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FILED FEB 4 1998

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TRANSPORTATION

SENATE FILE 2109
BY BORLAUG

Passed Senate, Date 3/2/98 (p. 465) Passed House, Date 4-8-98 (p. 1399)
Vote: Ayes 47 Nays 0 Vote: Ayes 97 Nays 0
Approved April 20, 1998

A BILL FOR

- 1 An Act relating to mobile home dealers.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 3
- 4

SENATE FILE 2109

S-5049

- 1 Amend Senate File 2109 as follows:
- 2 1. Page 1, by striking line 11 and inserting the
- 3 following: "as the term is defined in section 435.1."

By COMMITTEE ON TRANSPORTATION
RICHARD F. DRAKE, Chairperson

Adopted 3/2/98 (p. 465)

S-5049 FILED FEBRUARY 19, 1998

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2109

GENITIVE

1 Section 1. Section 322B.2, subsections 3 and 4, Code 1997,
2 are amended by striking the subsections.

3 Sec. 2. Section 322B.2, subsections 5 and 7, Code 1997,
4 are amended to read as follows:

5 5. "Mobile home" means a structure, transportable in one
6 or more sections, which exceeds eight feet in width and
7 thirty-two feet in length, and which is built on a permanent
8 chassis and designed to be used as a dwelling with or without
9 a permanent foundation when connected to one or more
10 utilities. "Mobile home" also includes "manufactured home"
11 and "modular home" as the terms are defined in section 435.1.

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

15 Sec. 3. Section 322B.3, subsection 3, Code 1997, is
16 amended to read as follows:

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

32 Sec. 4. Section 322B.3, Code 1997, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 5. MOBILE HOME HOOKUPS. A mobile home
35 dealer or an employee of a mobile home dealer may perform

1 hookups from mobile homes to outside water, gas, or electrical
2 connections without having any additional license.

3 Sec. 5. Section 322B.4, subsection 2, Code 1997, is
4 amended by striking the subsection.

5 Sec. 6. Section 322B.6, unnumbered paragraph 1, Code 1997,
6 is amended to read as follows:

7 The department may revoke, suspend, or refuse the license
8 of a mobile home dealer, mobile home manufacturer, or mobile
9 home distributor, ~~manufacturer's-representative, or~~
10 ~~distributor's-representative,~~ as applicable, if the department
11 finds that the mobile home dealer, manufacturer, or
12 distributor, ~~or-representative~~ is guilty of any of the
13 following acts or offenses:

14 Sec. 7. Section 322B.6, subsections 2 and 3, Code 1997,
15 are amended to read as follows:

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

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

27 Sec. 8. Section 322B.6, subsection 6, Code 1997, is
28 amended by striking the subsection.

29 Sec. 9. Section 322B.8, Code 1997, is amended to read as
30 follows:

31 322B.8 UNLAWFUL PRACTICE.

32 It is unlawful for a person to engage in business as a
33 mobile home dealer, mobile home manufacturer, or mobile home
34 distributor, ~~manufacturer's-representative-or-distributor's~~
35 representative in this state without first acquiring and

1 maintaining a license in accordance with this chapter. A
2 person convicted of violating the provisions of this section
3 is guilty of a serious misdemeanor.

4 EXPLANATION

5 This bill amends Code chapter 322B relating to the
6 licensing of mobile home dealers to provide that the licensing
7 provisions also apply to dealers of manufactured homes and
8 modular homes. The term mobile home is defined to include
9 manufactured homes and modular homes. The bill also increases
10 the amount of the surety bond for dealers from \$25,000 to
11 \$50,000.

12 The bill authorizes a dealer or an employee of a dealer to
13 perform hookups to water, gas, and electrical connections
14 outside the mobile home without having an additional license.

15 The bill also removes requirements for the licensing of
16 manufacturer's and distributor's representatives and removes
17 other references to the representatives.

18 The bill also strikes a requirement that a dealer mail or
19 deliver to the county treasurer within 48 hours of purchase a
20 signed purchase receipt of a mobile home sold by the dealer.

