Wanted 12/9/05

RM run P2

State of Wisconsin
2005 – 2006 LEGISLATURE

LRB–3270/P1
RNK:lmk:rs

D-Note

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

Insert 2-18

revisions in terminology that affect mobile homes, manufactured homes, modular homes manufactured buildings, ~~modifying the definition~~ recreational vehicles, ~~the~~, mobile and manufactured home communities, and changes that apply to monthly fees collected by certain local governmental units

Redraw

AN ACT ***to repeal*** 66.0435 (1) (a), 66.0435 (1) (f), 66.0435 (3) (c) 7. and 341.05 (26) (b); ***to renumber*** 341.05 (26) (a); ***to renumber and amend*** 66.0435 (1) (g), 710.15 (1) (a) and 710.15 (1) (e); ***to amend*** 30.40 (6), 45.71 (12) (intro.), 49.47 (4) (b) 1., 59.69 (4) (d), 66.0435 (title), 66.0435 (1) (b) and (c), 66.0435 (1) (d) and (e), 66.0435 (1) (i) and (j), 66.0435 (2) (a), 66.0435 (2) (b), 66.0435 (2) (c), 66.0435 (2) (d), 66.0435 (3) (title), 66.0435 (3) (a), 66.0435 (3) (c) 1. (intro.), 66.0435 (3) (c) 1. a., 66.0435 (3) (c) 1. c., 66.0435 (3) (c) 1. d., 66.0435 (3) (c) 2., 66.0435 (3) (c) 5. and 6., 66.0435 (3) (c) 8., 66.0435 (3) (d) to (f), 66.0435 (3m), 66.0435 (4) (intro.), 66.0435 (4) (b), 66.0435 (4) (c), 66.0435 (5), 66.0435 (8), 66.0435 (9), 66.0809 (3), 66.1019 (2), 70.043, 70.111 (19) (title), 70.111 (19) (b), 70.112 (7), 71.07 (9) (a) 3., 71.07 (9) (a) 4., 71.52 (2), 71.52 (7), 77.51 (4) (b) 7., 77.51 (13) (am), 77.51 (15) (b) 6., 77.52 (2) (a) 1., 77.53 (17), 77.53 (18), 77.54 (7) (b) (intro.), 77.54 (36), 77.61 (1) (a), 77.61 (1) (c), 77.71 (4), 77.78, 77.785 (2), 77.995 (2), 79.03 (3) (b) 4. a., 100.21 (1) (a), subchapter III (title) of chapter 101 [precedes 101.70], 101.70, 101.71 (4), 101.71 (6) (a) (intro.), 101.71 (6) (b), 101.715, 101.72,

101.73 (1), 101.73 (1m), 101.73 (2), 101.73 (3), 101.73 (5), 101.73 (6), 101.73 (7), 101.73 (11), 101.74 (4), 101.74 (6), 101.74 (7), 101.745 (4), 101.75 (1), 101.75 (2), 101.75 (3), 101.76 (1) (a), 101.761 (3), 101.761 (5), 101.971 (2), 106.50 (1m) (L), 138.052 (1) (b), 138.056 (1) (b), 138.056 (1) (bm), 138.056 (1) (c), 138.056 (1) (d), 138.056 (3) (a), 138.09 (7) (jm) 1. b., 214.485 (10), 215.205 (1), 218.10 (8m), 234.622 (7), 340.01 (18m), 340.01 (29), 340.01 (48r), 341.12 (1), 343.055 (1) (d), 346.94 (8), 346.94 (8m), 347.15 (2), 347.35 (4), 347.45 (1), 347.47 (2), 347.47 (4), 348.06 (1), 348.07 (2) (c), 348.07 (3) (a), 348.10 (5) (intro.), 348.10 (5) (a), 348.10 (5) (c), 348.26 (4), 348.27 (7), 348.27 (7m), 349.03 (2), 422.201 (12m), 422.202 (2) (intro.), 422.209 (1m) (a) 2., 422.209 (6m), 422.402 (5) (intro.), 422.402 (5) (b), 422.413 (2g) (intro.), 424.301 (1) (b) 1., 707.02 (4), 710.15 (title), 710.15 (1) (b), 710.15 (1) (c), 710.15 (1) (d), 710.15 (1) (f), 710.15 (1m), 710.15 (2), 710.15 (2m) (a), 710.15 (2m) (b), 710.15 (3), 710.15 (4), 710.15 (4m), 710.15 (5m) (intro.), 710.15 (5m) (a), 710.15 (5m) (e), 710.15 (5m) (em), 710.15 (5m) (f), 710.15 (5m) (g), 710.15 (5m) (h), 861.21 (1) (b), 941.20 (1) (d) and 990.01 (14); and ***to create*** 66.0435 (1) (cm), 66.0435 (3) (c) 9., 101.937 (2m), 138.056 (1) (bd), 145.06 (4) (g), 165.25 (4) (av), 340.01 (27k), 340.01 (27m) and 710.15 (1) (am) of the statutes; **relating to:** ??? insert 2-18

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 30.40 (6) of the statutes is amended to read:

30.40 **(6)** "Mobile home" ~~means a prefabricated unit with walls of rigid construction that is designed to be towed as a single unit or in sections upon a highway by a motor vehicle and that is used or is intended to be used for human habitation~~ has the meaning given in s. 101.91 (10).

SECTION 2. 45.71 (12) (intro.) of the statutes is amended to read:

45.71 **(12)** (intro.) "Manufactured home" means a ~~structure, as defined by the Federal Home Loan Mortgage Corporation~~ manufactured home, as defined in s. 101.91 (2), which:

SECTION 3. 49.47 (4) (b) 1. of the statutes is amended to read:

49.47 **(4)** (b) 1. A home and the land used and operated in connection therewith or in lieu thereof a manufactured home or mobile home, if the home ~~or~~, manufactured home, or mobile home is used as the person's or his or her family's place of abode.

SECTION 4. 59.69 (4) (d) of the statutes is amended to read:

59.69 **(4)** (d) Trailer ~~camps,~~ or tourist camps ~~and~~ motels ~~or both~~ and manufactured and mobile home ~~parks~~ communities.

SECTION 5. 66.0435 (title) of the statutes is amended to read:

66.0435 (title) **~~Mobile~~ Manufactured and mobile home ~~parks~~ communities.**

SECTION 6. 66.0435 (1) (a) of the statutes is repealed.

SECTION 7. 66.0435 (1) (b) and (c) of the statutes are amended to read:

66.0435 **(1)** (b) "Licensee" means any person licensed to operate and maintain a manufactured and mobile home ~~park~~ community under this section.

(c) "Licensing authority" means the city, town or village wherein a manufactured and mobile home ~~park~~ community is located.

SECTION 8. 66.0435 (1) (cm) of the statutes is created to read:

66.0435 **(1)** (cm) "Manufactured home" has the meaning given in s. 101.91 (2).

SECTION 9. 66.0435 (1) (d) and (e) of the statutes are amended to read:

66.0435 **(1)** (d) "Mobile home" ~~is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances~~ has the meaning given in s. 101.91 (10).

(e) "~~Mobile~~ Manufactured and mobile home ~~park~~ community" means any plot or plots of ground upon which ~~2~~ 3 or more ~~units~~ manufactured homes or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether a charge is made for the accommodation.

SECTION 10. 66.0435 (1) (f) of the statutes is repealed.

SECTION 11. 66.0435 (1) (g) of the statutes is renumbered 66.0435 (1) (am) and amended to read:

66.0435 **(1)** (am) "~~Park~~ Community" means a manufactured and mobile home ~~park~~ community.

SECTION 12. 66.0435 (1) (i) and (j) of the statutes are amended to read:

66.0435 **(1)** (i) "Space" means a plot of ground within a manufactured and mobile home ~~park~~ community, designed for the accommodation of one manufactured or mobile home ~~unit~~.

(j) "Unit" means a single manufactured or mobile home ~~unit~~.

SECTION 13. 66.0435 (2) (a) of the statutes is amended to read:

66.0435 **(2)** (a) It is unlawful for any person to maintain or operate a ~~mobile home park~~ community within the limits of a city, town or village, unless the person has received a license from the city, town or village.

SECTION 14. 66.0435 (2) (b) of the statutes is amended to read:

66.0435 **(2)** (b) In order to protect and promote the public health, morals and welfare and to equitably defray the cost of municipal and educational services required by persons and families using ~~or occupying trailers, mobile homes, trailer camps or mobile home parks~~ communities for living, dwelling or sleeping purposes, a city council, village board and town board may do any of the following:

1. Establish and enforce by ordinance reasonable standards and regulations for every ~~trailer and trailer camp and every mobile home and mobile home park~~ community.

2. Require an annual license fee to operate a ~~trailer and trailer camp or mobile home and mobile home park~~ community and levy and collect special assessments to defray the cost of municipal and educational services furnished to ~~the trailer and trailer camp, or mobile home and mobile home park~~ a community.

3. Limit the number of units~~, trailers or mobile homes~~ that may be ~~parked or kept~~ located in any one ~~camp or park~~ community.

4. Limit the number of licenses for ~~trailer camps or parks~~ communities in any common school district, if the ~~mobile housing~~ development of a community would cause the school costs to increase above the state average or if an exceedingly difficult or impossible situation exists with regard to providing adequate and proper sewage disposal in the particular area.

SECTION 15. 66.0435 (2) (c) of the statutes is amended to read:

66.0435 **(2)** (c) In a town in which the town board enacts an ordinance regulating ~~trailers~~ manufactured and mobile homes under this section and has also enacted and approved a county zoning ordinance under the provisions of s. 59.69, the

provisions of the ordinance which is most restrictive apply with respect to the establishment and operation of a ~~trailer camp~~ community in the town.

SECTION 16. 66.0435 (2) (d) of the statutes is amended to read:

66.0435 **(2)** (d) A license granted under this section is subject to revocation or suspension for cause by the licensing authority that issued the license upon complaint filed with the clerk of the licensing authority, if the complaint is signed by a law enforcement officer, local health officer, as defined in s. 250.01 (5), or building inspector, after a public hearing upon the complaint. The holder of the license shall be given 10 days' written notice of the hearing, and is entitled to appear and be heard as to why the license should not be revoked. A holder of a license that is revoked or suspended by the licensing authority may within 20 days of the date of the revocation or suspension appeal the decision to the circuit court of the county in which the ~~trailer camp or mobile home park~~ community is located by filing a written notice of appeal with the clerk of the licensing authority, together with a bond executed to the licensing authority, in the sum of $500 with 2 sureties or a bonding company approved by the clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the license holder.

