

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: 05/4/99

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3847**

By/Representing: **Bonderud**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Alt. Drafters: **nilsepe**

Subject: **Buildings/Safety - bldg codes**  
**Buildings/Safety - misc.**  
**Transportation - miscellaneous**

Extra Copies:

**Pre Topic:**

LFB:.....Bonderud -

**Topic:**

Mobile home regulatory authority

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 06/1/99	gilfokm 06/2/99		_____			
/1	rmarchan 06/9/99	gilfokm 06/9/99	kfollet 06/3/99	_____			
/2			kfollet 06/9/99	_____	lrb_docadmin 06/9/99		
/3	rmarchan 06/11/99	gilfokm 06/11/99 jgeller	mclark 06/11/99	_____	lrb_docadmin 06/12/99		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		06/13/99		_____			
/4			mclark 06/13/99	_____ _____			ismith 06/13/99

FE Sent For:

<END>

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MRC MRC)cmH  
6/13 6/13

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/1	rmarchan 06/9/99	gilfokm 06/9/99	kfollet 06/3/99	_____			
/2			kfollet 06/9/99	_____	lrb_docadmin 06/9/99		

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Extra Copies: KMB

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Pre Topic:

LFB:.....Bonderud -

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Topic:

Mobile home regulatory authority

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Instructions:

See Attached

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Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan	1-6-1-99 rmg	Kjf 6/2	Kjf/jf 6/2			
FE Sent For:		1-2-6-9-99 rmg	Kjf 6/9 mre 6/11	Kjf/mc 6/9 <END> mrc/eh 6/11			

*20.143(3)S  
Add to 20.143 in new  
version of Commerce  
100 to DOA + DOT*

JFC 4/27/99  
Approved 16-0  
Senator Shibilski

*As amended*

COMMERCE -- BUILDING AND ENVIRONMENTAL REGULATION

Transfer of Mobile Home Regulatory Programs to Commerce

Motion:

Move to transfer mobile home regulatory programs from the Department of Administration (DOA) and the Department of Transportation (DOT) to the Division of Safety and Buildings in the Department of Commerce on July 1, 2000, and ~~from the Public Service Commission (PSC) to Commerce on July 1, 2001.~~ *removed at table friendly amendment* The motion has the following components:

1. Provide the Commerce Safety and Buildings operations program revenue appropriation with \$48,800 PR in 1999-00 in one-time financing to prepare for transfer of programs to Commerce, including: (a) information technology conversion programming and transfer of data systems (\$17,300 PR); and (b) furniture, computers and equipment for 4.5 Commerce positions that would be provided under the motion (\$31,500 PR).

2. Effective July 1, 2000, transfer 2.0 PR positions in the DOA Division of Housing who are currently responsible for the regulation of mobile home parks and mobile home dealers to Commerce. Provide that the DOA incumbents would be transferred to Commerce with any rights and benefits previously earned. In 2000-01, delete \$96,800 PR and 2.0 PR positions from the DOA mobile home park regulatory appropriation in s. 20.505 (7)(f). In 2000-01, provide Commerce with 2.0 PR positions and \$114,600 PR for these activities. (The increase in Commerce is due to supplies and services costs for administrative services.)

3. Effective July 1, 2000, transfer authority from DOA to Commerce for licensing and regulation of mobile home parks (s. 16.366 of the statutes) and for regulating mobile home dealers engaged in the sale of primary housing units (ss. 218.10 through 218.17 of the statutes). Provisions of those statutes related to mobile home dealers and mobile home salespersons engaged in the sale of recreational vehicles would continue to be administered by DOT as under current law. Direct that Commerce shall administer any DOA rules promulgated to administer the sections until Commerce promulgates new rules. (Currently DOA administers Adm 65 through 68 related to these programs). Commerce, instead of DOA, would collect program revenues related to mobile home park licensing (approximately \$140,000 annually) and mobile home dealers and sales person licensing (approximately \$20,000 annually). As of July 1, 2000, these revenues would be deposited in the Commerce Safety and Buildings operations PR appropriation.

4. In 2000-01, delete \$62,700 transportation fund SEG and 1.6 SEG positions from the DOT appropriation related to the registration and titling of certain mobile homes in s. 20.395

(5)(c). (No DOT incumbents would be transferred.) In 2000-01, provide Commerce with 1.6 PR positions and \$76,400 PR for these activities. (The increase in Commerce is due to supplies and services costs for administrative services.)

5. Effective July 1, 2000, transfer authority from DOT to Commerce for registration and titling under Chapters 341 and 342 of the statutes of any vehicles that meet the definition of mobile home or manufactured home under s. 101.91 of the statutes. DOT would retain authority for registration and titling of vehicles that do not meet the s. 101.91 definition (such as recreational vehicles) and would continue to issue permits for overwidth and overlength trip permits for mobile homes or manufactured homes.

6. As of July 1, 2000, Commerce, instead of DOT, would collect program revenues of \$15 for each registration of a mobile home (s. 341.25 (1)(I)), and would collect program revenue fees related to titling of mobile homes and manufactured homes that are currently deposited in the transportation fund, including the following: (a) \$8.50 for filing an application for the first certificate of title (s. 342.14 (1)); (b) \$4 for the original notation and subsequent release of each security interest noted upon a certificate of title (s. 342.14 (2)); (c) \$8.50 for a certificate of title after a transfer (s. 342.14 (3)); (d) \$1 for each assignment of a security interest noted upon a certificate of title (s. 342.14 (4)); (e) \$8 for a replacement certificate of title (s. 342.14 (5)); (f) for processing applications for certifications of title which have a special handling request for fast service, a fee to be established by rule which shall approximate the cost to the Department for providing the special handling service to persons who request it (s. 342.14 (7)); (g) \$25 for the reinstatement of a certificate of title previously suspended or revoked (s. 342.14 (8)); and (h) \$4 for transfer of registration or credits for registration to a vehicle currently titled in the name of the applicant (s. 342.14 (9)). These fees are estimated at approximately \$319,300 annually. In addition, DOT would no longer collect approximately \$28,000 annually in counter service fees related to mobile homes, which would be an additional decrease in segregated revenue to the transportation fund. (Commerce would not collect counter service fees so there would not be a corresponding program revenue increase.)

7. Specify that DOT would no longer collect the \$7.50 supplemental title fee on mobile homes (s. 342.14 (3m)), which generates approximately \$135,000 annual revenue to the transportation fund.

8. Direct that Commerce would not be required to collect the \$7.50 supplemental title fee. In addition to the lost segregated revenue to the transportation fund, this change would reduce a GPR supplement to the nonpoint account of the environmental fund by \$135,000 annually beginning in 2001-02 due to the current statutory formula based on DOT supplemental title fee collections.

9. As of July 1, 2000, direct Commerce, instead of DOT, to collect the environmental impact fee of \$5 payable by a person filing an application for the first certificate of title or certificate of title after a transfer (s. 342.14 (1r)) if it is for a vehicle that is a mobile home for which jurisdiction is transferred from DOT to Commerce. Direct Commerce to deposit any environmental



impact fees collected by Commerce in the environmental fund for environmental management.  
(The current June 30, 2001, sunset of the fee would be retained.)

10. ~~Effective July 1, 2001, transfer authority from the Public Service Commission to Commerce for any responsibilities under ch. 196 of the statutes related to regulation of mobile home parks and investigation of complaints against mobile home park contractors or mobile home park operators regarding rates.~~

*removed  
at the  
table  
friendly  
amendment*

Note:

Commerce currently regulates manufactured home construction standards, inspection procedures and licensing of manufacturers of manufactured homes and mobile homes under ss. 101.90 through 101.96 of the statutes. The motion would transfer administration of regulatory programs related to manufactured homes, mobile homes, mobile home parks and mobile home dealers from DOA and DOT to Commerce on July 1, 2000, and would transfer PSC authority for investigation of complaints regarding mobile home park contractors or mobile home park operators to Commerce on July 1, 2001.

Section 101.91 defines "mobile home" as a vehicle manufactured or assembled before June 15, 1976, 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, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty. Section 101.91 defines "manufactured home" to mean either of the following: (a) a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; or (b) a structure which meets all the requirements of par. (a) except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC 5401 to 5425.

Commerce would be provided with conversion and start-up costs of \$48,800 PR in 1999-00. Commerce would be provided with \$191,000 PR with 3.6 PR positions in 2000-01, which would include the transfer of 2.0 PR positions from DOA, deletion of 1.6 SEG positions in DOT. Commerce funding would increase by an amount greater than the corresponding decrease in DOA and DOT because of the difference in the fringe rate and the provision of supplies and services funding to pay for administrative services costs in Commerce. The revenue and funding changes for each agency are shown below.

	<u>1999-01 Funding</u>	<u>Positions</u>	<u>Revenue</u>
Commerce	\$239,800	3.60	\$479,300 PR
DOT	-62,700	-1.60	-482,300 SEG
DOA	-96,800	-2.00	-160,000 PR

Currently, DOT collects a \$5 vehicle environmental impact fee at the time of titling new and used vehicles, including mobile homes, and deposits the revenues in the environmental fund for environmental management. Under the motion, Commerce would collect the \$5 fee and make the same transfer to the environmental fund. There would be no net change in revenues to the environmental fund for environmental management.

Currently, DOT collects a \$7.50 supplemental title fee at the time of titling of new and used vehicles, including mobile homes, and deposits the revenues in the transportation fund. DOT annually certifies to DOA by October 1 the amount of supplemental title fees collected by DOT during the previous fiscal year, and DOA annually transfers on October 1 from the general fund to the environmental fund for nonpoint source pollution abatement programs a sum sufficient equal to the amount of supplemental title fees collected and certified by DOT. Under the motion, Commerce would not collect the \$7.50 supplemental title fee on mobile homes. Beginning in 2001-02 (2001-03 biennium), there would be an annual decrease of \$135,000 in revenue to the nonpoint account of the environmental fund and a decrease of \$135,000 in the general fund transfer to the nonpoint account.

[Change to Base: Funding: \$143,000 PR; - \$62,700 SEG-DOT and Revenues: \$319,300 PR-REV; -\$482,300 SEG-DOT]

[Change to Bill: Funding: \$143,000 PR; - \$62,700 SEG-DOT and Revenues: \$319,300 PR-REV; -\$482,300 SEG-DOT]

1999

Date (time) needed

June 3

LRB b 0238 / 1

LFB BUDGET AMENDMENT [ONLY FOR LFB]

ROM: PEN King

See form AMENDMENTS — COMPONENTS & ITEMS.

LFB AMENDMENT TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page . . . . , line . . . . :

See attached

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

60238/1

1999 - 2000 LEGISLATURE

LRB-01873

RJM&PEN:kmg:ch

June 3

PMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 ~~AN ACT to repeal 20.505 (7) (jf), 218.10 (1), 218.10 (1t), 218.10 (2), 218.10 (5),~~  
2 ~~218.10 (8), 218.101, 218.14, 218.16, 218.165 and 218.17 (1); to renumber~~  
3 ~~101.91 (1); to renumber and amend 16.366 (title), (1) and (2), 16.366 (2m),~~  
4 ~~16.366 (3), 218.10 (3), 218.10 (4) and 218.10 (6); to amend 20.143 (3) (j), 25.46~~  
5 ~~(19), 101.02 (20) (a), 101.02 (21) (a), 101.91 (3), 101.94 (8) (a), 138.056 (1) (b),~~  
6 ~~138.056 (1) (c), 138.09 (7) (jm) 1. b., 196.01 (3n), subchapter VI (title) of chapter~~  
7 ~~218 [precedes 218.10], 218.10 (7), 218.10 (8m), 218.10 (9), 218.11 (title), 218.11~~  
8 ~~(1), 218.11 (2) (b) and (d), 218.11 (3), 218.11 (6) (intro.) and (d), 218.11 (6) (n),~~  
9 ~~218.11 (7), 218.12 (title), 218.12 (1), 218.12 (2) (a), 218.12 (2) (b) and (d), 218.12~~  
10 ~~(3), 218.12 (5), 218.12 (6), 218.15, 218.17 (2), 218.17 (3), 227.43 (1) (bg), 340.01~~  
11 ~~(11) (intro.), 340.01 (14), 340.01 (28), 340.01 (29), 340.01 (72) (a), 341.04 (1)~~  
12 ~~(intro.), 341.12 (1), 341.25 (1) (intro.), 341.25 (1) (f), 341.47 (1) (intro.), 341.51~~  
13 ~~(1), 341.51 (2), 341.53, 341.62, 342.18 (4) (a), 342.18 (4) (b), 342.22 (3) (a), 342.30~~  
14 ~~(2), 343.055 (1) (d), 411.104 (1) (a), 422.201 (12m), 422.209 (1m) (a) 2., 422.413~~  
15 ~~(2g) (intro.) and 779.85 (6); and to create 101.91 (1g), (1m), (2g) and (2m),~~

1 101.91 (4), (5) and (6), 101.92 (9), 101.9202, 101.9203, 101.9204, 101.9205,  
 2 101.9206, 101.9207, 101.9208, 101.9209, 101.921, 101.9211, 101.9212,  
 3 101.9213, 101.9214, 101.9215, 101.9216, 101.9217, 101.9218, 101.9219,  
 4 101.922, 101.9221, 101.9222, 101.9223, 101.94 (8) (c), 101.951, 101.952,  
 5 101.953, 101.954, 101.955, 101.965, 218.10 (1m), 340.01 (48r) and 409.302 (3)  
 6 (e) of the statutes; **relating to:** transfer of certain authority to regulate mobile  
 7 homes to the department of commerce, granting rule-making authority,  
 8 making an appropriation and providing penalties.

