

Reprinted 4/79

FILED MAR 22 1979

SENATE FILE 450

By COMMITTEE ON STATE GOVERNMENT
Approved 3/22 (79. 718)

Passed Senate, Date 3-27-79 (p. 978) Passed House, Date _____
Vote: Ayes 44 Nays 3 Vote: Ayes _____ Nays _____
Approved June 1, 1979

A BILL FOR

1 An Act establishing a mobile home dealer's license and
2 providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Sections two (2) through eight (8) of this
2 Act are enacted as a new chapter of the Code.

3 Sec. 2. NEW SECTION. SHORT TITLE. Sections two (2)
4 through eight (8) of this Act may be cited as the Mobile Home
5 Dealers Licensing Act.

6 Sec. 3. NEW SECTION. DEFINITIONS. As used in sections
7 two (2) through eight (8) of this Act unless the context
8 otherwise requires:

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

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

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

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

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

33 3. "Certified installer" means a person certified under
34 the state building code to inspect, install or design ground
35 anchoring systems for mobile homes or other manufactured

1 structures.

2 4. "Department" means the state department of transporta-
3 tion.

4 Sec. 4. NEW SECTION. MOBILE HOME DEALER LICENSE--PRO-
5 CEDURE.

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

14 2. LICENSE FEES. The license fee for a mobile home dealer
15 for each calendar year is fifty dollars. If the application
16 is denied, the department shall refund the fee. Fees and
17 funds accruing from the administration of sections two (2)
18 through eight (8) of this Act shall be accounted for and paid
19 by the department to the treasurer of state monthly for deposit
20 in the road use tax fund of the state.

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

1 involved in the transaction.

2 Sec. 5. NEW SECTION. CERTIFIED INSTALLER--SERVICE
3 CAPABILITY--NOTIFICATION.

4 1. A mobile home dealer shall provide the services of
5 a certified installer and within ten days after any retail
6 sale and delivery of a mobile home, notify the state building
7 code commissioner of the name of the purchaser and the point
8 at which delivery to the purchaser was made.

9 2. A person shall not engage in business as a mobile home
10 dealer unless the person provides or maintains a service and
11 parts capability or a contractual agreement with a third party
12 to maintain or provide a service capability.

13 3. The department as a condition of licensure shall enforce
14 compliance with subsections one (1) and two (2) of this
15 section.

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

18 Sec. 6. NEW SECTION. REVOCATION, SUSPENSION AND DENIAL
19 OF LICENSE. The department may revoke, suspend or deny the
20 license of a mobile home dealer in accordance with the provi-
21 sions of chapter seventeen A (17A) of the Code if the depart-
22 ment finds that the mobile home dealer is guilty of any of
23 the following acts or offenses:

24 1. Fraud in procuring a license.

25 2. Failure to comply with section five (5), subsections
26 one (1) and two (2) of this Act.

27 3. Knowingly making misleading, deceptive, untrue or
28 fraudulent representations in the business of a mobile home
29 dealer or engaging in unethical conduct or practice harmful
30 or detrimental to the public. Proof of actual injury need
31 not be established.

32 4. Conviction of a felony related to the business of a
33 mobile home dealer. A copy of the record of conviction or
34 plea of guilty shall be sufficient evidence for the purposes
35 of this section.

1 5. Use of untruthful or improbable statements in ad-
2 vertisements.

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

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

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

17 Sec. 7. NEW SECTION. RULES.

18 1. The state department of transportation shall prescribe
19 reasonable rules under chapter seventeen A (17A) of the Code
20 for the administration and enforcement of this Act.

21 2. The department shall prescribe forms to be used in
22 connection with the licensing of persons under this Act.

23 Sec. 8. NEW SECTION. UNLAWFUL PRACTICE. It is unlawful
24 for a person to engage in business as a mobile home dealer
25 in this state without first acquiring and maintaining a mobile
26 home dealer license in accordance with sections two (2) through
27 seven (7) of this Act. A person convicted of violating the
28 provisions of this section is guilty of a serious misdemeanor.

29 Sec. 9. This Act is effective January first following
30 its enactment.

31 EXPLANATION

32 This Act establishes a mobile home dealer license for the
33 purpose of licensing persons engaged wholly or in part in
34 the business of selling mobile homes.

35 The bill places the authority for administering the li-

1 censing of mobile home dealers in the department of transporta-
2 tion in the manner similarly prescribed for motor vehicle
3 dealers. The department of transportation will have rule-
4 making authority to administer this Act. The bill provides
5 for suspension and revocation procedures to be initiated by
6 the department in accordance with chapter 17A of the Code.

7 The bill requires that mobile home dealers provide the
8 services of a certified installer and have a service and parts
9 capability or a contractual agreement with a third party to
10 maintain or provide a service and parts capability as a condi-
11 tion of licensure.

12 The bill establishes a \$50,000 surety bond as a condition
13 of licensure.

14 The bill makes it an unlawful practice and a serious
15 misdemeanor for a person to engage in the sale of mobile homes
16 in this state without first acquiring a mobile home dealer
17 license in accordance with the provisions of this Act.

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SENATE FILE 450

S-3300

- 1 Amend Senate File 450 as follows:
2 1. Page 1, by striking lines 10 and 11 and
3 inserting in lieu thereof the following:
4 "or more sections, which exceeds eight feet in
5 width and thirty-two feet in length, and which is
6 built on a"
7 2. Page 3, lines 30 and 31, by striking the
8 words "Proof of actual injury need not be
9 established."
10 3. Page 4, by striking lines 1 and 2.