SECTION 17. 66.0435 (3) (title) of the statutes is amended to read:

66.0435 **(3)** (title) ~~LICENSE AND MONTHLY MOBILE HOME~~ MONTHLY MUNICIPAL PERMIT FEE~~; REVIEW~~.

SECTION 18. 66.0435 (3) (a) of the statutes is amended to read:

66.0435 **(3)** (a) The licensing authority shall collect from the licensee an annual license fee of not less than $25 nor more than $100 for each 50 spaces or fraction of 50 spaces within each ~~mobile home park~~ community within its limits. If the ~~park~~ community lies in more than one municipality the amount of the license fee shall be

determined by multiplying the gross fee by a fraction the numerator of which is the number of spaces in the ~~park~~ community in a municipality and the denominator of which is the entire number of spaces in the ~~park~~ community.

SECTION 19. 66.0435 (3) (c) 1. (intro.) of the statutes is amended to read:

66.0435 **(3)** (c) 1. (intro.) In addition to the license fee provided in pars. (a) and (b), each licensing authority shall collect from each ~~mobile home~~ unit occupying space or lots in a ~~park~~ community in the licensing authority, except from manufactured homes and mobile homes that constitute improvements to real property under s. 70.043 (1) and from ~~recreational mobile homes and~~ camping trailers as defined in s. ~~70.111 (19)~~ 340.01 (6m), a monthly ~~parking~~ municipal permit fee computed as follows:

SECTION 20. 66.0435 (3) (c) 1. a. of the statutes is amended to read:

66.0435 **(3)** (c) 1. a. On January 1, the assessor shall determine the total fair market value of each ~~mobile home~~ unit in the taxation district subject to the monthly ~~parking~~ municipal permit fee.

SECTION 21. 66.0435 (3) (c) 1. c. of the statutes is amended to read:

66.0435 **(3)** (c) 1. c. The value of each ~~mobile home~~ unit, determined under subd. 1. b., shall be multiplied by the general property gross tax rate, less any credit rate for the property tax relief credit, established on the preceding year's assessment of general property.

SECTION 22. 66.0435 (3) (c) 1. d. of the statutes is amended to read:

66.0435 **(3)** (c) 1. d. The total annual ~~parking~~ permit fee, computed under subd. 1. c., shall be divided by 12 and shall represent the monthly ~~mobile home parking~~ municipal permit fee.

SECTION 23. 66.0435 (3) (c) 2. of the statutes is amended to read:

66.0435 **(3)** (c) 2. The monthly ~~parking~~ municipal permit fee is applicable to ~~mobile homes~~ units moving into the tax district any time during the year. The ~~park~~ community operator shall furnish information to the tax district clerk and the assessor on ~~mobile homes~~ units added to the ~~park~~ community within 5 days after their arrival, on forms prescribed by the department of revenue. As soon as the assessor receives the notice of an addition of a ~~mobile home~~ unit to a ~~park~~ community, the assessor shall determine its fair market value and notify the clerk of that determination. The clerk shall equate the fair market value established by the assessor and shall apply the appropriate tax rate, divide the annual ~~parking~~ permit fee thus determined by 12 and notify the ~~mobile home~~ unit owner of the monthly fee to be collected from the ~~mobile home~~ unit owner. Liability for payment of the fee begins on the first day of the next succeeding month and continues for the months in which the ~~mobile home~~ unit remains in the tax district.

SECTION 24. 66.0435 (3) (c) 5. and 6. of the statutes are amended to read:

66.0435 **(3)** (c) 5. The monthly ~~parking~~ municipal permit fee shall be paid by the ~~mobile home~~ unit owner to the local taxing authority on or before the 10th of the month following the month for which the ~~parking~~ monthly municipal permit fee is due.

6. The licensee of a ~~park~~ community is liable for the monthly ~~parking~~ municipal permit fee for any ~~mobile home~~ unit occupying space in the ~~park~~ community as well as the owner and occupant of ~~the mobile home occupying space~~ each such unit, except that the licensee is not liable until the licensing authority has failed, in an action under ch. 799, to collect the fee from the owner and occupant of the unit. A municipality, by ordinance, may require the ~~mobile home park~~ community operator

to collect the monthly ~~parking~~ municipal permit fee from the ~~mobile home~~ unit owner.

SECTION 25. 66.0435 (3) (c) 7. of the statutes is repealed.

****NOTE: This provision was included in 2003 LRB–2046/3 on which this draft is based. Did you intend to include this provision in this version of the draft?

SECTION 26. 66.0435 (3) (c) 8. of the statutes is amended to read:

66.0435 **(3)** (c) 8. The credit under s. 79.10 (9) (bm), as it applies to the principal dwelling on a parcel of taxable property, applies to the estimated fair market value of a ~~mobile home~~ unit that is the principal dwelling of the owner. The owner of the ~~mobile home~~ unit shall file a claim for the credit with the treasurer of the municipality in which the property is located. To obtain the credit under s. 79.10 (9) (bm), the owner shall attest on the claim that the ~~mobile home~~ unit is the owner's principal dwelling. The treasurer shall reduce the owner's ~~parking~~ monthly municipal permit fee by the amount of any allowable credit. The treasurer shall furnish notice of all claims for credits filed under this subdivision to the department of revenue as provided under s. 79.10 (1m).

SECTION 27. 66.0435 (3) (c) 9. of the statutes is created to read:

66.0435 **(3)** (c) 9. No monthly municipal permit fee may be imposed on a financial institution, as defined in s. 69.30 (1) (b), that relates to a vacant unit that has been repossessed by the financial institution.

****NOTE: This provision was included in 2003 LRB–2046/3 on which this draft is based. Did you intend to include this provision in this version of the draft?

SECTION 28. 66.0435 (3) (d) to (f) of the statutes are amended to read:

66.0435 **(3)** (d) This section does not apply to a ~~mobile home park~~ community that is owned and operated by any county under the provisions of s. 59.52 (16) (b).

(e) If a ~~mobile home~~ unit is permitted by local ordinance to be located outside of a licensed ~~park~~ community, the monthly ~~parking~~ municipal permit fee shall be paid by the owner of the land on which it stands, and the owner of the land shall comply with the reporting requirements of par. (c). The owner of the land may collect the fee from the owner of the ~~mobile home~~ unit and, on or before January 10 and on or before July 10, shall transmit to the taxation district all fees owed for the 6 months ending on the last day of the month preceding the month when the transmission is required.

(f) Nothing in this subsection prohibits the regulation by local ordinance of a ~~mobile home park~~ community.

SECTION 29. 66.0435 (3m) of the statutes is amended to read:

66.0435 **(3m)** ~~PARK~~ COMMUNITY OPERATOR REIMBURSEMENT. A ~~park~~ community operator who ~~is required by municipal ordinance to collect the~~ collects a monthly ~~parking~~ municipal permit fee from ~~the mobile home~~ a unit owner may deduct, for administrative expenses, ~~2%~~ 2 percent of the monthly fees collected.

SECTION 30. 66.0435 (4) (intro.) of the statutes is amended to read:

66.0435 **(4)** APPLICATION FOR LICENSE. (intro.) Original application for ~~mobile home park~~ a community license shall be filed with the clerk of the licensing authority. Applications shall be in writing, signed by the applicant and shall contain the following:

SECTION 31. 66.0435 (4) (b) of the statutes is amended to read:

66.0435 **(4)** (b) The location and legal description of the ~~mobile home park~~ community.

SECTION 32. 66.0435 (4) (c) of the statutes is amended to read:

66.0435 **(4)** (c) The complete plan of the ~~park~~ community.

SECTION 33. 66.0435 (5) of the statutes is amended to read:

66.0435 **(5)** PLANS AND SPECIFICATIONS TO BE FILED. Plans and specifications in compliance with all applicable ordinances of the licensing authority and provisions of the department of health and family services shall be filed with an original application for a ~~mobile home park~~ community. The clerk, after approval of the application by the licensing authority and upon completion of the work according to the plans, shall issue the license. ~~A mobile housing development harboring only nondependent mobile homes as defined in sub. (1) (f) is not required to provide a service building.~~

****NOTE: This provision was included in 2003 LRB–2046/3 on which this draft is based. Do you want to strike the language in the last sentence of this provision as was done in that earlier version of the draft?

SECTION 34. 66.0435 (8) of the statutes is amended to read:

66.0435 **(8)** DISTRIBUTION OF FEES. The licensing authority may retain ~~10%~~ 10 percent of the monthly ~~parking~~ municipal permit fees collected in each month, without reduction for any amounts deducted under sub. (3m), to cover the cost of administration. The licensing authority shall pay to the school district in which the ~~park~~ community is located, within 20 days after the end of each month, such proportion of the remainder of the fees collected in the preceding month as the ratio of the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the licensing authority. If the ~~park~~ community is located in more than one school district, each district shall receive a share in the proportion that its property tax levy for school purposes bears to the total school tax levy.

SECTION 35. 66.0435 (9) of the statutes is amended to read:

66.0435 **(9)** MUNICIPALITIES; ~~PARKING~~ MONTHLY MUNICIPAL PERMIT FEES ON MOBILE HOMES AND RECREATIONAL VEHICLES. A licensing authority may assess ~~parking~~

monthly municipal permit fees at the rates under this section on mobile homes~~, as defined in s. 70.111 (19)~~ and recreational vehicles, as defined in s. 340.01 (48r), except mobile homes or recreational vehicles ~~which~~ that are located in campgrounds licensed under s. 254.47, mobile homes that constitute improvements to real property under s. 70.043 (1), and mobile homes or recreational vehicles ~~which~~ that are located on land where the principal residence of the owner of the mobile home or recreational vehicle is located, regardless of whether the mobile home or recreational vehicle is occupied during all or part of any calendar year.

