

~~Except-as-provided-in-section-321E.3-and-subject~~ Subject to the discretion and judgment provided for in section 321E.1, single-trip permits shall be issued in accordance with the following provisions:

4. Vehicles with indivisible loads of widths exceeding twelve feet, zero inches, lengths not to exceed one hundred twenty feet, zero inches, and total gross weights including both vehicle and load not to exceed ninety thousand pounds shall be ~~moved-according-to-the-schedule-established-in-section-321E.3~~ when accompanied by an official escort approved by the issuing authority. The height of such vehicle and load shall be limited only to the height limitations of underpasses, bridges, power lines, or other established height restrictions on the specified route.

Sec. 5. Section three hundred twenty-one E point twenty-eight (321E.28), unnumbered paragraph three (3), Code 1979, is amended by striking the unnumbered paragraph.

Sec. 6. Sections three hundred twenty-one E point three (321E.3), three hundred twenty-one E point four (321E.4), three hundred twenty-one E point five (321E.5), and three hundred twenty-one E point six (321E.6), Code 1979, are repealed.

Approved June 5, 1979

CHAPTER 74

MOBILE HOME AND TRAVEL TRAILER DEALERS, MANUFACTURERS AND DISTRIBUTORS

S. F. 450

AN ACT establishing licensing for mobile home dealers, manufacturers, distributors, manufacturer's representatives, distributor's representatives, and travel trailer dealers, manufacturers, distributors, manufacturer's representatives, distributor's representatives, and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Sections two (2) through nine (9) of this Act are enacted as a new chapter of the Code.

Sec. 2. NEW SECTION. SHORT TITLE. Sections two (2) through nine (9) of this Act may be cited as the Mobile Home Dealers Licensing Act.

Sec. 3. NEW SECTION. DEFINITIONS. As used in sections two (2) through nine (9) of this Act unless the context otherwise requires:

1. "Mobile home" means a structure, transportable in one or more sections, which exceeds eight feet in width and thirty-two feet in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to one or more utilities.

2. "Mobile home dealer" means a person who, for a commission or other thing of value, sells, exchanges or offers or attempts to negotiate a sale or exchange of an interest in a mobile home or who is engaged wholly or in part in the business of selling mobile homes, whether or not the mobile homes are owned by the dealer. "Mobile home dealer" does not include any of the following:

a. A receiver, trustee, administrator, executor, guardian, attorney or other person appointed by or acting under the judgment or order of a court to transfer an interest in a mobile home.

b. A person transferring a mobile home registered in the person's name and used for personal, family or household purposes, if the transfer is an occasional sale and is not part of the business of the transferor.

c. A person who transfers an interest in a mobile home only as an incident to engaging in the business of financing new or used mobile homes.

3. "Department" means the state department of transportation.

4. "Mobile home shed" means a shed may be adjacent to a mobile home or attached to the mobile home of the owner provided that the shed is at least ten feet from any other mobile home.

5. "Mobile home manufacturer" means a person engaged in the business of fabricating or assembling mobile homes.

6. "Mobile home distributor" means a person who sells or distributes mobile homes to mobile home dealers either directly or through a distributor's representative.

7. "Manufacturer's representative" means a representative employed by a mobile home manufacturer.

8. "Distributor's representative" means a representative employed by a mobile home distributor.

9. To sell "at retail" means to sell a mobile home to a person who will devote it to a consumer use.

10. "New mobile home" means a mobile home that has not been sold at retail.

11. "Used mobile home" means a mobile home that has been sold at retail and previously registered in this or any other state.

Sec. 4. NEW SECTION. MOBILE HOME DEALER LICENSE--PROCEDURE.

1. LICENSE APPLICATION. A mobile home dealer shall file in the office of the department an application for license as a mobile home dealer in the same manner as a motor vehicle dealer applicant under section three hundred twenty-two point four (322.4) of the Code or as the department may prescribe. A mobile home dealer license may be issued in the same manner as a motor vehicle dealer license pursuant to section three hundred twenty-two point seven (322.7) of the Code.