S-3300 FILED & ADOPTED (p. 988) BY DICK RAMSEY
MARCH 28, 1979

SENATE FILE 450

S-3301

- 1 Amend Senate File 450 as follows:
2 1. By striking page 1, lines 33 through
3 page 2, line 1.
4 2. Page 3, by striking all of lines 2 and 3 and
5 inserting in lieu thereof the following:
6 "Sec. 5. NEW SECTION. NOTIFICATION REQUIREMENTS--
7 SERVICE CAPABILITY."
8 3. Page 3, lines 4 and 5, by striking the words
9 "provide the services of a certified installer and".

S-3301 FILED & ADOPTED (p. 988) BY DICK RAMSEY
MARCH 28, 1979 TOM SLATER

SENATE FILE 450

S-3305

- 1 Amend the Drake amendment, S-3299, to Senate File
2 450 as follows:
3 1. Page 6, by inserting after line 12 the follow-
4 ing subsection:
5 "7. Knowingly made misleading, deceptive, untrue
6 or fraudulent representations in the business as a
7 distributor of travel trailers or engaged in unethical
8 conduct or practice harmful or detrimental to the
9 public."

S-3305 FILED & ADOPTED (p. 988) BY DICK RAMSEY
MARCH 28, 1979

SENATE FILE 450

S-3299

1 Amend Senate File 450 as follows:

2 1. Page 4, by inserting after line 28 the following
3 new sections:

4 "Sec. 9. Sections ten (10) through seventeen (17)
5 of this Act are enacted as a new chapter of the Code.

6 Sec. 10. NEW SECTION. ADMINISTRATION. This Act
7 shall be administered by the director of
8 transportation. The state department of transportation
9 may employ persons necessary for the administration
10 of this Act.

11 Sec. 11. NEW SECTION. DEFINITIONS. As used in
12 this Act unless the context otherwise requires:

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

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

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

22 4. "Fifth-wheel travel trailer" means a type of
23 travel trailer which is towed by a motor vehicle by
24 a connecting device known as a fifth wheel. When
25 used in this Act, "travel trailer" includes a fifth-
26 wheel travel trailer.

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

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

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

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

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

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

50 11. "Used travel trailer" means a travel trailer

S-3299

Page 2

1 which has been sold at retail and previously registered
2 in this or any other state.

3 Sec. 12. NEW SECTION. PROHIBITED ACTS.

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

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

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

29 4. A travel trailer dealer shall not enter into
30 a contract, agreement, or understanding, expressed
31 or implied, with a manufacturer or distributor that
32 the dealer will sell, assign, or transfer an agreement
33 or contract arising from the retail installment sale
34 of a travel trailer only to a designated person or
35 class of persons. Any such condition, agreement or
36 understanding between a manufacturer or distributor
37 and a travel trailer dealer is against the public
38 policy of this state and is unlawful and void.

39 5. A manufacturer or distributor of travel trailers
40 or an agent or representative of the manufacturer
41 or distributor, shall not refuse to renew a contract
42 for a term of less than five years, and shall not
43 terminate or threaten to terminate a contract, agree-
44 ment or understanding for the sale of new travel
45 trailers to a travel trailer dealer in this state
46 without just, reasonable and lawful cause or because
47 the travel trailer dealer failed to sell, assign or
48 transfer a contract or agreement arising from the
49 retail sale of a travel trailer to only a person or
50 a class of persons designated by the manufacturer

Page 3
of distributor.

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

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

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

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

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

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

46 Sec. 13. NEW SECTION. LICENSE APPLICATION AND
47 FEES.

48 1. Upon application and payment of a thirty-five
49 dollar fee, a person may be licensed as a travel
50 trailer dealer. The person shall pay an additional

Page 4

1 ten dollar fee for each travel trailer lot in addition
2 to the principal place of business unless the lot
3 is adjacent to the principal place of business. The
4 applicant shall file in the office of the department
5 a verified application for license as a travel trailer
6 dealer in the form the department prescribes, which
7 shall include the following:

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

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

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

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

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

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

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

34 f. Other information concerning the business of
35 the applicant the department reasonably requires for
36 administration of this Act.

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

44 3. A licensee shall file with the department a
45 supplemental statement when there is a change in an
46 item of information required under paragraphs a through
47 e of subsection one (1) of this section, within fifteen
48 days after the change. Upon filing a supplemental
49 statement, the licensee shall surrender its license
50 to the department together with a thirty-five dollar

S-3299 - Page 5

1 fee. The department shall issue a new license modified
2 to reflect the changes on the supplemental statement.

3 4. Before the issuance of a travel trailer dealer's
4 license, the applicant shall furnish a surety bond
5 executed by the applicant as principal and executed
6 by a corporate surety company, licensed and qualified
7 to do business within this state, which bond shall
8 run to the state of Iowa, be in the amount of twenty-
9 five thousand dollars and be conditioned upon the
10 faithful compliance by the applicant as a dealer with
11 all statutes of this state regulating or applicable
12 to a travel trailer dealer, and shall indemnify any
13 person dealing or transacting business with the dealer
14 from loss or damage caused by the failure of the
15 dealer to comply with the provisions of chapter three
16 hundred twenty-one (321) of the Code and sections
17 ten (10) through seventeen (17) of this Act, including
18 the furnishing of a proper and valid certificate of
19 title to a travel trailer, and that the bond shall
20 be filed with the department prior to the issuance
21 of the license. A person licensed under chapter three
22 hundred twenty-two (322) of the Code, with the same
23 name and location or locations, is not subject to
24 the provisions of this subsection.