SECTION 36. 66.0809 (3) of the statutes is amended to read:

66.0809 **(3)** Except as provided in subs. (4) and (5), on October 15 in each year notice shall be given to the owner or occupant of all lots or parcels of real estate to which utility service has been furnished prior to October 1 by a public utility operated by a town, city or village and payment for which is owing and in arrears at the time of giving the notice. The department in charge of the utility shall furnish the treasurer with a list of the lots or parcels of real estate for which utility service charges are in arrears, and the notice shall be given by the treasurer, unless the governing body of the city, village or town authorizes notice to be given directly by the department. The notice shall be in writing and shall state the amount of arrears, including any penalty assessed pursuant to the rules of the utility; that unless the amount is paid by November 1 a penalty of ~~10%~~ 10 percent of the amount of arrears will be added; and that unless the arrears, with any added penalty, are paid by November 15, the arrears and penalty will be levied as a tax against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent. The notice may be served by delivery to either the owner or occupant personally, or by letter addressed to the owner or occupant at the post–office address

of the lot or parcel of real estate. On November 16 the officer or department issuing the notice shall certify and file with the clerk a list of all lots or parcels of real estate, giving the legal description, for which notice of arrears was given and for which arrears remain unpaid, stating the amount of arrears and penalty. Each delinquent amount, including the penalty, becomes a lien upon the lot or parcel of real estate to which the utility service was furnished and payment for which is delinquent, and the clerk shall insert the delinquent amount and penalty as a tax against the lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes apply to the tax if it is not paid within the time required by law for payment of taxes upon real estate. Under this subsection, if an arrearage is for utility service furnished and metered by the utility directly to a manufactured home or mobile home unit in a licensed manufactured and mobile home ~~park~~ community, the notice shall be given to the owner of the manufactured home or mobile home unit and the delinquent amount becomes a lien on the manufactured home or mobile home unit rather than a lien on the parcel of real estate on which the manufactured home or mobile home unit is located. A lien on a manufactured home or mobile home unit may be enforced using the procedures under s. 779.48 (2). This subsection does not apply to arrearages collected using the procedure under s. 66.0627. In this subsection, "metered" means the use of any method to ascertain the amount of service used or the use of a flat rate billing method.

****NOTE: This provision was included in 2003 LRB–2046/3 on which this draft is based. Do you want to add the language in the last sentence of this provision as was done in that earlier version of the draft?

SECTION 37. 66.1019 (2) of the statutes is amended to read:

66.1019 **(2)** ~~MANUFACTURED BUILDING~~ MODULAR HOME CODE. Ordinances enacted by any county, city, village or town relating to the on–site inspection of the installation of ~~manufactured buildings~~ modular homes shall conform to subch. III of ch. 101.

SECTION 38. 70.043 of the statutes is amended to read:

70.043 Mobile homes and manufactured homes. (1) A mobile home, as defined in s. ~~66.0435 (1) (d)~~ 101.91 (10), or a manufactured home, as defined in s. 101.91 (2), is an improvement to real property if it is connected to utilities and is set upon a foundation upon land which is owned by the mobile home or manufactured home owner. In this section, a mobile home or manufactured home is "set upon a foundation" if it is off its wheels and is set upon some other support.

(2) A mobile home, as defined in s. ~~66.0435 (1) (d)~~ 101.91 (10), or a manufactured home, as defined in s. 101.91 (2), is personal property if the land upon which it is located is not owned by the mobile home or manufactured home owner or if the mobile home or manufactured home is not set upon a foundation or connected to utilities.

SECTION 39. 70.111 (19) (title) of the statutes is amended to read:

70.111 **(19)** (title) CAMPING TRAILERS AND RECREATIONAL ~~MOBILE HOMES~~ VEHICLES.

SECTION 40. 70.111 (19) (b) of the statutes is amended to read:

70.111 **(19)** (b) ~~Mobile homes~~ Recreational vehicles, as defined in s. ~~66.0435~~ 340.01 (48r), ~~that are no larger than 400 square feet and that are used primarily as temporary living quarters for recreational, camping, travel or seasonal purposes~~.

SECTION 41. 70.112 (7) of the statutes is amended to read:

70.112 **(7)** MOBILE HOMES AND MANUFACTURED HOMES. Every ~~mobile home~~ unit, as defined in s. 66.0435 (1) (j), that is subject to a monthly ~~parking~~ municipal permit fee under s. 66.0435 (3).

SECTION 42. 71.07 (9) (a) 3. of the statutes is amended to read:

71.07 **(9)** (a) 3. "Property taxes" means real and personal property taxes, exclusive of special assessments, delinquent interest and charges for service, paid by a claimant on the claimant's principal dwelling during the taxable year for which credit under this subsection is claimed, less any property taxes paid which are properly includable as a trade or business expense under section 162 of the ~~internal revenue code~~ Internal Revenue Code. If the principal dwelling on which the taxes were paid is owned by 2 or more persons or entities as joint tenants or tenants in common or is owned by spouses as marital property, "property taxes" is that part of property taxes paid that reflects the ownership percentage of the claimant. If the principal dwelling is sold during the taxable year the "property taxes" for the seller and buyer shall be the amount of the tax prorated to each in the closing agreement pertaining to the sale or, if not so provided for in the closing agreement, the tax shall be prorated between the seller and buyer in proportion to months of their respective ownership. "Property taxes" includes monthly ~~parking~~ municipal permit fees in respect to a principal dwelling collected under s. 66.0435 (3) (c).

SECTION 43. 71.07 (9) (a) 4. of the statutes is amended to read:

71.07 **(9)** (a) 4. "Rent constituting property taxes" means ~~25%~~ 25 percent of rent if heat is not included, or ~~20%~~ 20 percent of rent if heat is included, paid during the taxable year for which credit is claimed under this subsection, at arm's length, for the use of a principal dwelling and contiguous land, excluding any payment for domestic, food, medical or other services which are unrelated to use of the dwelling

as housing, less any rent paid that is properly includable as a trade or business expense under the internal revenue code. "Rent" includes space rental paid to a landlord for parking a mobile home or manufactured home. Rent shall be apportioned among the occupants of a principal dwelling according to their respective contribution to the total amount of rent paid. "Rent" does not include rent paid for the use of housing which was exempt from property taxation, except housing for which payments in lieu of taxes were made under s. 66.1201 (22).

SECTION 44. 71.52 (2) of the statutes is amended to read:

71.52 **(2)** "Gross rent" means rental paid at arm's length, solely for the right of occupancy of a homestead. "Gross rent" does not include, whether expressly set out in the rental agreement or not, charges for any medical services; other personal services such as laundry, transportation, counseling, grooming, recreational and therapeutic services; shared living expenses, including but not limited to food, supplies and utilities unless utility payments are included in the gross rent paid to the landlord; and food furnished by the landlord as a part of the rental agreement. "Gross rent" includes the rental paid to a landlord for parking of a mobile home or manufactured home, exclusive of any charges for food furnished by the landlord as a part of the rental agreement, plus ~~parking~~ monthly municipal permit fees paid under s. 66.0435 (3) (c) for a rented mobile home or manufactured home. If a homestead is an integral part of a multipurpose or multidwelling building, "gross rent" is the percentage of the gross rent on that part of the multipurpose or multidwelling building occupied by the household as a principal residence plus the same percentage of the gross rent on the land surrounding it, not exceeding one acre, that is reasonably necessary for use of the multipurpose or multidwelling building as a principal residence, except as the limitations under s. 71.54 (2) (b) apply. If the

homestead is part of a farm, "gross rent" is the rent on up to 120 acres of the land contiguous to the claimant's principal residence plus the rent on all improvements to real property on that land, except as the limitations under s. 71.54 (2) (b) apply. If a claimant and persons who are not members of the claimant's household reside in a homestead, the claimant's "gross rent" is the gross rent paid by the claimant to the landlord for the homestead.

SECTION 45. 71.52 (7) of the statutes is amended to read:

71.52 **(7)** "Property taxes accrued" means real or personal property taxes or monthly ~~parking~~ municipal permit fees under s. 66.0435 (3) (c), exclusive of special assessments, delinquent interest and charges for service, levied on a homestead owned by the claimant or a member of the claimant's household. "Real or personal property taxes" means those levied under ch. 70, less the tax credit, if any, afforded in respect of such property by s. 79.10. If a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common or is owned as marital property or survivorship marital property and one or more such persons, entities or owners is not a member of the claimant's household, property taxes accrued is that part of property taxes accrued levied on such homestead, reduced by the tax credit under s. 79.10, that reflects the ownership percentage of the claimant and the claimant's household, except that if a homestead is owned by 2 or more natural persons or if 2 or more natural persons have an interest in a homestead, one or more of whom is not a member of the claimant's household, and the claimant has a present interest, as that term is used in s. 700.03 (1), in the homestead and is required by the terms of a will that transferred the homestead or interest in the homestead to the claimant to pay the entire amount of property taxes levied on the homestead, property taxes accrued is property taxes accrued levied on such homestead, reduced by the tax credit under

s. 79.10. A marital property agreement or unilateral statement under ch. 766 has no effect in computing property taxes accrued for a person whose homestead is not the same as the homestead of that person's spouse. For purposes of this subsection, property taxes are "levied" when the tax roll is delivered to the local treasurer for collection. If a homestead is sold or purchased during the calendar year of the levy, the property taxes accrued for the seller and the buyer are the amount of the tax levy prorated to each in proportion to the periods of time each both owned and occupied the homestead during the year to which the claim relates. The seller may use the closing agreement pertaining to the sale of the homestead, the property tax bill for the year before the year to which the claim relates or the property tax bill for the year to which the claim relates as the basis for computing property taxes accrued, but those taxes are allowable only for the portion of the year during which the seller owned and occupied the sold homestead. If a household owns and occupies 2 or more homesteads in the same calendar year, property taxes accrued is the sum of the prorated property taxes accrued attributable to the household for each of such homesteads. If the household owns and occupies the homestead for part of the calendar year and rents a homestead for part of the calendar year, it may include both the proration of taxes on the homestead owned and rent constituting property taxes accrued with respect to the months the homestead is rented in computing the amount of the claim under s. 71.54 (1). If a homestead is an integral part of a multipurpose or multidwelling building, property taxes accrued are the percentage of the property taxes accrued on that part of the multipurpose or multidwelling building occupied by the household as a principal residence plus that same percentage of the property taxes accrued on the land surrounding it, not exceeding one acre, that is reasonably necessary for use of the multipurpose or multidwelling building as a principal

residence, except as the limitations of s. 71.54 (2) (b) apply. If the homestead is part of a farm, property taxes accrued are the property taxes accrued on up to 120 acres of the land contiguous to the claimant's principal residence and include the property taxes accrued on all improvements to real property located on such land, except as the limitations of s. 71.54 (2) (b) apply.

