
 19 for ~~mobile~~ MANUFACTURED homes.

20 (2) As part of the code, the commission shall also promul-
 21 gate rules governing the licensure, density, layout, permits for
 22 construction, and construction of seasonal ~~mobile~~ MANUFACTURED
 23 home parks. ~~including~~ THE RULES SHALL GOVERN standards for
 24 roads, utilities, open space, proposed recreational facilities,
 25 and safety measures sufficient to protect the health, safety, and
 26 welfare of seasonal ~~mobile~~ MANUFACTURED home park residents. ~~,~~
 27 ~~except~~ THE RULES SHALL NOT GOVERN water supply, sewage

1 collection and treatment, and drainage facilities ~~, which shall~~
2 ~~be regulated by~~ THAT the department of ~~public health~~
3 ENVIRONMENTAL QUALITY REGULATES.

4 (3) ~~The~~ IN rules promulgated for seasonal ~~mobile~~
5 MANUFACTURED home parks, THE COMMISSION may impose a less strin-
6 gent standard than the rules promulgated for ~~mobile~~
7 MANUFACTURED home parks.

8 Sec. 6. (1) The department of ~~public health~~ ENVIRONMENTAL
9 QUALITY shall promulgate rules for ~~mobile~~ MANUFACTURED home
10 parks and seasonal ~~mobile~~ MANUFACTURED home parks setting forth
11 minimum standards regulating:

- 12 (a) Water supply system.
- 13 (b) Sewage collection and disposal system.
- 14 (c) Drainage.
- 15 (d) Garbage and rubbish storage and disposal.
- 16 (e) Insect and rodent control.
- 17 (f) General operation, maintenance, and safety.
- 18 (g) Certification of compliance under section 17.

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

21 (3) The commission shall consult with appropriate state and
22 local governments in developing the procedures for effective
23 coordination of efforts. The commission shall recommend proce-
24 dures to the governor and the legislature for coordinating state
25 agency decisions and activities pertaining to this act.

26 Sec. 7. (1) ~~A local government which proposes a standard~~
27 ~~related to mobile home parks or seasonal mobile home parks, or~~

~~1 related to mobile homes located within a mobile home park or a~~
~~2 seasonal mobile home park that is higher than the standard pro-~~
~~3 vided in this act or the code; or a standard related to the busi-~~
~~4 ness, sales, and service practices of mobile home dealers, or the~~
~~5 business of mobile home installers and repairers, that is higher~~
~~6 than the standard provided in this act or the code shall file the~~
~~7 proposed standard with the commission.~~ A LOCAL GOVERNMENT THAT
8 PROPOSES 1 OR MORE OF THE FOLLOWING STANDARDS SHALL FILE THE PRO-
9 POSED STANDARD WITH THE COMMISSION:

10 (A) A STANDARD RELATED TO MANUFACTURED HOME PARKS OR SEA-
11 SONAL MANUFACTURED HOME PARKS, OR MANUFACTURED HOMES LOCATED
12 WITHIN A MANUFACTURED HOME PARK OR A SEASONAL MANUFACTURED HOME
13 PARK, THAT IS HIGHER THAN A STANDARD PROVIDED IN THIS ACT OR THE
14 CODE.

15 (B) A STANDARD RELATED TO THE BUSINESS, SALES, AND SERVICE
16 PRACTICES OF MANUFACTURED HOME DEALERS, OR THE BUSINESS OF MANU-
17 FACTURED HOME INSTALLERS AND REPAIRERS, THAT IS HIGHER THAN THE
18 STANDARD PROVIDED IN THIS ACT OR THE CODE.

19 (2) The commission may promulgate rules to establish the
20 criteria and procedure for implementation of A higher ~~standards~~
21 STANDARD by a local government. The commission shall review and
22 approve the proposed standard unless the standard is unreason-
23 able, arbitrary, or not in the public interest. If the commis-
24 sion does not approve or disapprove the proposed standard within
25 60 days after it is filed with the commission, the standard
26 ~~shall be considered~~ IS approved unless the local government
27 grants the commission additional time to consider the standard.

1 After the proposed standard is approved, the local government may
2 adopt the standard by ordinance. The ordinance ~~shall~~ MUST
3 relate to a specific section of the code.

4 (3) ~~-(2)-~~ A local government standard related to ~~mobile~~
5 MANUFACTURED homes not located within a ~~mobile~~ MANUFACTURED
6 home park or seasonal ~~mobile~~ MANUFACTURED home park need not be
7 filed with the ~~mobile home~~ MANUFACTURED HOUSING commission,
8 unless the standard relates to the business, sales, and service
9 practices of ~~mobile~~ MANUFACTURED home dealers, or the business
10 of ~~mobile~~ MANUFACTURED home installers and repairers.

11 (4) ~~-(3)-~~ A local government ordinance shall not be designed
12 as exclusionary to ~~mobile~~ MANUFACTURED homes generally whether
13 the ~~mobile~~ MANUFACTURED homes are located inside or outside of
14 ~~mobile~~ MANUFACTURED home parks or seasonal ~~mobile~~
15 MANUFACTURED home parks.

16 (5) ~~-(4)-~~ A local government ordinance shall not contain a
17 standard for the setup or installation of ~~mobile~~ MANUFACTURED
18 homes that is incompatible with, or is more stringent than,
19 either of the following:

20 (a) The manufacturer's recommended setup and installation
21 specifications.

22 (b) The ~~mobile~~ MANUFACTURED home setup and installation
23 standards promulgated by the federal department of housing and
24 urban development pursuant to the national manufactured housing
25 construction and safety standards act of 1974, TITLE VI OF THE
26 HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, PUBLIC LAW 93-383,
27 42 U.S.C. 5401 to 5426.