***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:*

✓ #. Page 140, line 16: after that line insert:

9 "SECTION <sup>649</sup> 16.366 (title), (1) and (2) of the statutes are renumbered 101.935  
 10 (title), (1) and (2), and 101.935 (2) (d) and (e), as renumbered, are amended to read:  
 11 101.935 (2) (d) A permit may not be issued under this subsection until all  
 12 applicable fees have been paid. If the payment is by check or other draft drawn upon  
 13 an account containing insufficient funds, the permit applicant shall, within 15 days  
 14 after receipt of notice from the department of the insufficiency, pay by cashier's check  
 15 or other certified draft, money order or cash the fees ~~from~~ to the department, late fees  
 16 and processing charges that are specified by rules promulgated by the department.  
 17 If the permit applicant fails to pay all applicable fees, late fees and the processing  
 18 charges within 15 days after the applicant receives notice of the insufficiency, the  
 19 permit is void. In an appeal concerning voiding of a permit under this paragraph,  
 20 the burden is on the permit applicant to show that the entire applicable fees, late fees

1 and processing charges have been paid. During any appeal process concerning a  
2 payment dispute, operation of the mobile home park in question is considered to be  
3 operation without a permit.

4 (e) Section 254.69 (2), as it applies to an agent for the department of health and  
5 family services in the administration of s. 254.47, applies to an agent for the  
6 department of ~~administration~~ commerce in the administration of this section.

7 SECTION <sup>64m</sup> 16.366 (2m) of the statutes is renumbered 101.935 (2m), and  
8 101.935 (2m) (a) 1., as renumbered, is amended to read:

9 101.935 (2m) (a) 1. Upon completion of the construction of a new mobile home  
10 park.

11 SECTION <sup>64r</sup> 16.366 (3) of the statutes is renumbered 101.935 (3) and amended  
12 to read:

13 101.935 (3) The department may promulgate rules and issue orders to  
14 administer and enforce this section. ~~A person who violates this section or a~~  
15 ~~regulation or order under this section may be required to forfeit not less than \$10 nor~~  
16 ~~more than \$250 for each offense. Each day of continued violation constitutes a~~  
17 ~~separate offense.~~ " ✓

18 /# Page 382, line 2: after star line insert:  
SECTION <sup>216m</sup> 20.143 (3) (j) of the statutes is amended to read:

19 20.143 (3) (j) <sup>216m</sup> *Safety and building operations.* The amounts in the schedule for  
20 the purposes of subchs. I, II, III, IV and VI of ch. 101, chs. 145 and 168 and ss. 101.935,  
21 101.951, 101.952, 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335. All moneys  
22 received under ch. 145 and ss. 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654  
23 (3), 101.73 (12), 101.82 (4), 101.9205 (3), 101.9208 (1) and (3) to (10), 101.9213 (8),  
24 101.9223, 101.935, 101.951 (2), 101.952 (2), 101.955 (2), 101.973 (7) and 236.12 (7)  
25 shall be credited to this appropriation. " ✓

SECTION 5

✓ #. Page 459, line 24: after that line insert:  
① SECTION 5. 20.505 (7) (jf) of the statutes is repealed. //

#. Page 500, line 12: after <sup>544 m</sup> that line insert:  
SECTION 6. 25.46 (19) of the statutes is amended to read:

3 25.46 (19) <sup>711 m</sup> The environmental impact fee fees imposed under s. ss. 101.9208 (2)  
4 and 342.14 (1r) for environmental management. // ✓

#. Page 960, line 14: after that line insert:  
SECTION 7. 101.02 (20) (a) of the statutes is amended to read:

6 101.02 (20) (a) <sup>1972 g</sup> For purposes of this subsection, "license" means a license,  
7 permit or certificate of certification or registration issued by the department under  
8 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),  
9 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87,  
10 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16,  
11 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

12 SECTION 8. <sup>1972 m</sup> 101.02 (21) (a) of the statutes is amended to read:

13 101.02 (21) (a) In this subsection, "license" means a license, permit or  
14 certificate of certification or registration issued by the department under s. 101.09  
15 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178  
16 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.935, 101.95,  
17 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,  
18 145.175, 145.18 or 167.10 (6m). // ✓

✓ #. Page 970, line 12: after that line insert:  
SECTION 9. 101.91 (1) of the statutes is renumbered 101.91 (2e).

1998 CC  
20 SECTION 10. <sup>1998 cc</sup> 101.91 (1g), (1m), (2g) and (2m) of the statutes are created to read:

21 101.91 (1g) "Delivery date" means the date on which a mobile home is  
22 physically delivered to the site chosen by the mobile home owner.

23 (1m) "License period" means the period during which a license issued under  
24 s. 101.951 or 101.952 is effective, as established by the department under s. 101.951  
25 (2) (b) 1. or 101.952 (2) (b) 1.

1           **(2g)** “Mobile home dealer” means a person who, for a commission or other thing  
2 of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or  
3 exchange of an interest in, mobile homes or who is engaged wholly or partially in the  
4 business of selling mobile homes, whether or not the mobile homes are owned by the  
5 person, but does not include:

6           (a) A receiver, trustee, administrator, executor, guardian or other person  
7 appointed by or acting under the judgment or order of any court.

8           (b) Any public officer while performing that officer’s official duty.

9           (c) Any employe of a person enumerated in par. (a) or (b).

10          (d) Any lender, as defined in s. 421.301 (22).

11          (e) A person transferring a mobile home registered in that person’s name and  
12 used for that person’s personal, family or household purposes, if the transfer is an  
13 occasional sale and is not part of the business of the transferor.

14          **(2m)** “Mobile home owner” means any person who purchases, or leases from  
15 another, a mobile home primarily for use for personal, family or household purposes.

16          **SECTION 11.** 101.91 (3) of the statutes is amended to read:

CL

17          101.91 (3) “Mobile home park” <sup>1998 CL</sup> ~~has the meaning given in s. 66.058 (1)(e) means~~  
18 any plot or plots of ground upon which 3 or more mobile homes or manufactured  
19 homes that are occupied for dwelling or sleeping purposes are located. “Mobile home  
20 park” does not include a farm where the occupants of the mobile homes or  
21 manufactured homes are the father, mother, son, daughter, brother or sister of the  
22 farm owner or operator or where the occupants of the mobile homes or manufactured  
23 homes work on the farm.

CP

24

**SECTION 12.** 101.91 (4), (5) and (6) of the statutes are created to read:

1998 CP



1           101.91 (4) "Mobile home salesperson" means any person who is employed by  
2 a mobile home manufacturer or mobile home dealer to sell or lease mobile homes.

3           (5) "New mobile home" means a mobile home that has never been occupied,  
4 used or sold for personal or business use.

5           (6) "Used mobile home" means a mobile home that has previously been  
6 occupied, used or sold for personal or business use.

7           <sup>1998 ct → ct</sup>  
SECTION 13. 101.92 (9) of the statutes is created to read:

8           101.92 (9) Shall promulgate rules and establish standards necessary to carry  
9 out the purposes of ss. 101.953 and 101.954.

10           <sup>1998 cx</sup>  
SECTION 14. 101.9202 of the statutes is created to read:

11           **101.9202 Excepted liens and security interests.** Sections 101.9203 to  
12 101.9218 do not apply to or affect:

13           (1) A lien given by statute or rule of law to a supplier of services or materials  
14 for the mobile home.

15           (2) A lien given by statute to the United States, this state or any political  
16 subdivision of this state.

17           (3) A security interest in a mobile home created by a mobile home dealer or  
18 manufacturer who holds the mobile home for sale, which shall be governed by the  
19 applicable provisions of ch. 409.

20           <sup>1998 ac</sup>  
SECTION 15. 101.9203 of the statutes is created to read:

21           **101.9203 When certificate of title required.** (1) The owner of a mobile  
22 home situated in this state or intended to be situated in this state shall make  
23 application for certificate of title under s. 101.9209 for the mobile home if the owner  
24 has newly acquired the mobile home.

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

7           (3) Unless otherwise authorized by rule of the department, a nonresident  
8 owner of a mobile home situated in this state may not apply for a certificate of title  
9 under this subchapter unless the mobile home is subject to a security interest or  
10 except as provided in s. 101.9209 (1) (a).

11           ① SECTION 16. <sup>1998 gg</sup> 101.9204 of the statutes is created to read:

12           **101.9204 Application for certificate of title.** (1) An application for a  
13 certificate of title shall be made to the department upon a form or in an automated  
14 format prescribed by it and shall be accompanied by the required fee. Each  
15 application for certificate of title shall include the following information:

16           (a) The name and address of the owner.

17           (b) A description of the mobile home, including make, model, identification  
18 number and any other information or documentation that the department may  
19 reasonably require for proper identification of the mobile home.

20           (c) The date of purchase by the applicant, the name and address of the person  
21 from whom the mobile home was acquired and the names and addresses of any  
22 secured parties in the order of their priority.

23           (d) If the mobile home is a new mobile home being titled for the first time, the  
24 signature of the mobile home dealer. The document of origin shall contain the  
25 information specified by the department.

## SECTION 16

1 (e) Any further evidence of ownership which the department may reasonably  
2 require to enable it to determine whether the owner is entitled to a certificate of title  
3 and the existence or nonexistence of security interests in the mobile home.

4 (f) If the identification number of the mobile home has been removed,  
5 obliterated or altered, or if the original casting has been replaced, or if the mobile  
6 home has not been numbered by the manufacturer, the application for certificate of  
7 title shall so state.

8 (g) If the mobile home is a used mobile home which was last previously titled  
9 in another jurisdiction, the applicant shall furnish any certificate of ownership  
10 issued by the other jurisdiction and a statement pertaining to the title history and  
11 ownership of the mobile home, such statement to be in the form that the department  
12 prescribes.

13 (2) Any person who knowingly makes a false statement in an application for  
14 a certificate of title may be fined not more than \$5,000 or imprisoned for not more  
15 than 5 years or both.

16 SECTION <sup>9L</sup> ~~101.9205~~ <sup>1998 9L</sup> of the statutes is created to read:

17 **101.9205 When department to issue certificate and to whom;**  
18 **maintenance of records.** (1) The department shall maintain a record of each  
19 application for certificate of title received by it and, when satisfied as to its  
20 genuineness and regularity and that the applicant is entitled to the issuance of a  
21 certificate of title, shall issue and deliver a certificate to the owner of the mobile  
22 home.

23 (2) The department shall maintain a record of all applications, and all  
24 certificates of title issued by the department, indexed in the following manners:

25 (a) According to title number.

1 (b) Alphabetically, according to the name of the owner.

2 (c) In any other manner which the department determines to be desirable.

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

5 (5) SECTION ~~18~~<sup>1998 GP</sup> 101.9206 of the statutes is created to read:

6 **101.9206 Contents of certificate of title.** (1) Each certificate of title issued  
7 by the department shall contain all of the following:

8 (a) The name and address of the owner.

9 (b) The names of any secured parties in the order of priority as shown on the  
10 application or, if the application is based on another certificate of title, as shown on  
11 that certificate.

12 (c) The title number assigned to the mobile home.

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

15 (e) Any other data which the department considers pertinent and desirable.

16 (2) (a) The certificate of title shall contain spaces for all of the following:

17 1. Assignment and warranty of title by the owner.

18 2. Reassignment and warranty of title by a mobile home dealer.

19 (b) The certificate of title may contain spaces for application for a certificate of  
20 title by a transferee and for the naming of a secured party and the assignment or  
21 release of a security interest.

22 (3) (a) Unless the applicant fulfills the requirements of par. (b), the department  
23 shall issue a distinctive certificate of title for a mobile home last previously registered  
24 in another jurisdiction if the laws of the other jurisdiction do not require that secured  
25 parties be named on a certificate of title to perfect their security interests. The

1 certificate shall contain the legend "This mobile home may be subject to an  
2 undisclosed security interest" and may contain any other information that the  
3 department prescribes. If the department receives no notice of a security interest in  
4 the mobile home within 4 months from the issuance of the distinctive certificate of  
5 title, the department shall, upon application and surrender of the distinctive  
6 certificate, issue a certificate of title in ordinary form.

7 (b) The department may issue a nondistinctive certificate of title if the  
8 applicant fulfills either of the following requirements:

9 1. The applicant is a mobile home dealer and is financially responsible as  
10 substantiated by the last financial statement on file with the department, a finance  
11 company licensed under s. 138.09, a bank organized under the laws of this state, or  
12 a national bank located in this state.

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

1 bond. The bond, and any deposit accompanying it, shall be returned at the end of 5  
2 years or prior thereto if, apart from this section, a nondistinctive certificate of title  
3 could then be issued for the mobile home.

4 (4) A certificate of title issued by the department is prima facie evidence of the  
5 facts appearing on it.

6 (5) The department may issue a certificate of title in an automated format.

7 SECTION ~~19~~<sup>19989E</sup> 101.9207 of the statutes is created to read:

8 **101.9207 Lost, stolen or mutilated certificates.** (1) If a certificate of title  
9 is lost, stolen, mutilated or destroyed or becomes illegible, the owner or legal  
10 representative of the owner named in the certificate, as shown by the records of the  
11 department, shall promptly make application for and may obtain a replacement  
12 upon furnishing information satisfactory to the department. The replacement  
13 certificate of title shall contain the legend "This is a replacement certificate and may  
14 be subject to the rights of a person under the original certificate".

15 (2) A person recovering an original certificate of title for which a replacement  
16 has been issued shall promptly surrender the original certificate to the department.

17 SECTION ~~20~~<sup>19989X</sup> 101.9208 of the statutes is created to read:

18 **101.9208 Fees.** The department shall be paid the following fees:

19 (1) For filing an application for the first certificate of title, \$8.50, by the owner  
20 of the mobile home.