SECTION 46. 77.51 (4) (b) 7. of the statutes is amended to read:

77.51 **(4)** (b) 7. For the sale of a ~~manufactured building~~ modular home, as defined in s. 101.71 (6), or a manufactured home, as defined in s. 101.91 (2); at the retailer's option, except that after a retailer chooses an option, the retailer may not use the other option for other sales without the department's written approval; either ~~35%~~ 35 percent of the gross receipts or an amount equal to the gross receipts minus the cost of the materials that become an ingredient or component part of the building.

SECTION 47. 77.51 (13) (am) of the statutes is amended to read:

77.51 **(13)** (am) Any person making any retail sale of a motor vehicle, aircraft, snowmobile, ~~mobile home not exceeding 45 feet in length~~ recreational vehicle, trailer, semitrailer, all–terrain vehicle or boat registered or titled, or required to be registered or titled, under the laws of this state or of the United States.

SECTION 48. 77.51 (15) (b) 6. of the statutes is amended to read:

77.51 **(15)** (b) 6. For the sale of a ~~manufactured building~~ modular home, as defined in s. 101.71 (6), or a manufactured home, as defined in s. 101.91 (2); at the retailer's option, except that after a retailer chooses an option, the retailer may not use the other option for other sales without the department's written approval; either ~~35%~~ 35 percent of the sales price or an amount equal to the sales price minus the cost of the materials that become an ingredient or component part of the building.

SECTION 49. 77.52 (2) (a) 1. of the statutes is amended to read:

77.52 **(2)** (a) 1. The furnishing of rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. In this subdivision, "transient" means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public. In this subdivision, "hotel" or "motel" means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins and any other building or group of buildings in which accommodations are available to the public, except accommodations, including mobile homes as defined in s. ~~66.0435 (1) (d)~~ 101.91 (10), manufactured homes as defined in s. 101.91 (2), and recreational vehicles as defined in s. 340.01 (48r), rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanatoriums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable or educational purposes provided that no part of the net earnings of such corporations and associations inures to the benefit of any private shareholder or individual. In this subdivision, "one month" means a calendar month or 30 days, whichever is less, counting the first day of the rental and not counting the last day of the rental.

SECTION 50. 77.53 (17) of the statutes is amended to read:

77.53 **(17)** This section does not apply to tangible personal property purchased outside this state, other than motor vehicles, boats, snowmobiles, ~~mobile homes not exceeding 45 feet in length~~ recreational vehicles, trailers, semitrailers, all–terrain

vehicles and airplanes registered or titled or required to be registered or titled in this state, which is brought into this state by a nondomiciliary for the person's own storage, use or other consumption while temporarily within this state when such property is not stored, used or otherwise consumed in this state in the conduct of a trade, occupation, business or profession or in the performance of personal services for wages or fees.

SECTION 51. 77.53 (18) of the statutes is amended to read:

77.53 **(18)** This section does not apply to the storage, use or other consumption in this state of household goods for personal use or to aircraft, motor vehicles, boats, snowmobiles, mobile homes, manufactured homes, recreational vehicles, trailers, semitrailers and all–terrain vehicles, for personal use, purchased by a nondomiciliary of this state outside this state 90 days or more before bringing the goods or property into this state in connection with a change of domicile to this state.

SECTION 52. 77.54 (7) (b) (intro.) of the statutes is amended to read:

77.54 **(7)** (b) (intro.) If the item transferred is a motor vehicle, snowmobile, ~~mobile home not exceeding 45 feet in length~~ recreational vehicle, trailer, semitrailer, all–terrain vehicle or aircraft and the item is registered or titled, or required to be registered or titled, in this state or if the item is a boat that is registered or titled, or required to be registered or titled, in this state or under the laws of the United States, the exemption under par. (a) applies only if all of the following conditions are fulfilled:

SECTION 53. 77.54 (36) of the statutes is amended to read:

77.54 **(36)** The gross receipts from the rental for a continuous period of one month or more of a mobile home, as defined in s. ~~66.0435 (1) (d)~~ 101.91 (10), or a manufactured home, as defined in s. 101.91 (2), that is used as a residence. In this

subsection, "one month" means a calendar month or 30 days, whichever is less, counting the first day of the rental and not counting the last day of the rental.

SECTION 54. 77.61 (1) (a) of the statutes is amended to read:

77.61 **(1)** (a) No motor vehicle, boat, snowmobile, ~~mobile home not exceeding 45 feet in length~~ recreational vehicle, trailer, semitrailer, all–terrain vehicle or aircraft shall be registered or titled in this state unless the registrant presents proof that the sales or use taxes imposed by this subchapter have been paid.

SECTION 55. 77.61 (1) (c) of the statutes is amended to read:

77.61 **(1)** (c) In the case of motor vehicles, boats, snowmobiles, ~~mobile homes not exceeding 45 feet in length~~ recreational vehicles, trailers, semitrailers, all–terrain vehicles or aircraft registered or titled, or required to be registered or titled, in this state purchased from persons who are not Wisconsin boat, trailer or semitrailer dealers, licensed Wisconsin aircraft, motor vehicle or ~~mobile home~~ recreational vehicle dealers or registered Wisconsin snowmobile or all–terrain vehicle dealers, the purchaser shall file a sales tax return and pay the tax prior to registering or titling the motor vehicle, boat, snowmobile, ~~mobile home not exceeding 45 feet in length, trailer~~ recreational vehicle, semitrailer, all–terrain vehicle or aircraft in this state.

SECTION 56. 77.71 (4) of the statutes is amended to read:

77.71 **(4)** An excise tax is imposed at the rate of ~~0.5%~~ 0.5 percent in the case of a county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price upon every person storing, using or otherwise consuming a motor vehicle, boat, snowmobile, ~~mobile home not exceeding 45 feet in length~~ recreational vehicle, trailer, semitrailer, all–terrain vehicle or aircraft, if that property must be registered or titled with this state and if that property is to be

customarily kept in a county that has in effect an ordinance under s. 77.70 or in a special district that has in effect a resolution under s. 77.705 or 77.706, except that if the buyer has paid a similar local sales tax in another state on a purchase of the same property that tax shall be credited against the tax under this subsection.

SECTION 57. 77.78 of the statutes is amended to read:

77.78 Registration. No motor vehicle, boat, snowmobile, ~~mobile home not exceeding 45 feet in length~~ recreational vehicle, trailer, semitrailer, all–terrain vehicle or aircraft that is required to be registered by this state may be registered or titled by this state unless the registrant files a sales and use tax report and pays the county tax and special district tax at the time of registering or titling to the state agency that registers or titles the property. That state agency shall transmit those tax revenues to the department of revenue.

SECTION 58. 77.785 (2) of the statutes is amended to read:

77.785 **(2)** Prior to registration or titling, boat, all–terrain vehicle, trailer and semi–trailer dealers and licensed aircraft, motor vehicle, ~~mobile home~~ manufactured home, recreational vehicle, and snowmobile dealers shall collect the taxes under this subchapter on sales of items under s. 77.71 (4). The dealer shall remit those taxes to the department of revenue along with payments of the taxes under subch. III.

SECTION 59. 77.995 (2) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

77.995 **(2)** There is imposed a fee at the rate of ~~5%~~ 5 percent of the gross receipts on the rental, but not for rerental and not for rental as a service or repair replacement vehicle of Type 1 automobiles, as defined in s. 340.01 (4) (a); of mobile homes, as defined in s. 340.01 (29); of recreational vehicles, as defined in s. 340.01 (48r); of motor homes, as defined in s. 340.01 (33m); and of camping trailers, as defined in s.

340.01 (6m) by establishments primarily engaged in short–term rental of vehicles without drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax under s. 77.54 (1), (4), (7) (a), (7m) or (9a). There is also imposed a fee at the rate of ~~5%~~ 5 percent of the gross receipts on the rental of limousines.

SECTION 60. 79.03 (3) (b) 4. a. of the statutes is amended to read:

79.03 **(3)** (b) 4. a. "Local general purpose taxes" means the portion of tax increments collected for payment to a municipality under s. 66.1105 which is attributable to that municipality's own levy, the portion of environmental remediation tax increments collected for payment to a municipality or county under s. 66.1106 that is attributable to that municipality's or county's own levy, general property taxes, excluding taxes for a county children with disabilities education board, collected to finance the general purpose government unit, property taxes collected for sewage and sanitary districts, ~~mobile home~~ monthly municipal permit fees under s. 66.0435 (3), the proceeds of county sales and use taxes and municipal and county vehicle registration fees under s. 341.35 (1).

SECTION 61. 100.21 (1) (a) of the statutes is amended to read:

100.21 **(1)** (a) "Dwelling unit" means a dwelling, as defined under s. 101.61, a ~~manufactured building~~ modular home, as defined under s. 101.71 (6), a manufactured home, as defined under s. 101.91 (2), or a multifamily dwelling, as defined under s. 101.971 (2).

SECTION 62. Subchapter III (title) of chapter 101 [precedes 101.70] of the statutes is amended to read:

CHAPTER 101

SUBCHAPTER III

MANUFACTURED ~~BUILDING~~ HOUSING CODE

SECTION 63. 101.70 of the statutes is amended to read:

101.70 Purpose. The purpose of this subchapter is to establish statewide standards and inspection procedures for the manufacture and installation of manufactured ~~buildings for dwellings~~ and modular homes and to promote interstate uniformity in standards for manufactured ~~buildings~~ and modular homes by authorizing the department to enter into reciprocal agreements with other states ~~which~~ that have equivalent standards.

SECTION 64. 101.71 (4) of the statutes is amended to read:

101.71 **(4)** "Installation" means the assembly of a ~~manufactured building~~ modular home on–site and the process of affixing a ~~manufactured building~~ modular home to land, a foundation, footing or an existing building.