1 (6) ~~(5)~~ In the absence of ~~any~~ setup or installation
 2 specifications or standards for foundations as set forth in sub-
 3 section ~~(4)(a)~~ (5)(A) or (b), the local government standards
 4 for site-built housing ~~shall~~ apply.

5 (7) ~~(6)~~ A local government ordinance shall not contain
 6 roof configuration standards or special use zoning requirements
 7 that apply only to, or ~~excludes, mobile~~ THAT EXCLUDE,
 8 MANUFACTURED homes. A local government ordinance shall not con-
 9 tain a manufacturing or construction standard that is incompati-
 10 ble with, or is more stringent than, a standard promulgated by
 11 the federal department of housing and urban development pursuant
 12 to the national manufactured housing construction and safety
 13 standards act of 1974, TITLE VI OF THE HOUSING AND COMMUNITY
 14 DEVELOPMENT ACT OF 1974, PUBLIC LAW 93-383, 42 U.S.C. 5401 to
 15 5426. A local government ordinance may include reasonable stan-
 16 dards relating to ~~mobile homes~~ A MANUFACTURED HOME located out-
 17 side of ~~mobile~~ A MANUFACTURED home ~~parks~~ PARK or A seasonal
 18 ~~mobile~~ MANUFACTURED home ~~parks which ensure~~ PARK THAT ENSURES
 19 that ~~mobile homes compare~~ A MANUFACTURED HOME COMPARES aesthet-
 20 ically to site-built housing located or allowed in the same resi-
 21 dential zone.

22 Sec. 11. (1) A person who desires to develop a ~~mobile~~
 23 MANUFACTURED home park or a seasonal ~~mobile~~ MANUFACTURED home
 24 park shall submit a preliminary plan to the appropriate munici-
 25 pality, local health department, county road commission, and
 26 county drain commissioner for preliminary approval. The
 27 preliminary plan shall include the location, THE layout, THE

1 general design, and a general description of the project. The
2 preliminary plan shall not include detailed construction plans.

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

8 (a) Land use and zoning.

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

10 (c) Compliance with local fire ordinances and state fire
11 laws.

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

21 (4) The local health department shall grant preliminary
22 approval, under the guidance of the department of ~~public health,~~
23 ~~for on-site water and sewage service and~~ ENVIRONMENTAL QUALITY,
24 FOR general site suitability.

25 (5) If a reviewing agency as provided in this section has
26 not returned the preliminary plan to the developer, either
27 approved, modified, or disapproved within 60 days after it

1 receives the preliminary plan, the preliminary plan ~~shall be~~ IS
2 considered approved.

3 (6) Coordination of ~~approvals~~ APPROVAL by state and local
4 governments shall be provided by the director of ~~public health~~
5 THE DEPARTMENT OF ENVIRONMENTAL QUALITY before ~~it~~ THE DEPART-
6 MENT OF ENVIRONMENTAL QUALITY may grant construction approval.

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

11 (8) IF THE LOCAL MUNICIPALITY'S SYSTEM FOR WATER SUPPLY AND
12 SEWAGE SERVICE IS ESTABLISHED AND ACCESSIBLE, THE MANUFACTURED
13 HOME PARK DEVELOPER OR SEASONAL MANUFACTURED HOME PARK DEVELOPER
14 IS REQUIRED TO UTILIZE THAT SYSTEM. IF THE LOCAL MUNICIPALITY
15 ESTABLISHES A SYSTEM FOR WATER SUPPLY OR SEWAGE SERVICE AFTER THE
16 MANUFACTURED HOME PARK OR SEASONAL MANUFACTURED HOME PARK IS CON-
17 STRUCTED, THE MANUFACTURED HOME PARK OR SEASONAL MANUFACTURED
18 HOME PARK IS REQUIRED TO UTILIZE THE LOCAL MUNICIPALITY'S SYSTEM
19 ONLY WHEN THE PARK MAKES A SUBSTANTIAL CHANGE TO ITS SYSTEM.

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

23 (2) The department shall review the filing and, within 90
24 days after filing, issue its approval or disapproval. Upon the
25 approval of all the reviewing agencies, the department shall
26 issue a permit to construct the ~~mobile~~ MANUFACTURED home park
27 or seasonal ~~mobile~~ MANUFACTURED home park.

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

4 (2) Construction may begin ~~upon the granting of~~ WHEN THE
5 DEPARTMENT GRANTS a permit to construct. ~~by the department.~~

6 Sec. 14. Upon completion of the construction of ~~the~~
7 ~~mobile~~ A MANUFACTURED home park or seasonal ~~mobile~~
8 MANUFACTURED home park, the owner or operator of the park and a
9 registered professional engineer or architect shall file with the
10 department an affidavit certifying that the ~~mobile~~ MANUFACTURED
11 home park or seasonal ~~mobile~~ MANUFACTURED home park, lot, and
12 work were completed in accordance with the approved specifica-
13 tions and plans.

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

17 (2) Upon completion, review, and approval of certifications,
18 the department shall grant a license to operate a ~~mobile~~
19 MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED home
20 park.