21 (2) Upon filing an application under sub. (1) or (4) before the first day of the  
22 2nd month beginning after the effective date of this subsection .... [revisor inserts  
23 date], an environmental impact fee of \$5, by the person filing the application. Upon  
24 filing an application under sub. (1) or (4) on or after the first day of the 2nd month  
25 beginning after the effective date of this subsection .... [revisor inserts date], an

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1 environmental impact fee of \$6, by the person filing the application. All moneys  
2 collected under this subsection shall be credited to the environmental fund for  
3 environmental management.

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

6 (4) For a certificate of title after a transfer, \$8.50, by the owner of the mobile  
7 home.

8 (6) For each assignment of a security interest noted upon a certificate of title,  
9 \$1 by the assignee.

10 (7) For a replacement certificate of title, \$8, by the owner of the mobile home.

11 (8) For processing applications for certificates of title which have a special  
12 handling request for fast service, a fee established by the department by rule, which  
13 fee shall approximate the cost to the department for providing this special handling  
14 service to persons so requesting.

15 (9) For the reinstatement of a certificate of title previously suspended or  
16 revoked, \$25.

17 (10) For transfer of registration or credits for registration to a mobile home  
18 currently titled in the name of the applicant, \$4, by the owner of the mobile home.

LC 19 SECTION 21. <sup>1998</sup> 101.9209 of the statutes is created to read:

20 **101.9209 Transfer of interest in a mobile home.** (1) (a) If an owner  
21 transfers an interest in a mobile home, other than by the creation of a security  
22 interest, the owner shall, at the time of the delivery of the mobile home, execute an  
23 assignment and warranty of title to the transferee in the space provided therefor on  
24 the certificate, and cause the certificate to be mailed or delivered to the transferee.

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

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

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

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

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

21           (b) Any transferee of a mobile home who, with intent to defraud, fails to make  
22 application for a new certificate of title immediately upon transfer to him or her of  
23 a mobile home may be fined not more than \$1,000 or imprisoned for not more than  
24 30 days or both.



1 (c) A certificate is considered under this subsection to have been applied for  
2 when the application accompanied by the required fee has been delivered to the  
3 department or deposited in the mail properly addressed with postage prepaid.

4 **SECTION 21.** <sup>1998 LG</sup> 101.921 of the statutes is created to read:

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

1 dealer is liable for any damages incurred by the department or any secured party for  
2 the mobile home dealer's failure to perfect a security interest which the mobile home  
3 dealer had knowledge of at the time of sale.

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

9 (c) Unless exempted by rule of the department, a mobile home dealer who  
10 acquires a mobile home and holds it for resale shall make application for a certificate  
11 of title naming the mobile home dealer as owner of the mobile home when all of the  
12 available spaces for a mobile home dealer's reassignment on the certificate of title  
13 for such mobile home have been completed.

14 (2) Every mobile home dealer shall maintain for 5 years a record of every mobile  
15 home bought, sold or exchanged, or received for sale or exchange. The record shall  
16 be open to inspection by a representative of the department or by a peace officer  
17 during reasonable business hours. The dealer shall maintain the record in the form  
18 prescribed by the department.

19 (3) Any mobile home dealer who fails to comply with this section may be  
20 required to forfeit not more than \$200.

21 SECTION ~~23~~<sup>1998 LL</sup> 101.9211 of the statutes is created to read:

22 **101.9211 Involuntary transfers.** (1) If the interest of an owner in a mobile  
23 home passes to another other than by voluntary transfer, the transferee shall, except  
24 as provided in sub. (2), promptly mail or deliver to the department the last certificate  
25 of title, if available, and the documents required by the department to legally effect

1 such transfer, and an application for a new certificate in the form that the  
2 department prescribes.

3 (2) If the interest of the owner is terminated or the mobile home is sold under  
4 a security agreement by a secured party named in the certificate of title, the  
5 transferee shall promptly mail or deliver to the department the last certificate of  
6 title, an application for a new certificate in the form that the department prescribes,  
7 and a statement made by or on behalf of the secured party that the mobile home was  
8 repossessed and that the interest of the owner was lawfully terminated or sold under  
9 the terms of the security agreement.

10 (3) A person holding a certificate of title whose interest in the mobile home has  
11 been extinguished or transferred other than by voluntary transfer shall mail or  
12 deliver the certificate to the department upon request of the department. The  
13 delivery of the certificate pursuant to the request of the department does not affect  
14 the rights of the person surrendering the certificate, and the action of the department  
15 in issuing a new certificate of title is not conclusive upon the rights of an owner or  
16 secured party named in the old certificate.

17 (4) (a) In all cases of the transfer of a mobile home owned by a decedent, except  
18 under par. (b), ward, trustee or bankrupt, the department shall accept as sufficient  
19 evidence of the transfer of ownership all of the following:

20 1. Evidence satisfactory to the department of the issuance of the letters of  
21 administration, letters testamentary, letters of guardianship, letters of trust or  
22 appointment of the trustee in bankruptcy.

23 2. The title executed by such administrator, executor, guardian or trustee.

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

4 a. The date of death of the decedent.

5 b. The approximate value and description of the mobile home.

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

8 2. The transfer shall not affect any liens upon the mobile home.

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

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

18 (c) Upon compliance with this subsection, the department shall bear neither  
19 liability nor responsibility for the transfer of such mobile homes in accordance with  
20 this section.

21 (d) This subsection does not apply to transfer of interest in a mobile home under  
22 s. 101.9209 (1) (b).

23 SECTION 24. 1998 L.P. 101.9212 of the statutes is created to read:

24 101.9212 When department to issue a new certificate. (1) The  
25 department, upon receipt of a properly assigned certificate of title, with an

1 application for a new certificate of title, the required fee and any other transfer  
2 documents required by law, to support the transfer, shall issue a new certificate of  
3 title in the name of the transferee as owner.

4 (2) The department, upon receipt of an application for a new certificate of title  
5 by a transferee other than by voluntary transfer, with proof of the transfer, the  
6 required fee and any other documents required by law, shall issue a new certificate  
7 of title in the name of the transferee as owner. If the transfer constituted a  
8 termination of the owner's interest or a sale under a security agreement by a secured  
9 party named in the certificate, under s. 101.9211 (2), the new certificate shall be  
10 issued free of the names and addresses of the secured party who terminated the  
11 owner's interest and of all secured parties subordinate under s. 101.9213 to such  
12 secured party. If the outstanding certificate of title is not delivered to it, the  
13 department shall make demand therefor from the holder of such certificate.

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

Lt 17 SECTION <sup>1998 Lt</sup> ~~25~~ 101.9213 of the statutes is created to read:

18 **101.9213 Perfection of security interests.** (1) Unless excepted by s.  
19 101.9202, a security interest in a mobile home of a type for which a certificate of title  
20 is required is not valid against creditors of the owner or subsequent transferees or  
21 secured parties of the mobile home unless perfected as provided in ss. 101.9202 to  
22 101.9218.

23 (2) Except as provided in sub. (3), a security interest is perfected by the delivery  
24 to the department of the existing certificate of title, if any, an application for a  
25 certificate of title containing the name and address of the secured party, and the

1 required fee. The security interest is perfected as of the time of its creation if such  
2 delivery is completed within 10 days after the time that the security interest is  
3 created, and without regard to the limitations expressed in s. 409.301 (2). If the  
4 delivery is not completed within 10 days after the time that the security interest is  
5 created, the security interest is perfected as of the time of such delivery.

6 (3) If a secured party whose name and address is contained on the certificate  
7 of title for a mobile home acquires a new or additional security interest in the mobile  
8 home, such security interest is perfected at the time of its attachment under s.  
9 409.203.

10 (4) An unperfected security interest is subordinate to the rights of persons  
11 described in s. 409.301.

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

18 (6) The rules stated in ss. 409.501 to 409.507 governing the rights and duties  
19 of secured parties and debtors and the requirements for, and effect of, disposition of  
20 a mobile home by a secured party, upon default shall, to the extent appropriate,  
21 govern the rights of secured parties and owners with respect to security interests in  
22 mobile homes perfected under ss. 101.9202 to 101.9218.

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

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

Lx (7) SECTION ~~26~~<sup>1998</sup> 101.9214 of the statutes is created to read:

8           **101.9214 Duties on creation of security interest.** If an owner creates a  
9 security interest in a mobile home, unless the name and address of the secured party  
10 already is contained on the certificate of title for the mobile home:

11           (1) The owner shall immediately execute, in the space provided therefor on the  
12 certificate of title or on a separate form or in an automated format prescribed by the  
13 department, an application to name the secured party on the certificate, showing the  
14 name and address of the secured party, and cause the certificate, application and the  
15 required fee to be delivered to the secured party.

16           (2) The secured party shall immediately cause the certificate, the application  
17 and the required fee to be mailed or delivered to the department.

18           (3) Upon receipt of the certificate of title, the application and the required fee,  
19 the department shall issue to the owner a new certificate containing the name and  
20 address of the new secured party. The department shall deliver to the new secured  
21 party and to the register of deeds of the county of the owner's residence memoranda,  
22 in such form as the department prescribes, evidencing the notation of the security  
23 interest upon the certificate; and thereafter, upon any assignment, termination or  
24 release of the security interest, additional memoranda evidencing such action.

1 (4) The registers of deeds may record, and maintain a file of, all memoranda  
2 received from the department under sub. (3). Such recording, however, is not  
3 required for perfection, release or assignment of security interests, which shall be  
4 effective upon compliance with ss. 101.9213 (2), 101.9215 and 101.9216 (1) and (2).

5 SECTION ~~27~~<sup>1998 PC</sup> 101.9215 of the statutes is created to read:

6 **101.9215 Assignment of security interest.** (1) A secured party may assign,  
7 absolutely or otherwise, the party's security interest in the mobile home to a person  
8 other than the owner without affecting the interest of the owner or the validity of the  
9 security interest, but any person without notice of the assignment is protected in  
10 dealing with the secured party as the holder of the security interest and the secured  
11 party remains liable for any obligations as a secured party until the assignee is  
12 named as secured party on the certificate.

13 (2) The assignee may but need not, to perfect the assignment, have the  
14 certificate of title endorsed or issued with the assignee named as secured party, upon  
15 delivering to the department the certificate and an assignment by the secured party  
16 named in the certificate in the form that the department prescribes.

17 SECTION ~~28~~<sup>1998 PC</sup> 101.9216 of the statutes is created to read:

18 **101.9216 Release of security interest.** (1) Within one month or within 10  
19 days following written demand by the debtor after there is no outstanding obligation  
20 and no commitment to make advances, incur obligations or otherwise give value,  
21 secured by the security interest in a mobile home under any security agreement  
22 between the owner and the secured party, the secured party shall execute and deliver  
23 to the owner, as the department prescribes, a release of the security interest in the  
24 form and manner prescribed by the department and a notice to the owner stating in  
25 no less than 10-point boldface type the owner's obligation under sub. (2). If the



1 secured party fails to execute and deliver the release and notice of the owner's  
2 obligation as required by this subsection, the secured party is liable to the owner for  
3 \$25 and for any loss caused to the owner by the failure.

4 (2) The owner, other than a mobile home dealer holding the mobile home for  
5 resale, upon receipt of the release and notice of obligation shall promptly cause the  
6 certificate and release to be mailed or delivered to the department, which shall  
7 release the secured party's rights on the certificate and issue a new certificate.

8 (3) The department may remove information pertaining to a security interest  
9 perfected under s. 101.9213 from its records when 20 years after the original  
10 perfection has elapsed unless the security interest is renewed in the same manner  
11 as provided in s. 101.9213 (2) for perfection of a security interest.

12 (4) Removal of information pertaining to a security interest from the records  
13 of the department under sub. (3) does not affect any security agreement between the  
14 owner of a mobile home and the holder of security interest in the mobile home.

15 SECTION <sup>498 PL</sup> ~~29~~ 101.9217 of the statutes is created to read:

16 **101.9217 Secured party's and owner's duties.** (1) A secured party named  
17 in a certificate of title shall, upon written request of the owner or of another secured  
18 party named on the certificate, disclose any pertinent information as to the party's  
19 security agreement and the indebtedness secured by it.

20 (2) (a) An owner shall promptly deliver the owner's certificate of title to any  
21 secured party who is named on it or who has a security interest in the mobile home  
22 described in it under any other applicable prior law of this state, upon receipt of a  
23 notice from such secured party that the security interest is to be assigned, extended  
24 or perfected. Any owner who fails to deliver the certificate of title to a secured party  
25 requesting it under this paragraph shall be liable to such secured party for any loss

1 caused to the secured party thereby and may be required to forfeit not more than  
2 \$200.

3 (b) No secured party may take possession of any certificate of title except as  
4 provided in par. (a). Any person who violates this paragraph may be required to  
5 forfeit not more than \$1,000.

6 (3) Any secured party who fails to disclose information under sub. (1) shall be  
7 liable for any loss caused to owner thereby.

8 SECTION ~~30~~<sup>1998 PP</sup> 101.9218 of the statutes is created to read:

9 **101.9218 Method of perfecting exclusive.** The method provided in ss.  
10 101.921 to 101.9218 of perfecting and giving notice of security interests subject to ss.  
11 101.921 to 101.9218 is exclusive. Security interests subject to ss. 101.921 to 101.9218  
12 are hereby exempted from the provisions of law which otherwise require or relate to  
13 the filing of instruments creating or evidencing security interests.

14 SECTION ~~30~~<sup>1998 Pt</sup> 101.9219 of the statutes is created to read:

15 **101.9219 Withholding certificate of title; bond.** (1) The department may  
16 not issue a certificate of title until the outstanding evidence of ownership is  
17 surrendered to the department.