25 Sec. 14. NEW SECTION. DISPLAY OF LICENSE. A
26 license issued under this Act shall specify the
27 location of the principal place of business and the
28 location of each additional place of business, if
29 any, for which the license is issued, and the license
30 shall be conspicuously displayed at the principal
31 place of business except during periods when the
32 license is surrendered for modification.

33 Sec. 15. NEW SECTION. DENIAL, SUSPENSION OR
34 REVOCAION OF LICENSE. The license of a person issued
35 under this Act may be denied, revoked or suspended
36 if the department finds that the licensee has done
37 any of the following:

- 38 1. Violated a provision of this Act.
- 39 2. Made a material misrepresentation to the
40 department in connection with an application for a
41 license, certificate of title or registration of a
42 travel trailer or other vehicle.
- 43 3. Been convicted of a fraudulent practice in
44 connection with selling or offering for sale vehicles
45 or parts of vehicles subject to registration under
46 chapter three hundred twenty-one (321) of the Code.
- 47 4. Failed to maintain an established principal
48 place of business in the county.
- 49 5. Had a license issued under this Act, chapter
50 three hundred twenty-one H (321H) or three hundred

S-3299

Page 6

1 twenty-two (322) of the Code suspended or revoked
2 within the previous three years.

3 6. Been convicted of a violation of any provision
4 of section three hundred twenty-one point fifty-two
5 (321.52), three hundred twenty-one point seventy-eight
6 (321.78), three hundred twenty-one point ninety-two
7 (321.92), three hundred twenty-one point ninety-seven
8 (321.97), three hundred twenty-one point ninety-eight
9 (321.98), three hundred twenty-one point ninety-nine
10 (321.99), three hundred twenty-one point one hundred
11 (321.100), or seven hundred fourteen point sixteen
12 (714.16) of the Code.

13 Sec. 16. NEW SECTION. FEES. Fees accruing from
14 the administration of this Act shall be accounted
15 for and paid by the department into the state treasury
16 monthly and credited to the road use tax fund.

17 Sec. 17. NEW SECTION. PENALTIES. A person
18 violating a provision of this Act is guilty of a
19 serious misdemeanor.

20 Sec. 18. Section three hundred twenty-one point
21 one (321.1), subsection sixty-eight (68), paragraph
22 b, Code 1979, is amended to read as follows:

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

38 2. Amend the title, line 1, by striking the words
39 "a mobile home dealer's license" and inserting in
40 lieu thereof the words "licensing for mobile home
41 dealers and travel trailer dealers".

42 3. Renumber sections and correct internal
43 references as are necessary in accordance with this
44 amendment.

S-3299 FILED
MARCH 28, 1979

BY RICHARD F. DRAKE

ADOPTED AS AMENDED (p. 948)

*See Transportation 4/2
Do Pass per 3844 4/10 (p. 1498)*

SENATE FILE 450

By COMMITTEE ON STATE GOVERNMENT

(AS AMENDED AND PASSED BY THE SENATE MARCH 28, 1979)

Passed Senate, Date 4-24-79 (p. 1372) Passed House, Date 4-18-79 (p. 1600)
Vote: Ayes 46 Nays 1 Vote: Ayes 53 Nays 41
Approved June 1, 1979

A BILL FOR

1 An Act establishing licensing for mobile home dealers and
2 travel trailer dealers and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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————— = New Language
by the Senate

* = Language Stricken
by the Senate

1 Section 1. Sections two (2) through eight (8) of this
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10 or more sections, which exceeds eight feet in width and thirty-
11 two feet in length, and which is built on a permanent chassis
12 and designed to be used as a dwelling with or without a
13 permanent foundation when connected to one or more utilities.

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

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

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

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

* 32 3. "Department" means the state department of transporta-
33 tion.

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35 CEDURE.

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6 A mobile home dealer license may be issued in the same manner
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9 2. LICENSE FEES. The license fee for a mobile home dealer
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14 by the department to the treasurer of state monthly for deposit
15 in the road use tax fund of the state.

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

32 Sec. 5. NEW SECTION. NOTIFICATION REQUIREMENTS--SERVICE
33 CAPABILITY.

* 34 1. A mobile home dealer shall within ten days after any
35 retail sale and delivery of a mobile home, notify the state

1 building code commissioner of the name of the purchaser and
2 the point at which delivery to the purchaser was made.

3 2. A person shall not engage in business as a mobile home
4 dealer unless the person provides or maintains a service and
5 parts capability or a contractual agreement with a third party
6 to maintain or provide a service capability.

7 3. The department as a condition of licensure shall enforce
8 compliance with subsections one (1) and two (2) of this
9 section.

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

12 Sec. 6. NEW SECTION. REVOCATION, SUSPENSION AND DENIAL
13 OF LICENSE. The department may revoke, suspend or deny the
14 license of a mobile home dealer in accordance with the provi-
15 sions of chapter seventeen A (17A) of the Code if the depart-
16 ment finds that the mobile home dealer is guilty of any of
17 the following acts or offenses:

18 1. Fraud in procuring a license.

19 2. Failure to comply with section five (5), subsections
20 one (1) and two (2) of this Act.

21 3. Knowingly making misleading, deceptive, untrue or
22 fraudulent representations in the business of a mobile home
23 dealer or engaging in unethical conduct or practice harmful
*24 or detrimental to the public.

