



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4513/2
RJM:cmh:kjf

1999 ASSEMBLY BILL 807

February 25, 2000 – Introduced by Representative SYKORA. Referred to Committee on Housing.

1 **AN ACT** *to repeal* 101.90, 101.96 and 196.01 (3m); *to renumber* 101.91 (2e); *to*
2 *renumber and amend* 101.91 (2g), 101.91 (2m), 101.91 (3), 101.91 (4) and
3 101.9218; *to amend* 100.21 (1) (a), 101.19 (1) (e), 101.71 (6) (b), 101.91 (intro.),
4 101.91 (1g), 101.91 (2) (intro.), 101.91 (5), 101.91 (6), 101.92 (1), 101.92 (2),
5 101.92 (3), 101.92 (4), 101.92 (5) to (8), 101.9202 (1), 101.9202 (3), 101.9203,
6 101.9204 (1) (b) to (g), 101.9205 (1) and (3), 101.9206 (1) (c) and (d), (2) (a) 2. and
7 (3) (a) and (b) 1. and 2., 101.9208 (1) (a), (c), (d), (dm) and (g), 101.9209 (title),
8 (1) to (4) and (5) (a) and (b), 101.921, 101.9211 (1) to (3), (4) (a) (intro.), (b) 1.
9 (intro.), b. and c. and 2. to 4., (c) and (d), 101.9212 (3), 101.9213 (1), (3) and (5)
10 to (8), 101.9214 (intro.), 101.9215 (1), 101.9216 (1), (2) and (4), 101.9217 (2) (a),
11 101.9219 (2) (intro.) and (a) and (3) (a) and (b), 101.922 (1) (b), 101.9221 (1) (a),
12 (3) and (4), 101.9222 (title), 101.9222 (1) to (3) and (5) (a) (intro.) and (b), 101.93,
13 101.935 (title), 101.935 (1), (2) (a) and (d) and (2m), 101.94 (3), (4) (intro.), (a)
14 and (b) (intro.) and 1. to 3. and (5), 101.94 (7), 101.94 (8) (a), 101.95, 101.951

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1 (title), 101.951 (1) and (6) (n), 101.952 (title), 101.952 (1), (2) (a), (3), (5) and (6),
2 101.953 (1) (intro.) and (a) to (d), (3) and (4), 101.954, 101.955 (1), 101.965 (3),
3 138.056 (1) (b), 138.056 (1) (c), 138.09 (7) (jm) 1. b., 196.01 (3n), 196.01 (3p),
4 196.01 (3s), 196.26 (1m), 196.85 (2g), 341.05 (26) (a), 422.201 (12m), 422.209
5 (1m) (a) 2. and 422.413 (2g) (intro.); **to repeal and recreate** 101.9218 (title);
6 and **to create** 101.91 (2) (c), 101.9218 (2) and 138.056 (1) (bm) of the statutes;
7 **relating to:** the regulation of mobile homes and manufactured homes and the
8 financing of certain mobile home and manufactured home transactions.

Analysis by the Legislative Reference Bureau

Under current law, the department of administration (DOA), the department of transportation (DOT) and the department of commerce each regulate mobile homes and manufactured homes. Currently, DOA regulates mobile home parks, mobile home dealers and mobile home salespersons; DOT regulates the registration and titling of mobile homes and the recording and perfecting of security interests in mobile homes; and the department of commerce regulates the manufacture of mobile homes. Under current law, DOA and DOT statutes govern mobile homes regardless of the date that the mobile homes were manufactured. However, under the department of commerce statutes the definition of “mobile home” includes only a mobile home that was manufactured before June 15, 1976.

Under 1999 Wisconsin Act 9, beginning on July 1, 2000, the regulation of mobile homes and manufactured homes will be consolidated in the department of commerce. Under 1999 Wisconsin Act 9, the definition of “mobile home” that will apply in these consolidated statutes includes only a mobile home that was manufactured before June 15, 1976.

This bill changes the scope of these consolidated statutes in order to ensure the continued regulation of mobile homes that were constructed on or after June 15, 1976. The bill makes conforming changes to other statutes, including the statutes that relate to the financing of mobile home transactions.

Currently, under *George v. Commercial Credit Corp.*, 440 F.2d 551 (7th Cir. 1971), which is persuasive, though not binding, authority in this state, DOT statutes relating to security interests in mobile homes do not apply to a mobile home that is a fixture to real estate. The bill also incorporates this holding into these consolidated statutes. Thus, under the bill, a manufactured home or mobile home that is a fixture to real estate is not subject to the consolidated statutes that relate to perfecting and giving notice of a security interest.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 100.21 (1) (a) “Dwelling unit” means a dwelling, as defined under s. 101.61, a
3 manufactured building, as defined under s. 101.71, a manufactured home ~~or mobile~~
4 home, as defined under s. 101.91 (2), or a multifamily dwelling, as defined under s.
5 101.971 (2).

6 **SECTION 2.** 101.19 (1) (e) of the statutes is amended to read:

7 101.19 (1) (e) The review of plans, construction inspections, department labels
8 and licensing of manufacturers of manufactured homes ~~and mobile homes~~.

9 **SECTION 3.** 101.71 (6) (b) of the statutes is amended to read:

10 101.71 (6) (b) “Manufactured building” does not mean any manufactured home
11 ~~or mobile home~~ under s. 101.91 or any building of open construction which is not
12 subject to par. (a) 2.

13 **SECTION 4.** 101.90 of the statutes is repealed.

14 **SECTION 5.** 101.91 (intro.) of the statutes is amended to read:

15 **101.91 Definitions.** (intro.) In ~~ss. 101.90 to 101.96~~ this subchapter:

16 **SECTION 6.** 101.91 (1g) of the statutes, as created by 1999 Wisconsin Act 9, is
17 amended to read:

18 101.91 (1g) “Delivery date” means the date on which a ~~mobile~~ manufactured
19 home is physically delivered to the site chosen by the ~~mobile home~~ owner of the
20 manufactured home.

21 **SECTION 7.** 101.91 (2) (intro.) of the statutes is amended to read:

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1 101.91 (2) (intro.) “Manufactured home” means either any of the following:

2 **SECTION 8.** 101.91 (2) (c) of the statutes is created to read:

3 101.91 (2) (c) A mobile home, unless a mobile home is specifically excluded
4 under the applicable statute.

5 **SECTION 9.** 101.91 (2e) of the statutes, as affected by 1999 Wisconsin Act 9, is
6 renumbered 101.91 (2k).

7 **SECTION 10.** 101.91 (2g) of the statutes, as created by 1999 Wisconsin Act 9, is
8 renumbered 101.91 (2b), and 101.91 (2b) (intro.) and (e) of the statutes, as
9 renumbered, are amended to read:

10 101.91 (2b) (intro.) “Mobile Manufactured home dealer” means a person who,
11 for a commission or other thing of value, sells, exchanges, buys or rents, or offers or
12 attempts to negotiate a sale or exchange of an interest in, mobile manufactured
13 homes or who is engaged wholly or partially in the business of selling mobile
14 manufactured homes, whether or not the mobile manufactured homes are owned by
15 the person, but does not include:

16 (e) A person transferring a mobile manufactured home used for that person’s
17 personal, family or household purposes, if the transfer is an occasional sale and is
18 not part of the business of the transferor.

19 **SECTION 11.** 101.91 (2m) of the statutes, as created by 1999 Wisconsin Act 9,
20 is renumbered 101.91 (2d) and amended to read:

21 101.91 (2d) “Mobile Manufactured home owner” means any person who
22 purchases, or leases from another, a mobile manufactured home primarily for use for
23 personal, family or household purposes.