18 (2) If the department is not satisfied as to the ownership of the mobile home  
19 or that there are no undisclosed security interests in it, the department, subject to  
20 sub. (3), shall either:

21 (a) Withhold issuance of a certificate of title until the applicant presents  
22 documents reasonably sufficient to satisfy the department as to the applicant's  
23 ownership of the mobile home and that there are no undisclosed security interests  
24 in it; or

1 (b) Issue a distinctive certificate of title pursuant to s. 101.9206 (3) or 101.9222  
2 (3).

3 (3) Notwithstanding sub. (2), the department may issue a nondistinctive  
4 certificate of title if the applicant fulfills either of the following requirements:

5 (a) The applicant is a mobile home dealer licensed under s. 101.951 and is  
6 financially responsible as substantiated by the last financial statement on file with  
7 the department, a finance company licensed under s. 138.09 or 218.01, a bank  
8 organized under the laws of this state, or a national bank located in this state.

9 (b) The applicant has filed with the department a bond in the form prescribed  
10 by the department and executed by the applicant, and either accompanied by the  
11 deposit of cash with the department or also executed by a person authorized to  
12 conduct a surety business in this state. The bond shall be in an amount equal to 1.5  
13 times the value of the mobile home as determined by the department and conditioned  
14 to indemnify any prior owner and secured party and any subsequent purchaser of the  
15 mobile home or person acquiring any security interest in it, and their respective  
16 successors in interest, against any expense, loss or damage, including reasonable  
17 attorney fees, by reason of the issuance of the certificate of title of the mobile home  
18 or on account of any defect in or undisclosed security interest upon the right, title and  
19 interest of the applicant in and to the mobile home. Any such interested person has  
20 a right of action to recover on the bond for any breach of its conditions, but the  
21 aggregate liability of the surety to all persons shall not exceed the amount of the  
22 bond. The bond, and any deposit accompanying it, shall be returned at the end of 5  
23 years or prior thereto if, apart from this section, a nondistinctive certificate of title  
24 could then be issued for the mobile home, or if the mobile home is no longer registered  
25 in this state and the currently valid certificate of title is surrendered to the

1 department, unless the department has been notified of the pendency of an action  
2 to recover on the bond.

3 SECTION ~~32~~<sup>1998 PX</sup> 101.922 of the statutes is created to read:

4 **101.922 Suspension or revocation of certificate.** (1) The department  
5 shall suspend or revoke a certificate of title if it finds any of the following:

6 (a) That the certificate of title was fraudulently procured, erroneously issued  
7 or prohibited by law.

8 (b) That the mobile home has been scrapped, dismantled or destroyed.

9 (c) That a transfer of title is set aside by a court of record by order or judgment.

10 (2) Suspension or revocation of a certificate of title does not, in itself, affect the  
11 validity of a security interest noted on it.

12 (3) When the department suspends or revokes a certificate of title, the owner  
13 or person in possession of it shall, immediately upon receiving notice of the  
14 suspension or revocation, mail or deliver the certificate to the department.

15 (4) The department may seize and impound any certificate of title which has  
16 been suspended or revoked.

tc 17 SECTION ~~33~~<sup>1998 tc</sup> 101.9221 of the statutes is created to read:

18 **101.9221 Grounds for refusing issuance of certificate of title.** The  
19 department shall refuse issuance of a certificate of title if any required fee has not  
20 been paid or for any of the following reasons:

21 (1) The department has reasonable grounds to believe that:

22 (a) The person alleged to be the owner of the mobile is not the owner.

23 (b) The application contains a false or fraudulent statement.

24 (2) The applicant has failed to furnish any of the following:

1 (a) If applicable, the power of attorney required under 15 USC 1988 or rules  
2 of the department.

3 (b) Any other information or documents required by law or by the department  
4 pursuant to authority of law.

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

7 (4) Except as provided in ss. 101.9203 (3) and 101.921 (1) (a) for a certificate  
8 of title and registration for a mobile home owned by a nonresident, the applicant is  
9 a nonresident and the issuance of a certificate of title has not otherwise been  
10 authorized by rule of the department.

11 **SECTION #4.** <sup>1998-99</sup> 101.9222 of the statutes is created to read:

12 **101.9222 Previously certificated mobile homes.** (1) In this section,  
13 “previously certificated mobile home” means a mobile home for which a certificate  
14 of title has been issued by the department of transportation prior to July 1, 2000.

15 (2) Sections 101.9213 to 101.9218 do not apply to a previously certificated  
16 mobile home until one of the following occurs:

17 (a) There is a transfer of ownership of the mobile home.

18 (b) The department of commerce issues a certificate of title of the mobile home  
19 under this chapter.

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

1 (4) After July 1, 2000, a security interest in a previously certificated vehicle  
2 may be created and perfected only by compliance with ss. 101.9213 and 101.9218.

3 (5) (a) If a security interest in a previously certificated mobile home is perfected  
4 under any other applicable law of this state on July 1, 2000, the security interest  
5 continues perfected:

6 1. Until its perfection lapses under the law under which it was perfected, or  
7 until its perfection would lapse in the absence of a further filing or renewal of filing,  
8 whichever occurs sooner.

9 2. If, before the security interest lapses as described in subd. 1., there is  
10 delivered to the department the existing certificate of title together with the  
11 application and fee required by s. 101.9214 (1). In such case the department shall  
12 issue a new certificate pursuant to s. 101.9214 (3).

13 (b) If a security interest in a previously certificated mobile home was created,  
14 but was unperfected, under any other applicable law of this state on July 1, 2000, it  
15 may be perfected under par. (a), but such perfection dates only from the date of the  
16 department's receipt of the certificate.

17 <sup>1998 tL</sup>  
SECTION 35. 101.9223 of the statutes is created to read:

18 **101.9223 Registration of mobile homes.** (1) DEFINITION. In this section,  
19 "owner" means, with respect to a mobile home that is leased to a lessee for a period  
20 of one year or more, the lessee of the mobile home for purposes of mobile home  
21 registration under this section.

22 (2) APPLICATION FOR REGISTRATION. (a) Application for original registration and  
23 for renewal of registration shall be made to the department upon forms prescribed  
24 by it and shall be accompanied by the required fee.

1 (b) Applications for original registration of a mobile home shall contain the  
2 following information:

3 1. The name of the owner.

4 2. If the owner under subd. 1. is a lessee, the name of the lessor.

5 3. The name of the town, city or village in which the owner resides and, if the  
6 owner resides in a 1st or 2nd class city, the owner's true residential or business  
7 address.

8 4. If applicable, the name of the town, city or village in which the lessor resides  
9 and, if the lessor resides in a 1st or 2nd class city, the lessor's true residential or  
10 business address.

11 5. A description of the mobile home, including make, model, identification  
12 number and any other information which the department may reasonably require  
13 for proper identification of the mobile home.

14 6. The city, village or town and the county in which the mobile home is  
15 customarily situated.

16 7. Such further information as the department may reasonably require to  
17 enable it to determine whether the mobile home is by law entitled to registration or  
18 to enable it to determine the proper applicant or registration fee for the mobile home.

19 (c) The department may accept an application and complete registration of a  
20 mobile home when the evidence of ownership is held by a nonresident lienholder or  
21 for other reason is not immediately available and the department is satisfied as to  
22 ownership of the mobile home. The title fee shall be collected at the time of  
23 registration and retained even though certificate of title is not issued.

24 (d) Applications for renewal of registration shall contain the information  
25 required in par. (b) for original applications or such parts thereof as the department

1 considers necessary to ensure the proper registration of the mobile home. The  
2 department may require that applications for renewal of registration be  
3 accompanied by the certificate of title issued for the mobile home only when the true  
4 ownership or proper registration of the mobile home is in doubt and cannot be  
5 resolved from records maintained by the department.

6 (e) At least 30 days prior to the expiration of a mobile home's registration, the  
7 department shall mail to the last-known address of the registrant a notice of the date  
8 upon which the registration must be renewed and an application form for renewal  
9 of registration.

10 (f) The department shall supply the clerk of each county with blank application  
11 forms for original registration of mobile homes.

12 (g) If the applicant for a certificate of registration is under 18 years of age, the  
13 application shall be accompanied by a statement made and signed by either of the  
14 applicant's parents, if such parent has custody of the minor; or, if neither parent has  
15 custody, then by the person having custody, stating that the applicant has the  
16 signer's consent to register the mobile home in the applicant's name. Any person who  
17 violates this subsection may be required to forfeit not more than \$200.

18 (h) A mobile home's registration does not expire on the date of expiration of its  
19 registration if, on that date of expiration, the registrant is on active duty in the U.S.  
20 armed forces and is absent from this state. Any registration extended under this  
21 paragraph expires 30 days after the registrant returns to this state or 90 days after  
22 the registrant is discharged from active duty, whichever is earlier. If a registration  
23 is renewed after an extension under this subsection, the renewal period shall begin  
24 on the day after the date of expiration of registration.



1           (3) GROUNDS FOR REFUSING REGISTRATION. The department shall refuse  
2 registration of a mobile home under any of the following circumstances:

3           (a) The required state fee and any municipal mobile home registration fee  
4 imposed by the town, village or city in which the mobile home is customarily situated  
5 has not been paid for the mobile home, and the department may refuse registration  
6 of a mobile home if such fees for the current period or for any previous period for  
7 which payment of a registration fee is required by law have not been paid on any  
8 other mobile homes owned by the applicant for registration.

9           (b) The applicant has failed to furnish any of the following:

10           1. If applicable, the power of attorney required under 15 USC 1988 or rules of  
11 the department.

12           2. Other information or documents required by law or by the department  
13 pursuant to authority of law.

14           (c) A certificate of title is a prerequisite to registration of the mobile home and,  
15 except for an applicant who is the lessee of a mobile home, a valid certificate of title  
16 has not been issued to the applicant for the mobile home and the applicant is not  
17 entitled to the issuance of a certificate of title.

18           (d) A court has notified the department under s. 345.47 (1) (d) that a judgment  
19 has been entered against the applicant and the judgment remains unpaid.

20           (4) CONTENTS AND ISSUANCE OF CERTIFICATE OF REGISTRATION; ISSUANCE OF  
21 DUPLICATE CERTIFICATE. (a) Except as provided in par. (b) the department upon  
22 registering a mobile home shall issue and deliver to the owner a certificate of  
23 registration. The certificate shall contain the name, residence and address of the  
24 owner, a brief description of the mobile home, the registration number assigned and

1 the date of expiration of registration. The certificate shall be in such form and may  
2 contain such additional information as the department considers advisable.

3 (b) The department shall issue a duplicate certificate of registration upon  
4 application therefor by any person in whose name the mobile home is registered and  
5 upon payment of a fee of \$2.

6 (5) DESIGN, PROCUREMENT AND ISSUANCE OF REGISTRATION PLATES. (a) The  
7 department upon registering a mobile home under this section shall issue and  
8 deliver prepaid to the applicant one registration plate, unless the department  
9 determines that 2 plates will better serve the interests of law enforcement.

10 (b) The department shall purchase plates from the Waupun correctional  
11 institution unless otherwise approved by the governor. Subject to any specific  
12 requirements which may be imposed by statute, the department shall determine the  
13 size, color and design of registration plates with a view toward making them visible  
14 evidence of the period for which the mobile home is registered and the fee class into  
15 which the mobile home falls as well as making them a ready means of identifying the  
16 specific mobile home or owner for which the plates were issued.

17 (c) All registration plates shall have displayed upon them the following:

18 1. The registration number assigned to the mobile home or owner. The  
19 registration number shall be composed of numbers or letters or both.

20 2. The name "Wisconsin" or abbreviation "Wis".

21 3. An indication of the period for which the specific plate is issued or the date  
22 of expiration of registration.

23 (6) ISSUANCE OF REPLACEMENT PLATE. (a) Whenever a current registration plate  
24 is lost or destroyed, the owner of the mobile home to which the plate was attached  
25 shall immediately apply to the department for replacement. Upon satisfactory proof

1 of the loss or destruction of the plate and upon payment of a fee of \$2 for each plate,  
2 the department shall issue a replacement.

3 (b) Whenever a current registration plate becomes illegible, the owner of the  
4 mobile home to which the plate is attached shall apply to the department for a  
5 replacement. Upon receipt of satisfactory proof of illegibility, and upon payment of  
6 a fee of \$2 for each plate, the department shall issue a replacement. Upon receipt of  
7 a replacement plate, the applicant shall destroy the illegible plate.

8 (c) When issuing a replacement plate, the department may assign a new  
9 number and issue a new plate rather than a duplicate of the original if in its  
10 judgment that is in the best interests of economy or prevention of fraud. Upon receipt  
11 of a replacement plate, the applicant shall destroy all plates replaced.

12 (d) Any person issued replacement plates who fails to destroy the original  
13 plates as required by par. (b) or (c) may be required to forfeit not more than \$200.

14 (e) This subsection does not apply to plates issued pursuant to the law  
15 pertaining to the registration of mobile home dealers, distributors, as defined in s.  
16 340.01 (14), mobile home manufacturers or transporters, as defined in s. 340.01 (72).

17 **(7) ANNUAL REGISTRATION FEES.** An applicant for registration under this section  
18 shall pay a fee of \$15 to the department for the annual registration of each mobile  
19 home.

20 **(8) FRAUDULENT APPLICATION FOR REGISTRATION OR LICENSE.** Any person who  
21 gives a false or fictitious name, address or location where a mobile home is  
22 customarily situated in an application for license or registration or who makes  
23 application for license or registration in the name of a person other than the true  
24 owner, or true owner and lessee, may be fined not more than \$200 or imprisoned for  
25 not more than 6 months or both.

1           **(9) UNLAWFUL TRANSFER OF EVIDENCE OF REGISTRATION.** (a) Except as authorized  
2 by the department, no person may transfer to another person or offer for sale a  
3 registration plate, decal or other evidence of registration issued by the department.