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1 Section 1. Section 322B.2, subsections 3 and 4, Code 1997,
2 are amended by striking the subsections

3 Sec. 2. Section 322B.1, subsections 5 and 7, Code 1997,
4 are amended to read as follows:

5 5. "Mobile home" means a structure, transportable in one
6 or more sections, which exceeds eight feet in width and
7 thirty-two feet in length, and which is built on a permanent
8 chassis and designed to be used as a dwelling with or without
9 a permanent foundation when connected to one or more
10 utilities. "Mobile home" also includes "manufactured home" as
11 the term is defined in section 435.1.

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

15 Sec. 3. Section 322B.3, subsection 3, Code 1997, is
16 amended to read as follows:

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

32 Sec. 4. Section 322B.3, Code 1997, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 5. MOBILE HOME RECOVERIES. A mobile home
35 dealer or an employee of a mobile home dealer may perform

1 hookups from mobile homes to outside water, gas, or electrical
2 connections without having any additional license.

3 Sec. 5. Section 322B.4, subsection 2, Code 1997, is
4 amended by striking the subsection.

5 Sec. 6. Section 322B.6, unnumbered paragraph 1, Code 1997,
6 is amended to read as follows:

7 The department may revoke, suspend, or refuse the license
8 of a mobile home dealer, mobile home manufacturer, or mobile
9 home distributor, ~~manufacturer's-representative, or~~
10 ~~distributor's-representative,~~ as applicable, if the department
11 finds that the mobile home dealer, manufacturer, or
12 distributor, ~~or-representative~~ is guilty of any of the
13 following acts or offenses:

14 Sec. 7. Section 322B.6, subsections 2 and 3, Code 1997,
15 are amended to read as follows:

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

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

27 Sec. 8. Section 322B.6, subsection 6, Code 1997, is
28 amended by striking the subsection.

29 Sec. 9. Section 322B.8, Code 1997, is amended to read as
30 follows:

31 322B.8 UNLAWFUL PRACTICE.

32 It is unlawful for a person to engage in business as a
33 mobile home dealer, mobile home manufacturer, or mobile home
34 distributor, ~~manufacturer's-representative-or-distributor's~~
35 ~~representative~~ in this state without first acquiring and

1 maintaining a license in accordance with this chapter. A
2 person convicted of violating the provisions of this section
3 is guilty of a serious misdemeanor.

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SENATE FILE 2109

H-8480

1 Amend Senate File 2109, as amended, passed, and
2 reprinted, as follows:
3 1. Page 2, line 2, by inserting after the word
4 "license." the following: "The hookups are subject to
5 inspection and approval by local building code
6 officials and the mobile home dealer shall pay the
7 inspection fee, if any."

By RICHARDSON of Warren

H-8480 FILED MARCH 17, 1998

W/D 4-8-98
(P. 1398)

SENATE FILE 2109

H-8549

1 Amend Senate File 2109, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking lines 1 and 2 and
4 inserting the following: "water, gas, electrical, and
5 other utility service connections in a mobile home,
6 space or within ten feet of such space, located in a
7 mobile home park, and the dealer or an employee of the
8 dealer may install a tie-down system on a mobile home
9 located in a mobile home park."

By HUSER of Polk

H-8549 FILED MARCH 23, 1998

Adopted 4-8-98 (P. 1399)

SENATE FILE 2109

H-8733

1 Amend the amendment, H-8549, to Senate File 2109,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, line 9, by inserting after the word
5 "park." the following: "The connections are subject
6 to inspection and approval by local building code
7 officials and the mobile home dealer shall pay the
8 inspection fee, if any."

By RICHARDSON of Warren

H-8733 FILED MARCH 26, 1998

Adopted 4/8/98 (P. 1399)

HOUSE AMENDMENT TO
SENATE FILE 2109

S-5589

1 Amend Senate File 2109, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking lines 1 and 2 and
4 inserting the following: "water, gas, electrical, and
5 other utility service connections in a mobile home,
6 space or within ten feet of such space, located in a
7 mobile home park, and the dealer or an employee of the
8 dealer may install a tie-down system on a mobile home
9 located in a mobile home park. The connections are
10 subject to inspection and approval by local building
11 code officials and the mobile home dealer shall pay
12 the inspection fee, if any."

RECEIVED FROM THE HOUSE

S-5589 FILED APRIL 8, 1998

Senate Concurred
4-13-98
(P.1188)

SENATE FILE 2109

AN ACT

RELATING TO MOBILE HOME DEALERS.