24 **SECTION 12.** 101.91 (3) of the statutes, as affected by 1999 Wisconsin Act 9, is
25 renumbered 101.91 (2f) and amended to read:

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1 101.91 (2f) “~~Mobile~~ Manufactured home park” means any plot or plots of
2 ground upon which 3 or more ~~mobile homes or~~ manufactured homes that are
3 occupied for dwelling or sleeping purposes are located. “~~Mobile~~ Manufactured home
4 park” does not include a farm where the occupants of the ~~mobile homes or~~
5 manufactured homes are the father, mother, son, daughter, brother or sister of the
6 farm owner or operator or where the occupants of the ~~mobile homes or~~ manufactured
7 homes work on the farm.

8 **SECTION 13.** 101.91 (4) of the statutes, as created by 1999 Wisconsin Act 9, is
9 renumbered 101.91 (2h) and amended to read:

10 101.91 (2h) “~~Mobile~~ Manufactured home salesperson” means any person who
11 is employed by a ~~mobile~~ manufactured home manufacturer or ~~mobile~~ manufactured
12 home dealer to sell or lease ~~mobile~~ manufactured homes.

13 **SECTION 14.** 101.91 (5) of the statutes, as created by 1999 Wisconsin Act 9, is
14 amended to read:

15 101.91 (5) “New ~~mobile~~ manufactured home” means a ~~mobile~~ manufactured
16 home that has never been occupied, used or sold for personal or business use.

17 **SECTION 15.** 101.91 (6) of the statutes, as created by 1999 Wisconsin Act 9, is
18 amended to read:

19 101.91 (6) “Used ~~mobile~~ manufactured home” means a ~~mobile~~ manufactured
20 home that has previously been occupied, used or sold for personal or business use.

21 **SECTION 16.** 101.92 (1) of the statutes is amended to read:

22 101.92 (1) Shall adopt, administer and enforce rules for the safe and sanitary
23 design and construction of manufactured homes ~~and mobile homes~~ that are
24 manufactured, distributed, sold or offered for sale in this state.

25 **SECTION 17.** 101.92 (2) of the statutes is amended to read:

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1 101.92 (2) Shall license all manufacturers desiring to sell or distribute for sale
2 manufactured homes ~~or mobile homes~~ in this state.

3 **SECTION 18.** 101.92 (3) of the statutes is amended to read:

4 101.92 (3) Shall review annually the rules adopted under ~~ss. 101.90 to 101.96,~~
5 ~~and may revise rules upon recommendation by the advisory committee appointed~~
6 ~~under s. 101.96~~ this subchapter.

7 **SECTION 19.** 101.92 (4) of the statutes is amended to read:

8 101.92 (4) Shall provide for announced or unannounced inspection of
9 manufacturing facilities, processes, fabrication and assembly of manufactured
10 homes ~~and mobile homes~~ to ensure compliance with the rules adopted under ~~ss.~~
11 ~~101.90 to 101.96~~ this subchapter.

12 **SECTION 20.** 101.92 (5) to (8) of the statutes are amended to read:

13 101.92 (5) Shall establish standards for certification of inspection and testing
14 agencies which shall include standards for in-plant inspection of manufacturing
15 facilities, processes, fabrication and assembly of manufactured homes ~~and mobile~~
16 ~~homes~~ and for issuance of or acceptance of a label of approval.

17 (6) May enter into reciprocal agreements with other states regarding the
18 design, construction, inspection and labeling of ~~mobile~~ manufactured homes where
19 the laws or rules of other states meet the intent of ~~ss. 101.90 to 101.96~~ this subchapter
20 and where the laws or rules are actually enforced.

21 (7) Shall establish a staff for the administration and enforcement of ~~ss. 101.90~~
22 ~~to 101.96~~ this subchapter.

23 (8) May revoke the license of any manufacturer who violates ~~ss. 101.90 to~~
24 ~~101.96~~ this subchapter or any rules promulgated thereunder.

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1 **SECTION 21.** 101.9202 (1) of the statutes, as created by 1999 Wisconsin Act 9,
2 is amended to read:

3 101.9202 (1) A lien given by statute or rule of law to a supplier of services or
4 materials for the ~~mobile~~ manufactured home.

5 **SECTION 22.** 101.9202 (3) of the statutes, as created by 1999 Wisconsin Act 9,
6 is amended to read:

7 101.9202 (3) A security interest in a ~~mobile~~ manufactured home created by a
8 ~~mobile~~ manufactured home dealer or manufacturer who holds the ~~mobile~~
9 manufactured home for sale, which shall be governed by the applicable provisions
10 of ch. 409.

11 **SECTION 23.** 101.9203 of the statutes, as created by 1999 Wisconsin Act 9, is
12 amended to read:

13 **101.9203 When certificate of title required.** (1) The owner of a ~~mobile~~
14 manufactured home situated in this state or intended to be situated in this state
15 shall make application for certificate of title under s. 101.9209 for the ~~mobile~~
16 manufactured home if the owner has newly acquired the ~~mobile~~ manufactured home.

17 (2) Any owner who situates in this state a ~~mobile~~ manufactured home for which
18 a certificate of title is required without such the certificate of title having been issued
19 or applied for, knowing that the certificate of title has not been issued or applied for,
20 may be required to forfeit not more than \$200. A certificate of title is considered to
21 have been applied for when the application accompanied by the required fee has been
22 delivered to the department or deposited in the mail properly addressed and with
23 postage prepaid.

24 (3) Unless otherwise authorized by rule of the department, a nonresident
25 owner of a ~~mobile~~ manufactured home situated in this state may not apply for a

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1 certificate of title under this subchapter unless the ~~mobile~~ manufactured home is
2 subject to a security interest or except as provided in s. 101.9209 (1) (a).

3 **SECTION 24.** 101.9204 (1) (b) to (g) of the statutes, as created by 1999 Wisconsin
4 Act 9, are amended to read:

5 101.9204 (1) (b) A description of the ~~mobile~~ manufactured home, including
6 make, model, identification number and any other information or documentation
7 that the department may reasonably require for proper identification of the ~~mobile~~
8 manufactured home.

9 (c) The date of purchase by the applicant, the name and address of the person
10 from whom the ~~mobile~~ manufactured home was acquired and the names and
11 addresses of any secured parties in the order of their priority.

12 (d) If the ~~mobile~~ manufactured home is a new ~~mobile~~ manufactured home being
13 titled for the first time, the signature of the ~~mobile~~ manufactured home dealer. The
14 document of origin shall contain the information specified by the department.

15 (e) Any further evidence of ownership which the department may reasonably
16 require to enable it to determine whether the owner is entitled to a certificate of title
17 and the existence or nonexistence of security interests in the ~~mobile~~ manufactured
18 home.

19 (f) If the identification number of the ~~mobile~~ manufactured home has been
20 removed, obliterated or altered, or if the original casting has been replaced, or if the
21 ~~mobile~~ manufactured home has not been numbered by the manufacturer, the
22 application for certificate of title shall so state.

23 (g) If the ~~mobile~~ manufactured home is a used ~~mobile~~ manufactured home
24 which was last previously titled in another jurisdiction, the applicant shall furnish
25 any certificate of ownership issued by the other jurisdiction and a statement

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1 pertaining to the title history and ownership of the ~~mobile~~ manufactured home, such
2 statement to be in the form that the department prescribes.

3 **SECTION 25.** 101.9205 (1) and (3) of the statutes, as created by 1999 Wisconsin
4 Act 9, are amended to read:

5 101.9205 (1) The department shall maintain a record of each application for
6 certificate of title received by it and, when satisfied as to its genuineness and
7 regularity and that the applicant is entitled to the issuance of a certificate of title,
8 shall issue and deliver a certificate to the owner of the ~~mobile~~ manufactured home.