2. LICENSE FEES. The license fee for a mobile home dealer for each calendar year is thirty-five dollars. If the application is denied, the department shall refund the fee. Fees and funds accruing from the administration of sections two (2) through nine (9) of this Act shall be accounted for and paid by the department to the treasurer of state monthly for deposit in the road use tax fund of the state.

3. SURETY BOND. Before the issuance of a mobile home dealer's license, an applicant for a license shall file with the department a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of fifty thousand dollars and be conditioned upon the faithful compliance by the applicant as a dealer with all of the statutes of this state regulating the business of the dealer and indemnifying any person dealing or transacting business with the dealer in connection with a mobile home from a loss or damage occasioned by the failure of the dealer to comply with any of the provisions of sections two (2) through nine (9) of this Act, including, but not limited to, the furnishing of a proper and valid document of title to the mobile home involved in the transaction.

4. PERMITS FOR FAIRS, SHOWS, AND EXHIBITIONS. Mobile home dealers, in addition to selling mobile homes at their principal place of business and lots, may, upon receipt of a temporary permit approved by the department, display and offer new mobile homes for sale and negotiate sales of new mobile homes at fairs, shows and exhibitions which are approved by the department. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Temporary permits shall be issued for a period not to exceed fourteen days.

Sec. 5. NEW SECTION. LICENSE APPLICATION AND FEES.

1. Upon application and payment of a thirty-five dollar fee, a person may be licensed as a manufacturer or distributor of mobile homes. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December thirty-first of the calendar year for which the license was granted.

2. Upon application and payment of a five dollar fee, a person may be licensed as a manufacturer's representative or distributor's representative of mobile homes. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December thirty-first of the calendar year for which the license was issued.

Sec. 6. NEW SECTION. NOTIFICATION.

1. The department shall notify the state building code commissioner of each license issued to a mobile home dealer.

Sec. 7. NEW SECTION. REVOCATION, SUSPENSION AND DENIAL OF LICENSE. The department may revoke, suspend or deny the license of a mobile home dealer, mobile home manufacturer, mobile home distributor, manufacturer's representative or distributor's representative, as applicable, in accordance with the provisions of chapter seventeen A (17A) of the Code if the department finds that the mobile home dealer, manufacturer, distributor or representative is guilty of any of the following acts or offenses:

1. Fraud in procuring a license.

2. Knowingly making misleading, deceptive, untrue or fraudulent representations in the business of a mobile home dealer, manufacturer, distributor, manufacturer's representative or distributor's representative or engaging in unethical conduct or practice harmful or detrimental to the public.

3. Conviction of a felony related to the business of a mobile home dealer, manufacturer, distributor, manufacturer's representative or distributor's representative. A copy of the record of conviction or plea of guilty shall be sufficient evidence for the purposes of this section.

4. Failing upon the sale or transfer of a mobile home to deliver to the purchaser or transferee of the mobile home sold or transferred, a manufacturer's or importer's certificate, or a certificate of title duly assigned, as provided in chapter three hundred twenty-one (321) of the Code.

5. Failing upon the purchasing or otherwise acquiring of a mobile home to obtain a manufacturer's or importer's certificate, a new certificate of title or a certificate of title duly assigned as provided in chapter three hundred twenty-one (321) of the Code.

6. Failing to mail or deliver to the treasurer of the county of the licensee's residence two copies of the signed purchase receipt within forty-eight hours after purchase or acquisition of a mobile home registered in this state.

Sec. 8. NEW SECTION. RULES.

1. The state department of transportation shall prescribe reasonable rules under chapter seventeen A (17A) of the Code for the administration and enforcement of sections two (2) through nine (9) of this Act.

2. The department shall prescribe forms to be used in connection with the licensing of persons under sections two (2) through nine (9) of this Act.