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

24 (4) If a person submits a timely application for renewal of
25 a license and pays the appropriate fee, the person may continue
26 to operate a ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~

1 MANUFACTURED home park unless notified that the application for
2 renewal is not approved.

3 (5) A campground ~~which~~ THAT is currently licensed under
4 sections 12501 to 12516 of the public health code, ~~Act No. 368~~
5 ~~of the Public Acts of 1978, being sections 333.12501 to 333.12516~~
6 ~~of the Michigan Compiled Laws~~ 1978 PA 368, MCL 333.12501 TO
7 333.12516, THAT was previously licensed under the licensing pro-
8 visions of ~~Act No. 243 of the Public Acts of 1959, being sec-~~
9 ~~tions 125.1035 to 125.1043 of the Michigan Compiled Laws~~ 1959
10 PA 243, MCL 125.1035 TO 125.1043, as a seasonal trailer park, and
11 ~~which~~ THAT currently meets the seasonal trailer park construc-
12 tion standards under ~~Act No. 243 of the Public Acts of 1959~~
13 1959 PA 243, MCL 125.1035 TO 125.1043, may apply for and shall be
14 licensed as a seasonal ~~mobile~~ MANUFACTURED home park under this
15 act if the campground meets all other requirements for licensure
16 under this act as a seasonal ~~mobile~~ MANUFACTURED home park.

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

22 Sec. 17. (1) The department of ~~public health~~
23 ENVIRONMENTAL QUALITY or its authorized representative shall con-
24 duct an annual physical inspection of ~~mobile~~ MANUFACTURED home
25 parks and seasonal ~~mobile~~ MANUFACTURED home parks in accordance
26 with standards established by the department of ~~public health~~
27 ENVIRONMENTAL QUALITY. If the ~~mobile~~ MANUFACTURED home park or

1 seasonal ~~mobile~~ MANUFACTURED home park is approved, the
2 department of ~~public health~~ ENVIRONMENTAL QUALITY shall issue a
3 certification of compliance to the department ~~of commerce~~ that
4 the park is licensable.

5 (2) Except for purposes of issuing a license or renewing a
6 license pursuant to this act, a local government may not make an
7 inspection unless it has reason to believe that this act, the
8 code, or rules promulgated pursuant to this act were violated.

9 Sec. 18. (1) A variance in the design and construction of a
10 ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED
11 home park may be granted upon notice of the request to the local
12 government and the department of ~~public health~~ ENVIRONMENTAL
13 QUALITY at the time of filing with the department. ~~of commerce.~~
14 If the local government grants a variance ~~which~~ THAT would
15 permit activities violative of the minimum standards of the code,
16 the local government shall file with the department a copy of the
17 variance order and an explanation of the reason for the granting
18 of the order. The department may approve or disapprove the vari-
19 ance or revoke the variance upon notice and hearing.

20 (2) After a public hearing, the department may grant a spe-
21 cific variance to a substantive requirement of the code if the
22 literal application of the substantive requirement would result
23 in an exceptional, practical difficulty to the applicant, and if
24 the specific condition justifying the variance is neither so gen-
25 eral nor recurrent in nature as to make an amendment of the code
26 with respect to the condition reasonably practical or desirable.

1 (3) The department may attach in writing a condition in
2 connection with the granting of a variance that in its judgment
3 is necessary to protect the health, safety, and welfare of the
4 people of this state. The variance shall not exceed the minimum
5 necessary to alleviate the exceptional, practical difficulty.

6 (4) ~~A~~ ONLY A LOCAL GOVERNMENT MAY GRANT A variance to a
7 local ordinance, zoning requirement, or local rule. ~~may be~~
8 ~~granted only by a local government.~~

9 (5) ~~A~~ ONLY THE COMMISSION MAY GRANT A variance to a rule
10 promulgated under this act. ~~may be granted only by the~~
11 ~~commission.~~

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

15 (2) A ~~mobile~~ MANUFACTURED home dealer, ~~mobile~~
16 MANUFACTURED home installer, or repairer may obtain an initial or
17 renewal license by filing with the commission an application
18 together with consent to service of process in a form prescribed
19 by the commission pursuant to section 35.

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

23 (4) The annual license fee for a ~~mobile~~ MANUFACTURED home
24 dealer is \$150.00 or ~~any other~~ A lesser amount established pur-
25 suant to section 9(5).

1 (5) The annual license fee for a ~~mobile~~ MANUFACTURED home
2 installer or repairer is \$50.00 or ~~any other~~ A lesser amount
3 established pursuant to section 9(5).

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

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

13 Sec. 22. The commission may promulgate rules to require a
14 licensed ~~mobile~~ MANUFACTURED home dealer to post a surety bond
15 in an amount up to \$10,000.00 for each sales location and may
16 determine conditions of the bond. An appropriate deposit of cash
17 or securities shall be accepted in lieu of a bond ~~which~~ THAT is
18 required.

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

1 Sec. 24. A ~~mobile~~ MANUFACTURED home dealer shall not DO 1
2 OR MORE OF THE FOLLOWING:

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

5 (b) Misapply consumer deposits on a ~~mobile~~ MANUFACTURED
6 home or a ~~mobile~~ MANUFACTURED home park.

7 (c) Fail to place deposits, down payments, or similar pay-
8 ments for the purchase or right to purchase a ~~mobile~~
9 MANUFACTURED home in a separate escrow account subject to return
10 upon cancellation of the purchase order by the prospective pur-
11 chaser under the rules or orders as the commission promulgates or
12 issues unless the dealer ~~shall post~~ POSTS a bond or a deposit
13 of cash or securities for protection of these payments in an
14 amount acceptable to the commission.

15 (d) Fail to disclose to the department ~~any~~ direct or indi-
16 rect business relationships with financial and loan institutions,
17 banks, and insurance companies.

18 Sec. 25. (1) The commission shall promulgate rules relating
19 to the responsibility of the ~~mobile~~ MANUFACTURED home dealer,
20 ~~mobile~~ MANUFACTURED home installer, and the ~~mobile~~
21 MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED home
22 park owner for installation and setup of a ~~mobile~~ MANUFACTURED
23 home.