9 **(3)** The department shall charge a fee of not less than \$2 for conducting a file
10 search of ~~mobile~~ manufactured home title records.

11 **SECTION 26.** 101.9206 (1) (c) and (d), (2) (a) 2. and (3) (a) and (b) 1. and 2. of the
12 statutes, as created by 1999 Wisconsin Act 9, are amended to read:

13 101.9206 (1) (c) The title number assigned to the ~~mobile~~ manufactured home.

14 (d) A description of the ~~mobile~~ manufactured home, including make, model and
15 identification number.

16 **(2)** (a) 2. Reassignment and warranty of title by a ~~mobile~~ manufactured home
17 dealer.

18 **(3)** (a) Unless the applicant fulfills the requirements of par. (b), the department
19 shall issue a distinctive certificate of title for a ~~mobile~~ manufactured home last
20 previously registered in another jurisdiction if the laws of the other jurisdiction do
21 not require that secured parties be named on a certificate of title to perfect their
22 security interests. The certificate shall contain the legend "This ~~mobile~~
23 manufactured home may be subject to an undisclosed security interest" and may
24 contain any other information that the department prescribes. If the department
25 receives no notice of a security interest in the ~~mobile~~ manufactured home within 4

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1 months from the issuance of the distinctive certificate of title, the department shall,
2 upon application and surrender of the distinctive certificate, issue a certificate of
3 title in ordinary form.

4 (b) 1. The applicant is a ~~mobile~~ manufactured home dealer and is financially
5 responsible as substantiated by the last financial statement on file with the
6 department, a finance company licensed under s. 138.09, a bank organized under the
7 laws of this state, or a national bank located in this state.

8 2. The applicant has filed with the department a bond in the form prescribed
9 by the department and executed by the applicant, and either accompanied by the
10 deposit of cash with the department or also executed by a person authorized to
11 conduct a surety business in this state. The bond shall be in an amount equal to 1.5
12 times the value of the ~~mobile~~ manufactured home as determined by the department
13 and conditioned to indemnify any prior owner and secured party and any subsequent
14 purchaser of the ~~mobile~~ manufactured home or person acquiring any security
15 interest in it, and their respective successors in interest, against any expense, loss
16 or damage, including reasonable attorney fees, by reason of the issuance of the
17 certificate of title of the ~~mobile~~ manufactured home or on account of any defect in or
18 undisclosed security interest upon the right, title and interest of the applicant in and
19 to the ~~mobile~~ manufactured home. Any such interested person has a right of action
20 to recover on the bond for any breach of its conditions, but the aggregate liability of
21 the surety to all persons shall not exceed the amount of the bond. The bond, and any
22 deposit accompanying it, shall be returned at the end of 5 years or prior thereto if,
23 apart from this section, a nondistinctive certificate of title could then be issued for
24 the ~~mobile~~ manufactured home.

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1 **SECTION 27.** 101.9208 (1) (a), (c), (d), (dm) and (g) of the statutes, as created by
2 1999 Wisconsin Act 9, are amended to read:

3 101.9208 (1) (a) For filing an application for the first certificate of title, \$8.50,
4 by the owner of the mobile manufactured home.

5 (c) For the original notation and subsequent release of each security interest
6 noted upon a certificate of title, a single fee of \$4 by the owner of the mobile
7 manufactured home.

8 (d) For a certificate of title after a transfer, \$8.50, by the owner of the mobile
9 manufactured home.

10 (dm) Upon filing an application under par. (a) or (d), a supplemental title fee
11 of \$7.50 by the owner of the mobile manufactured home, except that this fee shall be
12 waived with respect to an application under par. (d) for transfer of a decedent's
13 interest in a mobile manufactured home to his or her surviving spouse. The fee
14 specified under this paragraph is in addition to any other fee specified in this section.

15 (g) For a replacement certificate of title, \$8, by the owner of the mobile
16 manufactured home.

17 **SECTION 28.** 101.9209 (title), (1) to (4) and (5) (a) and (b) of the statutes, as
18 created by 1999 Wisconsin Act 9, are amended to read:

19 **101.9209 (title) Transfer of interest in a mobile manufactured home.**

20 **(1)** (a) If an owner transfers an interest in a mobile manufactured home, other than
21 by the creation of a security interest, the owner shall, at the time of the delivery of
22 the mobile manufactured home, execute an assignment and warranty of title to the
23 transferee in the space provided therefor on the certificate, and cause the certificate
24 to be mailed or delivered to the transferee.

ASSEMBLY BILL 807**SECTION 28**

1 (b) Any person who holds legal title of a ~~mobile~~ manufactured home with one
2 or more other persons may transfer ownership of the ~~mobile~~ manufactured home
3 under this subsection if legal title to the ~~mobile~~ manufactured home is held in the
4 names of such persons in the alternative, including a ~~mobile~~ manufactured home
5 held in a form designating the holder by the words “(name of one person) or (name
6 of other person)”.

7 (2) Promptly after delivery to him or her of the ~~mobile~~ manufactured home, the
8 transferee shall execute the application for a new certificate of title in the space
9 provided therefor on the certificate or as the department prescribes, and cause the
10 certificate and application to be mailed or delivered to the department.

11 (3) A transfer by an owner is not effective until the provisions of this section
12 have been complied with. An owner who has delivered possession of the ~~mobile~~
13 manufactured home to the transferee and has complied with the provisions of this
14 section requiring action by him or her is not liable as owner for any damages
15 thereafter resulting from use of the mobile home.

16 (4) Any owner of a ~~mobile~~ manufactured home for which a certificate of title
17 has been issued, who upon transfer of the ~~mobile~~ manufactured home fails to execute
18 and deliver the assignment and warranty of title required by sub. (1), may be
19 required to forfeit not more than \$500.

20 (5) (a) Any transferee of a mobile home who fails to make application for a new
21 certificate of title immediately upon transfer to him or her of a ~~mobile~~ manufactured
22 home may be required to forfeit not more than \$200.

23 (b) Any transferee of a ~~mobile~~ manufactured home who, with intent to defraud,
24 fails to make application for a new certificate of title immediately upon transfer to

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1 him or her of a ~~mobile~~ manufactured home may be fined not more than \$1,000 or
2 imprisoned for not more than 30 days or both.

3 **SECTION 29.** 101.921 of the statutes, as created by 1999 Wisconsin Act 9, is
4 amended to read:

5 **101.921 Transfer to or from dealer.** (1) (a) Except as provided in par. (b),
6 if a ~~mobile~~ manufactured home dealer acquires a ~~mobile~~ manufactured home and
7 holds it for resale or accepts a ~~mobile~~ manufactured home for sale on consignment,
8 the ~~mobile~~ manufactured home dealer may not submit to the department the
9 certificate of title or application for certificate of title naming the ~~mobile~~
10 manufactured home dealer as owner of the ~~mobile~~ manufactured home. Upon
11 transferring the ~~mobile~~ manufactured home to another person, the ~~mobile~~
12 manufactured home dealer shall immediately give the transferee, on a form
13 prescribed by the department, a receipt for all title, security interest and sales tax
14 moneys paid to the ~~mobile~~ manufactured home dealer for transmittal to the
15 department when required. The ~~mobile~~ manufactured home dealer shall promptly
16 execute the assignment and warranty of title, showing the name and address of the
17 transferee and of any secured party holding a security interest created or reserved
18 at the time of the resale or sale on consignment, in the spaces provided therefor on
19 the certificate or as the department prescribes. Within 7 business days following the
20 sale or transfer, the ~~mobile~~ manufactured home dealer shall mail or deliver the
21 certificate or application for certificate to the department with the transferee's
22 application for a new certificate. A nonresident who purchases a ~~mobile~~
23 manufactured home from a ~~mobile~~ manufactured home dealer in this state may not,
24 unless otherwise authorized by rule of the department, apply for a certificate of title
25 issued for the ~~mobile~~ manufactured home in this state unless the ~~mobile~~

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1 manufactured home dealer determines that a certificate of title is necessary to
2 protect the interests of a secured party. The ~~mobile~~ manufactured home dealer is
3 responsible for determining whether a certificate of title and perfection of security
4 interest is required. The ~~mobile~~ manufactured home dealer is liable for any damages
5 incurred by the department or any secured party for the ~~mobile~~ manufactured home
6 dealer's failure to perfect a security interest which the ~~mobile~~ manufactured home
7 dealer had knowledge of at the time of sale.