Sec. 9. NEW SECTION. UNLAWFUL PRACTICE. It is unlawful for a person to engage in business as a mobile home dealer, mobile home manufacturer, mobile home distributor, manufacturer's representative or distributor's representative in this state without first acquiring and maintaining a license in accordance with sections two (2) through eight (8) of this Act. A person convicted of violating the provisions of this section is guilty of a serious misdemeanor.

Sec. 10. Sections eleven (11) through twenty-one (21) of this Act are enacted as a new chapter of the Code.

Sec. 11. NEW SECTION. ADMINISTRATION. Sections eleven (11) through twenty-one (21) of this Act shall be administered by the director of transportation. The state department of transportation may employ persons necessary for the administration of sections eleven (11) through twenty-one (21) of this Act.

Sec. 12. NEW SECTION. DEFINITIONS. As used in sections eleven (11) through twenty-one (21) of this Act unless the context otherwise requires:

1. To sell "at retail" means to sell a travel trailer to a person who will devote it to a consumer use.

2. "Department" means the state department of transportation.

3. "Distributor" means a person who sells or distributes travel trailers to travel trailer dealers either directly or through a representative employed by a distributor.

4. "Fifth-wheel travel trailer" means a type of travel trailer which is towed by a motor vehicle by a connecting device known as a fifth wheel. When used in sections eleven (11) through twenty-one (21) of this Act, "travel trailer" includes a fifth-wheel travel trailer.

5. "Manufacturer" means a person engaged in the business of fabricating or assembling travel trailers of a type required to be registered.

6. "New travel trailer" means a travel trailer that has not been sold at retail.

7. "Person" includes any individual, partnership, corporation, association, fiduciary or other legal entity engaged in business, other than a unit or agency of government or governmental subdivision.

8. "Place of business" means a designated location where facilities are maintained for displaying, reconditioning and repairing either new or used travel trailers.

9. "Sell" includes barter, exchange and other methods of dealing.

10. "Travel trailer" means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and designed to permit the vehicle to be used as a place of human habitation by one or more persons. The vehicle may be up to eight feet in width and its overall length shall not exceed forty feet.

11. "Used travel trailer" means a travel trailer which has been sold at retail and previously registered in this or any other state.

12. "Distributor's representative" means a representative employed by a person who is a distributor.

13. "Manufacturer's representative" means a representative employed by a manufacturer.

Sec. 13. NEW SECTION. PROHIBITED ACTS.

1. A person shall not engage in this state in the business of selling at retail new travel trailers of any make, or represent or advertise that the person is engaged or intends to engage in such business in this state, unless the person is authorized by a contract in writing between that person and the manufacturer or distributor of that make of new travel trailers to sell the trailers in this state, and unless the department has issued to the person a license as a travel trailer dealer for the same make of travel trailer.

2. A person, other than a licensed travel trailer dealer in new travel trailers, shall not engage in the business of selling at retail used travel trailers or represent or advertise that the person is engaged or intends to engage in such business in this state unless the department has issued to the person a license as a used travel trailer dealer.

3. A person is not required to obtain a license as a travel trailer dealer if the person is disposing of a travel trailer acquired or repossessed, so long as the person is exercising a power or right granted by a lien, title-retention instrument, or security agreement given as security for a loan or a purchase money obligation.

4. A travel trailer dealer shall not enter into a contract, agreement, or understanding, expressed or implied, with a manufacturer or distributor that the dealer will sell, assign, or transfer an agreement or contract arising from the retail installment sale of a travel trailer only to a designated

person or class of persons. Any such condition, agreement or understanding between a manufacturer or distributor and a travel trailer dealer is against the public policy of this state and is unlawful and void.

5. A manufacturer or distributor of travel trailers or an agent or representative of the manufacturer or distributor, shall not refuse to renew a contract for a term of less than five years, and shall not terminate or threaten to terminate a contract, agreement or understanding for the sale of new travel trailers to a travel trailer dealer in this state without just, reasonable and lawful cause or because the travel trailer dealer failed to sell, assign or transfer a contract or agreement arising from the retail sale of a travel trailer to only a person or a class of persons designated by the manufacturer or distributor.