24 (2) A person licensed under ~~any~~ 1 OR MORE of the following
25 acts shall not be required to be licensed as a ~~mobile~~
26 MANUFACTURED home installer and repairer in order to perform work
27 on ~~mobile~~ MANUFACTURED homes for which the person is licensed,

1 unless the work performed also includes the setup, installation,
2 or general repair of ~~mobile~~ MANUFACTURED homes:

3 (a) The electrical administrative act, ~~Act No. 217 of the~~
4 ~~Public Acts of 1956, being sections 338.881 to 338.892 of the~~
5 ~~Michigan Compiled Laws 1956 PA 217, MCL 338.881 TO 338.892.~~

6 (b) ~~Act No. 266 of the Public Acts of 1929, being sections~~
7 ~~338.901 to 338.917 of the Michigan Compiled Laws 1929 PA 266,~~
8 ~~MCL 338.901 TO 338.917.~~

9 (c) The Forbes mechanical contractors act, ~~Act No. 192 of~~
10 ~~the Public Acts of 1984, being sections 338.971 to 338.988 of the~~
11 ~~Michigan Compiled Laws 1984 PA 192, MCL 338.971 TO 338.988.~~

12 (3) The electrical administrative act, ~~Act No. 217 of the~~
13 ~~Public Acts of 1956, being sections 338.881 to 338.892 of the~~
14 ~~Michigan Compiled Laws 1956 PA 217, MCL 338.881 TO 338.892, Act~~
15 ~~No. 266 of the Public Acts of 1929, being sections 338.901 to~~
16 ~~338.917 of the Michigan Compiled Laws 1929 PA 266, MCL 338.901~~
17 ~~TO 338.917, and the Forbes mechanical contractors act, Act~~
18 ~~No. 192 of the Public Acts of 1984, being sections 338.971 to~~
19 ~~338.988 of the Michigan Compiled Laws 1984 PA 192, MCL 338.971~~
20 ~~TO 338.988, shall~~ DO not apply to the setup or installation of
21 a ~~mobile~~ MANUFACTURED home and the following connections or
22 replacement or repair of the following connections, by a licensed
23 ~~mobile~~ MANUFACTURED home installer and repairer:

24 (a) Factory-installed electrical wiring, devices, appli-
25 ances, or appurtenances to available electrical meters or
26 pedestals.

1 (b) Factory-installed piping, fixtures, plumbing appliances,
2 and plumbing appurtenances to sanitary drainage or storm drainage
3 facilities, venting systems, or public or private water supply
4 systems.

5 (c) Factory-installed process piping, heating and cooling
6 equipment, and systems or supply lines to available service
7 meters or mains.

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

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

13 (b) Make an untrue statement of material fact or omit to
14 state a material fact necessary to make the statement not mis-
15 leading, in the light of the circumstances under which it is
16 made.

17 (2) A person shall not willfully authorize, direct, or aid
18 in publication, advertisement, distribution, or circulation of a
19 statement or representation concerning a ~~mobile~~ MANUFACTURED
20 home, ~~mobile~~ MANUFACTURED home site, or equipment relating
21 thereto, ~~which~~ THAT misrepresents the facts concerning the
22 ~~mobile~~ MANUFACTURED home, ~~mobile~~ MANUFACTURED home site, or
23 RELATED equipment. ~~relating thereto.~~

24 (3) A person with knowledge that an advertisement, pamphlet,
25 prospectus, or letter concerning a ~~mobile~~ MANUFACTURED home,
26 ~~mobile~~ MANUFACTURED home site, or RELATED equipment ~~relating~~
27 ~~thereto~~ contains a written statement that is false or

1 fraudulent, shall not issue, circulate, publish, or distribute
2 the advertisement, pamphlet, prospectus, or letter concerning a
3 ~~mobile~~ MANUFACTURED home, ~~mobile~~ MANUFACTURED home site, or
4 RELATED equipment. ~~relating thereto.~~

5 (4) A person shall not willfully make ~~any~~ A material mis-
6 representation in the sale of a ~~mobile~~ MANUFACTURED home,
7 ~~mobile~~ MANUFACTURED home site, or RELATED equipment. ~~relating~~
8 ~~thereto.~~

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

13 (a) Directly or indirectly charging or collecting from a
14 person an entrance fee.

15 (b) Requiring a person to directly or indirectly purchase a
16 ~~mobile~~ MANUFACTURED home from another person as a condition of
17 entrance to, or lease or rental of, a ~~mobile~~ MANUFACTURED home
18 park or seasonal ~~mobile~~ MANUFACTURED home park space.

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

21 (d) Requiring or coercing a person to purchase, rent, or
22 lease goods or services from another person as a condition of
23 ~~any~~ 1 OR MORE of the following:

24 (i) Entering into a park or lease.

25 (ii) Selling a ~~mobile~~ MANUFACTURED home through the park
26 owner or operator, or his or her agent or designee upon leaving a

1 ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED
2 home park.

3 (iii) Renting space in a ~~mobile~~ MANUFACTURED home park or
4 seasonal ~~mobile~~ MANUFACTURED home park.

5 (e) Directly or indirectly charging or collecting from a
6 person money or other thing of value for electric, fuel, or water
7 service without the use of that service by a resident or tenant
8 being first accurately and consistently measured, unless that
9 service is included in the rental charge as an incident of
10 tenancy.

11 (f) Conspiring, combining, agreeing, aiding, or abetting in
12 the employment of a method, act, or practice that violates this
13 act.