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

Section 1. Section 322B.2, subsections 3 and 4, Code 1997, are amended by striking the subsections.

Sec. 2. Section 322B.2, subsections 5 and 7, Code 1997, are amended to read as follows:

5. "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. "Mobile home" also includes "manufactured home" as the term is defined in section 435.1.

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

Sec. 3. Section 322B.3, subsection 3, Code 1997, is amended to read as follows:

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 twenty-five ~~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 this chapter, including, but not limited to, the furnishing of a proper and valid document of title to the

mobile home involved in the transaction.

Sec. 4. Section 322B.3, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 5. MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home, space or within ten feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The connections are subject to inspection and approval by local building code officials and the mobile home dealer shall pay the inspection fee, if any.

Sec. 5. Section 322B.4, subsection 2, Code 1997, is amended by striking the subsection.

Sec. 6. Section 322B.6, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The department may revoke, suspend, or refuse the license of a mobile home dealer, mobile home manufacturer, or mobile home distributor, ~~manufacturer's representative or distributor's representative~~ as applicable, if the department finds that the mobile home dealer, manufacturer, or distributor ~~or representative~~ is guilty of any of the following acts or offenses:

Sec. 7. Section 322B.6, subsections 2 and 3, Code 1997, are amended to read as follows:

2. Knowingly making misleading, deceptive, untrue or fraudulent representations in the business of a mobile home dealer, manufacturer, or 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, or 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.

Sec. 8. Section 322B.6, subsection 6, Code 1997, is amended by striking the subsection.

Sec. 9. Section 322B.8, Code 1997, is amended to read as follows:

322B.8 UNLAWFUL PRACTICE.

It is unlawful for a person to engage in business as a mobile home dealer, mobile home manufacturer, or mobile home distributor, ~~manufacturer's representative or distributor's representative~~ in this state without first acquiring and maintaining a license in accordance with this chapter. A person convicted of violating the provisions of this section is guilty of a serious misdemeanor.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2109, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved April 20, 1998

TERRY E. BRANSTAD
Governor

SENATE FILE 2109

AN ACT

RELATING TO MOBILE HOME DEALERS.

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

Section 1. Section 322B.2, subsections 3 and 4, Code 1997, are amended by striking the subsections.

Sec. 2. Section 322B.2, subsections 5 and 7, Code 1997, are amended to read as follows:

5. "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. "Mobile home" also includes "manufactured home" as the term is defined in section 435.1.

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

Sec. 3. Section 322B.3, subsection 3, Code 1997, is amended to read as follows:

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 twenty-five 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 this chapter, including, but not limited to, the furnishing of a proper and valid document of title to the

mobile home involved in the transaction.

Sec. 4. Section 322B.3, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 5. MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home, space or within ten feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park. The connections are subject to inspection and approval by local building code officials and the mobile home dealer shall pay the inspection fee, if any.

Sec. 5. Section 322B.4, subsection 2, Code 1997, is amended by striking the subsection.

Sec. 6. Section 322B.6, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The department may revoke, suspend, or refuse the license of a mobile home dealer, mobile home manufacturer, or mobile home distributor, ~~manufacturer's representative or distributor's representative~~ as applicable, if the department finds that the mobile home dealer, manufacturer, or distributor ~~or representative~~ is guilty of any of the following acts or offenses:

Sec. 7. Section 322B.6, subsections 2 and 3, Code 1997, are amended to read as follows:

2. Knowingly making misleading, deceptive, untrue or fraudulent representations in the business of a mobile home dealer, manufacturer, or 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, or 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.

Sec. 8. Section 322B.6, subsection 6, Code 1997, is amended by striking the subsection.

Sec. 9. Section 322B.8, Code 1997, is amended to read as follows:

322B.8 UNLAWFUL PRACTICE.

It is unlawful for a person to engage in business as a mobile home dealer, mobile home manufacturer, or mobile home distributor, ~~manufacturer's representative or distributor's representative~~ in this state without first acquiring and maintaining a license in accordance with this chapter. A person convicted of violating the provisions of this section is guilty of a serious misdemeanor.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2109, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved April 20, 1998

TERRY E. BRANSTAD
Governor