4           (b) No person may transfer to another person or offer for sale a counterfeit,  
5 forged or fictitious registration plate, decal or other evidence of registration.

6           (c) Whoever violates par. (a) or (b) may be fined not more than \$5,000 or  
7 imprisoned for not more than 7 years and 6 months, or both, for each violation.

8           **(10) IMPROPER USE OF EVIDENCE OF REGISTRATION.** Any person who does any of  
9 the following may be required to forfeit not more than \$500:

10           (a) Lends to another a registration plate, decal or other evidence of registration  
11 for display upon a mobile home for which the plate, tag, decal or other evidence of  
12 registration has not been issued.

13           (b) Displays upon a mobile home a registration plate, decal or other evidence  
14 of registration not issued for such mobile home or not otherwise authorized by law  
15 to be used thereon.

16           (c) Wilfully twists, paints, alters or adds to or cuts off any portion of a  
17 registration plate, decal or other evidence of registration; or who places or deposits,  
18 or causes to be placed or deposited on such plate, decal or other evidence of  
19 registration any substance to hinder the normal reading of such plate, decal or other  
20 evidence of registration; or who defaces, disfigures, covers, obstructs, changes or  
21 attempts to change any letter or figure thereon; or who causes such plate, decal or  
22 other evidence of registration to appear to be a different color.

23           (d) Possesses a fraudulently or unlawfully obtained registration plate, insert  
24 tag, decal or other evidence of registration.

1 (e) Possesses a counterfeit registration plate, decal or other evidence of  
2 registration.

3 (11) REPRODUCING EVIDENCE OF REGISTRATION PROHIBITED. Except as authorized  
4 by the department, any person who reproduces, by any means whatever, a  
5 registration plate, decal or other evidence of registration shall forfeit not less than  
6 \$200 nor more than \$500.

7 (12) FALSE EVIDENCE OF REGISTRATION. Whoever possesses a mobile home having  
8 attached thereto any plate or similar device fashioned in imitation or facsimile of or  
9 altered so as to resemble a registration plate issued by the department may be  
10 required to forfeit not more than \$500.

11 (13) WHEN REGISTRATION TO BE SUSPENDED. (a) The department shall suspend  
12 the registration of a mobile home when:

13 1. The registration was completed through fraud or error and the person who  
14 registered the mobile home does not or cannot register the mobile home properly.

15 2. The required fee has not been paid and the same is not paid upon reasonable  
16 notice and demand.

17 (b) Any registration suspended under this subsection continues to be  
18 suspended until reinstated by the department. The department shall reinstate the  
19 registration when the reason for the suspension has been removed.

20 (c) Whenever the registration of a mobile home is suspended under this  
21 subsection, the department may order the owner or person in possession of the  
22 registration plates to return them to the department. Any person who fails to return  
23 the plates when ordered to do so by the department may be required to forfeit not  
24 more than \$200.

25  
EP (25)  
SECTION 36. 101.94 (8) (a) of the statutes is amended to read:  
1998 EP

1           101.94 (8) (a) ~~A~~ Except as provided in par. (c), a person who violates this  
2 subchapter ~~or~~, a rule promulgated under this subchapter or an order issued under  
3 this subchapter shall forfeit not more than \$1,000 for each violation. Each violation  
4 of this subchapter constitutes a separate violation with respect to each  
5 manufactured home or mobile home or with respect to each failure or refusal to allow  
6 or perform an act required by this subchapter, except the maximum forfeiture under  
7 this subsection may not exceed \$1,000,000 for a related series of violations occurring  
8 within one year of the first violation.

9           SECTION ~~37~~ <sup>1998 EE</sup> 101.94 (8) (c) of the statutes is created to read:

10           101.94 (8) (c) A person who violates s. 101.935, a rule promulgated under s.  
11 101.935 or an order issued under s. 101.935 may be required to forfeit not less than  
12 \$10 nor more than \$250 for each violation. Each day of continued violation  
13 constitutes a separate violation.

14           SECTION ~~38~~ <sup>1998 EX</sup> 101.951 of the statutes is created to read:

15           **101.951 Mobile home dealers regulated.** (1) No person may engage in the  
16 business of selling mobile homes to a consumer or to the retail market in this state  
17 unless first licensed to do so by the department as provided in this section.

18           (2) (a) Application for a license or a renewal license shall be made to the  
19 department on forms prescribed and furnished by the department, accompanied by  
20 the license fee required under par. (c) or (d).

21           (b) 1. The department shall, by rule, establish the license period under this  
22 section.

23           2. The department may promulgate rules establishing a uniform expiration  
24 date for all licenses issued under this section.

1 (c) Except as provided in par. (d), the fee for a license issued under this section  
2 equals \$50 multiplied by the number of years in the license period. The fee shall be  
3 prorated if the license period is not evenly divisible into years.

4 (d) If the department issues a license under this section during the license  
5 period, the fee for the license shall equal \$50 multiplied by the number of calendar  
6 years, including parts of calendar years, during which the license remains in effect.  
7 A fee determined under this paragraph may not exceed the license fee for the entire  
8 license period under par. (c).

9 (3) The department shall issue a license only to a person whose character,  
10 fitness and financial ability, in the opinion of the department, are such as to justify  
11 the belief that the person can and will deal with and serve the buying public fairly  
12 and honestly, will maintain a permanent office and place of business in this state  
13 during the license year and will abide by all of the provisions of law and lawful orders  
14 of the department.

15 (5) A licensee shall conduct the licensed business continuously during the  
16 license year.

17 (6) The department may deny, suspend or revoke a license on any of the  
18 following grounds:

19 (a) Proof of unfitness.

20 (b) A material misstatement in the application for the license.

21 (c) Filing a materially false or fraudulent income or franchise tax return as  
22 certified by the department of revenue.

23 (d) Wilful failure to comply with any provision of this section or any rule  
24 promulgated by the department under this section.

25 (e) Wilfully defrauding any retail buyer to the buyer's damage.

1 (f) Wilful failure to perform any written agreement with any retail buyer.

2 (g) Failure or refusal to furnish and keep in force any bond required.

3 (h) Having made a fraudulent sale, transaction or repossession.

4 (i) Fraudulent misrepresentation, circumvention or concealment, through any  
5 subterfuge or device, of any of the material particulars or the nature thereof required  
6 hereunder to be stated or furnished to the retail buyer.

7 (j) Use of fraudulent devices, methods or practices in connection with  
8 compliance with the statutes with respect to the retaking of goods under retail  
9 instalment contracts and the redemption and resale of such goods.

10 (k) Having indulged in any unconscionable practice relating to said business.

11 (m) Having sold a retail instalment contract to a sales finance company, as  
12 defined in s. 218.01 (1) (v), that is not licensed under s. 218.01.

13 (n) Having violated any law relating to the sale, distribution or financing of  
14 mobile homes.

15 (7) (a) The department of commerce may, without notice, deny the application  
16 for a license within 60 days after receipt thereof by written notice to the applicant,  
17 stating the grounds for the denial. Within 30 days after such notice, the applicant  
18 may petition the department of administration to conduct a hearing to review the  
19 denial, and a hearing shall be scheduled with reasonable promptness. The division  
20 of hearings and appeals shall conduct the hearing. This paragraph does not apply  
21 to denials of applications for licenses under s. 101.02 (21).

22 (b) No license may be suspended or revoked except after a hearing thereon. The  
23 department of commerce shall give the licensee at least 5 days' notice of the time and  
24 place of the hearing. The order suspending or revoking such license shall not be  
25 effective until after 10 days' written notice thereof to the licensee, after such hearing



1 has been had; except that the department of commerce, when in its opinion the best  
2 interest of the public or the trade demands it, may suspend a license upon not less  
3 than 24 hours' notice of hearing and with not less than 24 hours' notice of the  
4 suspension of the license. Matters involving suspensions and revocations brought  
5 before the department of commerce shall be heard and decided upon by the  
6 department of administration. The division of hearings and appeals shall conduct  
7 the hearing. This paragraph does not apply to licenses that are suspended or revoked  
8 under s. 101.02 (21).

9 (c) The department of commerce may inspect the pertinent books, records,  
10 letters and contracts of a licensee. The actual cost of each such examination shall  
11 be paid by such licensee so examined within 30 days after demand therefor by the  
12 department, and the department may maintain an action for the recovery of such  
13 costs in any court of competent jurisdiction.

14 (8) Any person who violates any provision of this section shall be fined not less  
15 than \$25 nor more than \$100 for each offense.

16 <sup>ye</sup> SECTION ~~39~~<sup>1498/c</sup> 101.952 of the statutes is created to read:

17 **101.952 Mobile home salespersons regulated.** (1) No person may engage  
18 in the business of selling mobile homes to a consumer or to the retail market in this  
19 state without a license therefor from the department. If a mobile home dealer acts  
20 as a mobile home salesperson the dealer shall secure a mobile home salesperson's  
21 license in addition to the license for engaging as a mobile home dealer.

22 (2) (a) Applications for a mobile home salesperson's license and renewals  
23 thereof shall be made to the department on such forms as the department prescribes  
24 and furnishes and shall be accompanied by the license fee required under par. (c) or

1 (d). The application shall include the applicant's social security number. In addition,  
2 the application shall require such pertinent information as the department requires.

3 (b) 1. The department shall, by rule, establish the license period under this  
4 section.

5 2. The department may promulgate rules establishing a uniform expiration  
6 date for all licenses issued under this section.

7 (c) Except as provided in par. (d), the fee for a license issued under this section  
8 equals \$4 multiplied by the number of years in the license period. The fee shall be  
9 prorated if the license period is not evenly divisible into years.

10 (d) If the department issues a license under this section during the license  
11 period, the fee for the license shall equal \$4 multiplied by the number of calendar  
12 years, including parts of calendar years, during which the license remains in effect.  
13 A fee determined under this paragraph may not exceed the license fee for the entire  
14 license period under par. (c).

15 (3) Every licensee shall carry his or her license when engaged in his or her  
16 business and display the same upon request. The license shall name his or her  
17 employer, and, in case of a change of employer, the mobile home salesperson shall  
18 immediately mail his or her license to the department, which shall endorse that  
19 change on the license without charge.

20 (5) The provision of s. 218.01 (3) relating to the denial, suspension and  
21 revocation of a motor vehicle salesperson's license shall apply to the denial,  
22 suspension and revocation of a mobile home salesperson's license so far as applicable,  
23 except that such provision does not apply to the denial, suspension or revocation of  
24 a license under s. 101.02 (21) (b).

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

4 **SECTION 40.** <sup>1998 x9</sup> 101.953 of the statutes is created to read:

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

12 (a) That the mobile home meets those standards prescribed by law or  
13 administrative rule of the department of administration or of the department of  
14 commerce, which are in effect at the time of the manufacture of the mobile home.

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

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

1 the mobile home owner. If the mobile home dealer makes the adjustment, the mobile  
2 home manufacturer shall fully reimburse the dealer.

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

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

15 (e) A list of all parts and equipment not covered by the warranty.

16 (2) Action by a lessee to enforce the lessee's rights under this subchapter shall  
17 not be grounds for termination of the rental agreement.

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

**SECTION 40**

1           (4) The transfer of a mobile home from one mobile home owner to another  
 2 during the effective period of the warranty does not terminate the warranty, and  
 3 subsequent mobile home owners shall be entitled to the full protection of the  
 4 warranty for the duration of the warranty period as if the original mobile home owner  
 5 had not transferred the mobile home.

YL 6

<sup>1998 X L ✓</sup>  
 SECTION ~~41~~. 101.954 of the statutes is created to read:

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

YP 11

<sup>1998 X P ✓</sup>  
 SECTION ~~42~~. 101.955 of the statutes is created to read:

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

19           (2) The department of financial institutions upon whom processes and notices  
 20 may be served under this section shall, upon being served with such process or notice,  
 21 mail a copy by registered mail to the out-of-state manufacturer at the nonresident  
 22 address given in the papers so served. The original shall be returned with proper  
 23 certificate of service attached for filing in court as proof of service. The service fee  
 24 shall be \$4 for each defendant so served. The department of financial institutions

1 shall keep a record of all such processes and notices, which record shall show the day  
2 and hour of service.

YE ✓ 3

SECTION 43. 1998 xt ✓ 101.965 of the statutes is created to read:

4 **101.965 Penalties.** (1) Any person who violates ss. 101.953 to 101.955, or any  
5 rule promulgated under ss. 101.953 to 101.955, may be fined not more than \$1,000  
6 or imprisoned for not more than 6 months or both.

7 (2) In any court action brought by the department for violations of this  
8 subchapter, the department may recover all costs of testing and investigation, in  
9 addition to costs otherwise recoverable, if it prevails in the action.

10 (3) Nothing in this subchapter prohibits the bringing of a civil action against  
11 a mobile home manufacturer, mobile home dealer or mobile home salesperson by an  
12 aggrieved consumer. If judgment is rendered for the consumer based on an act or  
13 omission by the mobile home manufacturer, mobile home dealer or mobile home  
14 salesperson, which constituted a violation of this subchapter, the plaintiff shall  
15 recover actual and proper attorney fees in addition to costs otherwise recoverable. ✓

✓ #. Page 1021, line 15: after that line insert:

16 SECTION 44. 2169g 138.056 (1) (b) of the statutes is amended to read:

17 138.056 (1) (b) "Dwelling" includes a cooperative housing unit and a mobile  
18 home, as defined in s. ~~218.10 (2)~~ 101.91 (2e).

19 SECTION 45. 2169m 138.056 (1) (c) of the statutes is amended to read:

20 138.056 (1) (c) "Mobile home transaction" means a consumer credit sale, as  
21 defined in s. 421.301 (9), of or a consumer loan, as defined in s. 421.301 (12), secured  
22 by a first lien or equivalent security interest in a mobile home, as defined in s. ~~218.10~~  
23 (2) 101.91 (2e).