14 (g) Renting or leasing a ~~mobile~~ MANUFACTURED home or site
15 in a ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~
16 MANUFACTURED home park without offering a written lease.

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

23 (i) Subject to reasonable ~~mobile~~ MANUFACTURED home park or
24 seasonal ~~mobile~~ MANUFACTURED home park rules governing the
25 location, size, and style of exterior television antenna, prohib-
26 iting a person from installing or maintaining an exterior
27 television antenna on a ~~mobile~~ MANUFACTURED home within the

1 park unless the ~~mobile~~ MANUFACTURED home park or seasonal
2 ~~mobile~~ MANUFACTURED home park provides park residents, without
3 charge, a central television antenna for UHF-VHF reception.

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

7 (3) If the commission has reason to suspect that the owner
8 of a ~~mobile~~ MANUFACTURED home park or seasonal ~~mobile~~
9 MANUFACTURED home park is engaged in conduct that violates exist-
10 ing water utility tariffs or qualifies the owner of a ~~mobile~~
11 MANUFACTURED home park or seasonal ~~mobile~~ MANUFACTURED home
12 park for regulation as a water utility, the commission shall
13 promptly send a written report of the alleged violation to the
14 Michigan public service commission.

15 Sec. 28a. (1) ~~Mobile~~ MANUFACTURED home park rules or reg-
16 ulations may include provisions governing the physical condition
17 of ~~mobile homes~~ A MANUFACTURED HOME and the aesthetic charac-
18 teristics of ~~mobile homes~~ A MANUFACTURED HOME in relation to
19 the ~~mobile~~ MANUFACTURED home park in which they are located,
20 subject to all of the following:

21 (a) The age or size of a ~~mobile~~ MANUFACTURED home shall
22 not be used as the sole basis for refusing to allow an on-site,
23 in-park sale or for refusing to allow the ~~mobile~~ MANUFACTURED
24 home to remain on-site. The burden of going forward in a suit
25 against the ~~mobile~~ MANUFACTURED home park owner or operator for
26 violation of this subdivision is on the resident.

1 (b) The standards incorporated in the written park rules or
2 regulations governing the physical condition and aesthetic
3 characteristics of ~~mobile homes~~ A MANUFACTURED HOME in the
4 ~~mobile~~ MANUFACTURED home park ~~shall apply~~ APPLIES equally to
5 all residents.

6 (c) A ~~mobile~~ MANUFACTURED home sold on-site shall conform
7 with ~~Act No. 133 of the Public Acts of 1974, being sections~~
8 ~~125.771 to 125.774 of the Michigan Compiled Laws~~ 1974 PA 133,
9 MCL 125.771 TO 125.774.

10 (d) ~~Any~~ A charge connected to the on-site, in-park sale of
11 a ~~mobile~~ MANUFACTURED home, other than the inspection fee per-
12 mitted under subdivision (e) and the commission or fee charged by
13 a ~~mobile~~ MANUFACTURED home dealer licensed under this act who
14 is engaged by the seller to transact the sale, is an entrance or
15 exit fee in violation of section 28.

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

21 (f) The standards governing the physical condition of
22 ~~mobile homes~~ A MANUFACTURED HOME and the aesthetic characteris-
23 tics of ~~mobile homes~~ A MANUFACTURED HOME in the ~~mobile~~
24 MANUFACTURED home park, as incorporated in the written park
25 rules, shall not be designed to defeat the intent of this
26 section.

1 (2) Subsection (1)(f) ~~shall~~ DOES not apply if the ~~mobile~~
2 MANUFACTURED home park is changing its method of doing business
3 and provides not less than 1 year's notice, unless a different
4 notice period is otherwise provided by law, of the proposed
5 change to all affected ~~mobile~~ MANUFACTURED home park
6 residents. A change in a ~~mobile~~ MANUFACTURED home park's
7 method of doing business includes, but is not limited to, ~~any~~ 1
8 OR MORE of the following:

9 (a) Conversion to a ~~mobile~~ MANUFACTURED home park condo-
10 minium pursuant to the condominium act, ~~Act No. 59 of the Public~~
11 ~~Acts of 1978, being sections 559.101 to 559.275 of the Michigan~~
12 ~~Compiled Laws~~ 1978 PA 59, MCL 559.101 TO 559.275.

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

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

17 (3) Notwithstanding subsection (1) or (2), a ~~mobile~~
18 MANUFACTURED home park may require a ~~mobile~~ MANUFACTURED home
19 to be moved to a comparable site within the ~~mobile~~ MANUFACTURED
20 home park, at the expense of the ~~mobile~~ MANUFACTURED home
21 park.

22 (4) If, after termination of a resident's tenancy for just
23 cause as provided in chapter 57a of the revised judicature act of
24 1961, ~~Act No. 236 of the Public Acts of 1961, being sections~~
25 ~~600.5771 to 600.5785 of the Michigan Compiled Laws~~ 1961 PA 236,
26 MCL 600.5771 TO 600.5785, the resident of a ~~mobile~~ MANUFACTURED
27 home park sells his or her ~~mobile~~ MANUFACTURED home to the

1 owner or operator of the ~~mobile~~ MANUFACTURED home park, or to
2 ~~any~~ AN entity in which the owner or operator has ~~any~~ AN
3 interest, the resident ~~shall have~~ HAS the right to have the
4 ~~mobile~~ MANUFACTURED home's value appraised and, if so
5 appraised, the sale price of the ~~mobile~~ MANUFACTURED home shall
6 not be less than the appraised value.