25 4. Conviction of a felony related to the business of a
26 mobile home dealer. A copy of the record of conviction or
27 plea of guilty shall be sufficient evidence for the purposes
28 of this section.

*29 5. Failing upon the sale or transfer of a mobile home
30 to deliver to the purchaser or transferee of the mobile home
31 sold or transferred, a manufacturer's or importer's certi-
32 ficate, or a certificate of title duly assigned, as provided
33 in chapter three hundred twenty-one (321) of the Code.

34 6. Failing upon the purchasing or otherwise acquiring
35 of a mobile home to obtain a manufacturer's or importer's

1 certificate, a new certificate of title or a certificate of
2 title duly assigned as provided in chapter three hundred
3 twenty-one (321) of the Code.

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

8 Sec. 7. NEW SECTION. RULES.

9 1. The state department of transportation shall prescribe
10 reasonable rules under chapter seventeen A (17A) of the Code
11 for the administration and enforcement of this Act.

12 2. The department shall prescribe forms to be used in
13 connection with the licensing of persons under this Act.

14 Sec. 8. NEW SECTION. UNLAWFUL PRACTICE. It is unlawful
15 for a person to engage in business as a mobile home dealer
16 in this state without first acquiring and maintaining a mobile
17 home dealer license in accordance with sections two (2) through
18 seven (7) of this Act. A person convicted of violating the
19 provisions of this section is guilty of a serious misdemeanor.

20 Sec. 9. Sections ten (10) through seventeen (17) of this
21 Act are enacted as a new chapter of the Code.

22 Sec. 10. NEW SECTION. ADMINISTRATION. This Act shall
23 be administered by the director of transportation. The state
24 department of transportation may employ persons necessary
25 for the administration of this Act.

26 Sec. 11. NEW SECTION. DEFINITIONS. As used in this Act
27 unless the context otherwise requires:

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

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

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

35 4. "Fifth-wheel travel trailer" means a type of travel

1 trailer which is towed by a motor vehicle by a connecting
2 device known as a fifth wheel. When used in this Act, "travel
3 trailer" includes a fifth-wheel travel trailer.

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

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

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

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

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

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

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

28 Sec. 12. NEW SECTION. PROHIBITED ACTS.

29 1. A person shall not engage in this state in the business
30 of selling at retail new travel trailers of any make, or
31 represent or advertise that the person is engaged or intends
32 to engage in such business in this state, unless the person
33 is authorized by a contract in writing between that person
34 and the manufacturer or distributor of that make of new travel
35 trailers to sell the trailers in this state, and unless the

1 department has issued to the person a license as a travel
2 trailer dealer for the same make of travel trailer.

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

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

15 4. A travel trailer dealer shall not enter into a contract,
16 agreement, or understanding, expressed or implied, with a
17 manufacturer or distributor that the dealer will sell, assign,
18 or transfer an agreement or contract arising from the retail
19 installment sale of a travel trailer only to a designated
20 person or class of persons. Any such condition, agreement
21 or understanding between a manufacturer or distributor and
22 a travel trailer dealer is against the public policy of this
23 state and is unlawful and void.

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

35 6. A travel trailer dealer shall not make and enter into

1 a security agreement or other contract unless the agreement
2 or contract meets the following requirements:

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

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

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

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

26 9. A travel trailer dealer may display new travel trailers
27 at fairs, shows and exhibits on any day of the week as provided
28 in this subsection. Travel trailer dealers, in addition to
29 selling travel trailers at their principal place of business
30 and lots, may, upon receipt of a temporary permit approved
31 by the department, display and offer new travel trailers for
32 sale and negotiate sales of new travel trailers at fairs,
33 shows and exhibitions which are approved by the department.
34 Application for temporary permits shall be made upon forms
35 provided by the department and shall be accompanied by a ten

1 dollar permit fee. Temporary permits shall be issued for
2 permits not to exceed fourteen days.

3 Sec. 13. NEW SECTION. LICENSE APPLICATION AND FEES.

4 1. Upon application and payment of a thirty-five dollar
5 fee, a person may be licensed as a travel trailer dealer.

6 The person shall pay an additional ten dollar fee for each
7 travel trailer lot in addition to the principal place of
8 business unless the lot is adjacent to the principal place
9 of business. The applicant shall file in the office of the
10 department a verified application for license as a travel
11 trailer dealer in the form the department prescribes, which
12 shall include the following:

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

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

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

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

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

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

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

1 f. Other information concerning the business of the
2 applicant the department reasonably requires for administration
3 of this Act.

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

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

18 4. Before the issuance of a travel trailer dealer's
19 license, the applicant shall furnish a surety bond executed
20 by the applicant as principal and executed by a corporate
21 surety company, licensed and qualified to do business within
22 this state, which bond shall run to the state of Iowa, be
23 in the amount of twenty-five thousand dollars and be
24 conditioned upon the faithful compliance by the applicant
25 as a dealer with all statutes of this state regulating or
26 applicable to a travel trailer dealer, and shall indemnify
27 any person dealing or transacting business with the dealer
28 from loss or damage caused by the failure of the dealer to
29 comply with the provisions of chapter three hundred twenty-
30 one (321) of the Code and sections ten (10) through seventeen
31 (17) of this Act, including the furnishing of a proper and
32 valid certificate of title to a travel trailer, and that the
33 bond shall be filed with the department prior to the issuance
34 of the license. A person licensed under chapter three hundred
35 twenty-two (322) of the Code, with the same name and location

1 or locations, is not subject to the provisions of this
2 subsection.