8 (b) Except when all available spaces for a ~~mobile~~ manufactured home dealer's
9 reassignment on a certificate of title have been completed or as otherwise authorized
10 by rules of the department, a ~~mobile~~ manufactured home dealer who acquires a
11 ~~mobile~~ manufactured home and holds it for resale or accepts a ~~mobile~~ manufactured
12 home for sale on consignment may not apply for a certificate of title naming the
13 ~~mobile~~ manufactured home dealer as owner of the ~~mobile~~ manufactured home.

14 (c) Unless exempted by rule of the department, a ~~mobile~~ manufactured home
15 dealer who acquires a ~~mobile~~ manufactured home and holds it for resale shall make
16 application for a certificate of title naming the ~~mobile~~ manufactured home dealer as
17 owner of the ~~mobile~~ manufactured home when all of the available spaces for a ~~mobile~~
18 manufactured home dealer's reassignment on the certificate of title for such ~~mobile~~
19 manufactured home have been completed.

20 (2) Every ~~mobile~~ manufactured home dealer shall maintain for 5 years a record
21 of every ~~mobile~~ manufactured home bought, sold or exchanged, or received for sale
22 or exchange. The record shall be open to inspection by a representative of the
23 department or by a peace officer during reasonable business hours. The dealer shall
24 maintain the record in the form prescribed by the department.

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1 **(3)** Any ~~mobile~~ manufactured home dealer who fails to comply with this section
2 may be required to forfeit not more than \$200.

3 **SECTION 30.** 101.9211 (1) to (3), (4) (a) (intro.), (b) 1. (intro.), b. and c. and 2. to
4 4., (c) and (d) of the statutes, as created by 1999 Wisconsin Act 9, are amended to read:

5 101.9211 **(1)** If the interest of an owner in a ~~mobile~~ manufactured home passes
6 to another other than by voluntary transfer, the transferee shall, except as provided
7 in sub. (2), promptly mail or deliver to the department the last certificate of title, if
8 available, and the documents required by the department to legally effect such
9 transfer, and an application for a new certificate in the form that the department
10 prescribes.

11 **(2)** If the interest of the owner is terminated or the ~~mobile~~ manufactured home
12 is sold under a security agreement by a secured party named in the certificate of title,
13 the transferee shall promptly mail or deliver to the department the last certificate
14 of title, an application for a new certificate in the form that the department
15 prescribes, and a statement made by or on behalf of the secured party that the ~~mobile~~
16 manufactured home was repossessed and that the interest of the owner was lawfully
17 terminated or sold under the terms of the security agreement.

18 **(3)** A person holding a certificate of title whose interest in the ~~mobile~~
19 manufactured home has been extinguished or transferred other than by voluntary
20 transfer shall mail or deliver the certificate to the department upon request of the
21 department. The delivery of the certificate pursuant to the request of the
22 department does not affect the rights of the person surrendering the certificate, and
23 the action of the department in issuing a new certificate of title is not conclusive upon
24 the rights of an owner or secured party named in the old certificate.

ASSEMBLY BILL 807**SECTION 30**

1 (4) (a) (intro.) In all cases of the transfer of a ~~mobile~~ manufactured home owned
2 by a decedent, except under par. (b), ward, trustee or bankrupt, the department shall
3 accept as sufficient evidence of the transfer of ownership all of the following:

4 (b) 1. (intro.) The department shall transfer the decedent's interest in any
5 ~~mobile~~ manufactured home to his or her surviving spouse upon receipt of the title
6 executed by the surviving spouse and a statement by the spouse which shall state
7 all of the following:

8 b. The approximate value and description of the ~~mobile~~ manufactured home.

9 c. That the spouse is personally liable for the decedent's debts and charges to
10 the extent of the value of the ~~mobile~~ manufactured home, subject to s. 859.25.

11 2. The transfer shall not affect any liens upon the ~~mobile~~ manufactured home.

12 3. Except as provided in subd. 4., this paragraph is limited to no more than 5
13 ~~mobile~~ manufactured homes titled in this state that are less than 20 years old at the
14 time of the transfer under this paragraph. There is no limit on transfer under this
15 paragraph of ~~mobile~~ manufactured homes titled in this state that are 20 or more
16 years old at the time of transfer under this paragraph.

17 4. The limit in subd. 3. does not apply if the surviving spouse is proceeding
18 under s. 867.03 (1g) and the total value of the decedent's solely owned property in the
19 state, including the ~~mobile~~ manufactured homes transferred under this paragraph,
20 does not exceed \$10,000.

21 (c) Upon compliance with this subsection, the department shall bear neither
22 liability nor responsibility for the transfer of such ~~mobile~~ manufactured homes in
23 accordance with this section.

24 (d) This subsection does not apply to transfer of interest in a ~~mobile~~
25 manufactured home under s. 101.9209 (1) (b).

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1 **SECTION 31.** 101.9212 (3) of the statutes, as created by 1999 Wisconsin Act 9,
2 is amended to read:

3 101.9212 (3) The department shall retain for 5 years a record of every
4 surrendered certificate of title, the record to be maintained so as to permit the tracing
5 of title of the ~~mobile~~ manufactured home designated therein.

6 **SECTION 32.** 101.9213 (1), (3) and (5) to (8) of the statutes, as created by 1999
7 Wisconsin Act 9, are amended to read:

8 101.9213 (1) Unless excepted by s. 101.9202, a security interest in a ~~mobile~~
9 manufactured home of a type for which a certificate of title is required is not valid
10 against creditors of the owner or subsequent transferees or secured parties of the
11 ~~mobile~~ manufactured home unless perfected as provided in ss. 101.9202 to 101.9218.

12 (3) If a secured party whose name and address is contained on the certificate
13 of title for a ~~mobile~~ manufactured home acquires a new or additional security interest
14 in the ~~mobile~~ manufactured home, such security interest is perfected at the time of
15 its attachment under s. 409.203.

16 (5) The rules of priority stated in s. 409.312, and the other sections therein
17 referred to, shall, to the extent appropriate, apply to conflicting security interests in
18 a ~~mobile~~ manufactured home of a type for which a certificate of title is required, or
19 in a previously certificated ~~mobile~~ manufactured home, as defined in s. 101.9222 (1).
20 A security interest perfected under this section or under s. 101.9222 (4) or (5) is a
21 security interest perfected otherwise than by filing for purposes of s. 409.312.

22 (6) The rules stated in ss. 409.501 to 409.507 governing the rights and duties
23 of secured parties and debtors and the requirements for, and effect of, disposition of
24 a ~~mobile~~ manufactured home by a secured party, upon default shall, to the extent

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1 appropriate, govern the rights of secured parties and owners with respect to security
2 interests in ~~mobile~~ manufactured homes perfected under ss. 101.9202 to 101.9218.