24 SECTION 46. 2169r 138.09 (7) (jm) 1. b. of the statutes is amended to read:

1 138.09 (7) (jm) 1. b. The loan administration fee is charged for a consumer loan  
2 that is secured primarily by an interest in real property or in a mobile home, as  
3 defined in s. ~~218.10 (2)~~ 101.91 (2e). ✓

#. Page 1067  
4

line 16: after that line insert:

SECTION 47. 196.01 (3n) of the statutes is amended to read:

✓ #. Page 1079  
6

196.01 (3n) "Mobile home" has the meaning given in s. 101.91 (1) (2e). ✓

SECTION 48. Subchapter VI (title) of chapter 218 [precedes 218.10] of the

2342cc

statutes is amended to read:

8 CHAPTER 218

9 SUBCHAPTER VI

10 MOBILE HOME RECREATIONAL

11 VEHICLE DEALERS

12 SECTION 49. 218.10 (1) of the statutes is repealed.

13 SECTION 50. 218.10 (1m) of the statutes is created to read:

14 218.10 (1m) "Department" means the department of transportation, unless the  
15 context requires otherwise.

16 SECTION 51. 218.10 (1t) of the statutes is repealed.

17 SECTION 52. 218.10 (2) of the statutes is repealed.

18 SECTION 53. 218.10 (3) of the statutes is renumbered 218.10 (1g), and 218.10  
19 (1g) (intro.) and (e), as renumbered, are amended to read:

20 218.10 (1g) (intro.) "Mobile home dealer" "Dealer", unless the context requires  
21 otherwise, means a person who, for a commission or other thing of value, sells,  
22 exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an  
23 interest in mobile homes a recreational vehicle or who is engaged wholly or in part  
24 in the business of selling mobile homes recreational vehicles, whether or not the  
25 mobile homes recreational vehicles are owned by the person, but does not include:

1 (e) A person transferring a ~~mobile home~~ recreational vehicle registered in that  
2 person's name and used for that person's personal, family or household purposes, if  
3 the transfer is an occasional sale and is not part of the business of the transferor.

4 SECTION ~~54~~<sup>23429c</sup>. 218.10 (4) of the statutes is renumbered 218.10 (1x) and amended  
5 to read:

6 218.10 (1x) "~~Mobile home manufacturer~~" "Manufacturer" means any person  
7 within or without this state who manufactures or assembles ~~mobile homes~~  
8 recreational vehicles for sale in this state.

9 SECTION ~~55~~<sup>234299</sup>. 218.10 (5) of the statutes is repealed.

10 SECTION ~~56~~<sup>23429i</sup>. 218.10 (6) of the statutes is renumbered 218.10 (8t) and amended  
11 to read:

12 218.10 (8t) "~~Mobile home salesperson~~" "Salesperson", unless the context  
13 requires otherwise, means any person who is employed by a ~~mobile home~~  
14 manufacturer or dealer to sell or lease ~~mobile homes~~ recreational vehicles.

15 SECTION ~~57~~<sup>23429l</sup>. 218.10 (7) of the statutes is amended to read:

16 218.10 (7) "New ~~mobile home~~ recreational vehicle" means a ~~mobile home~~  
17 recreational vehicle which has never been occupied, used or sold for personal or  
18 business use.

19 SECTION ~~58~~<sup>23429p</sup>. 218.10 (8) of the statutes is repealed.

20 SECTION ~~59~~<sup>23429t</sup>. 218.10 (8m) of the statutes is amended to read:

21 218.10 (8m) "Recreational vehicle" means a mobile home, as defined in s.  
22 340.01 (29), that does not exceed the statutory size under s. 348.07 (2).

23 SECTION ~~60~~<sup>23429x</sup>. 218.10 (9) of the statutes is amended to read:



1           218.10 (9) “Used ~~mobile home~~ recreational vehicle” means a ~~mobile home~~  
2 recreational vehicle which has previously been occupied, used or sold for personal or  
3 business use.

4           SECTION ~~61~~<sup>2342 LC</sup>. 218.101 of the statutes is repealed.

5           SECTION ~~62~~<sup>2342 LG</sup>. 218.11 (title) of the statutes is amended to read:

6           **218.11 (title) Mobile home Recreational vehicle dealers regulated.**

7           SECTION ~~63~~<sup>2342 LL</sup>. 218.11 (1) of the statutes is amended to read:

8           218.11 (1) No person may engage in the business of selling ~~mobile homes to the~~  
9 ultimate recreational vehicles to a consumer or to the retail market in this state  
10 unless first licensed to do so by the licensor ~~as herein provided~~ department.

11           SECTION ~~64~~<sup>2342 LP</sup>. 218.11 (2) (b) and (d) of the statutes are amended to read:

12           218.11 (2) (b) 1. The licensor department shall promulgate rules establishing  
13 the license period under this section.

14           2. The licensor department may promulgate rules establishing a uniform  
15 expiration date for all licenses issued under this section.

16           (d) If the licensor department issues a license under this section during the  
17 license period, the fee for the license shall equal \$50 multiplied by the number of  
18 calendar years, including parts of calendar years, during which the license remains  
19 in effect. A fee determined under this paragraph may not exceed the license fee for  
20 the entire license period under par. (c).

21           SECTION ~~65~~<sup>2342 Lt</sup>. 218.11 (3) of the statutes is amended to read:

22           218.11 (3) A license shall be issued only to persons whose character, fitness and  
23 financial ability, in the opinion of the licensor department, is such as to justify the  
24 belief that they can and will deal with and serve the buying public fairly and honestly,  
25 will maintain a permanent office and place of business and an adequate service and

1 parts department during the license year, and will abide by all the provisions of law  
2 and lawful orders of the ~~licensor~~ department.

3 SECTION ~~66~~ <sup>2342Lx</sup> 218.11 (6) (intro.) and (d) of the statutes are amended to read:

4 218.11 (6) (intro.) The ~~licensor~~ department may deny, suspend or revoke a  
5 license on the following grounds:

6 (d) Wilful failure to comply with any provision of this section or any rule  
7 promulgated by the ~~licensor~~ department under this section.

8 SECTION ~~67~~ <sup>2342PC</sup> 218.11 (6) (n) of the statutes is amended to read:

9 218.11 (6) (n) Having violated any law relating to the sale, distribution or  
10 financing of ~~mobile homes~~ recreational vehicles.

11 SECTION ~~68~~ <sup>2342P9</sup> 218.11 (7) of the statutes is amended to read:

12 218.11 (7) (a) The ~~licensor~~ department may without notice deny the application  
13 for a license within 60 days after receipt thereof by written notice to the applicant,  
14 stating the grounds for such denial. Within 30 days after such notice, the applicant  
15 may petition the ~~department of administration~~ division of hearings and appeals, as  
16 defined in s. 218.01 (1) (gm), to conduct a hearing to review the denial, and a hearing  
17 shall be scheduled with reasonable promptness. ~~If the licensor is the department of~~  
18 ~~transportation, the division of hearings and appeals shall conduct the hearing.~~ This  
19 paragraph does not apply to denials of applications for licenses under sub. (6m).

20 (b) No license may be suspended or revoked except after a hearing thereon. The  
21 ~~licensor~~ department shall give the licensee at least 5 days' notice of the time and  
22 place of such hearing. The order suspending or revoking such license shall not be  
23 effective until after 10 days' written notice thereof to the licensee, after such hearing  
24 has been had; except that the ~~licensor~~ department, when in its opinion the best  
25 interest of the public or the trade demands it, may suspend a license upon not less

1 than 24 hours' notice of hearing and with not less than 24 hours' notice of the  
2 suspension of the license. Matters involving suspensions and revocations brought  
3 before the licenser shall be heard and decided upon by the department of  
4 administration. If the licenser is the department of transportation, the division of  
5 hearings and appeals shall conduct the hearing. This paragraph does not apply to  
6 licenses that are suspended under sub. (6m).

7 (c) The licenser department may inspect the pertinent books, records, letters  
8 and contracts of a licensee. The actual cost of each such examination shall be paid  
9 by such licensee so examined within 30 days after demand therefor by the licenser,  
10 department and the licenser department may maintain an action for the recovery of  
11 such costs in any court of competent jurisdiction.

12 SECTION ~~69~~<sup>2342 PL</sup>. 218.12 (title) of the statutes is amended to read:

13 **218.12 (title) ~~Mobile home dealer~~ Recreational vehicle salespersons**  
14 **regulated.**

15 SECTION ~~70~~<sup>2342 PP</sup>. 218.12 (1) of the statutes is amended to read:

16 218.12 (1) No person may engage in the business of selling ~~mobile homes to the~~  
17 ultimate recreational vehicles to a consumer or to the retail market in this state  
18 without a license therefor from the licenser department. If a ~~mobile home~~ dealer acts  
19 as a ~~mobile home~~ salesperson the dealer shall secure a ~~mobile home~~ salesperson's  
20 license in addition to the license for engaging as a ~~mobile home~~ dealer.

21 SECTION ~~71~~<sup>2342 Pt</sup>. 218.12 (2) (a) of the statutes is amended to read:

22 218.12 (2) (a) Applications for ~~mobile home~~ a salesperson's license and  
23 renewals thereof shall be made to the licenser department on such forms as the  
24 licenser department prescribes and furnishes and shall be accompanied by the  
25 license fee required under par. (c) or (d). The application shall include the applicant's

1 social security number. In addition, the application shall require such pertinent  
2 information as the ~~licensor~~ department requires.

3 **SECTION <sup>2342PX</sup> 72.** 218.12 (2) (b) and (d) of the statutes are amended to read:

4 218.12 (2) (b) 1. The ~~licensor~~ department shall promulgate rules establishing  
5 the license period under this section.

6 2. The ~~licensor~~ department may promulgate rules establishing a uniform  
7 expiration date for all licenses issued under this section.

8 (d) If the ~~licensor~~ department issues a license under this section during the  
9 license period, the fee for the license shall equal \$4 multiplied by the number of  
10 calendar years, including parts of calendar years, during which the license remains  
11 in effect. A fee determined under this paragraph may not exceed the license fee for  
12 the entire license period under par. (c).

13 **SECTION <sup>2342tc</sup> 73.** 218.12 (3) of the statutes is amended to read:

14 218.12 (3) Every licensee shall carry his or her license when engaged in his or  
15 her business and display the same upon request. The license shall name his or her  
16 employer, and in case of a change of employer, the salesperson shall immediately  
17 mail his or her license to the ~~licensor who~~ department, which shall endorse such  
18 change on the license without charge.

19 **SECTION <sup>2342tg</sup> 74.** 218.12 (5) of the statutes is amended to read:

20 218.12 (5) The provision of s. 218.01 (3) relating to the denial, suspension and  
21 revocation of a motor vehicle salesperson's license shall apply to the denial,  
22 suspension and revocation of a ~~mobile home~~ salesperson's license so far as applicable,  
23 except that such provision does not apply to the denial, suspension or revocation of  
24 a license under sub. (3m).

25 **SECTION <sup>2342tL</sup> 75.** 218.12 (6) of the statutes is amended to read:

1 218.12 (6) The provisions of s. 218.01 (3) (g) and (5) shall apply to this section,  
2 ~~mobile home recreational vehicle~~ sales practices and the regulation of ~~travel trailer~~  
3 ~~or mobile home recreational vehicle~~ salespersons, as far as applicable.

EP

4 SECTION ~~76~~<sup>2342+P</sup> 218.14 of the statutes is repealed.

5 SECTION ~~77~~<sup>2342+T</sup> 218.15 of the statutes is amended to read:

6 218.15 (title) ~~Sale or lease of used primary housing units~~ recreational  
7 vehicles. In the sale or lease of any used ~~primary housing unit~~ recreational vehicle,  
8 the sales invoice or lease agreement shall contain the point of manufacture of the  
9 used ~~primary housing unit~~ recreational vehicle, the name of the manufacturer and  
10 the name and address of the previous owner.

11 SECTION ~~78~~<sup>2342+X</sup> 218.16 of the statutes is repealed.

12 SECTION ~~79~~<sup>2342+X</sup> 218.165 of the statutes is repealed.

13 SECTION ~~80~~<sup>2342+Y</sup> 218.17 (1) of the statutes is repealed.

XL

14 SECTION ~~81~~<sup>2342+L</sup> 218.17 (2) of the statutes is amended to read:

15 218.17 (2) In any court action brought by the ~~licenser~~ department for violations  
16 of this subchapter, the ~~licenser~~ department may recover all costs of testing and  
17 investigation, in addition to costs otherwise recoverable, if it prevails in the action.

18 SECTION ~~82~~<sup>2342+P</sup> 218.17 (3) of the statutes is amended to read:

19 218.17 (3) Nothing in this subchapter prohibits the an aggrieved customer  
20 from bringing of a civil action against a ~~mobile home manufacturer~~, dealer or  
21 salesperson by ~~an aggrieved customer~~. If judgment is rendered for the customer  
22 based on an act or omission by the ~~manufacturer~~, dealer or salesperson, which  
23 constituted a violation of this subchapter, the plaintiff shall recover actual and  
proper attorney fees in addition to costs otherwise recoverable. (C) ✓

✓ #. 24 Page 25

1103 line 3: after that line insert:  
SECTION ~~83~~<sup>2356m</sup> 227.43 (1) (bg) of the statutes is amended to read:

2356m  
m

1           227.43 (1) (bg) Assign a hearing examiner to preside over any hearing or review  
 2 under ss. 84.30 (18), 84.31 (6) (a), 85.013 (1), 86.073 (3), 86.16 (5), 86.195 (9) (b), 86.32  
 3 (1), 101.935 (2) (b), 101.951 (7) (a) and (b), 114.134 (4) (b), 114.135 (9), 114.20 (19),  
 4 175.05 (4) (b), 194.145 (1), 194.46, 218.01 (2) (bd) 2. and (c) 2., (3) (b), (c), (f) 1., (fm)  
 5 1. and (h) and (3c) (d), 218.11 (7) (a) and (b), 218.22 (4) (a) and (b), 218.32 (4) (a) and  
 6 (b), 218.41 (4), 218.51 (5) (a) and (b), 341.09 (2m) (d), 342.26, 343.69 and 348.25 (9).