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

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

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

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

23 Sec. 28c. (1) A lease or rental agreement or rules or regu-
24 lations that are adopted pursuant to a lease or rental agreement
25 may include a provision that requires liquidated damages to be
26 awarded to the prevailing party in a

1 contested action to terminate a tenancy in a ~~mobile~~
 2 MANUFACTURED home park for just cause under section 5775 of the
 3 revised judicature act of 1961, ~~Act No. 236 of the Public Acts~~
 4 ~~of 1961, being section 600.5775 of the Michigan Compiled Laws~~
 5 1961 PA 236, MCL 600.5775.

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

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

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

22 (2) After December 31, 1978, a certificate of title for a
 23 ~~mobile~~ MANUFACTURED home issued by the secretary of state
 24 before January 1, 1979, pursuant to ~~Act No. 300 of the Public~~
 25 ~~Acts of 1949, being sections 257.1 to 257.923 of the Michigan~~
 26 ~~Compiled Laws shall be~~ THE MICHIGAN VEHICLE CODE, 1949 PA 300,
 27 MCL 257.1 TO 257.923, IS considered ~~to be~~ a certificate of

1 title issued by the department under this act and ~~shall be~~ IS
2 subject to all of the provisions of this act ~~respecting~~
3 REGARDING certificates of title.

4 (3) After December 31, 1978, a ~~mobile~~ MANUFACTURED home
5 shall not be sold or transferred except by transfer of the cer-
6 tificate of title for the ~~mobile~~ MANUFACTURED home pursuant to
7 this act.

8 Sec. 30a. (1) An owner of a ~~mobile~~ MANUFACTURED home
9 ~~which~~ THAT is subject to the certificate of title provisions of
10 this act shall ~~make application~~ APPLY to the department for the
11 issuance of a certificate of title for the ~~mobile~~ MANUFACTURED
12 home upon the appropriate form furnished by the department,
13 accompanied by a fee of \$45.00 or ~~any~~ A lesser amount estab-
14 lished pursuant to section 9(5). The application shall bear the
15 signature of the owner written in ink, shall be acknowledged by
16 the owner before a person authorized to take acknowledgments, and
17 shall contain ALL OF THE FOLLOWING:

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

19 (b) A description of the ~~mobile~~ MANUFACTURED home, includ-
20 ing the name of the manufacturer, the year and model, and the
21 manufacturer's serial number or, in the absence of a serial
22 number, a number assigned by the department. A number assigned
23 by the department shall be permanently placed on the ~~mobile~~
24 MANUFACTURED home in the manner and place designated by the
25 department.

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

4 (d) Further information as may reasonably be required by the
5 department to enable it to determine whether the owner of the
6 ~~mobile~~ MANUFACTURED home is entitled to a certificate of title
7 for the ~~mobile~~ MANUFACTURED home.

8 (2) If the department is not satisfied as to the ownership
9 of the ~~mobile~~ MANUFACTURED home, before issuing a certificate
10 of title for it, the department may require the applicant to file
11 a properly executed surety bond in a form prescribed by the
12 department, executed by the applicant and a company authorized to
13 conduct a surety business in this state. The bond shall be in an
14 amount equal to twice the value of the ~~mobile~~ MANUFACTURED home
15 as determined by the department and shall be conditioned to
16 indemnify or reimburse the department, ~~any~~ A prior owner, ~~any~~
17 A holder of a security interest in the ~~mobile~~ MANUFACTURED
18 home, and ~~any~~ A subsequent purchaser of the ~~mobile~~
19 MANUFACTURED home, and their successors in interest, against
20 ~~any~~ expense, loss, or damage, including reasonable attorney's
21 fees, by reason of the issuance of a certificate of title to the
22 ~~mobile~~ MANUFACTURED home or on account of ~~any~~ A defect in the
23 right, title, or interest of the applicant in and to the ~~mobile~~
24 MANUFACTURED home. Each interested person has a right of action
25 to recover on the bond for a breach of its conditions, but the
26 aggregate liability of the surety to all persons ~~shall~~ DOES not
27 exceed the amount of the bond. The bond shall be returned at the

1 end of 5 years, or before 5 years if the currently valid
2 certificate of title is surrendered to the department, unless the
3 department has received notification ~~of the pendency of~~ THAT an
4 action IS PENDING to recover on the bond.

5 (3) The department shall examine and determine the genuine-
6 ness, regularity, and legality of an application for a certifi-
7 cate of title for a ~~mobile~~ MANUFACTURED home and of any other
8 application lawfully made to the department. ~~, and~~ THE
9 DEPARTMENT may in all cases ~~make investigation~~ INVESTIGATE or
10 require additional information as ~~may be considered~~ IT
11 CONSIDERS necessary. ~~, and~~ THE DEPARTMENT shall reject ~~any~~ AN
12 application if not satisfied of the genuineness, regularity, or
13 legality of it or the truth of ~~any~~ A statement contained in it,
14 or for any other reason, when authorized by law.

15 (4) The fee for obtaining a duplicate, replacement, or cor-
16 rected title, for placing or terminating a lien on the title, or
17 for placing a name on the title is \$15.00 or ~~any other~~ A lesser
18 amount established pursuant to section 9(5).

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

22 (2) The certificate of title shall contain ~~upon~~ ON its
23 face the date issued, the name and address of the owner, a
24 description of the ~~mobile~~ MANUFACTURED home as determined by
25 the department, a statement of all security interests in the
26 ~~mobile~~ MANUFACTURED home as set forth in the application, the

1 date on which the application was filed, and other information as
2 the department may require.