3 (7) If a ~~mobile~~ manufactured home is subject to a security interest when
4 brought into this state, s. 409.103 (1), (2) and (3) states the rules which apply to
5 determine the validity and perfection of the security interest in this state.

6 (8) Upon request of a person who has perfected a security interest under this
7 section, as shown by the records of the department, in a ~~mobile~~ manufactured home
8 titled in this state, whenever the department receives information from another
9 state that the ~~mobile~~ manufactured home is being titled in the other state and the
10 information does not show that the security interest has been satisfied, the
11 department shall notify the person. The person shall pay the department a \$2 fee
12 for each notification.

13 **SECTION 33.** 101.9214 (intro.) of the statutes, as created by 1999 Wisconsin Act
14 9, is amended to read:

15 **101.9214 Duties on creation of security interest.** (intro.) If an owner
16 creates a security interest in a ~~mobile~~ manufactured home, unless the name and
17 address of the secured party already is contained on the certificate of title for the
18 ~~mobile~~ manufactured home:

19 **SECTION 34.** 101.9215 (1) of the statutes, as created by 1999 Wisconsin Act 9,
20 is amended to read:

21 101.9215 (1) A secured party may assign, absolutely or otherwise, the party's
22 security interest in the ~~mobile~~ manufactured home to a person other than the owner
23 without affecting the interest of the owner or the validity of the security interest, but
24 any person without notice of the assignment is protected in dealing with the secured
25 party as the holder of the security interest and the secured party remains liable for

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1 any obligations as a secured party until the assignee is named as secured party on
2 the certificate.

3 **SECTION 35.** 101.9216 (1), (2) and (4) of the statutes, as created by 1999
4 Wisconsin Act 9, are amended to read:

5 101.9216 (1) Within one month or within 10 days following written demand by
6 the debtor after there is no outstanding obligation and no commitment to make
7 advances, incur obligations or otherwise give value, secured by the security interest
8 in a ~~mobile~~ manufactured home under any security agreement between the owner
9 and the secured party, the secured party shall execute and deliver to the owner, as
10 the department prescribes, a release of the security interest in the form and manner
11 prescribed by the department and a notice to the owner stating in no less than
12 10-point boldface type the owner's obligation under sub. (2). If the secured party
13 fails to execute and deliver the release and notice of the owner's obligation as
14 required by this subsection, the secured party is liable to the owner for \$25 and for
15 any loss caused to the owner by the failure.

16 (2) The owner, other than a ~~mobile~~ manufactured home dealer holding the
17 ~~mobile~~ manufactured home for resale, upon receipt of the release and notice of
18 obligation shall promptly cause the certificate and release to be mailed or delivered
19 to the department, which shall release the secured party's rights on the certificate
20 and issue a new certificate.

21 (4) Removal of information pertaining to a security interest from the records
22 of the department under sub. (3) does not affect any security agreement between the
23 owner of a ~~mobile~~ manufactured home and the holder of security interest in the
24 ~~mobile~~ manufactured home.

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1 **SECTION 36.** 101.9217 (2) (a) of the statutes, as created by 1999 Wisconsin Act
2 9, is amended to read:

3 101.9217 (2) (a) An owner shall promptly deliver the owner's certificate of title
4 to any secured party who is named on it or who has a security interest in the mobile
5 manufactured home described in it under any other applicable prior law of this state,
6 upon receipt of a notice from such secured party that the security interest is to be
7 assigned, extended or perfected. Any owner who fails to deliver the certificate of title
8 to a secured party requesting it under this paragraph shall be liable to such secured
9 party for any loss caused to the secured party thereby and may be required to forfeit
10 not more than \$200.

11 **SECTION 37.** 101.9218 (title) of the statutes, as created by 1999 Wisconsin Act
12 9, is repealed and recreated to read:

13 **101.9218** (title) **Applicability of manufactured home security**
14 **provisions.**

15 **SECTION 38.** 101.9218 of the statutes, as created by 1999 Wisconsin Act 9, is
16 renumbered 101.9218 (1) and amended to read:

17 101.9218 (1) METHOD OF PERFECTING EXCLUSIVE. ~~The~~ Except as provided in sub.
18 (2), the method provided in ss. 101.921 to ~~101.9218~~ 101.9217 of perfecting and giving
19 notice of security interests subject to ss. 101.921 to ~~101.9218~~ 101.9217 is exclusive.
20 Security interests subject to ss. 101.921 to ~~101.9218~~ 101.9217 are hereby exempted
21 exempt from the provisions of law which otherwise require or relate to the filing of
22 instruments creating or evidencing security interests.

23 **SECTION 39.** 101.9218 (2) of the statutes is created to read:

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1 101.9218 (2) FIXTURES EXCLUDED. Notwithstanding ss. 101.921 to 101.9217, the
2 method provided in ss. 101.921 to 101.9217 of perfecting and giving notice of security
3 interests does not apply to a manufactured home that is a fixture to real estate.

4 **SECTION 40.** 101.9219 (2) (intro.) and (a) and (3) (a) and (b) of the statutes, as
5 created by 1999 Wisconsin Act 9, are amended to read:

6 101.9219 (2) (intro.) If the department is not satisfied as to the ownership of
7 the ~~mobile~~ manufactured home or that there are no undisclosed security interests in
8 it, the department, subject to sub. (3), shall either:

9 (a) Withhold issuance of a certificate of title until the applicant presents
10 documents reasonably sufficient to satisfy the department as to the applicant's
11 ownership of the ~~mobile~~ manufactured home and that there are no undisclosed
12 security interests in it; or

13 (3) (a) The applicant is a ~~mobile~~ manufactured home dealer licensed under s.
14 101.951 and is financially responsible as substantiated by the last financial
15 statement on file with the department, a finance company licensed under s. 138.09
16 or 218.01, a bank organized under the laws of this state, or a national bank located
17 in this state.

18 (b) The applicant has filed with the department a bond in the form prescribed
19 by the department and executed by the applicant, and either accompanied by the
20 deposit of cash with the department or also executed by a person authorized to
21 conduct a surety business in this state. The bond shall be in an amount equal to 1.5
22 times the value of the ~~mobile~~ manufactured home as determined by the department
23 and conditioned to indemnify any prior owner and secured party and any subsequent
24 purchaser of the ~~mobile~~ manufactured home or person acquiring any security
25 interest in it, and their respective successors in interest, against any expense, loss

ASSEMBLY BILL 807**SECTION 40**

1 or damage, including reasonable attorney fees, by reason of the issuance of the
2 certificate of title of the ~~mobile~~ manufactured home or on account of any defect in or
3 undisclosed security interest upon the right, title and interest of the applicant in and
4 to the ~~mobile~~ manufactured home. Any such interested person has a right of action
5 to recover on the bond for any breach of its conditions, but the aggregate liability of
6 the surety to all persons shall not exceed the amount of the bond. The bond, and any
7 deposit accompanying it, shall be returned at the end of 5 years or prior thereto if,
8 apart from this section, a nondistinctive certificate of title could then be issued for
9 the ~~mobile~~ manufactured home, or if the currently valid certificate of title for the
10 ~~mobile~~ manufactured home is surrendered to the department, unless the
11 department has been notified of the pendency of an action to recover on the bond.

12 **SECTION 41.** 101.922 (1) (b) of the statutes, as created by 1999 Wisconsin Act
13 9, is amended to read:

14 101.922 (1) (b) That the ~~mobile~~ manufactured home has been scrapped,
15 dismantled or destroyed.