3 Sec. 14. NEW SECTION. DISPLAY OF LICENSE. A license
4 issued under this Act shall specify the location of the
5 principal place of business and the location of each additional
6 place of business, if any, for which the license is issued,
7 and the license shall be conspicuously displayed at the
8 principal place of business except during periods when the
9 license is surrendered for modification.

10 Sec. 15. NEW SECTION. DENIAL, SUSPENSION OR REVOCATION
11 OF LICENSE. The license of a person issued under this Act
12 may be denied, revoked or suspended if the department finds
13 that the licensee has done any of the following:

14 1. Violated a provision of this Act.

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

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

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

24 5. Had a license issued under this Act, chapter three
25 hundred twenty-one H (321H) or three hundred twenty-two (322)
26 of the Code suspended or revoked within the previous three
27 years.

28 6. Been convicted of a violation of any provision of
29 section three hundred twenty-one point fifty-two (321.52),
30 three hundred twenty-one point seventy-eight (321.78), three
31 hundred twenty-one point ninety-two (321.92), three hundred
32 twenty-one point ninety-seven (321.97), three hundred twenty-
33 one point ninety-eight (321.98), three hundred twenty-one
34 point ninety-nine (321.99), three hundred twenty-one point
35 one hundred (321.100), or seven hundred fourteen point sixteen

1 (714.16) of the Code.

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

6 Sec. 16. NEW SECTION. FEES. Fees accruing from the
7 administration of this Act shall be accounted for and paid
8 by the department into the state treasury monthly and credited
9 to the road use tax fund.

10 Sec. 17. NEW SECTION. PENALTIES. A person violating
11 a provision of this chapter is guilty of a serious misdemeanor.

12 Sec. 18. Section three hundred twenty-one point one
13 (321.1), subsection sixty-eight (68), paragraph b, Code 1979,
14 is amended to read as follows:

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

28 Sec. 19. This Act is effective January first following
29 its enactment.

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SENATE FILE 450

H-3734

1 Amend Senate File 450 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 7, by inserting after line 13 the
4 following:

5 "c. The agreement or contract complies with section
6 twenty (20) of this Act, where applicable."

7 2. Page 11, by inserting after line 11 the
8 following:

9 "Sec. 18. Section three hundred twenty-one point
10 one (321.1), subsection nine (9), Code 1979, is amended
11 by adding the following new unnumbered paragraphs:

12 NEW UNNUMBERED PARAGRAPH. "New trailer" means
13 a trailer that has not been transferred to a person
14 who will devote it to a consumer use.

15 NEW UNNUMBERED PARAGRAPH. "Used trailer" means
16 a trailer which has been transferred to a person who
17 will devote it to a consumer use and which has been
18 previously registered in this or any other state."

19 3. Page 11, by inserting after line 27 the
20 following:

21 "Sec. 20. Chapter three hundred twenty-one (321),
22 Code 1979, is amended by adding the following new
23 section:

24 NEW SECTION. TRAILER RETAIL INSTALLMENT CONTRACT-
25 -FINANCE CHARGES. Notwithstanding the provisions
26 of any other law, a retail installment contract or
27 agreement for the sale of a trailer may include a
28 finance charge not in excess of the following rates:

29 Class 1. Any new trailer designated by the
30 manufacturer by a year model not earlier than the
31 year in which the sale is made, an amount equivalent
32 to one and one-fourth percent per month simple interest
33 on the declining balance of the amount financed.

34 Class 2. Any new trailer not in Class 1 and any
35 used trailer designated by the manufacturer by a year
36 model of the same or not more than two years prior
37 to the year in which the sale is made, an amount
38 equivalent to one and three-fourths percent per month
39 simple interest on the declining balance of the amount
40 financed.

41 Class 3. Any used trailer not in Class 2 and
42 designated by the manufacturer by a year model more
43 than two years prior to the year in which the sale
44 is made, an amount equivalent to two and one-fourth
45 percent per month simple interest on the declining
46 balance of the amount financed.

47 Amount financed shall be as defined in section
48 five hundred thirty-seven point one thousand three
49 hundred one (537.1301) of the Code."

50 4. By renumbering sections and correcting internal
51 ^{Page 12} references as required by this amendment.

SENATE FILE 450

H-3821

1 Amend Senate File 450 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 33 the follow-
4 ing:

5 "4. To sell "at retail" means to sell a mobile
6 home to a person who will devote it to a consumer
7 use.

8 5. "New mobile home" means a mobile home that
9 has not been sold at retail.

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

13 2. Page 2, line 21, by striking the word "fifty"
14 and inserting in lieu thereof the word "twenty-five".

15 3. Page 2, by inserting after line 31 the follow-
16 ing:

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

29 4. Page 11, by striking lines 28 and 29.