✓ #. Page 1215

line 19: after that line insert

③ ✓

7           SECTION 84. 340.01 (11) (intro.) of the statutes is amended to read:

8           340.01 (11) (intro.) "Dealer" means a person who, for a commission or other  
 9 thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale  
 10 or exchange of an interest in motor vehicles, ~~mobile homes~~ recreational vehicles,  
 11 trailers or semitrailers, or who is engaged wholly or in part in the business of selling  
 12 motor vehicles, ~~mobile homes~~ recreational vehicles, trailers or semitrailers, whether  
 13 or not such vehicles are owned by that person, but not including:

2720dh

14           SECTION 85. 340.01 (14) of the statutes is amended to read:

15           340.01 (14) "Distributor" means a person who in whole or in part sells or  
 16 distributes motor vehicles, ~~mobile homes~~ recreational vehicles, trailers or  
 17 semitrailers to dealers, or who maintains distributor representatives.

2720dp

18           SECTION 86. 340.01 (28) of the statutes is amended to read:

19           340.01 (28) "Manufacturer" means a person who manufactures or assembles  
 20 motor vehicles, ~~mobile homes~~ recreational vehicles, trailers or semitrailers, or who  
 21 manufactures or installs on previously assembled truck chassis special bodies or  
 22 equipment which when installed form an integral part of the motor vehicle and  
 23 which constitutes a major manufacturing alteration.

24           SECTION 87. 340.01 (29) of the statutes is amended to read:

**SECTION 87**

1           340.01 (29) "Mobile home" means a vehicle designed to be towed as a single unit  
 2 or in sections upon a highway by a motor vehicle and equipped and used or intended  
 3 to be used, primarily for human habitation, with walls of rigid uncollapsible  
 4 construction. ~~A mobile home exceeding statutory size under s. 348.07 (2) shall be~~  
 5 ~~considered a primary housing unit. A mobile home not exceeding the statutory size~~  
 6 ~~under s. 348.07 (2) shall be considered a touring or recreational unit.~~

2720hd

~~SECTION 88.~~ <sup>2720hd</sup> 340.01 (48r) of the statutes is created to read:

8           340.01 (48r) "Recreational vehicle" means a mobile home that does not exceed  
 9 the statutory size under s. 348.07 (2).

~~SECTION 89.~~ <sup>2720hd</sup> 340.01 (72) (a) of the statutes is amended to read:

11          340.01 (72) (a) A person engaged in this state in the business of transporting  
 12 and delivering motor vehicles, trailers, semitrailers or ~~mobile homes~~ recreational  
 13 vehicles in tow on their own wheels or under their own power from the manufacturer  
 14 to the distributor, dealer or branch of the manufacturer, or from the distributor or  
 15 dealer to another distributor or dealer, the manufacturer or branch of the  
 16 manufacturer or from the branch of the manufacturer to the distributor, dealer or  
 17 manufacturer.

~~SECTION 90.~~ <sup>2720hd</sup> 341.04 (1) (intro.) of the statutes is amended to read:

19          341.04 (1) (intro.) It is unlawful for any person to operate or for an owner to  
 20 consent to being operated on any highway of this state any motor vehicle, ~~mobile~~  
 21 ~~home~~ recreational vehicle, trailer or semitrailer or any other vehicle for which a  
 22 registration fee is specifically prescribed unless at the time of operation the vehicle  
 23 in question either is registered in this state, or, except for registration under s. 341.30  
 24 or 341.305, a complete application for registration, including evidence of any  
 25 inspection under s. 110.20 when required, accompanied by the required fee has been

1 delivered to the department, submitted to a dealer under s. 341.09 (2m) for  
2 transmittal to the department or deposited in the mail properly addressed with  
3 postage prepaid and, if the vehicle is an automobile, station wagon or motor truck  
4 having a registered weight of 8,000 pounds or less, the vehicle displays a temporary  
5 operation plate issued for the vehicle unless the operator or owner of the vehicle  
6 produces proof that operation of the vehicle is within 2 business days of the vehicle's  
7 sale or transfer, or the vehicle in question is exempt from registration.

8 SECTION <sup>2720ht</sup> 91. 341.12 (1) of the statutes is amended to read:

9 341.12 (1) The department upon registering a vehicle pursuant to s. 341.25 or  
10 341.30 shall issue and deliver prepaid to the applicant 2 registration plates for an  
11 automobile, motor truck, motor bus, school bus, self-propelled ~~mobile home~~  
12 recreational vehicle or dual purpose motor home and one plate for other vehicles.  
13 The department upon registering a vehicle pursuant to any other section shall issue  
14 one plate unless the department determines that 2 plates will better serve the  
15 interests of law enforcement.

✓ #. Page 120, line 2: after that line insert:

16 SECTION <sup>2730m</sup> 92. 341.25 (1) (intro.) of the statutes is amended to read:

17 341.25 (1) (intro.) Unless a different fee is prescribed for a particular vehicle  
18 by par. (b) or ss. 341.26 to 341.268, the following registration fees shall be paid to the  
19 department for the annual registration of each motor vehicle, ~~mobile home~~  
20 recreational vehicle, trailer or semitrailer not exempted by s. 341.05 from  
21 registration in this state: "

✓ #. Page 120, line 12: after that line insert:

22 SECTION <sup>2732d</sup> 93. 341.25 (1) (i) of the statutes is amended to read:

23 341.25 (1) (i) For each mobile home recreational vehicle, and for each camping  
24 trailer <sup>having a gross weight of more than 3,000 pounds</sup>, a fee of \$15. "

as affected by 1999 Wisconsin Act ... (this act),

✓ #. Page 120, line 23: after that line insert:

25 SECTION <sup>2734dd</sup> 94. 341.47 (1) (intro.) of the statutes is amended to read:

2734dd



## SECTION 94

1           341.47 (1) (intro.) Except as provided in sub. (2), any motor vehicle, ~~mobile~~  
2 ~~home recreational vehicle~~, trailer or semitrailer owned or repossessed by a dealer,  
3 distributor or manufacturer may be operated on the highways of this state for either  
4 private or business purposes without being registered if such vehicle has displayed  
5 upon it valid registration plates issued pursuant to s. 341.51 to the dealer, distributor  
6 or manufacturer who is the owner of the vehicle or holder of the repossessed vehicle  
7 and such vehicle:

8           SECTION ~~95~~<sup>2734 dh</sup> 341.51 (1) of the statutes is amended to read:

9           341.51 (1) The department shall register a person as a dealer, distributor or  
10 manufacturer of motor vehicles, trailers or semitrailers or as a transporter of  
11 vehicles upon receipt of a properly completed application form together with a fee of  
12 \$75 and upon being satisfied that the applicant is by law entitled to be registered.  
13 The department shall register a person as a dealer, distributor or manufacturer of  
14 ~~mobile homes~~ recreational vehicles upon receipt of a properly completed application  
15 form together with a fee of \$75 and upon being satisfied that the applicant is by law  
16 entitled to be so registered. The department shall assign to each person registered  
17 under this section a distinctive registration number and shall issue a certificate of  
18 registration bearing the registration number assigned.

19           SECTION ~~96~~<sup>2734 dh</sup> 341.51 (2) of the statutes is amended to read:

20           341.51 (2) Upon registering a dealer, distributor, manufacturer or transporter  
21 the department also shall issue 2 registration plates. The department, upon  
22 receiving a fee of \$5 for each additional plate desired by a dealer, distributor or  
23 manufacturer of motor vehicles, trailers or semitrailers, \$5 for each additional plate  
24 desired by a dealer, distributor or manufacturer of ~~mobile homes~~ recreational  
25 vehicles and \$5 for each additional plate desired by a transporter, shall issue to the

1 registered dealer, distributor, manufacturer or transporter the additional plates as  
2 ordered. The department may charge a fee of \$2 per plate for replacing lost, damaged  
3 or illegible plates issued under this subsection.

4 **SECTION 97.** <sup>2734 dt</sup> 341.53 of the statutes is amended to read:

5 **341.53 Expiration of registration; transferability of plates.** Certificates  
6 of registration and registration plates issued to dealers, distributors, manufacturers  
7 or transporters shall be issued for the calendar year and are valid only during the  
8 calendar year for which issued. Registration plates are transferable from one motor  
9 vehicle, trailer or semitrailer to another motor vehicle, trailer or semitrailer and  
10 from one ~~mobile home recreational vehicle~~ to another.

11 **SECTION 98.** <sup>2734 hd</sup> 341.62 of the statutes is amended to read:

12 **341.62 False evidence of registration.** Whoever operates or possesses a  
13 motor vehicle, ~~mobile home recreational vehicle~~, trailer or semitrailer having  
14 attached thereto any plate or similar device fashioned in imitation or facsimile of or  
15 altered so as to resemble a registration plate issued by the department may be  
16 required to forfeit not more than \$500.

17 **SECTION 99.** <sup>2734 hh</sup> 342.18 (4) (a) of the statutes is amended to read:

18 342.18 (4) (a) Whenever application therefor accompanied by the required fee  
19 is made by a finance company licensed under s. 138.09 or 218.01, a bank organized  
20 under the laws of this state, or a national bank located in this state, and the vehicle  
21 in question is a used vehicle for which the department had issued a certificate of title  
22 to the previous owner or a vehicle previously registered in another jurisdiction or is  
23 a ~~mobile home recreational vehicle~~.

24 **SECTION 100.** <sup>2734 hp</sup> 342.18 (4) (b) of the statutes is amended to read:

**SECTION 100**

1           342.18 (4) (b) Whenever application therefor accompanied by the required fee  
 2 is made by any other person and the vehicle in question is a vehicle for which the  
 3 department had issued a certificate of title to the previous owner or is a vehicle  
 4 previously registered in another jurisdiction or is a ~~mobile home~~ recreational vehicle  
 5 and the department is satisfied that the present owner has not operated or consented  
 6 to the operation of the vehicle since it was transferred to that owner and that he or  
 7 she understands that the certificate of title merely is evidence of ownership of the  
 8 vehicle and does not authorize operation of the vehicle on the highways of this state.

9           SECTION ~~101~~ <sup>2734kt</sup> 342.22 (3) (a) of the statutes is amended to read:

10           342.22 (3) (a) For a ~~mobile home~~ recreational vehicle, 20 years.

11           SECTION ~~102~~ <sup>2734pd</sup> 342.30 (2) of the statutes is amended to read:

12           342.30 (2) An identification number assigned by the department to a ~~mobile~~  
 13 ~~home~~ recreational vehicle, trailer or semitrailer shall be stamped upon the frame in  
 14 a readily visible location. An identification number assigned to a motor vehicle  
 15 manufactured prior to January 1, 1969, shall be permanently affixed to the left front  
 16 pillar. The vehicle identification number for motor vehicles manufactured after  
 17 January 1, 1969, shall be permanently affixed upon either a part of the vehicle that  
 18 is not designed to be removed except for repair, or a separate plate which is  
 19 permanently affixed to such part. The vehicle identification number shall be located  
 20 inside the passenger compartment and shall be readable, without moving any part  
 21 of the vehicle, through the vehicle glazing under daylight lighting conditions by an  
 22 observer having 20/20 vision (Snellen) whose eyepoint is located outside the vehicle  
 23 adjacent to the left windshield pillar. Identification numbers assigned for cycles shall  
 24 be stamped on the left side, near the top of the engine casting just below the cylinder  
 25 barrel. Such stamping or affixing shall be done under the supervision of a dealer,

2734pd  
2734kt

1 distributor or manufacturer registered under s. 341.51 or under the supervision of  
2 a peace officer. The person supervising the stamping or affixing shall make a report  
3 thereof to the department.

4 SECTION <sup>2734Pt</sup> ~~103~~ 343.055 (1) (d) of the statutes is amended to read:

5 343.055 (1) (d) *Recreational vehicle operators*. The operator of the commercial  
6 motor vehicle is a person operating a motor home, or a vehicle towing a 5th-wheel  
7 mobile home or single-unit touring mobile home not exceeding 45 feet in length  
8 recreational vehicle and the vehicle or combination, including both units of a  
9 combination towing vehicle and the 5th-wheel mobile home or ~~mobile home~~  
10 recreational vehicle, is both operated and controlled by the person and is  
11 transporting only members of the person's family, guests or their personal property.  
12 This paragraph does not apply to any transportation for hire or the transportation  
13 of any property connected to a commercial activity. In this paragraph, "controlled"

14 means leased or owned. " ✓  
# Page 1253, line 5: after that line insert: (F)  
15 SECTION ~~104~~ 409.302 (3) <sup>2821m</sup> of the statutes is created to read:

16 409.302 (3) <sup>(F)</sup> The mobile home security interest provisions under subch. V of

17 ch. 101. " ✓  
# Page 1253, line 11: after that line insert: (F)  
18 SECTION ~~105~~ 411.104 (1) (a) of the statutes is amended to read:

19 411.104 (1) (a) Certificate of title statute of this state, including ss. 30.531,  
20 101.9203 and 342.05.

21 SECTION ~~106~~ 422.201 (12m) of the statutes is amended to read:

22 422.201 (12m) This section does not apply to consumer credit sales of or  
23 consumer loans secured by a first lien on or equivalent security interest in mobile  
24 homes as defined in s. 218.10(2) 101.91(2e), if the sales or loans are made on or after  
25 November 1, 1981.