16 **SECTION 42.** 101.9221 (1) (a), (3) and (4) of the statutes, as created by 1999
17 Wisconsin Act 9, are amended to read:

18 101.9221 (1) (a) The person alleged to be the owner of the ~~mobile~~ manufactured
19 home is not the owner.

20 (3) The applicant is a ~~mobile~~ manufactured home dealer and is prohibited from
21 applying for a certificate of title under s. 101.921 (1) (a) or (b).

22 (4) Except as provided in ss. 101.9203 (3) and 101.921 (1) (a) for a certificate
23 of title and registration for a ~~mobile~~ manufactured home owned by a nonresident, the
24 applicant is a nonresident and the issuance of a certificate of title has not otherwise
25 been authorized by rule of the department.

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1 **SECTION 43.** 101.9222 (title) of the statutes, as created by 1999 Wisconsin Act
2 9, is amended to read:

3 **101.9222** (title) **Previously certificated ~~mobile~~ manufactured homes.**

4 **SECTION 44.** 101.9222 (1) to (3) and (5) (a) (intro.) and (b) of the statutes, as
5 created by 1999 Wisconsin Act 9, are amended to read:

6 101.9222 (1) In this section, “previously certificated ~~mobile~~ manufactured
7 home” means a ~~mobile~~ manufactured home for which a certificate of title has been
8 issued by the department of transportation prior to July 1, 2000.

9 **(2)** Sections 101.9213 to 101.9218 do not apply to a previously certificated
10 ~~mobile~~ manufactured home until one of the following occurs:

11 (a) There is a transfer of ownership of the ~~mobile~~ manufactured home.

12 (b) The department of commerce issues a certificate of title of the ~~mobile~~
13 manufactured home under this chapter.

14 **(3)** If the department is not satisfied that there are no undisclosed security
15 interests, created before July 1, 2000, in a previously certificated ~~mobile~~
16 manufactured home, the department shall, unless the applicant fulfills the
17 requirements of s. 101.9219 (3), issue a distinctive certificate of title of the ~~mobile~~
18 manufactured home containing the legend “This ~~mobile~~ manufactured home may be
19 subject to an undisclosed security interest” and any other information that the
20 department prescribes.

21 **(5)** (a) (intro.) If a security interest in a previously certificated ~~mobile~~
22 manufactured home is perfected under any other applicable law of this state on
23 July 1, 2000, the security interest continues perfected:

24 (b) If a security interest in a previously certificated ~~mobile~~ manufactured home
25 was created, but was unperfected, under any other applicable law of this state on

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1 July 1, 2000, it may be perfected under par. (a), but such perfection dates only from
2 the date of the department's receipt of the certificate.

3 **SECTION 45.** 101.93 of the statutes is amended to read:

4 **101.93 Departmental powers and duties. (1)** The department shall adopt
5 rules relating to plumbing in the design and construction of manufactured homes
6 ~~and mobile homes~~. The rules shall be consistent with s. 101.94 (1) to (3) and shall
7 be reviewed annually.

8 **(2)** The department shall establish qualification requirements for and shall
9 certify persons to perform inspections of the plumbing systems in manufactured
10 homes ~~and mobile homes~~.

11 **(3)** The department shall review plans and specifications for approval of
12 plumbing systems in manufactured homes ~~and mobile homes~~.

13 **SECTION 46.** 101.935 (title) of the statutes, as affected by 1999 Wisconsin Act
14 9, is amended to read:

15 **101.935 (title) Mobile Manufactured home park regulation.**

16 **SECTION 47.** 101.935 (1), (2) (a) and (d) and (2m) of the statutes, as affected by
17 1999 Wisconsin Act 9, are amended to read:

18 101.935 **(1)** The department shall license and regulate ~~mobile~~ manufactured
19 home parks. The department may investigate ~~mobile~~ manufactured home parks
20 and, with notice, may enter and inspect private property.

21 **(2) (a)** The department or a village, city or county granted agent status under
22 par. (e) shall issue permits to and regulate ~~mobile~~ manufactured home parks. No
23 person, state or local government who has not been issued a permit under this
24 subsection may conduct, maintain, manage or operate a ~~mobile~~ manufactured home
25 park.

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1 (d) A permit may not be issued under this subsection until all applicable fees
2 have been paid. If the payment is by check or other draft drawn upon an account
3 containing insufficient funds, the permit applicant shall, within 15 days after receipt
4 of notice from the department of the insufficiency, pay by cashier's check or other
5 certified draft, money order or cash the fees to the department, late fees and
6 processing charges that are specified by rules promulgated by the department. If the
7 permit applicant fails to pay all applicable fees, late fees and the processing charges
8 within 15 days after the applicant receives notice of the insufficiency, the permit is
9 void. In an appeal concerning voiding of a permit under this paragraph, the burden
10 is on the permit applicant to show that the entire applicable fees, late fees and
11 processing charges have been paid. During any appeal process concerning a
12 payment dispute, operation of the ~~mobile~~ manufactured home park in question is
13 considered to be operation without a permit.

14 **(2m)** (a) The department shall inspect a ~~mobile~~ manufactured home park in
15 the following situations:

- 16 1. Upon completion of the construction of a ~~mobile~~ manufactured home park.
- 17 2. Whenever a ~~mobile~~ manufactured home park is modified, as defined by the
18 department by rule.
- 19 3. Whenever the department receives a complaint about a ~~mobile~~
20 manufactured home park

21 (b) The department may, with notice, inspect a ~~mobile~~ manufactured home
22 park whenever the department determines an inspection is appropriate.

23 **SECTION 48.** 101.94 (3), (4) (intro.), (a) and (b) (intro.) and 1. to 3. and (5) of the
24 statutes are amended to read:

ASSEMBLY BILL 807**SECTION 48**

1 101.94 (3) Each manufactured home ~~or mobile home~~ manufacturer shall
2 submit to the department typical construction plans and specifications for review.
3 The department shall, by its own inspectors whether inside or outside this state,
4 perform sufficient inspections of manufacturing premises and manufactured units
5 to ensure compliance with this section. The department may contract for inspection
6 services, as provided in sub. (4), for inspections outside this state. Each
7 manufactured home ~~or mobile home~~, upon final assembly, shall display a label which
8 shall be prescribed by and be available only from the department, or similar agency
9 of other states where units are manufactured, providing reciprocal agreements have
10 been executed and are effective between this state and such other states indicating
11 that the manufactured home ~~or mobile home~~ meets the requirements of ss. ~~101.90~~
12 ~~to 101.96~~ this subchapter or the applicable laws of the state with which a reciprocal
13 agreement has been executed. No manufactured home ~~or mobile home~~ which bears
14 such label shall be required by any person to comply with any building, plumbing,
15 heating or electrical code or any construction standards other than those
16 promulgated under this section.

17 (4) (intro.) The department shall inspect manufactured homes ~~and mobile~~
18 ~~homes~~ manufactured in other states to be sold or intended to be sold in this state.
19 For such out-of-state inspections, the department may contract for 3rd party
20 inspection by an inspection agency which has been approved by the department. The
21 department shall monitor inspections conducted by 3rd party inspection agencies to
22 ensure the quality of those inspections. To obtain departmental approval, the
23 inspection agency shall submit an application to the department accompanied by
24 written materials evidencing that the agency is:

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1 (a) Not under the jurisdiction or control of any manufacturer or supplier of the
2 manufactured home ~~or mobile home~~ industry.

3 (b) (intro.) Professionally competent to determine that a manufactured home
4 ~~or mobile home~~ is in compliance with the requirements and standards of this section
5 by having sufficient expertise to do all of the following:

6 1. Inspect manufactured homes ~~or mobile homes~~.