3 (3) The certificate of title shall contain ~~upon~~ ON the
4 reverse side forms for assignment of title or interest and war-
5 ranty of title by the owner with space for notation of security
6 interests in the ~~mobile~~ MANUFACTURED home at the time of a
7 transfer to be signed in ink, and other forms as the department
8 may consider necessary to facilitate the effective administration
9 of this section. The certificate shall bear the seal of the
10 department.

11 (4) The certificate of title shall be mailed or delivered to
12 the owner or other person as the owner may direct in a separate
13 instrument, in the form ~~as the department shall prescribe~~ THE
14 DEPARTMENT PRESCRIBES.

15 Sec. 30c. (1) If the owner of a ~~mobile~~ MANUFACTURED home
16 transfers or assigns the owner's title or interest to the
17 ~~mobile~~ MANUFACTURED home, the owner shall ~~indorse~~ ENDORSE on
18 the back of the certificate of title an assignment of the
19 ~~mobile~~ MANUFACTURED home with warranty of title with a state-
20 ment of all security interests in the ~~mobile~~ MANUFACTURED home.
21 ~~, and~~ THE OWNER shall ~~cause~~ MAIL OR DELIVER the certificate
22 ~~to be mailed or delivered~~ to the department or to the purchaser
23 or transferee at the time of the delivery to the purchaser or
24 transferee of the ~~mobile~~ MANUFACTURED home.

25 (2) Upon the delivery of a ~~mobile~~ MANUFACTURED home and
26 the transfer, sale, or assignment of the title or interest in a
27 ~~mobile~~ MANUFACTURED home, the effective date of the transfer of

1 title or interest ~~shall be~~ IS the date of execution of either
2 the application for title or the certificate of title.

3 (3) The purchaser or transferee, unless the purchaser or
4 transferee is a licensed dealer, shall ~~cause to be presented~~
5 PRESENT to the department the certificate of title accompanied by
6 ~~the~~ 1 OF THE FOLLOWING applicable ~~fee, as follows~~ FEES:

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

8 (b) Except as provided in subdivision (c), \$15.00, if the
9 sale, assignment, or other transfer will require the addition or
10 deletion from the certificate of title of ~~any~~ 1 OR MORE of the
11 following:

12 (i) The owner's spouse.

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

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

18 (c) ~~Any other~~ A lesser amount established pursuant to
19 section 9(5).

20 (4) Upon presentation of the certificate of title accom-
21 panied by the applicable fee, a new certificate of title shall be
22 issued. A certificate of title issued under subsection (3) and
23 this subsection shall be mailed or delivered to the owner or ~~any~~
24 ~~other~~ ANOTHER person AS the owner ~~may direct~~ DIRECTS in a sep-
25 arate instrument in a form as ~~prescribed by~~ the department
26 PRESCRIBES.

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

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

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

18 (a) The owner shall immediately execute an application in
19 the form ~~prescribed by~~ the department PRESCRIBES showing the
20 name and address of the holder of the security interest and
21 deliver the certificate of title, application, and a fee of \$1.00
22 together with a copy of the application ~~which~~ THAT need not be
23 signed, to the holder of the security interest.

24 (b) The holder of the security interest shall ~~cause~~ MAIL
25 OR DELIVER the certificate of title, application, and fee and the
26 copy of the application ~~to be mailed or delivered~~ to the
27 department.

1 (c) The department shall indicate on the copy of the
2 application the date and place of filing of the application and
3 return the copy to the person presenting it.

4 (d) Upon receipt of the certificate of title, application,
5 and the required fee, the department shall issue a new certifi-
6 cate in the form provided by section 30b setting forth the name
7 and address of each holder of a security interest in the mobile
8 home for which a termination statement has not been filed and the
9 date ~~on which~~ THAT the application first stating the security
10 interest was filed, and mail the certificate to the owner.

11 (2) A holder of a security interest may assign, absolutely
12 or otherwise, the security interest to a person other than the
13 owner without affecting the interest of the owner or the validity
14 of the security interest, but a person without notice of the
15 assignment is protected in dealing with the holder of the secur-
16 ity interest as the holder of the security interest. The
17 assignee may have the certificate of title ~~indorsed~~ ENDORSED
18 with the assignee named as the holder of the security interest by
19 providing the department with a copy of the assignment instrument
20 but the failure of the assignee to do so ~~shall~~ DOES not affect
21 the validity of the security interest or the assignment of the
22 security interest.

23 (3) The filing under this section or under section 30a of an
24 application for a certificate of title showing the name and
25 address of the holder of a security interest in a ~~mobile~~
26 MANUFACTURED home is equivalent to the filing of a financing
27 statement with respect to the security interest under article 9

1 of the uniform commercial code, ~~Act No. 174 of the Public Acts~~
2 ~~of 1962, being sections 440.9101 to 440.9994 of the Michigan~~
3 ~~Compiled Laws~~ 1962 PA 174, MCL 440.9101 TO 440.9994.

4 (4) ~~When~~ IF there is not an outstanding obligation or com-
5 mitment to make advances, incur obligations, or otherwise give
6 value, secured or to be secured by a security interest in a
7 ~~mobile~~ MANUFACTURED home, the secured party shall, within 10
8 days after satisfaction of the obligation and, in any event
9 within 30 days, execute a termination statement in the form
10 ~~prescribed by~~ the department PRESCRIBES and mail or deliver the
11 termination statement to the owner or other person as the owner
12 may direct. The owner other than a dealer holding the ~~mobile~~
13 MANUFACTURED home for resale, shall promptly ~~cause~~ MAIL OR
14 DELIVER the certificate, all termination statements, and an
15 application for certificate of title accompanied by a fee of
16 \$1.00 ~~to be mailed or delivered~~ to the department. ~~, which~~
17 THE DEPARTMENT shall issue a new certificate.