SECTION 65. 101.71 (6) (a) (intro.) of the statutes is amended to read:

101.71 **(6)** (a) (intro.) "~~Manufactured building~~ Modular home" means any structure or component thereof which is intended for use as a dwelling and:

SECTION 66. 101.71 (6) (b) of the statutes is amended to read:

101.71 **(6)** (b) "~~Manufactured building~~ Modular home" does not mean any manufactured home under s. 101.91 or any building of open construction which is not subject to par. (a) 2.

SECTION 67. 101.715 of the statutes is amended to read:

101.715 Application. This subchapter applies to a dwelling the initial construction of which was commenced on or after December 1, 1978, except that s. 101.745 applies to a ~~manufactured building~~ modular home the initial manufacture of which was commenced on or after May 23, 1978.

SECTION 68. 101.72 of the statutes is amended to read:

101.72 Dwelling code council. The dwelling code council shall review the standards and rules for ~~manufactured buildings~~ modular homes for dwellings and recommend a statewide ~~manufactured building~~ modular home code for adoption by the department which shall include rules providing for the conservation of energy in the construction and maintenance of dwellings. Such rules shall take into account the costs to home buyers of specific code provisions in relation to the benefits derived therefrom. Upon its own initiative or at the request of the department, the council shall consider and make recommendations to the department pertaining to rules and any other matters related to this subchapter.

SECTION 69. 101.73 (1) of the statutes is amended to read:

101.73 **(1)** Adopt rules which establish standards for the use of building materials, methods and equipment in the manufacture and installation of ~~manufactured buildings~~ modular homes for use as dwellings or dwelling units. Where feasible, the standards used shall be those nationally recognized and shall apply to the dwelling and to its electrical, heating, ventilating, air conditioning and other systems. Such rules shall take into account the conservation of energy in construction and maintenance of dwellings and the costs to home buyers of specific code provisions in relation to the benefits derived therefrom.

SECTION 70. 101.73 (1m) of the statutes is amended to read:

101.73 **(1m)** Adopt a rule which requires any ~~manufactured building~~ modular home which uses electricity for space heating to be superinsulated.

SECTION 71. 101.73 (2) of the statutes is amended to read:

101.73 **(2)** Adopt rules for the examination of plans and specifications and for periodic in–plant and on–site inspections of manufacturing facilities, processes, fabrication, assembly and installation of ~~manufactured buildings~~ modular homes to

ensure that examinations and inspections are made in compliance with the rules adopted for construction, electrical wiring, heating, ventilating, air conditioning and other systems under ss. 101.70 to 101.77 and with the rules for indoor plumbing adopted by the department under ch. 145.

SECTION 72. 101.73 (3) of the statutes is amended to read:

101.73 **(3)** Provide for examination of plans and specifications and in–plant inspections when contracted for by the manufacturer under s. 101.75 (1) and shall contract to provide on–site inspection services for the installation of ~~manufactured buildings~~ modular homes for dwellings, at municipal expense, for any municipality which requires such service under s. 101.76 or 101.761.

SECTION 73. 101.73 (5) of the statutes is amended to read:

101.73 **(5)** Adopt rules for the certification, including provisions for suspension and revocation thereof, of on–site inspectors of the installation of ~~manufactured buildings~~ modular homes for dwellings. Persons certified as on–site inspectors may be employees of the department, a city, village, town or county or an independent agency.

SECTION 74. 101.73 (6) of the statutes is amended to read:

101.73 **(6)** Adopt rules for the certification, including provisions for suspension and revocation thereof, of independent inspection agencies to conduct in–plant inspections of manufacturing facilities, processes, fabrication and assembly of ~~manufactured buildings~~ modular homes for dwellings and to certify compliance with this subchapter.

SECTION 75. 101.73 (7) of the statutes is amended to read:

101.73 **(7)** Issue or recognize an insignia of compliance for dwellings which conform to the ~~manufactured building~~ modular home code.

SECTION 76. 101.73 (11) of the statutes is amended to read:

101.73 **(11)** Hear petitions regarding the ~~manufactured building~~ modular home code, rules and special orders in accordance with s. 101.02 (6) (e) to (i) and (8).

SECTION 77. 101.74 (4) of the statutes is amended to read:

101.74 **(4)** Provide for or engage in the testing, approval and certification of materials, devices and methods for the manufacture or installation of ~~manufactured buildings~~ modular homes.

SECTION 78. 101.74 (6) of the statutes is amended to read:

101.74 **(6)** Adopt rules prescribing procedures for approving new building materials, devices and methods for the manufacture or installation of ~~manufactured buildings~~ modular homes for dwellings.

SECTION 79. 101.74 (7) of the statutes is amended to read:

101.74 **(7)** Enter into reciprocal agreements with other states regarding the design, construction, inspection and labeling of ~~manufactured buildings~~ modular homes where the laws or rules of other states meet the intent of the manufactured building code and the rules promulgated under this subchapter.

SECTION 80. 101.745 (4) of the statutes is amended to read:

101.745 **(4)** REQUIREMENT. The manufacturer of a ~~manufactured building~~ modular home shall install a functional smoke detector on each floor level except the attic or storage area of each dwelling unit.

SECTION 81. 101.75 (1) of the statutes is amended to read:

101.75 **(1)** INSPECTIONS AND COMPLIANCE. Manufacturers of ~~manufactured buildings~~ modular homes shall contract with a certified independent inspection agency or the department to conduct in–plant inspections and certify compliance with this subchapter. Manufacturers shall reimburse the independent inspection

agency in accordance with the terms of the contract or reimburse the department in accordance with fees established under s. 101.73 (12). All inspections shall be performed by persons certified by the department.

SECTION 82. 101.75 (2) of the statutes is amended to read:

101.75 **(2)** DISPLAY OF INSIGNIA REQUIRED. All ~~manufactured buildings~~ modular homes manufactured, sold for initial use or installed within this state shall display, in a manner determined by the department, the insignia issued or recognized under ss. 101.73 (7) and 101.74 (7). All ~~manufactured buildings~~ modular homes bearing such insignia shall be deemed to comply with the requirements of all building ordinances and regulations of any local government except those related to zoning and siting requisites including but not limited to building setback, side and rear yard requirements and property line requirements.

SECTION 83. 101.75 (3) of the statutes is amended to read:

101.75 **(3)** DEPARTMENT APPROVAL OF ALTERATIONS. No person shall alter an approved ~~manufactured building~~ modular home in any way prior to or during installation without the approval of the department.

SECTION 84. 101.76 (1) (a) of the statutes is amended to read:

101.76 **(1)** (a) With the approval of the department, exercise jurisdiction over the installation of ~~manufactured buildings~~ modular homes for dwellings by passage of ordinances, provided such ordinances are in strict conformance with this subchapter and the on–site inspection is performed by persons certified by the department. Except as provided by s. 101.761, a county ordinance shall apply in any city, village or town which has not enacted such ordinance.

SECTION 85. 101.761 (3) of the statutes is amended to read:

101.761 **(3)** The department or a county may not enforce this subchapter or an ordinance adopted under s. 101.76 (1) (a) or provide inspection services in a municipality unless requested to do so by a person with respect to a particular ~~manufactured building~~ modular home or by the municipality. A request by a person or a municipality with respect to a particular ~~manufactured building~~ modular home does not give the department or a county authority with respect to any other ~~manufactured building~~ modular home. Costs shall be collected under s. 101.76 (1) (c) or ss. 101.73 (12) and 101.76 (2) from the person or municipality making the request.

SECTION 86. 101.761 (5) of the statutes is amended to read:

101.761 **(5)** This section does not affect the applicability of or ordinances adopted under this subchapter to manufacturers, builders and owners of ~~manufactured buildings~~ modular homes located in a municipality.

SECTION 87. 101.937 (2m) of the statutes is created to read:

101.937 **(2m)** METERED SERVICE. If a public utility provides metered water service to a manufactured home community as a whole via a single master meter, the public utility may not charge a fee for water lost in distribution between the master meter and the unit meters, except to the extent that the loss, on a percentage basis, exceeds the public utility's system loss, as reflected in the records the public utility is required to keep under the rules of the public service commission.

****NOTE: This provision was included in 2003 LRB–2046/3 on which this draft is based. Did you intend to include this provision in this version of the draft?

SECTION 88. 101.971 (2) of the statutes is amended to read:

101.971 **(2)** "Multifamily dwelling" means an apartment building, rowhouse, town house, condominium or ~~manufactured building~~ modular home, as defined in s.

101.71 (6), that does not exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling units the initial construction of which is begun on or after January 1, 1993. "Multifamily dwelling" does not include a facility licensed under ch. 50.

SECTION 89. 106.50 (1m) (L) of the statutes is amended to read:

106.50 **(1m)** (L) "Housing" means any improved property, or any portion thereof, including a mobile home as defined in s. ~~66.0435 (1) (d)~~ 101.91 (10), manufactured home, as defined in s. 101.91 (2), or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. "Housing" includes any vacant land that is offered for sale or rent for the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

SECTION 90. 138.052 (1) (b) of the statutes is amended to read:

138.052 **(1)** (b) "Loan" means a loan secured by a first lien real estate mortgage on, or an equivalent security interest in, a ~~one–~~ one–family to 4–family dwelling which the borrower uses as his or her principal place of residence and which is made, refinanced, renewed, extended or modified on or after November 1, 1981, but does not include a ~~mobile~~ manufactured home transaction as defined in s. 138.056 (1) (c).

SECTION 91. 138.056 (1) (b) of the statutes is amended to read:

138.056 **(1)** (b) "Dwelling" includes a cooperative housing unit and a mobile home or manufactured home.

SECTION 92. 138.056 (1) (bd) of the statutes is created to read:

138.056 **(1)** (bd) "Manufactured home" has the meaning given in s. 101.91 (2).

SECTION 93. 138.056 (1) (bm) of the statutes is amended to read:

138.056 **(1)** (bm) "Mobile home" ~~means a vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction. "Mobile home" includes the mobile home structure, including the plumbing, heating and electrical systems and all appliances and all other equipment carrying a manufacturer's warranty~~ has the meaning given in s. 101.91 (10).

SECTION 94. 138.056 (1) (c) of the statutes is amended to read:

138.056 **(1)** (c) "~~Mobile~~ Manufactured home transaction" means a consumer credit sale, as defined in s. 421.301 (9), of or a consumer loan, as defined in s. 421.301 (12), secured by a first lien or equivalent security interest in a mobile home or manufactured home.