7 2. Review manufactured home ~~or mobile home~~ plans and specifications.

8 3. Evaluate manufactured home ~~or mobile home~~ manufacturer quality control
9 procedures.

10 **(5)** No manufactured home ~~or mobile home~~ after once being approved to display
11 the label prescribed shall be altered in any way by a manufacturer, factory branch,
12 distributor, distributor branch, dealer or salesperson without first obtaining an
13 approval from the department or its authorized agent.

14 **SECTION 49.** 101.94 (7) of the statutes is amended to read:

15 101.94 **(7)** The department shall hear and decide petitions brought under ss.
16 ~~101.90 to 101.96~~ this subchapter in the manner provided under s. 101.02 (6) (e) to (i)
17 and (8) for petitions concerning property.

18 **SECTION 50.** 101.94 (8) (a) of the statutes, as affected by 1999 Wisconsin Act 9,
19 is amended to read:

20 101.94 **(8)** (a) Except as provided in par. (c), a person who violates this
21 subchapter, a rule promulgated under this subchapter or an order issued under this
22 subchapter shall forfeit not more than \$1,000 for each violation. Each violation of
23 this subchapter constitutes a separate violation with respect to each manufactured
24 home ~~or mobile home~~ or with respect to each failure or refusal to allow or perform
25 an act required by this subchapter, except the maximum forfeiture under this

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1 subsection may not exceed \$1,000,000 for a related series of violations occurring
2 within one year of the first violation.

3 **SECTION 51.** 101.95 of the statutes is amended to read:

4 **101.95 Manufactured home and ~~mobile home~~ manufacturers**
5 **regulated.** The department shall by rule prescribe the manner by which a
6 manufacturer shall be licensed for the manufacture, distribution or selling of
7 manufactured homes ~~or mobile homes~~ in this state.

8 **SECTION 52.** 101.951 (title) of the statutes, as created by 1999 Wisconsin Act
9 9, is amended to read:

10 **101.951 (title) Mobile Manufactured home dealers regulated.**

11 **SECTION 53.** 101.951 (1) and (6) (n) of the statutes, as created by 1999 Wisconsin
12 Act 9, are amended to read:

13 101.951 (1) No person may engage in the business of selling ~~mobile~~
14 manufactured homes to a consumer or to the retail market in this state unless first
15 licensed to do so by the department as provided in this section.

16 (6) (n) Having violated any law relating to the sale, distribution or financing
17 of ~~mobile~~ manufactured homes.

18 **SECTION 54.** 101.952 (title) of the statutes, as created by 1999 Wisconsin Act
19 9, is amended to read:

20 **101.952 (title) Mobile Manufactured home salespersons regulated.**

21 **SECTION 55.** 101.952 (1), (2) (a), (3), (5) and (6) of the statutes, as created by
22 1999 Wisconsin Act 9, are amended to read:

23 101.952 (1) No person may engage in the business of selling ~~mobile~~
24 manufactured homes to a consumer or to the retail market in this state without a
25 license therefor from the department. If a ~~mobile~~ manufactured home dealer acts as

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1 a ~~mobile~~ manufactured home salesperson the dealer shall secure a ~~mobile~~
2 manufactured home salesperson's license in addition to the license for engaging as
3 a ~~mobile~~ manufactured home dealer.

4 (2) (a) Applications for a ~~mobile~~ manufactured home salesperson's license and
5 renewals thereof shall be made to the department on such forms as the department
6 prescribes and furnishes and shall be accompanied by the license fee required under
7 par. (c) or (d). The application shall include the applicant's social security number.
8 In addition, the application shall require such pertinent information as the
9 department requires.

10 (3) Every licensee shall carry his or her license when engaged in his or her
11 business and display the same upon request. The license shall name his or her
12 employer, and, in case of a change of employer, the ~~mobile~~ manufactured home
13 salesperson shall immediately mail his or her license to the department, which shall
14 endorse that change on the license without charge.

15 (5) The provision of s. 218.01 (3) relating to the denial, suspension and
16 revocation of a motor vehicle salesperson's license shall apply to the denial,
17 suspension and revocation of a ~~mobile~~ manufactured home salesperson's license so
18 far as applicable, except that such provision does not apply to the denial, suspension
19 or revocation of a license under s. 101.02 (21) (b).

20 (6) The provisions of s. 218.01 (3) (g) and (5) shall apply to this section, ~~mobile~~
21 manufactured home sales practices and the regulation of ~~mobile~~ manufactured home
22 salespersons, as far as applicable.

23 **SECTION 56.** 101.953 (1) (intro.) and (a) to (d), (3) and (4) of the statutes, as
24 created by 1999 Wisconsin Act 9, are amended to read:

ASSEMBLY BILL 807**SECTION 56**

1 101.953 (1) (intro.) A one-year written warranty is required for every new
2 mobile manufactured home sold, or leased to another, by a mobile manufactured
3 home manufacturer, mobile manufactured home dealer or mobile manufactured
4 home salesperson in this state, and for every new mobile manufactured home sold
5 by any person who induces a resident of the state to enter into the transaction by
6 personal solicitation in this state or by mail or telephone solicitation directed to the
7 particular consumer in this state. The warranty shall state all of the following:

8 (a) That the mobile manufactured home meets those standards prescribed by
9 law or administrative rule of the department of administration or of the department
10 of commerce, which are in effect at the time of the manufacture of the mobile
11 manufactured home.

12 (b) That the mobile manufactured home is free from defects in material and
13 workmanship and is reasonably fit for human habitation if it receives reasonable
14 care and maintenance as defined by rule of the department.

15 (c) 1. That the mobile manufactured home manufacturer and mobile
16 manufactured home dealer shall take corrective action for defects which become
17 evident within one year from the delivery date and as to which the mobile
18 manufactured home owner has given notice to the manufacturer or dealer not later
19 than one year and 10 days after the delivery date and at the address set forth in the
20 warranty; and that the mobile manufactured home manufacturer and mobile
21 manufactured home dealer shall make the appropriate adjustments and repairs,
22 within 30 days after notification of the defect, at the site of the mobile manufactured
23 home without charge to the mobile manufactured home owner. If the mobile
24 manufactured home dealer makes the adjustment, the mobile manufactured home
25 manufacturer shall fully reimburse the dealer.

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1 2. If a repair, replacement, substitution or alteration is made under the
2 warranty and it is discovered, before or after expiration of the warranty period, that
3 the repair, replacement, substitution or alteration has not restored the ~~mobile~~
4 manufactured home to the condition in which it was warranted except for reasonable
5 wear and tear, such failure shall be considered a violation of the warranty and the
6 ~~mobile~~ manufactured home shall be restored to the condition in which it was
7 warranted to be at the time of the sale except for reasonable wear and tear, at no cost
8 to the purchaser or the purchaser's assignee notwithstanding that the additional
9 repair may occur after the expiration of the warranty period.

10 (d) That if during any period of time after notification of a defect the ~~mobile~~
11 manufactured home is uninhabitable, as defined by rule of the department, that
12 period of time shall not be considered part of the one-year warranty period.

13 (3) The warranty required under this section shall apply to the manufacturer
14 of the ~~mobile~~ manufactured home as well as to the ~~mobile~~ manufactured home dealer
15 who sells or leases the ~~mobile~~ manufactured home to the consumer, and shall be in
16 addition to any other rights and privileges that the consumer may have under any
17 instrument or law. The waiver of any remedies under any law and the waiver,
18 exclusion, modification or limitation of any warranty, express or implied, including
19 the implied warranty of merchantability and fitness for a particular purpose, is
20 expressly prohibited. Any such waiver is void.