18 Sec. 30e. (1) If the interest of the owner in a ~~mobile~~
19 MANUFACTURED home is terminated by the enforcement of a security
20 agreement, the transferee of the owner's interest shall promptly
21 mail or deliver to the department the last certificate of title,
22 if the transferee ~~has possession of~~ POSSESSES it; ~~, an appli-~~
23 cation for a new certificate in the form ~~prescribed by~~ the
24 department ~~, PRESCRIBES~~; and an affidavit made by or on behalf
25 of the holder of the security interest so enforced that the
26 ~~mobile~~ MANUFACTURED home was repossessed, that the interest of
27 the owner was lawfully terminated by enforcement of the security

1 agreement, and whether the holder has delivered the last
2 certificate of title to the transferee of the owner's interest,
3 naming the transferee, or if not, the reason delivery was not
4 made and the ~~then~~ location of the certificate of title so far
5 as known to the holder. If the holder of the security interest
6 succeeds to the interest of the owner and holds the ~~mobile~~
7 MANUFACTURED home for resale, the holder shall not be required to
8 secure a new certificate of title but, upon transfer to another
9 person, shall promptly mail or deliver to the transferee or to
10 the department the certificate, if in the holder's possession,
11 the affidavit, and other documents required to be sent to the
12 department by the transferee.

13 (2) If the interest of the owner in a ~~mobile~~ MANUFACTURED
14 home is terminated by sale pursuant to a levy of execution,
15 attachment, or other process of a court, the transferee of the
16 owner's interest shall promptly mail or deliver to the department
17 the last certificate of title, if the transferee ~~has possession~~
18 ~~of~~ POSSESSES it; ~~an~~ application for a new certificate of
19 title in the form ~~prescribed by~~ the department PRESCRIBES; and
20 an affidavit, upon a form ~~prescribed by~~ the department
21 PRESCRIBES, made by the officer of the court who conducted the
22 sale, setting forth the date of the sale, ~~and~~ the name of the
23 purchaser, and whether the officer has delivered the certificate
24 of title to the purchaser ~~and~~ OR, if not, the reason delivery
25 was not made and the ~~then~~ location of the certificate of title
26 so far as known to the officer.

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

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

22 Sec. 30f. The department shall retain and appropriately
23 file every surrendered certificate of title. The file shall be
24 maintained ~~so as to permit~~ IN A MANNER THAT PERMITS the tracing
25 of title of the ~~mobile~~ MANUFACTURED home designated in a sur-
26 rendered certificate for a period of 10 years.

1 Sec. 30g. (1) The department may cancel or refuse to issue
2 a certificate of title IF 1 OR MORE OF THE FOLLOWING APPLY:

3 (a) ~~If the~~ THE department is satisfied that the certifi-
4 cate of title was fraudulently or erroneously issued.

5 (b) ~~If the~~ THE department determines that the holder of
6 the certificate has made or is making ~~an~~ unlawful use of the
7 certificate.

8 (c) ~~If the~~ THE department determines that the required fee
9 has not been paid and the fee is not paid upon reasonable notice
10 or demand.

11 (d) ~~If the~~ THE department is authorized under ~~any other~~
12 ANOTHER provision of this act.

13 (e) ~~Upon receipt of~~ THE DEPARTMENT RECEIVES notification
14 from another state or foreign country that a certificate of title
15 issued by the department has been surrendered by the owner in
16 conformity with the laws of the other state or foreign country.

17 (f) ~~If it~~ IT is shown by satisfactory evidence that deliv-
18 ery of a ~~mobile~~ MANUFACTURED home in the possession of a dealer
19 was not made to the applicant to whom the certificate was
20 issued.

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

24 Sec. 30h. The commission in consultation with the secretary
25 of state shall promulgate rules ~~, which~~ THAT shall further
26 define and distinguish between the term ~~mobile~~ MANUFACTURED
27 home as used in this act and the term trailer coach as used in

1 the Michigan vehicle code, ~~Act No. 300 of the Public Acts of~~
2 ~~1949, being sections 257.1 to 257.923 of the Michigan Compiled~~
3 ~~Laws~~ 1949 PA 300, MCL 257.1 TO 257.923.

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

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

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

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

1 (c) The project worked or tended to work a fraud or
2 deception or would so operate, or the project would create an
3 unreasonable risk to A prospective ~~tenants~~ TENANT, as defined
4 by rules promulgated by the commission.

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

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

1 securities or franchises or licensing or regulating builders,
2 real estate brokers, or real estate salespersons, or WAS
3 CONVICTED of A violation of the land sales act, ~~Act No. 286 of~~
4 ~~the Public Acts of 1972, being sections 565.801 to 565.835 of the~~
5 ~~Michigan Compiled Laws~~ 1972 PA 286, MCL 565.801 TO 565.835, or a
6 rule promulgated or an order issued under that act.

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

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

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

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

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

22 Sec. 43. (1) If, after notice and a hearing as provided in
23 the administrative procedures act of 1969, ~~Act No. 306 of the~~
24 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~
25 ~~Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328, a
26 person is determined to have violated this act, the commission
27 may impose 1 or more of the following 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 home~~
15 MANUFACTURED HOUSING 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.
- 21 Enacting section 1. Section 49 of the mobile home commis-
22 sion act, 1987 PA 96, MCL 125.2349, is repealed.
- 23 Enacting section 2. This amendatory act does not take
24 effect unless House Bill No. 5822 of the 90th Legislature is
25 enacted into law.