6. A travel trailer dealer shall not make and enter into a security agreement or other contract unless the agreement or contract meets the following requirements:

a. The security agreement or contract is in writing, is signed by both the buyer and the seller and is complete as to all essential provisions prior to the signing of the agreement or contract by the buyer except that, if delivery of the travel trailer is not made at the time of the execution of the agreement or contract, the identifying numbers of the travel trailer or similar information and the due date of the first installment may be inserted in the agreement or contract after its execution.

b. The agreement or contract complies with the Iowa consumer credit code, where applicable.

7. A manufacturer or distributor of travel trailers or an agent or representative of a manufacturer or distributor shall not coerce or attempt to coerce a travel trailer dealer to accept delivery of a travel trailer or travel trailer parts or accessories, or any other commodity which has not been ordered by the dealer.

8. Except under subsection nine (9) of this section, a person licensed under section fourteen (14) of this Act shall not, either directly or through an agent, salesperson or employee, engage or represent or advertise that the person is engaged or intends to engage in this state, in the business of buying or selling new or used travel trailers on Sunday.

9. A travel trailer dealer may display new travel trailers at fairs, shows and exhibits on any day of the week as provided in this subsection. Travel trailer dealers, in addition to selling travel trailers at their principal place of business and lots, may, upon receipt of a temporary permit approved by the department, display and offer new travel trailers for sale and negotiate sales of new travel trailers at fairs, shows and exhibitions which are approved by the department. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Temporary permits shall be issued for a period not to exceed fourteen days.

Sec. 14. NEW SECTION. LICENSE APPLICATION AND FEES.

1. Upon application and payment of a thirty-five dollar fee, a person may be licensed as a travel trailer dealer. The person shall pay an additional ten dollar fee for each travel trailer lot in addition to the principal place

of business unless the lot is adjacent to the principal place of business. The applicant shall file in the office of the department a verified application for license as a travel trailer dealer in the form the department prescribes, which shall include the following:

a. The name of the applicant and the applicant's principal place of business.

b. The name of the applicant's business and whether the applicant is an individual, partnership, corporation or other legal entity.

(1) If the applicant is a partnership the name under which the partnership intends to engage in business and the name and post office address of each partner.

(2) If the applicant is a corporation, the state of incorporation and the name and post office address of each officer and director.

c. The make or makes of new travel trailers, if any, which the applicant will offer for sale at retail in this state.

d. The location of each place of business within this state to be used by the applicant for the conduct of the business.

e. If the applicant is a party to a contract, agreement or understanding with a manufacturer or distributor of travel trailers or is about to become a party to a contract, agreement, or understanding, the applicant shall state the name of each manufacturer and distributor and the make or makes of new motor vehicles, if any, which are the subject matter of the contract, agreement or understanding.

f. Other information concerning the business of the applicant the department reasonably requires for administration of sections eleven (11) through twenty-one (21) of this Act.

2. The license shall be granted or refused within thirty days after application. Each license expires, unless sooner revoked or suspended by the department, on December thirty-first of the calendar year for which the license is granted. A separate license shall be obtained for each county in which an applicant does business as a travel trailer dealer.

3. A licensee shall file with the department a supplemental statement when there is a change in an item of information required under paragraphs a through e of subsection one (1) of this section, within fifteen days after the change. Upon filing a supplemental statement, the licensee shall surrender its license to the department together with a thirty-five dollar fee. The department shall issue a new license modified to reflect the changes on the supplemental statement.

4. Before the issuance of a travel trailer dealer's license, the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of twenty-five thousand dollars and be conditioned upon the faithful compliance by the applicant as a dealer with all statutes of this state regulating or applicable to a travel trailer dealer, and shall indemnify any person dealing or transacting business with the dealer from loss or damage caused by the failure of the dealer to comply with the provisions of chapter three hundred twenty-one (321) of the Code and sections

eleven (11) through twenty-one (21) of this Act, including the furnishing of a proper and valid certificate of title to a travel trailer, and that the bond shall be filed with the department prior to the issuance of the license. A person licensed under chapter three hundred twenty-two (322) of the Code, with the same name and location or locations, is not subject to the provisions of this subsection.