21 (4) The transfer of a ~~mobile~~ manufactured home from one ~~mobile~~ manufactured
22 home owner to another during the effective period of the warranty does not terminate
23 the warranty, and subsequent ~~mobile~~ manufactured home owners shall be entitled
24 to the full protection of the warranty for the duration of the warranty period as if the

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1 original ~~mobile~~ manufactured home owner had not transferred the ~~mobile~~
2 manufactured home.

3 **SECTION 57.** 101.954 of the statutes, as created by 1999 Wisconsin Act 9, is
4 amended to read:

5 **101.954 Sale or lease of used ~~mobile~~ manufactured homes.** In the sale
6 or lease of any used ~~mobile~~ manufactured home, the sales invoice or lease agreement
7 shall contain the point of manufacture of the used ~~mobile~~ manufactured home, the
8 name of the manufacturer and the name and address of the previous ~~mobile~~ home
9 owner of the manufactured home.

10 **SECTION 58.** 101.955 (1) of the statutes, as created by 1999 Wisconsin Act 9, is
11 amended to read:

12 101.955 (1) The importation of a ~~mobile~~ manufactured home for sale in this
13 state by an out-of-state manufacturer is considered an irrevocable appointment by
14 that manufacturer of the department of financial institutions to be that
15 manufacturer's true and lawful attorney upon whom may be served all legal
16 processes in any action or proceeding against such manufacturer arising out of the
17 importation of such ~~mobile~~ manufactured home into this state.

18 **SECTION 59.** 101.96 of the statutes is repealed.

19 **SECTION 60.** 101.965 (3) of the statutes, as created by 1999 Wisconsin Act 9, is
20 amended to read:

21 101.965 (3) Nothing in this subchapter prohibits the bringing of a civil action
22 against a ~~mobile~~ manufactured home manufacturer, ~~mobile~~ manufactured home
23 dealer or ~~mobile~~ manufactured home salesperson by an aggrieved consumer. If
24 judgment is rendered for the consumer based on an act or omission by the ~~mobile~~
25 manufactured home manufacturer, ~~mobile~~ manufactured home dealer or ~~mobile~~

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1 manufactured home salesperson, which constituted a violation of this subchapter,
2 the plaintiff shall recover actual and proper attorney fees in addition to costs
3 otherwise recoverable.

4 **SECTION 61.** 138.056 (1) (b) of the statutes, as affected by 1999 Wisconsin Act
5 9, is amended to read:

6 138.056 (1) (b) "Dwelling" includes a cooperative housing unit and a mobile
7 home, ~~as defined in s. 101.91 (2e).~~

8 **SECTION 62.** 138.056 (1) (bm) of the statutes is created to read:

9 138.056 (1) (bm) "Mobile home" means a vehicle designed to be towed as a
10 single unit or in sections upon a highway by a motor vehicle and equipped and used,
11 or intended to be used, primarily for human habitation, with walls of rigid
12 uncollapsible construction. "Mobile home" includes the mobile home structure,
13 including the plumbing, heating and electrical systems and all appliances and all
14 other equipment carrying a manufacturer's warranty.

15 **SECTION 63.** 138.056 (1) (c) of the statutes, as affected by 1999 Wisconsin Act
16 9, is amended to read:

17 138.056 (1) (c) "Mobile home transaction" means a consumer credit sale, as
18 defined in s. 421.301 (9), of or a consumer loan, as defined in s. 421.301 (12), secured
19 by a first lien or equivalent security interest in a mobile home, ~~as defined in s. 101.91~~
20 ~~(2e).~~

21 **SECTION 64.** 138.09 (7) (jm) 1. b. of the statutes, as affected by 1999 Wisconsin
22 Act 9, is amended to read:

23 138.09 (7) (jm) 1. b. The loan administration fee is charged for a consumer loan
24 that is secured primarily by an interest in real property or in a mobile home, as
25 defined in s. ~~101.91 (2e)~~ 138.056 (1) (bm).

ASSEMBLY BILL 807**SECTION 65**

1 **SECTION 65.** 196.01 (3m) of the statutes, as created by 1997 Wisconsin Act 229,
2 is repealed.

3 **SECTION 66.** 196.01 (3n) of the statutes, as affected by 1997 Wisconsin Act 229
4 and 1999 Wisconsin Act 9, is amended to read:

5 196.01 (3n) “Mobile home” has the meaning given in ~~s. 101.91 (2e)~~ for
6 “manufactured home” in s. 101.91 (2).

7 **SECTION 67.** 196.01 (3p) of the statutes, as created by 1997 Wisconsin Act 229,
8 is amended to read:

9 196.01 (3p) “Mobile home park” means any tract of land containing 2 or more
10 individual plots of land that are rented or offered for rent for the accommodation of
11 a mobile home ~~or manufactured home.~~

12 **SECTION 68.** 196.01 (3s) of the statutes, as created by 1997 Wisconsin Act 229,
13 is amended to read:

14 196.01 (3s) “Mobile home park occupant” means a person who rents or owns
15 a mobile home ~~or manufactured home~~ in a mobile home park.

16 **SECTION 69.** 196.26 (1m) of the statutes, as affected by 1997 Wisconsin Act 229,
17 is amended to read:

18 196.26 (1m) COMPLAINT AND INVESTIGATION. If any mercantile, agricultural or
19 manufacturing society, body politic, municipal organization or 25 persons file a
20 complaint specified in sub. (1) (a) 1. against a public utility, or if the commission
21 terminates a proceeding on a complaint under s. 196.199 (3) (a) 1m. b., or if a person
22 files a complaint specified in sub. (1) (a) 3., the commission, with or without notice,
23 may investigate the complaint under this section as it deems necessary. If the mobile
24 home park occupants of 25% of the total number of ~~manufactured homes or mobile~~
25 ~~homes in a mobile home park or the mobile home park occupants of 25 manufactured~~

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1 ~~homes or~~ mobile homes in a mobile home park, whichever is less, files a complaint
2 against a mobile home park contractor or mobile home park operator, the
3 commission, with or without notice, may investigate the complaint as it deems
4 necessary. The commission may not issue an order based on an investigation under
5 this subsection without a public hearing.

6 **SECTION 70.** 196.85 (2g) of the statutes, as created by 1997 Wisconsin Act 229,
7 is amended to read:

8 196.85 (2g) The commission shall annually, within 90 days after the
9 commencement of each fiscal year, assess against mobile home park operators the
10 total amount appropriated under s. 20.155 (1) (i). The commission shall assess each
11 mobile home park operator an amount in proportion to the total number of mobile
12 ~~homes and manufactured homes~~ in all mobile home parks owned or managed by the
13 mobile home park operator on July 1 of the current fiscal year as a fraction of the total
14 number of mobile homes ~~and manufactured homes~~ in all mobile home parks in this
15 state on July 1 of the current fiscal year. If necessary, the commission shall adjust
16 the amount assessed to correct any incorrect assessment that was made in a prior
17 fiscal year. A mobile home park operator shall pay the assessment within 30 days
18 after the commission mails the bill to the mobile home park operator. The bill
19 constitutes notice of the assessment and demand for payment. Payments shall be
20 credited to the the appropriation account under s. 20.155 (1) (i).

21 **SECTION 71.** 341.05 (26) (a) of the statutes, as created by 1999 Wisconsin Act
22 9, is amended to read:

23 341.05 (26) (a) ~~Is a mobile home, as defined in s. 101.91 (2e), or a manufactured~~
24 home, as defined in s. 101.91 (2).