SECTION 95. 138.056 (1) (d) of the statutes is amended to read:

138.056 **(1)** (d) "Variable rate loan" means a ~~mobile~~ manufactured home transaction or a loan as defined in s. 138.052 (1) (b), the terms of which permits the interest rate to be increased or decreased.

SECTION 96. 138.056 (3) (a) of the statutes, as affected by 2003 Wisconsin Act 257, is amended to read:

138.056 **(3)** (a) A variable rate loan involving a ~~mobile~~ manufactured home transaction or using an approved index may be prepaid at any time in whole or in part without penalty. Other variable rate loans may be prepaid in whole or part without penalty within 30 days after notice of an increase in the interest rate and, except as provided in s. 428.207, with the prepayment penalty under s. 138.052 (2) (a) 2. and 3. if prepayment is made before or after the 30–day period. This paragraph controls if there is a conflict with s. 138.052 (2) (a).

SECTION 97. 138.09 (7) (jm) 1. b. of the statutes is amended to read:

138.09 **(7)** (jm) 1. b. The loan administration fee is charged for a consumer loan that is secured primarily by an interest in real property ~~or,~~ in a mobile home, as defined in s. ~~138.056 (1) (bm)~~ 101.91 (10), or in a manufactured home, as defined in s. 101.91 (2).

SECTION 98. 145.06 (4) (g) of the statutes is created to read:

145.06 **(4)** (g) Connecting sewer and water service piping to a new manufactured home, if the connection involves the installation of 10 feet or less of sewer service piping and 10 feet or less of water service piping and is made as part of an installation allowed under s. 101.96 (2).

****NOTE: This provision was included in 2003 LRB–2046/3 on which this draft is based. Did you intend to include this provision in this version of the draft?

SECTION 99. 165.25 (4) (av) of the statutes is created to read:

165.25 **(4)** (av) The department of justice shall furnish all legal services required by the department of commerce relating to the enforcement of s. 101.938 together with any other services as are necessarily connected to the legal services.

****NOTE: This provision was included in 2003 LRB–2046/3 on which this draft is based. Did you intend to include this provision in this version of the draft?

SECTION 100. 214.485 (10) of the statutes is amended to read:

214.485 **(10)** For the purpose of mobile home or manufactured home financing.

SECTION 101. 215.205 (1) of the statutes is amended to read:

215.205 **(1)** Loans or obligations, or interests therein, for the purpose of mobile home or manufactured home financing.

SECTION 102. 218.10 (8m) of the statutes is amended to read:

218.10 **(8m)** "Recreational vehicle" ~~means a mobile home, as defined in s. 340.01 (29), that does not exceed the statutory size under s. 348.07 (2)~~ has the meaning given in s. 340.01 (48r).

SECTION 103. 234.622 (7) of the statutes is amended to read:

234.622 **(7)** "Qualifying dwelling unit" means a dwelling unit, not including a mobile home as defined in s. ~~66.0435~~ 101.91 (10), located in this state, habitable as a permanent residence and to which property taxes or special assessments are, or may conveniently be, allocated and up to one acre of land appertaining to it held in the same ownership as the dwelling unit. For purposes of ss. 234.621 to 234.626, "qualifying dwelling unit" includes a unit in a condominium or in a cooperative or in a ~~multi–unit~~ multiunit dwelling with 4 or fewer units, but in all of these 3 cases only the portion of taxes or special assessments allocable to the unit lived in by the participant may qualify for loans under ss. 234.621 to 234.626.

SECTION 104. 340.01 (18m) of the statutes is amended to read:

340.01 **(18m)** "Fifth–wheel ~~mobile home~~ recreational vehicle" means a ~~mobile home as defined in sub. (29) which~~ recreational vehicle that is towed by a vehicle with a flatbed frame so the trailer hitch of the ~~mobile home~~ recreational vehicle is bolted to the flatbed frame of the towing vehicle.

SECTION 105. 340.01 (27k) of the statutes is created to read:

340.01 **(27k)** "~~Manufactured~~ modular ~~building~~ home" has the meaning given in s. 101.71 (6).

SECTION 106. 340.01 (27m) of the statutes is created to read:

340.01 **(27m)** "Manufactured home" has the meaning given in s. 101.91 (2).

SECTION 107. 340.01 (29) of the statutes is amended to read:

340.01 **(29)** "Mobile home" ~~means a vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction~~ has the meaning given in s. 101.91 (10).

SECTION 108. 340.01 (48r) of the statutes is amended to read:

340.01 **(48r)** "Recreational vehicle" means a ~~mobile home that does not exceed the statutory size under s. 348.07 (2)~~ vehicle that is designed to be towed upon a highway by a motor vehicle, that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid, uncollapsible construction, and that does not exceed 45 feet in length.

SECTION 109. 341.05 (26) (a) of the statutes is renumbered 341.05 (26).

SECTION 110. 341.05 (26) (b) of the statutes is repealed.

SECTION 111. 341.12 (1) of the statutes is amended to read:

341.12 **(1)** The department upon registering a vehicle pursuant to s. 341.25 or 341.30 shall issue and deliver prepaid to the applicant 2 registration plates for an automobile, motor truck, motor bus, school bus, ~~self–propelled recreational vehicle~~ motor home, or dual purpose motor home and one plate for other vehicles. The department upon registering a vehicle pursuant to any other section shall issue one plate unless the department determines that 2 plates will better serve the interests of law enforcement.

SECTION 112. 343.055 (1) (d) of the statutes is amended to read:

343.055 **(1)** (d) *Recreational vehicle operators.* The operator of the commercial motor vehicle is a person operating a motor home, or a vehicle towing a 5th–wheel ~~mobile home~~ recreational vehicle or single–unit recreational vehicle and the vehicle or combination, including both units of a combination towing vehicle and the

5th–wheel ~~mobile home~~ recreational vehicle or recreational vehicle, is both operated and controlled by the person and is transporting only members of the person's family, guests or their personal property. This paragraph does not apply to any transportation for hire or the transportation of any property connected to a commercial activity. In this paragraph, "controlled" means leased or owned.

SECTION 113. 346.94 (8) of the statutes is amended to read:

346.94 **(8)** TRANSPORTING PERSONS IN MOBILE HOMES, RECREATIONAL VEHICLES, OR BOATS. Except as provided in sub. (8m), no person may operate a motor vehicle towing any mobile home, recreational vehicle, or boat on a trailer upon a highway when any person is in such mobile home, recreational vehicle, or boat.

SECTION 114. 346.94 (8m) of the statutes is amended to read:

346.94 **(8m)** TRANSPORTING PERSONS IN FIFTH-WHEEL ~~MOBILE HOMES~~ RECREATIONAL VEHICLES. (a) No person may operate a motor vehicle towing a fifth–wheel ~~mobile home~~ recreational vehicle upon a highway when any person under the age of 12 years is in the fifth–wheel ~~mobile home~~ recreational vehicle unless one person 16 years of age or older is also in the fifth–wheel ~~mobile home~~ recreational vehicle.

(b) No person may operate a motor vehicle towing a fifth–wheel ~~mobile home~~ recreational vehicle upon a highway with any person in such ~~mobile home~~ recreational vehicle unless the fifth–wheel ~~mobile home~~ recreational vehicle is equipped with a two–way communications system in proper working order and capable of providing voice communications between the operator of the towing vehicle and any occupant of the fifth–wheel ~~mobile home~~ recreational vehicle.

SECTION 115. 347.15 (2) of the statutes is amended to read:

347.15 **(2)** Except as provided in sub. (1), there shall be at least 2 direction signal lamps showing to the front on motor vehicles and at least 2 showing to the rear on motor vehicles, mobile homes, recreational vehicles, trailers and semitrailers, so as to indicate intention to turn right or left. Lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and lamps showing to the rear shall be located on the same level and as widely spaced laterally as practicable. Such lamps shall project a flashing white or amber light visible to the front and a flashing red or amber light visible to the rear. Direction signal lamps when in use shall be plainly visible and understandable from all distances to 300 feet during normal sunlight. No direction signal lamp shall have any type of decorative covering that restricts the amount of light emitted when the direction signal lamp is in use. When actuated, such lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made. This subsection does not apply to any type of decorative covering originally equipped on the vehicle at the time of manufacture and sale.

SECTION 116. 347.35 (4) of the statutes is amended to read:

347.35 **(4)** MOBILE HOMES AND RECREATIONAL VEHICLES. No person shall manufacture and no person shall sell a mobile home or recreational vehicle in this state unless such mobile home or recreational vehicle is equipped with brakes adequate to control the movement of and to stop and hold it. No person shall operate on a highway any mobile home registered as a 1940 or later year model or recreational vehicle unless such mobile home or recreational vehicle is equipped with brakes adequate to control the movement of and to stop and hold it.

SECTION 117. 347.45 (1) of the statutes is amended to read:

347.45 **(1)** All automobiles, motor trucks, motor buses, truck tractors, trailers, semitrailers, recreational vehicles, and mobile homes when operated upon a highway shall be completely equipped with tires inflated with compressed air and all other motor vehicles when operated on a highway shall be equipped with tires of rubber or of some material or construction of equal resiliency. No person may operate on a highway any motor vehicle, trailer, semitrailer, recreational vehicle, or mobile home having any metal tire in contact with the roadway, except that tire chains of reasonable proportions may be used when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid, and except as provided in sub. (2) (c).

SECTION 118. 347.47 (2) of the statutes is amended to read:

347.47 **(2)** No person shall operate a motor vehicle drawing a trailer, semitrailer, recreational vehicle, or mobile home upon a highway unless the hitch and coupling attaching the trailer, semitrailer, recreational vehicle, or mobile home to the vehicle by which it is drawn is of such construction as to cause such trailer, semitrailer, recreational vehicle, or mobile home to follow in direct line with the propelling vehicle without dangerous side swing or wobble. The hitch and coupling, the surface to which they are attached, and the connections, shall be of sufficient strength to prevent failure under all conditions of operation. The hitch is that part of the connecting mechanism, including the coupling platform and its attaching members or weldments, which is attached to the towing vehicle. The coupling is that part of the connecting mechanism, including the coupling and its attaching members or weldments, which is attached to the trailer, recreational vehicle, or mobile home and by which connection is made to the hitch. If a device is used between the trailer

proper and the coupling such as a pole, such device shall also meet the requirements of this section.