Sec. 15. NEW SECTION. DISPLAY OF LICENSE. A license issued under section fourteen (14) of this Act shall specify the location of the principal place of business and the location of each additional place of business, if any, for which the license is issued, and the license shall be conspicuously displayed at the principal place of business except during periods when the license is surrendered for modification.

Sec. 16. NEW SECTION. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. The license of a person issued under section fourteen (14) or nineteen (19) of this Act may be denied, revoked or suspended if the department finds that the licensee has done any of the following:

1. Violated a provision of sections eleven (11) through twenty-one (21) of this Act.

2. Made a material misrepresentation to the department in connection with an application for a license, certificate of title or registration of a travel trailer or other vehicle.

3. Been convicted of a fraudulent practice in connection with selling or offering for sale vehicles or parts of vehicles subject to registration under chapter three hundred twenty-one (321) of the Code.

4. Failed to maintain an established principal place of business in the county.

5. Had a license issued under sections eleven (11) through twenty-one (21) of this Act, chapter three hundred twenty-one H (321H) or three hundred twenty-two (322) of the Code suspended or revoked within the previous three years.

6. Been convicted of a violation of any provision of section three hundred twenty-one point fifty-two (321.52), three hundred twenty-one point seventy-eight (321.78), three hundred twenty-one point ninety-two (321.92), three hundred twenty-one point ninety-seven (321.97), three hundred twenty-one point ninety-eight (321.98), three hundred twenty-one point ninety-nine (321.99), three hundred twenty-one point one hundred (321.100), or seven hundred fourteen point sixteen (714.16) of the Code.

7. Knowingly made misleading, deceptive, untrue or fraudulent representations in the business as a distributor of travel trailers or engaged in unethical conduct or practice harmful or detrimental to the public.

Sec. 17. NEW SECTION. MANUFACTURER'S OR DISTRIBUTOR'S LICENSE. A manufacturer or distributor of travel trailers shall not engage in business in this state without a license pursuant to sections eleven (11) through twenty-one (21) of this Act.

Sec. 18. NEW SECTION. MANUFACTURER'S OR DISTRIBUTOR'S REPRESENTATIVE. A manufacturer's or distributor's representative shall not engage in business in this state without a license pursuant to sections eleven (11) through twenty-one (21) of this Act.

Sec. 19. NEW SECTION. LICENSE APPLICATION AND FEES.

1. Upon application and payment of a thirty-five dollar fee, a person may be licensed as a manufacturer or distributor of travel trailers. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December thirty-first of the calendar year for which the license was granted.

2. Upon application and payment of a five dollar fee, a person may be licensed as a manufacturer's representative or distributor's representative of travel trailers. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December thirty-first of the calendar year for which the license was issued.

Sec. 20. NEW SECTION. FEES. Fees accruing from the administration of sections eleven (11) through twenty-one (21) of this Act shall be accounted for and paid by the department into the state treasury monthly and credited to the road use tax fund.

Sec. 21. NEW SECTION. PENALTIES. A person violating a provision of section thirteen (13), seventeen (17) or eighteen (18) of this Act is guilty of a serious misdemeanor.

Sec. 22. Section three hundred twenty-one point one (321.1), subsection sixty-eight (68), paragraph b, Code 1979, is amended to read as follows:

b. "Travel trailer" means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight feet in width and its over-all length shall not exceed ~~thirty-two~~ forty feet. Such vehicle shall be customarily or ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation. If any such vehicle is used in this state as a place of human habitation for more than ninety consecutive days in one location it shall be classed as a mobile home regardless of the size limitations herein provided.

Sec. 23. This Act is effective January first following its enactment.

Approved June 1, 1979