H-3821 FILED *A. Adopted* BY VAN MAANEN of Mahaska
APRIL 9, 1979 *B. Done*
C. W/R 4/10 (p. 1547)

SENATE FILE 450

H-3844

- 1 Amend Senate File 450 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 1, by inserting after line 33 the
4 following:
5 "4. "Mobile home manufacturer" means a person
6 engaged in the business of fabricating or assembling
7 mobile homes.
8 5. "Mobile home distributor" means a person who
9 sells or distributes mobile homes to mobile home
10 dealers either directly or through a distributor's
11 representative.
12 6. "Manufacturer's representative" means a
13 representative employed by a mobile home manufacturer.
14 7. "Distributor's representative" means a
15 representative employed by a mobile home distributor."
16 2. Page 2, line 10, by striking the word "fifty"
17 and inserting in lieu thereof the word "thirty-five".
18 3. Page 2, by inserting after line 31 the
19 following:
20 "Sec. ____ . NEW SECTION. LICENSE APPLICATION AND
21 FEES.
22 1. Upon application and payment of a thirty-five
23 dollar fee, a person may be licensed as a manufacturer
24 or distributor of mobile homes. The application shall
25 be in the form and shall contain information as the
26 department prescribes. The license shall be granted
27 or refused within thirty days after application.
28 The license expires, unless sooner revoked or suspended
29 by the department, on December thirty-first of the
30 calendar year for which the license was granted.
31 2. Upon application and payment of a five dollar
32 fee, a person may be licensed as a manufacturer's
33 representative or distributor's representative of
34 mobile homes. The application shall be in the form
35 and shall contain information as the department
36 prescribes. The license shall be granted or refused
37 within thirty days after application. The license
38 expires, unless sooner revoked or suspended by the
39 department, on December thirty-first of the calendar
40 year for which the license was issued."
41 4. Page 2, by striking line 32 through page 3,
42 line 11, and inserting in lieu thereof the following:
43 "Sec. 5. NEW SECTION. NOTIFICATION.
44 1. The department shall send copies to the state
45 building code commissioner of all moving permits
46 issued for mobile homes under chapter three hundred
47 twenty-one E (321E) of the Code.
48 2. The department shall notify the state building
49 code commissioner of each license issued to a mobile
50 home dealer."

- 1 5. Page 3, line 14, by inserting after the word
2 "dealer" the words ", mobile home manufacturer, mobile
3 home distributor, manufacturer's representative or
4 distributor's representative, as applicable,".
- 5 6. Page 3, line 16, by inserting after the word
6 "dealer" the words ", manufacturer, distributor or
7 representative".
- 8 7. Page 3, by striking lines 19 and 20 and
9 renumbering the remaining subsections.
- 10 8. Page 3, line 23, by inserting after the word
11 "dealer" the words "manufacturer, distributor,
12 manufacturer's representative or distributor's
13 representative".
- 14 9. Page 3, line 26, by inserting after the word
15 "dealer" the words ", manufacturer, distributor,
16 manufacturer's representative or distributor's
17 representative".
- 18 10. Page 4, line 11, by inserting after the word
19 "of" the words and figures "sections two (2) through
20 eight (8) of".
- 21 11. Page 4, line 13, by inserting after the word
22 "under" the words and figures "sections two (2) through
23 eight (8) of this Act".
- 24 12. Page 4, line 15, by inserting after the word
25 "dealer" the words ", mobile home manufacturer, mobile
26 home distributor, manufacturer's representative or
27 distributor's representative".
- 28 13. Page 4, lines 16 and 17, by striking the words
29 "mobile home dealer".
- 30 14. Page 4, line 20, by striking the word and
31 figure "seventeen (17)" and inserting in lieu thereof
32 the word and figure "twenty (20)".
- 33 15. Page 4, line 22, by striking the word "This"
34 and inserting in lieu thereof the words and figures
35 "Sections ten (10) through twenty (20) of this".
- 36 16. Page 4, line 25, by inserting after the word
37 "of" the words and figures "sections ten (10) through
38 twenty (20) of".
- 39 17. Page 4, line 26, by inserting after the word
40 "in" the words and figures "sections ten (10) through
41 twenty (20) of".
- 42 18. Page 5, line 2, by inserting after the word
43 "in" the words and figures "sections ten (10) through
44 twenty (20) of".
- 45 19. Page 5, by inserting after line 27 the
46 following new subsections:
47 "12. "Distributor's representative" means a repre-
48 sentative employed by a person who is a distributor.
49 13. "Manufacturer representative" means a
50 representative employed by a manufacturer."

- 1 20. Page 7, line 21, by inserting after the word
2 "under" the words and figures "section thirteen (13)
3 of".
- 4 21. Page 8, line 2, by striking the word "permits"
5 and inserting in lieu thereof the words "a period".
- 6 22. Page 9, line 3, by inserting after the word
7 "of" the words and figures "sections ten (10) through
8 twenty (20) of".
- 9 23. Page 9, lines 30 and 31, by striking the word
10 and figure "seventeen (17)" and inserting in lieu
11 thereof the word and figure "twenty (20)".
- 12 24. Page 10, line 4, by inserting after the word
13 "under" the words and figure "section thirteen (13)
14 of".
- 15 25. Page 10, line 11, by inserting after the word
16 "under" the words and figures "sections thirteen (13)
17 or eighteen (18) of".
- 18 26. Page 10, line 14, by inserting after the word
19 "of" the words and figures "sections ten (10) through
20 twenty (20) of".
- 21 27. Page 10, line 24, by inserting after the word
22 "under" the words and figures "sections ten (10)
23 through twenty (20) of".
- 24 28. Page 11, by inserting after line 5 the
25 following:
- 26 "Sec. 16. NEW SECTION. MANUFACTURER'S OR
27 DISTRIBUTOR'S LICENSE. A manufacturer or distributor
28 of travel trailers shall not engage in business in
29 this state without a license pursuant to sections
30 ten (10) through twenty (20) of this Act.
- 31 Sec. 17. NEW SECTION. MANUFACTURER OR DISTRIBUTOR
32 REPRESENTATIVE. A manufacturer's or distributor's
33 representative shall not engage in business in this
34 state without a license pursuant to sections ten (10)
35 through twenty (20) of this Act.
- 36 Sec. 18. NEW SECTION. LICENSE APPLICATION AND
37 FEES.
- 38 1. Upon application and payment of a thirty-five
39 dollar fee, a person may be licensed as a manufacturer
40 or distributor of travel trailers. The application
41 shall be in the form and shall contain information
42 as the department prescribes. The license shall be
43 granted or refused within thirty days after
44 application. The license expires, unless sooner
45 revoked or suspended by the department, on December
46 thirty-first of the calendar year for which the license
47 was granted.
- 48 2. Upon application and payment of a five dollar
49 fee, a person may be licensed as a manufacturer's
50 representative or distributor's representative of

