

SENATE BILL No. 1091

April 25, 2012, Introduced by Senator KOWALL and referred to the Committee on Transportation.

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending sections 2 and 30a (MCL 125.2302 and 125.2330a),
section 30a as amended by 2006 PA 328.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Campground" means a campground as defined in section
3 12501 of the public health code, ~~Act No. 368 of the Public Acts of~~
4 ~~1978, being section 333.12501 of the Michigan Compiled Laws.1978 PA~~
5 ~~368, MCL 333.12501.~~

6 (b) "Code" means all or a part of the mobile home code
7 promulgated pursuant to section 5.

8 (c) "Commission" means the mobile home code commission.

(d) "Department" means the department of ~~commerce~~-LICENSING AND REGULATORY AFFAIRS, EXCEPT THAT DEPARTMENT MEANS THE DEPARTMENT OF STATE IN ALL OF THE FOLLOWING CIRCUMSTANCES:

(i) AS USED IN SECTION 5(1) WITH RESPECT TO RULES PROMULGATED UNDER SECTION 5(1) (H) .

(ii) AS USED IN SECTION 9(5) WITH RESPECT TO RULES ADJUSTING FEES UNDER SECTION 30A OR 30C.

(iii) AS USED IN SECTIONS 30 TO 30I.

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

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

(g) "Mobile home" means a structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

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

(i) "Mobile home park" means a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to

1 the occupancy of a mobile home.

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

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

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

10 (m) "Seasonal mobile home park" means a parcel or tract of
11 land under the control of a person upon which 3 or more mobile
12 homes are located on a continual or temporary basis but occupied on
13 a temporary basis only, and which is offered to the public for that
14 purpose regardless of whether a charge is made therefor, together
15 with any building, enclosure, street, equipment, or facility used
16 or intended for use incident to the occupancy of a mobile home.
17 Seasonal mobile home park does not include a campground licensed
18 pursuant to sections 12501 to 12516 of the public health code, ~~Act~~
19 ~~No. 368 of the Public Acts of 1978, being sections 333.12501 to~~
20 ~~333.12516 of the Michigan Compiled Laws. 1978 PA 368, MCL 333.12501~~
21 ~~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 Compiled~~
26 ~~Laws. "SECURED PARTY" MEANS THAT TERM AS DEFINED IN SECTION 9102 OF~~
27 ~~THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.9102.~~

1 (O) "SECURITY INTEREST" MEANS THAT TERM AS DEFINED IN SECTION
2 1201 OF THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.1201.

3 (P) "TERMINATION STATEMENT" MEANS THAT TERM AS DEFINED IN
4 SECTION 9102 OF THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL
5 440.9102.

6 Sec. 30a. (1) An owner of a mobile home which is subject to
7 the certificate of title provisions of this act shall ~~make~~
8 ~~application~~**APPLY** to the department for the issuance of a
9 certificate of title for the mobile home upon the appropriate form
10 furnished by the department, accompanied by a fee of \$90.00 or any
11 lesser amount established pursuant to section 9(5). The application
12 shall bear the signature of the owner written in ink, shall be
13 acknowledged by the owner before a person authorized to take
14 acknowledgments, and shall contain:

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

16 (b) A description of the mobile home, including the name of
17 the manufacturer, the year and model, and the manufacturer's serial
18 number or, in the absence of a serial number, a number assigned by
19 the department. A number assigned by the department shall be
20 permanently placed on the mobile home in the manner and place
21 designated by the department.

22 (c) A statement of the names and addresses of the holders of
23 any security interests in the mobile home, in the order of their
24 priority.

25 (d) Further information as may reasonably be required by the
26 department to enable it to determine whether the ~~owner of the~~
27 ~~mobile home~~**APPLICANT** is entitled to a certificate of title for the

1 mobile home.

2 (2) If the department is not satisfied as to the ownership of
3 the mobile home, before issuing a certificate of title for it, the
4 department may require the applicant to file a properly executed
5 surety bond in a form prescribed by the department, executed by the
6 applicant and a company authorized to conduct a surety business in
7 this state. The bond shall be in an amount equal to twice the value
8 of the mobile home as determined by the department and shall be
9 conditioned to indemnify or reimburse the department, any prior
10 owner, any holder of a security interest in the mobile home, and
11 any subsequent purchaser of the mobile home, and their successors
12 in interest, against any expense, loss, or damage, including
13 reasonable attorney's fees, by reason of the issuance of a
14 certificate of title to the mobile home or on account of any defect
15 in the right, title, or interest of the applicant in and to the
16 mobile home. Each interested person has a right of action to
17 recover on the bond for a breach of its conditions, but the
18 aggregate liability of the surety to all persons shall not exceed
19 the amount of the bond. The bond shall be returned at the end of 5
20 years, or before 5 years if the currently valid certificate of
21 title is surrendered to the department, unless the department has
22 received notification of the pendency of an action to recover on
23 the bond.

24 (3) The department shall examine and determine the
25 genuineness, regularity, and legality of an application for a
26 certificate of title for a mobile home and of any other application
27 lawfully made to the department, and may in all cases make

1 investigation or require additional information as may be
2 considered necessary, and shall reject any application if not
3 satisfied of ~~the~~**ITS** genuineness, regularity, or legality ~~of it or~~
4 **OF** the truth of any statement contained in it, or for any other
5 reason ~~, when~~ authorized by law.

6 (4) The fee for obtaining a duplicate, replacement, or
7 corrected title, for placing or terminating a lien on the title, or
8 for placing a name on the title is \$15.00 ~~or any other~~**UNLESS A**
9 lesser amount **IS** established pursuant to section 9(5).

10 (5) **AN APPLICATION FOR A DUPLICATE TITLE SHALL BE ON A FORM**
11 **PRESCRIBED BY THE DEPARTMENT. THE APPLICATION SHALL INCLUDE A**
12 **CERTIFICATION THAT THE APPLICANT OWNS THE MOBILE HOME AND THAT ALL**
13 **INFORMATION ON THE APPLICATION IS COMPLETE TO THE BEST OF THE**
14 **APPLICANT'S KNOWLEDGE. THE APPLICANT SHALL SIGN THE APPLICATION OR,**
15 **IF THE APPLICATION IS FILED ELECTRONICALLY, PROVIDE INFORMATION**
16 **REQUESTED BY THE DEPARTMENT TO VERIFY THE APPLICANT'S IDENTITY.**