SECTION 119. 347.47 (4) of the statutes is amended to read:

347.47 **(4)** Trailer, semitrailer, recreational vehicle, and mobile home couplings and the safety chains, leveling bars or cables shall be of such minimum strength, design and type as established by published rule of the department.

SECTION 120. 348.06 (1) of the statutes, as affected by 2005 Wisconsin Act 11, is amended to read:

348.06 **(1)** Except as provided in subs. (2) and (2m), no person, without a permit therefor, may operate on a highway any motor vehicle, mobile home, recreational vehicle, trailer, or semitrailer having an overall height in excess of 13 1/2 feet.

SECTION 121. 348.07 (2) (c) of the statutes is amended to read:

348.07 **(2)** (c) Forty five feet for ~~mobile homes~~ recreational vehicles, motor homes, and motor buses.

SECTION 122. 348.07 (3) (a) of the statutes is amended to read:

348.07 **(3)** (a) The overall length of a mobile home or recreational vehicle shall be measured from the rear thereof to the rear of the vehicle to which it is attached.

SECTION 123. 348.10 (5) (intro.) of the statutes is amended to read:

348.10 **(5)** (intro.) The load imposed upon trailers ~~or~~, semitrailers, recreational vehicles, or mobile homes shall be distributed in a manner that will prevent side sway under all conditions of operation:

SECTION 124. 348.10 (5) (a) of the statutes is amended to read:

348.10 **(5)** (a) All items of load carried by any trailer, semitrailer, recreational vehicle, or mobile home, except bulk material such as sand, gravel, dirt not in containers, shall be secured to, on or in the trailer, semitrailer, recreational vehicle,

or mobile home in such manner as to prevent shifting of the load while the trailer, semitrailer, recreational vehicle, or mobile home is being drawn by a towing vehicle.

SECTION 125. 348.10 (5) (c) of the statutes is amended to read:

348.10 **(5)** (c) The load carried by any trailer, semitrailer, recreational vehicle, or mobile home shall be so positioned that a weight of not less than 35 pounds is imposed at the center of the point of attachment to the towing vehicle when parked on a level surface.

SECTION 126. 348.26 (4) of the statutes is amended to read:

348.26 **(4)** MOBILE HOME, MANUFACTURED HOME, AND MODULAR HOME PERMITS. Single trip permits for the movement of oversize mobile homes, manufactured homes, and modular homes may be issued only by the department, regardless of the highways to be used. Every such permit shall designate the route to be used by the permittee.

SECTION 127. 348.27 (7) of the statutes is amended to read:

348.27 **(7)** MOBILE HOME, MANUFACTURED HOME, AND MODULAR HOME PERMITS. The department may issue annual or consecutive month statewide permits to licensed mobile home, manufactured home, or modular home transport companies and to licensed mobile home, manufactured home, or modular home manufacturers and dealers authorizing them to transport oversize mobile homes, manufactured homes, or modular homes over any of the highways of the state in the ordinary course of their business.

SECTION 128. 348.27 (7m) of the statutes is amended to read:

348.27 **(7m)** The department may issue an annual or consecutive month permit for the movement of a 3–vehicle combination consisting of a towing vehicle and, in order by weight, with the lighter of the towed vehicles as the 3rd vehicle in the

3–vehicle combination unless not structurally possible, a ~~mobile home~~ recreational vehicle or camping trailer, and a trailer for a ~~personal~~ recreational vehicle, if the overall length of the combination of vehicles does not exceed 60 feet and the towed vehicles are for the use of the operator of the towing vehicle. A permit under this subsection may be issued only by the department, regardless of the highways to be used. The department may designate the routes that may be used by the permittee. The fee for an annual permit under this subsection is $40. The fee for a consecutive month permit under this subsection shall be determined in the manner provided in s. 348.25 (8) (bm), except that the $40 fee for an annual permit under this subsection shall be used in the computation. No 3–vehicle combination may operate under this paragraph if highway or weather conditions include heavy snow, freezing rain, icy roads, high winds, limited visibility, or upon a highway that is closed or partially closed by the department due to highway conditions.

SECTION 129. 349.03 (2) of the statutes is amended to read:

349.03 **(2)** No local authority may enact or enforce any traffic regulation providing for suspension or revocation of motor vehicle operator's licenses or requiring local registration of vehicles, except as authorized by s. 341.35, or in any manner excluding or prohibiting any motor vehicle, mobile home, vehicle transporting a manufactured home or modular home, recreational vehicle, trailer, or semitrailer whose owner has complied with chs. 341 to 348 from the free use of all highways, except as authorized by sub. (3) and ss. 66.0429 (1) and (3), 349.13, 349.17, 349.22 and 349.23.

SECTION 130. 422.201 (12m) of the statutes is amended to read:

422.201 **(12m)** This section does not apply to consumer credit sales of or consumer loans secured by a first lien on or equivalent security interest in mobile

homes or manufactured homes, as defined in s. ~~138.056 (1) (bm)~~ 101.91, if the sales or loans are made on or after November 1, 1981.

SECTION 131. 422.202 (2) (intro.) of the statutes is amended to read:

422.202 **(2)** (intro.) With respect to a consumer credit transaction which involves a ~~mobile~~ manufactured home transaction as defined in s. 138.056 (1) (c) or the extension of credit secured by an interest in real property, the parties may agree to the payment by the customer of the following charges in addition to the finance charge, if they will be paid to persons not related to the merchant, are reasonable in amount, bona fide and not for the purpose of circumvention or evasion of this subchapter:

SECTION 132. 422.209 (1m) (a) 2. of the statutes is amended to read:

422.209 **(1m)** (a) 2. The loan administration fee is for a consumer loan that is secured primarily by an interest in real property or in a mobile home, as defined in s. ~~138.056 (1) (bm)~~ 101.91 (10), or in a manufactured home, as defined in s. 101.91 (2).

SECTION 133. 422.209 (6m) of the statutes is amended to read:

422.209 **(6m)** For purpose of this section, the finance charge in a ~~mobile~~ manufactured home transaction as defined in s. 138.056 (1) (c) does not include fees, discounts, or other sums actually imposed by the government national mortgage association, the federal national mortgage association, the federal home loan mortgage corporation or other governmentally sponsored secondary mortgage market purchaser of the loan or any private secondary mortgage market purchaser of the loan who is not a person related to the original lender.

SECTION 134. 422.402 (5) (intro.) of the statutes is amended to read:

422.402 **(5)** (intro.) This section does not apply to a ~~mobile~~ manufactured home transaction as defined in s. 138.056 (1) (c) made on or after November 1, 1981, and before November 1, 1984, if:

SECTION 135. 422.402 (5) (b) of the statutes is amended to read:

422.402 **(5)** (b) The unequal or irregular payment is the final scheduled payment of the transaction, and the merchant agrees to refinance the final scheduled payment at a rate of interest not in excess of the rate disclosed pursuant to subch. III of ch. 422 by more than one percent multiplied by the number of 6–month periods in the term of the immediately prior ~~mobile~~ manufactured home transaction.

SECTION 136. 422.413 (2g) (intro.) of the statutes is amended to read:

422.413 **(2g)** (intro.) In any consumer credit transaction in which the collateral is a motor vehicle as defined in s. 340.01 (35), a trailer as defined in s. 340.01 (71), a snowmobile as defined in s. 340.01 (58a), a boat as defined in s. 30.50 (2), an aircraft as defined in s. 114.002 (3), or a mobile home or manufactured home as defined in s. ~~138.056 (1) (bm)~~ 101.91, a writing evidencing the transaction may provide for the creditor's recovery of all of the following expenses, if the expenses are reasonable and bona fide:

SECTION 137. 424.301 (1) (b) 1. of the statutes is amended to read:

424.301 **(1)** (b) 1. The actual cash value or stated value of any motor vehicle, manufactured home, or mobile home in which the creditor holds a security interest.

SECTION 138. 707.02 (4) of the statutes is amended to read:

707.02 **(4)** "Campground" means real property that is available for use by campground members under a campground contract and is intended for camping or outdoor recreation, including the use of campsites and campground amenities by

campground members, but does not include a manufactured and mobile home ~~park~~ community as defined in s. 66.0435 (1) (e).

SECTION 139. 710.15 (title) of the statutes is amended to read:

710.15 (title) **~~Mobile~~ Manufactured and mobile home ~~park~~ community regulations.**

SECTION 140. 710.15 (1) (a) of the statutes is renumbered 710.15 (1) (ag) and amended to read:

710.15 **(1)** (ag) "Lease" means a written agreement between an operator and a resident ~~or mobile home occupant~~ establishing the terms upon which the mobile home or manufactured home may be located in the ~~park~~ community or the ~~mobile home occupant~~ resident may occupy a mobile home or manufactured home in the ~~park~~ community.

SECTION 141. 710.15 (1) (am) of the statutes is created to read:

710.15 **(1)** (am) "Manufactured home" has the meaning given in s. 101.91 (2).

SECTION 142. 710.15 (1) (b) of the statutes is amended to read:

710.15 **(1)** (b) "Mobile home" has the meaning given under s. ~~66.0435 (1) (d)~~ 101.91 (10), but does not include ~~any unit used primarily for camping, touring or recreational purposes~~ a recreational vehicle, as defined in s. 340.01 (48r).

SECTION 143. 710.15 (1) (c) of the statutes is amended to read:

710.15 **(1)** (c) "~~Mobile home occupant~~ Occupant" means a person who rents a mobile home or manufactured home in a ~~park~~ community from an operator or who occupies a mobile home or manufactured home located on a plot of ground that is rented in a community from an operator.

SECTION 144. 710.15 (1) (d) of the statutes is amended to read:

710.15 **(1)** (d) "Operator" means a person engaged in the business of renting plots of ground or mobile homes or manufactured homes in a ~~park~~ community to mobile home or manufactured home owners or ~~mobile home~~ occupants.

SECTION 145. 710.15 (1) (e) of the statutes is renumbered 710.15 (1) (ad) and amended to read:

710.15 **(1)** (ad) "~~Park~~ Community" means a tract of land containing ~~2~~ 3 or more plots of ground upon which mobile homes or manufactured homes are located in exchange for the payment of rent or any other fee pursuant to a lease.