Page Four
H-3844

- 1 travel trailers. The application shall be in the
2 form and shall contain information as the department
3 prescribes. The license shall be granted or refused
4 within thirty days after application. The license
5 expires, unless sooner revoked or suspended by the
6 department, on December thirty-first of the calendar
7 year for which the license was issued."
8 29. Page 11, line 6, by striking the figure "16"
9 and inserting in lieu thereof the figure "19".
10 30. Page 11, line 7, by inserting after the word
11 "of" the words and figures "sections ten (10) through
12 twenty (20) of".
13 31. Page 11, line 10, by striking the figure "17"
14 and inserting in lieu thereof the figure "20".
15 32. Page 11, line 11, by inserting after the word
16 "of" the words and figures "sections twelve (12),
17 sixteen (16) or seventeen (17) of".
18 33. Page 11, line 11, by striking the word
19 "chapter" and inserting in lieu thereof the word
20 "Act".
21 34. Renumber sections and correct internal
22 references as are necessary in accordance with this
23 amendment.

H-3844 FILED *Adopted as amended* BY COMMITTEE ON TRANSPORTATION
APRIL 10, 1979 *by 3289 3457, and* Egenes, Chairperson
3459 413 (p. 1544)

SENATE FILE 450

H-3957

- 1 Amend the amendment H-3844 to Senate File 450
2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by striking lines 44 through 47.

H-3957 FILED

BY KIRKENSLAGER of Des Moines

APRIL 18, 1979

ADOPTED (p. 1595)

SENATE FILE 450

H-3959

- 1 Amend amendment H-3844 to Senate File 450 as
2 amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 1, by inserting after line 4 the follow-
5 ing:
6 "4. "Mobile home shed" means a shed may be adja-
7 cent to a mobile home or attached to the mobile home
8 of the owner provided that the shed is at least ten
9 feet from any other mobile home.
10 2. Renumber sections as necessary in accordance
11 with this amendment.

BY SCHROEDER of Pottawattamie
WALTER of Pottawattamie
PAVICH of Pottawattamie
MILLER of Buchanan
DANKER of Pottawattamie

H-3959 FILED

APRIL 18, 1979

ADOPTED (p. 1595)

SENATE FILE 450

H-3889

- 1 Amend the Committee on Transportation amendment,
- 2 H-3844, to Senate File 450 as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 4, by inserting after line 20 the following:
- 5 "____. Amend the title, line 1, by inserting after
- 6 the word "dealers" the words ", manufacturers, distribu-
- 7 tors, manufacturer's representatives, distributor's
- 8 representatives,".
- 9 _____. Amend the title, line 2, by inserting after
- 10 the word "dealers" the words ", manufacturers,
- 11 distributors, manufacturer's representatives,
- 12 distributor's representatives,".

H-3889 FILED *Adapted 4/12 (p. 1596)* BY EGENES of Story
APRIL 12, 1979

SENATE FILE 450

H-3947

- 1 Amend Senate File 450 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 11, by inserting after line 27 the
- 4 following:
- 5 "Sec. _____. NEW SECTION. REAL PROPERTY TRANSACTIONS
- 6 EXEMPT. Sections one (1) through eighteen (18) of
- 7 this Act do not apply to a sale or lease of a mobile
- 8 home or modular home by a person licensed under chapter
- 9 one hundred seventeen (117) of the Code, whether as
- 10 a principal or as an agent, when the sale or lease
- 11 is accompanied by a sale or lease of real property
- 12 upon which the mobile home or modular home is
- 13 situated."

H-3947 FILED *Revised under germane 4/18* BY KIRKENSLAGER of Des Moines
APRIL 17, 1979 *(p. 1599)*

SENATE FILE 450

H-3955

- 1 Amend the amendment H-3947 to Senate File 450
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 7, by striking the words "or
- 5 lease".
- 6 2. Page 1, line 10, by striking the words "or
- 7 lease".
- 8 3. Page 1, line 11, by striking the words "or
- 9 lease".

H-3955 FILED *Adapted 4/13 (p. 1599)* BY KIRKENSLAGER of Des Moines
APRIL 18, 1979

House Amendment to Senate File 450

S-3581

1 Amend Senate File 450 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 33 the
4 following:

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

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

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

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

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

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

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

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

28 2. Page 2, line 10, by striking the word "fifty"
29 and inserting in lieu thereof the word "thirty-five".

30 3. Page 2, by inserting after line 31 the
31 following:

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

44 "Sec. ____ . NEW SECTION. LICENSE APPLICATION AND
45 FEES.

46 1. Upon application and payment of a thirty-five
47 dollar fee, a person may be licensed as a manufacturer
48 or distributor of mobile homes. The application shall
49 be in the form and shall contain information as the
50 department prescribes. The license shall be granted

S-3581 - PAGE 2

1 or refused within thirty days after application.
2 The license expires, unless sooner revoked or suspended
3 by the department, on December thirty-first of the
4 calendar year for which the license was granted.