1 SECTION <sup>2822f</sup>~~107~~. 422.209 (1m) (a) 2. of the statutes is amended to read:

2 422.209 (1m) (a) 2. The loan administration fee is for a consumer loan that is  
3 secured primarily by an interest in real property or in a mobile home, as defined in  
4 s. ~~218.10 (2)~~ 101.91 (2e).

5 SECTION <sup>2822t</sup>~~108~~. 422.413 (2g) (intro.) of the statutes is amended to read:

6 422.413 (2g) (intro.) In any consumer credit transaction in which the collateral  
7 is a motor vehicle as defined in s. 340.01 (35), a trailer as defined in s. 340.01 (71),  
8 a snowmobile as defined in s. 340.01 (58a), a boat as defined in s. 30.50 (2), an aircraft  
9 as defined in s. 114.002 (3), or a mobile home as defined in s. ~~218.10 (2)~~ 101.91 (2e),  
10 a writing evidencing the transaction may provide for the creditor's recovery of all of  
11 the following expenses, if the expenses are reasonable and bona fide: " ✓

✓ #. Page 1308, line 18: after that line insert:

12 ✓ SECTION <sup>307Jm</sup>~~109~~ 779.85 (6) of the statutes is amended to read:

13 779.85 (6) "Prepayment" means any full or partial payment received by a seller  
14 or an obligation incurred by a customer to a creditor or to a seller or to a seller's  
15 assignee for maintenance to be performed by a seller if payment is made before the  
16 maintenance is rendered or received. This term does not include prepayment for  
17 maintenance under an insurance policy. Except with regard to a warranty under s.  
18 ~~218.14~~ 101.953, this term does not include prepayment for maintenance to be  
19 provided under a manufacturer's warranty on goods or maintenance unless there is  
20 a prepayment made for maintenance to be rendered under the warranty separate  
21 from the payment for the goods themselves. " ✓

✓ #. Page 1389, line 14: after that line insert:

22 ~~SECTION 9101. Nonstatutory provisions; administration.~~  
23 (1) REGULATION OF MOBILE HOME PARKS, MOBILE HOME DEALERS AND MOBILE HOME  
24 SALESPERSONS. (3)

(X)

1           (a) *Position decreases.* The authorized FTE positions for the department of  
2 administration are decreased by 2.0 PR positions, funded from the appropriation  
3 under section 20.505 (7) (jf) of the statutes, as affected by this act, for the performance  
4 of duties that are primarily related to regulating mobile home parks, mobile home  
5 dealers and mobile home salespersons.

6           (b) *Employee transfers.* There are transferred from the department of  
7 administration to the department of commerce 2.0 FTE incumbent employees holding  
8 positions in the division of housing in the department of administration performing  
9 duties that are primarily related to regulating mobile home parks, mobile home  
10 dealers and mobile home salespersons.

11           (c) *Employee status.* Employees transferred under paragraph (b) have all of the  
12 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
13 statutes in the department of commerce that they enjoyed in the department of  
14 administration immediately before the transfer. Notwithstanding section 230.28 (4)  
15 of the statutes, no employ so transferred who has attained permanent status in class  
16 is required to serve a probationary period.

17           (d) *Rules and orders.* All rules promulgated by the department of  
18 administration primarily related to mobile home parks, mobile home dealers and  
19 mobile home salespersons that are in effect on the effective date of this paragraph  
20 shall become rules of the department of commerce and shall remain in effect until  
21 their specified expiration dates or until amended or repealed by the department of  
22 commerce. All orders issued by the department of administration primarily related  
23 to mobile home parks, mobile home dealers and mobile home salespersons that are  
24 in effect on the effective date of this paragraph shall become orders of the department

1 of commerce and shall remain in effect until their specified expiration dates or until  
2 modified or rescinded by the department of commerce.

3 (e) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
4 liabilities of the department administration primarily related to the regulation of  
5 mobile home parks, mobile home dealers and mobile home salespersons, as  
6 determined by the secretary of administration, shall become the assets and liabilities  
7 of the department of commerce.

8 (f) *Tangible personal property.* On the effective date of this paragraph, all  
9 tangible personal property, including records, of the department of administration  
10 that is primarily related to the regulation of mobile home parks, mobile home dealers  
11 and mobile home salespersons, as determined by the secretary of administration, is  
12 transferred to the department of commerce.

13 (g) *Contracts.* All contracts entered into by the department of administration  
14 in effect on the effective date of this paragraph that are primarily related to the  
15 regulation of mobile home parks, mobile home dealers and mobile home  
16 salespersons, as determined by the secretary of administration, remain in effect and  
17 are transferred to the department of commerce. The department of commerce shall  
18 carry out any obligations under such a contract until the contract is modified or  
19 rescinded by the department of commerce to the extent allowed under the contract.

20 (h) *Pending matters.* Any matter pending with the department of  
21 administration on the effective date of this paragraph that is primarily related to the  
22 regulation of mobile home parks, mobile home dealers and mobile home  
23 salespersons, as determined by the secretary of administration, is transferred to the  
24 department of commerce and all materials submitted to or actions taken by the

1 department of administration with respect to the pending matter are considered as  
2 having been submitted to or taken by the department of commerce. ✓

3 ~~SECTION 9110. Nonstatutory provisions; commerce.~~

✓ #. Page 1402, line 21: after that line insert:

4 (1) REGULATION OF MOBILE HOME PARKS, MOBILE HOME DEALERS AND MOBILE HOME  
5 SALESPERSONS. The authorized FTE positions for the department of commerce are  
6 increased by 2.0 PR positions on the effective date of this subsection, to be funded  
7 from the appropriation under section 20.143 (3) (j) of the statutes, as affected by this  
8 act, for the performance of duties primarily related to regulating mobile home parks,  
9 mobile home dealers and mobile home salespersons.

10 (2) REGISTRATION AND TITLING OF MOBILE HOMES; DEPARTMENT OF COMMERCE. The  
11 authorized FTE positions for the department of commerce are increased by 1.6 PR  
12 positions on the effective date of this subsection, to be funded from the appropriation  
13 under section 20.143 (3) (j) of the statutes, as affected by this act, for the performance  
14 of duties primarily related to registering and titling mobile homes. ✓

15 ~~SECTION 9150. Nonstatutory provisions; transportation.~~

✓ #. Page 1423, line 8: after that line insert:

16 (1) REGISTRATION AND TITLING OF MOBILE HOMES. The authorized FTE positions  
17 for the department of transportation are decreased by 1.6 SEG positions, funded  
18 from the appropriation under section 20.395 (5) (cq) of the statutes, for the  
19 performance of duties primarily related to registering and titling mobile homes.

20 (2) TRANSFER OF AUTHORITY AND RECORDS FROM THE DEPARTMENT OF  
21 TRANSPORTATION TO THE DEPARTMENT OF COMMERCE. On July 1, 2000, all of the following  
22 apply:

23 (a) All equipment, supplies and records of the department of transportation  
24 pertaining to mobile homes that exceed the statutory size under section 348.07 (2)  
25 of the statutes are transferred to the department of commerce.



1           (b) All rules pertaining to mobile homes that exceed the statutory size under  
2 section 348.07 (2) of the statutes that have been promulgated by the department of  
3 transportation, that are in effect on July 1, 2000, and that do not conflict with the  
4 rules of the department of commerce shall become rules of the department of  
5 commerce and shall remain in effect until their specified expiration dates or until  
6 amended or repealed by the department of commerce. All orders pertaining to mobile  
7 homes that exceed the statutory size under section 348.07 (2) of the statutes that  
8 have been issued by the department of transportation, that are in effect on July 1,  
9 2000, and that do not conflict with orders of the department of commerce shall  
10 become orders of the department of commerce and shall remain in effect until their  
11 specified expiration dates or until modified or rescinded by the department of  
12 commerce.

13           (c) Any matter relating to mobile homes that exceed the statutory size under  
14 section 348.07 (2) of the statutes that is pending with the department of  
15 transportation on July 1, 2000, is transferred to the department of commerce, and  
16 all materials submitted to or actions taken by the department of transportation with  
17 respect to the pending matter are considered to have been submitted to or taken by  
18 the department of commerce.

19           (d) The department of commerce may collect any amount payable under the  
20 statutes before July 1, 2000, for the costs of materials, activities or services that were  
21 provided by the department of transportation and that relate to mobile homes that  
22 exceed the statutory size under section 348.07 (2) of the statutes.

23           (e) Any person who, on the first day of the 6th month beginning after the  
24 effective date of this paragraph, has been issued a license by the department of  
25 transportation to sell mobile homes that exceed the statutory size under section

1 348.07 (2) of the statutes is considered to have received that license under section  
2 101.951 or 101.952 of the statutes, as created by this act, whichever is appropriate.

3 ~~SECTION 9201. Appropriation changes; administration.~~

4 (1) MOBILE HOME PARKS, DEALERS AND SALESPERSONS. On the effective date of this  
5 subsection, the unencumbered balance in the appropriation account under section  
6 20.505 (7) (jf) of the statutes, as affected by the acts of 1999, is transferred to the  
7 appropriation account under section 20.143 (3) (j) of the statutes, as affected by the

8 acts of 1999.

9 ~~SECTION 9310. Initial applicability; commerce.~~

10 (1) REGISTRATION OF MOBILE HOMES. The treatment of section 101.9223 of the  
11 statutes first applies to mobile homes that are not registered by the department of  
12 transportation, or mobile homes the registration of which with the department of  
13 transportation expires, on July 1, 2000.

14 SECTION 9410. Effective dates; commerce.

15 (1) This act takes effect on July 1, 2000.

16 (END)



✓ #. Page 1439, line 10: after that line insert:

(2x)

✓ #. Page 1448, line 10: after that line insert:

(15)

(4x)

(3x)

(=)

Effective date

#. Page 1469, line 10: after that line insert:

"<sup>(CS)</sup> ~~(2)~~ REGULATION OF MOBILE HOMES AND RECREATIONAL VEHICLES.  
<sup>(NB)</sup> The treatment of sections

5x

16.366 (title), (1), (2), (2m) and (3),

20.143 (3) (j), 20.505 (7) (j), 25.46 (19),

101.02 (20) (a) and (21) (a), 101.91 (1), (1g), (1m), (2g),

(2m), (3), (4), (5) and (6), 101.92 (9), 101.9202,

101.9203, 101.9204, 101.9205, 101.9206, 101.9207, 101.9208,

101.9209, 101.921, 101.9211, 101.9212, 101.9213, 101.9214,

101.9215, 101.9216, 101.9217, 101.9218, 101.9219, 101.922, 101.9221,

101.9222, 101.9223, 101.94 (8) (a) and (c), 101.951, 101.952, 101.953,

101.954, 101.955, 101.965, 138.056 (1) (b) and (c), 138.09 (7) (jm)

1.5., 196.01 (3m), ~~Subchapter VI~~ (title) of chapter 218

~~Articles 218.10~~ 218.10 (1), (1m), (1t), (2), (3), (4), (5), (6),

(7), (8), (8m) and (9), 218.101, 218.11 (title), (1), (2) (b) and (d),

(3), (6) (intro.), (d) and (n) and (7), 218.12 (title),

(1), (2) (a), (b) and (d), (3), (5) and (6), 218.14, 218.15,

218.16<sup>✓</sup>, 218.165<sup>✓</sup>, 218.17 (1), (2) and (3), 227.43  
(1) (5g)<sup>✓</sup>, 340.01 (11) (intro.), (14), (28), ~~(29)~~,  
(48r)<sup>8r</sup> and (72) (a)<sup>✓</sup>, 341.04 (1) (intro.), 341.12 (1),  
(and (i) (b) SECTION 2732 (d))<sup>✓</sup>,  
341.25 (1) (intro.)<sup>✓</sup>, 341.47 (1) (intro.), 341.51 (1) and  
(2)<sup>✓</sup>, 341.53<sup>✓</sup>, 341.62<sup>✓</sup>, 342.18 (4) (a) and (b)<sup>✓</sup>,  
342.22 (3) (a)<sup>✓</sup>, 342.30 (2)<sup>✓</sup>, 343.055 (1) (d)<sup>✓</sup>,  
409.302 (3) (f)<sup>✓</sup>, 411.104 (1) (a)<sup>✓</sup>, 422.201 (12m)<sup>✓</sup> ②  
422.209 (1m) (a) 2<sup>✓</sup>, 422.43<sup>13</sup> (2g) (intro.) and 779.85 (6)<sup>✓</sup>

of the statutes and SECTIONS 9101 (3) <sup>(15)</sup> ~~(3)~~ <sup>(X)</sup>,  
9110 (3) <sup>(XX)</sup> and (3XY) <sup>(XX)</sup>, 9150 (5) <sup>(XX)</sup> and (5) <sup>(XY)</sup>, 9201 (2) <sup>(X)</sup>  
and 9310 <sup>(3X)</sup> of this act take effect  
on July 1, 2000. <sup>✓</sup>

(END)

and subchapters VI (title) of chapter 218

~~the amendment of~~

6-7 of Kendra (LFB)

Draft looks good.

Changes: ① Delete position ↑ + ↓ (p. 59, 1-5; p. 59, 6-10;  
p. 61, 3-19).

② Change 20.143 (3) (j) to say "for purposes of Chs. 101, ..."  
DO NOT remove individual citations on ~~page 22~~  
p. 3, 23-24.

O.K. w/ rest of draft + other issues raised in DNOTE

May want to hold off on re-drafting as I budget amendment  
be J4 Em. is addressing DOT this week + will likely  
do some cleanup, including ~~all~~ transfers to all 3 positions  
em (from DDA to commerce, p. 59, 6-10) AND deleting the  
transfer of registration authority from DOT to Commerce.

- RJM