SECTION 146. 710.15 (1) (f) of the statutes is amended to read:

710.15 **(1)** (f) "Resident" means a person who rents a mobile home or manufactured home site in a ~~park~~ community from an operator and who occupies the mobile home or site as his or her residence.

SECTION 147. 710.15 (1m) of the statutes is amended to read:

710.15 **(1m)** REQUIREMENT AND TERM OF LEASE. Every agreement for the rental of a mobile home site ~~or mobile home~~ or manufactured home site shall be by lease. Every lease shall be for a term of at least one year unless the resident or ~~mobile home~~ occupant requests a shorter term and the operator agrees to the shorter term.

SECTION 148. 710.15 (2) of the statutes is amended to read:

710.15 **(2)** RULES INCLUDED IN LEASE. All ~~park~~ community rules that substantially affect the rights or duties of residents or ~~mobile home~~ occupants or of operators, including ~~park~~ community rules under sub. (2m) (b), shall be made a part of every lease between them.

SECTION 149. 710.15 (2m) (a) of the statutes is amended to read:

710.15 **(2m)** (a) Every lease shall state whether the ~~park~~ community contains an emergency shelter.

SECTION 150. 710.15 (2m) (b) of the statutes is amended to read:

710.15 **(2m)** (b) If a ~~park~~ community contains an emergency shelter under par. (a), the ~~park~~ community rules shall state the location of the emergency shelter and procedures for its use.

SECTION 151. 710.15 (3) of the statutes is amended to read:

710.15 **(3)** PROHIBITED CONSIDERATION OF AGE OF MOBILE HOME OR MANUFACTURED HOME. (a) An operator may not deny a resident the opportunity to enter into or renew, and may not include, exclude or alter any terms of, a lease to continue to locate a mobile home or manufactured home in the ~~park~~ community solely or in any part on the basis of the age of the mobile home or manufactured home.

(b) An operator may not require the removal of a mobile home or manufactured home from a ~~park~~ community solely or in any part on the basis of the age of the mobile home or manufactured home, regardless of whether the ownership or occupancy of the mobile home or manufactured home has changed or will change.

SECTION 152. 710.15 (4) of the statutes is amended to read:

710.15 **(4)** PROHIBITED CONSIDERATION OF CHANGE IN OWNERSHIP OR OCCUPANCY OF MOBILE HOME OR MANUFACTURED HOME. An operator may not require the removal of a mobile home or manufactured home from a ~~park~~ community solely or in any part because the ownership or occupancy of the mobile home or manufactured home has changed or will change. An operator may refuse to enter into an initial lease with a prospective resident or ~~mobile home~~ occupant for any other lawful reason.

SECTION 153. 710.15 (4m) of the statutes is amended to read:

710.15 **(4m)** NO INTEREST IN REAL ESTATE; SCREENING PERMITTED. Neither sub. (3) (b) nor sub. (4) creates or extends any interest in real estate or prohibits the lawful screening of prospective residents and ~~mobile home~~ occupants by an operator.

SECTION 154. 710.15 (5m) (intro.) of the statutes is amended to read:

710.15 **(5m)** TERMINATION OF TENANCY OR NONRENEWAL OF LEASE. (intro.) Notwithstanding ss. 704.17 and 704.19, the tenancy of a resident or ~~mobile home~~ occupant in a ~~park~~ community may not be terminated, nor may the renewal of the lease be denied by the ~~park~~ community operator, except upon any of the following grounds:

SECTION 155. 710.15 (5m) (a) of the statutes is amended to read:

710.15 **(5m)** (a) Failure to pay rent due, or failure to pay taxes or any other charges due for which the ~~park~~ community owner or operator may be liable.

SECTION 156. 710.15 (5m) (e) of the statutes is amended to read:

710.15 **(5m)** (e) Violation of ~~park~~ community rules that endangers the health or safety of others or disrupts the right to the peaceful enjoyment and use of the premises by others, after written notice to cease the violation has been delivered to the resident or ~~mobile home~~ occupant.

SECTION 157. 710.15 (5m) (em) of the statutes is amended to read:

710.15 **(5m)** (em) Violation of federal, state or local laws, rules or ordinances relating to mobile homes or manufactured homes after written notice to cease the violation has been delivered to the resident or ~~mobile home~~ occupant.

SECTION 158. 710.15 (5m) (f) of the statutes is amended to read:

710.15 **(5m)** (f) The ~~park~~ community owner or operator seeks to retire the ~~park~~ community permanently from the rental housing market.

SECTION 159. 710.15 (5m) (g) of the statutes is amended to read:

710.15 **(5m)** (g) The ~~park~~ community owner or operator is required to discontinue use of the ~~park~~ community for the purpose rented as a result of action taken against the ~~park~~ community owner or operator by local or state building or

health authorities and it is necessary for the premises to be vacated to satisfy the relief sought by the action.

SECTION 160. 710.15 (5m) (h) of the statutes is amended to read:

710.15 **(5m)** (h) The physical condition of the mobile home or manufactured home presents a threat to the health or safety of its occupants or others in the ~~park~~ community or, by its physical appearance, disrupts the right to the enjoyment and use of the ~~park~~ community by others.

SECTION 161. 861.21 (1) (b) of the statutes is amended to read:

861.21 **(1)** (b) "Home" means any dwelling in which the decedent had an interest and that at the time of the decedent's death the surviving spouse occupies or intends to occupy. If there are several such dwellings, any one may be designated by the surviving spouse. "Home" includes a house, a mobile home, a manufactured home, a duplex or multiple apartment building one unit of which is occupied by the surviving spouse and a building used in part for a dwelling and in part for commercial or business purposes. "Home" includes all of the surrounding land, unless the court sets off part of the land as severable from the remaining land under sub. (5).

SECTION 162. 941.20 (1) (d) of the statutes is amended to read:

941.20 **(1)** (d) While on the lands of another discharges a firearm within 100 yards of any building devoted to human occupancy situated on and attached to the lands of another without the express permission of the owner or occupant of the building. "Building" as used in this paragraph includes any house trailer, manufactured home, or mobile home but does not include any tent, bus, truck, vehicle or similar portable unit.

SECTION 163. 990.01 (14) of the statutes is amended to read:

990.01 **(14)** HOMESTEAD EXEMPTION. "Exempt homestead" means the dwelling, including a building, condominium, mobile home, manufactured home, house trailer or cooperative, and so much of the land surrounding it as is reasonably necessary for its use as a home, but not less than 0.25 acre, if available, and not exceeding 40 acres, within the limitation as to value under s. 815.20, except as to liens attaching or rights of devisees or heirs of persons dying before the effective date of any increase of that limitation as to value.

SECTION 164. Effective date.

(1) This act takes effect on the first day of the 18th month beginning after publication.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB3270/P2
RNK:...:...
lm/c

(date)

I have prepared this draft in preliminary form to give you an opportunity to make any necessary revisions before the draft is prepared in final form. Please note that the draft contains some embedded notes that require your response. ✓

Do you want the draft to have a delayed effective date? ✓

Please feel free to contact me if you have any questions with regard to this draft. ✓

Robin N. Kite
Legislative Attorney
Phone: (608) 266–7291
E–mail: robin.kite@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3270/P2dn
RNK:lmk:ch

December 8, 2005

I have prepared this draft in preliminary form to give you an opportunity to make any necessary revisions before the draft is prepared in final form. Please note that the draft contains some embedded notes that require your response.

Do you want the draft to have a delayed effective date?

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

Kite, Robin

From: Pulda, Matt
Sent: Wednesday, February 08, 2006 10:07 AM
To: Kite, Robin
Cc: 'luke@housingalliance.us'
Subject: FW: LRB-3270: Factory-built Housing Language Modernization.
Attachments: LRB 3270 Analysis.doc

Robin,

Sorry for the delay in getting back to you with answers to your questions about LRB 3270, but here are the Wiscon Housing Alliance's responses, which Rep. Townsend has approved. Please let me know if you have any question

Thanks!

Matt Pulda
Rep. Townsend's office
6-3156

From: Luke Rollins [mailto:luke@housingalliance.us]
Sent: Friday, January 20, 2006 11:48 AM
To: Pulda, Matt
Cc: Lawrence, Minette
Subject: LRB-3270: Factory-built Housing Language Modernization.

Matt:

Please find attached a document that serves as redraft directions, including responses to drafter's notes. The next draft we get will be ready for moving forward.

The LRB drafter on this draft did an excellent job! And thank you very much for your communication and assistance.

Take care and have a great weekend!
Luke

Luke D. Rollins
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Wisconsin Housing Alliance
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Madison, WI 53703
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REVIEW OF LRB-3270/P2: **"Factory-built Housing Language Modernization"**

The following includes: Responses to various Drafter's Notes;
Additional amendments for the next draft.

Drafter's Note: **Do you want the draft to have a delayed effective date?**

WHA Response: There is no need for a delayed effective date.

Drafter's Note: **Section 25. 66.0435(3)(c)7 of the statutes is repealed.**
Did you intend to include this provision in this version of the draft?

WHA Response: Yes, we want to include.

Drafter's Note: **SECTION 27. 66.0435 (3) (c) 9. of the statutes is created to read:**
Did you intend to include this provision in this version of the draft?

WHA Response: Yes, we want to include.

Drafter's Note: **SECTION 33. 66.0435 (5) of the statutes is amended to read:**
Do you want to strike the language in the last sentence of this provision as was done in the earlier version of the draft?

WHA Response: Good question. Upon reading your drafter's note, we were reminded that this entire section is not needed. Plans and designs, etc., are now covered by the department of commerce's licensing program (ref. Chapter 101).

66.0435 (5) should be repealed.

Drafter's Note: **SECTION 36. 66.0809 (3) of the statutes is amended to read:**
Do you want to add the language in the last sentence of this provision as was done in that earlier version of the draft?

WHA Response: Yes, we want to include.

Drafter's Note: **SECTION 87. 101.937 (2m) of the statutes is created to read:**
Did you intend to include this provision in this version of the draft?

WHA Response: Yes, we want to include.

Drafter's Note: **SECTION 98. 145.06 (4) (g) of the statutes is created to read:**
Did you intend to include this provision in this version of the draft?

WHA Response: Good question. We do not want this section included.

Remove Section 98 from this draft.