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

15 4. Page 2, by striking line 32 through page 3,
16 line 11, and inserting in lieu thereof the following:

17 "Sec. 5. NEW SECTION. NOTIFICATION.

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

21 5. Page 3, line 14, by inserting after the word
22 "dealer" the words ", mobile home manufacturer, mobile
23 home distributor, manufacturer's representative or
24 distributor's representative, as applicable,".

25 6. Page 3, line 16, by inserting after the word
26 "dealer" the words ", manufacturer, distributor or
27 representative".

28 7. Page 3, by striking lines 19 and 20 and
29 renumbering the remaining subsections.

30 8. Page 3, line 23, by inserting after the word
31 "dealer" the words "manufacturer, distributor,
32 manufacturer's representative or distributor's
33 representative".

34 9. Page 3, line 26, by inserting after the word
35 "dealer" the words ", manufacturer, distributor,
36 manufacturer's representative or distributor's
37 representative".

38 10. Page 4, line 11, by inserting after the word
39 "of" the words and figures "sections two (2) through
40 eight (8) of".

41 11. Page 4, line 13, by inserting after the word
42 "under" the words and figures "sections two (2) through
43 eight (8) of this Act".

44 12. Page 4, line 15, by inserting after the word
45 "dealer" the words ", mobile home manufacturer, mobile
46 home distributor, manufacturer's representative or
47 distributor's representative".

48 13. Page 4, lines 16 and 17, by striking the words
49 "mobile home dealer".

50 14. Page 4, line 20, by striking the word and

S-3581 - PAGE 3

1 figure "seventeen (17)" and inserting in lieu thereof
2 the word and figure "twenty (20)".

3 15. Page 4, line 22, by striking the word "This"
4 and inserting in lieu thereof the words and figures
5 "Sections ten (10) through twenty (20) of this".

6 16. Page 4, line 25, by inserting after the word
7 "of" the words and figures "sections ten (10) through
8 twenty (20) of".

9 17. Page 4, line 26, by inserting after the word
10 "in" the words and figures "sections ten (10) through
11 twenty (20) of".

12 18. Page 5, line 2, by inserting after the word
13 "in" the words and figures "sections ten (10) through
14 twenty (20) of".

15 19. Page 5, by inserting after line 27 the
16 following new subsections:

17 "12. "Distributor's representative" means a repre-
18 sentative employed by a person who is a distributor.

19 13. "Manufacturer representative" means a
20 representative employed by a manufacturer."

21 20. Page 7, line 21, by inserting after the word
22 "under" the words and figures "section thirteen (13)
23 of".

24 21. Page 8, line 2, by striking the word "permits"
25 and inserting in lieu thereof the words "a period".

26 22. Page 9, line 3, by inserting after the word
27 "of" the words and figures "sections ten (10) through
28 twenty (20) of".

29 23. Page 9, lines 30 and 31, by striking the word
30 and figure "seventeen (17)" and inserting in lieu
31 thereof the word and figure "twenty (20)".

32 24. Page 10, line 4, by inserting after the word
33 "under" the words and figure "section thirteen (13)
34 of".

35 25. Page 10, line 11, by inserting after the word
36 "under" the words and figures "sections thirteen (13)
37 or eighteen (18) of".

38 26. Page 10, line 14, by inserting after the word
39 "of" the words and figures "sections ten (10) through
40 twenty (20) of".

41 27. Page 10, line 24, by inserting after the word
42 "under" the words and figures "sections ten (10)
43 through twenty (20) of".

44 28. Page 11, by inserting after line 5 the
45 following:

46 "Sec. 16. NEW SECTION. MANUFACTURER'S OR
47 DISTRIBUTOR'S LICENSE. A manufacturer or distributor
48 of travel trailers shall not engage in business in
49 this state without a license pursuant to sections
50 ten (10) through twenty (20) of this Act.

1 Sec. 17. NEW SECTION. MANUFACTURER OR DISTRIBUTOR
2 REPRESENTATIVE. A manufacturer's or distributor's
3 representative shall not engage in business in this
4 state without a license pursuant to sections ten (10)
5 through twenty (20) of this Act.

6 Sec. 18. NEW SECTION. LICENSE APPLICATION AND
7 FEES.

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

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

28 29. Page 11, line 6, by striking the figure "16"
29 and inserting in lieu thereof the figure "19".

30 30. Page 11, line 7, by inserting after the word
31 "of" the words and figures "sections ten (10) through
32 twenty (20) of".

33 31. Page 11, line 10, by striking the figure "17"
34 and inserting in lieu thereof the figure "20".

35 32. Page 11, line 11, by inserting after the word
36 "of" the words and figures "sections twelve (12),
37 sixteen (16) or seventeen (17) of".

38 33. Page 11, line 11, by striking the word
39 "chapter" and inserting in lieu thereof the word
40 "Act".

41 34. Amend the title, line 1, by inserting after
42 the word "dealers" the words ", manufacturers,
43 distributors, manufacturer's representatives,
44 distributor's representatives,".

45 35. Amend the title, line 2, by inserting after
46 the word "dealers" the words ", manufacturers,
47 distributors, manufacturer's representatives,
48 distributor's representatives,".

49 36. Renumber sections and correct internal
50 references as are necessary in accordance with this

PAGE 5

1 amendment.

SENATE FILE 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.

TERRY E. BRANSTAD
President of the Senate

FLOYD H. MILLEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 450, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved June 1, 1979

ROBERT D. RAY
Governor