



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0238/1  
RJM&PEN:kmg:kjf

8:30 AM ✓  
June 10, 1999

PMNR  
DUOTE

LFB:.....Bonderud - Mobile home regulatory authority

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

DUE 8:30 A.M.  
6/10/99

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 140, line 16: after that line insert:
- 3 "SECTION 64g. 16.366 (title), (1) and (2) of the statutes are renumbered 101.935
- 4 (title), (1) and (2), and 101.935 (2) (d) and (e), as renumbered, are amended to read:
- 5 101.935 (2) (d) A permit may not be issued under this subsection until all
- 6 applicable fees have been paid. If the payment is by check or other draft drawn upon
- 7 an account containing insufficient funds, the permit applicant shall, within 15 days
- 8 after receipt of notice from the department of the insufficiency, pay by cashier's check
- 9 or other certified draft, money order or cash the fees ~~from~~ to the department, late fees
- 10 and processing charges that are specified by rules promulgated by the department.
- 11 If the permit applicant fails to pay all applicable fees, late fees and the processing
- 12 charges within 15 days after the applicant receives notice of the insufficiency, the

1 permit is void. In an appeal concerning voiding of a permit under this paragraph,  
2 the burden is on the permit applicant to show that the entire applicable fees, late fees  
3 and processing charges have been paid. During any appeal process concerning a  
4 payment dispute, operation of the mobile home park in question is considered to be  
5 operation without a permit.

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

9 **SECTION 64m.** 16.366 (2m) of the statutes is renumbered 101.935 (2m), and  
10 101.935 (2m) (a) 1., as renumbered, is amended to read:

11 101.935 (2m) (a) 1. Upon completion of the construction of a new mobile home  
12 park.

13 **SECTION 64r.** 16.366 (3) of the statutes is renumbered 101.935 (3) and amended  
14 to read:

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

20 **2.** Page 382, line 2: after that line insert:

21 **“SECTION 216m.** 20.143 (3) (j) of the statutes is amended to read:

22 20.143 (3) (j) *Safety and building operations.* The amounts in the schedule for  
23 the purposes of ~~subchs. I, II, III, IV and VI of ch. 101, chs. 145 and 168 and ss. 101.935~~

24 ~~101.935, 101.932~~ <sup>chs.</sup> 236.12 (2) (a), 236.13 (1) (d) and (2m) and 236.335. All moneys

1 received under ch. 145 and ss. 101.177 (4) (a) 4., 101.178, 101.19, 101.63 (9), 101.654  
2 (3), 101.73 (12), 101.82 (4), 101.9205 (3), 101.9208 (1) and (3) to (10), 101.9213 (8),  
3 101.9223, 101.935, 101.951 (2), 101.952 (2), 101.955 (2), 101.973 (7) and 236.12 (7)  
4 shall be credited to this appropriation.”

5 **3.** Page 459, line 24: after that line insert:

6 “SECTION 544m. 20.505 (7) (jf) of the statutes is repealed.”

7 **4.** Page 500, line 12: after that line insert:

8 “SECTION 711m. 25.46 (19) of the statutes is amended to read:

9 25.46 (19) The environmental impact fee fees imposed under ~~s.~~ ss. 101.9208 (2)  
10 and 342.14 (1r) for environmental management.”

11 **5.** Page 960, line 14: after that line insert:

12 “SECTION 1972g. 101.02 (20) (a) of the statutes is amended to read:

13 101.02 (20) (a) For purposes of this subsection, “license” means a license,  
14 permit or certificate of certification or registration issued by the department under  
15 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),  
16 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87,  
17 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16,  
18 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

19 **SECTION 1972m.** 101.02 (21) (a) of the statutes is amended to read:

20 101.02 (21) (a) In this subsection, “license” means a license, permit or  
21 certificate of certification or registration issued by the department under s. 101.09  
22 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178  
23 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.935, 101.95,

1 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,  
2 145.175, 145.18 or 167.10 (6m).”.

3 **6.** Page 970, line 12: after that line insert:

4 “**SECTION 1998cc.** 101.91 (1) of the statutes is renumbered 101.91 (2e).

5 **SECTION 1998cg.** 101.91 (1g), (1m), (2g) and (2m) of the statutes are created  
6 to read:

7 101.91 (1g) “Delivery date” means the date on which a mobile home is  
8 physically delivered to the site chosen by the mobile home owner.

9 (1m) “License period” means the period during which a license issued under  
10 s. 101.951 or 101.952 is effective, as established by the department under s. 101.951  
11 (2) (b) 1. or 101.952 (2) (b) 1.

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

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

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

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

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

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

1           **(2m)** “Mobile home owner” means any person who purchases, or leases from  
2 another, a mobile home primarily for use for personal, family or household purposes.

3           **SECTION 1998cL.** 101.91 (3) of the statutes is amended to read:

4           101.91 (3) “Mobile home park” ~~has the meaning given in s. 66.058 (1) (e)~~ means  
5 any plot or plots of ground upon which 3 or more mobile homes or manufactured  
6 homes that are occupied for dwelling or sleeping purposes are located. “Mobile home  
7 park” does not include a farm where the occupants of the mobile homes or  
8 manufactured homes are the father, mother, son, daughter, brother or sister of the  
9 farm owner or operator or where the occupants of the mobile homes or manufactured  
10 homes work on the farm.

11           **SECTION 1998cp.** 101.91 (4), (5) and (6) of the statutes are created to read:

12           101.91 (4) “Mobile home salesperson” means any person who is employed by  
13 a mobile home manufacturer or mobile home dealer to sell or lease mobile homes.

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

16           (6) “Used mobile home” means a mobile home that has previously been  
17 occupied, used or sold for personal or business use.

18           **SECTION 1998ct.** 101.92 (9) of the statutes is created to read:

19           101.92 (9) Shall promulgate rules and establish standards necessary to carry  
20 out the purposes of ss. 101.953 and 101.954.

21           **SECTION 1998cx.** 101.9202 of the statutes is created to read:

22           **101.9202 Excepted liens and security interests.** Sections 101.9203 to  
23 101.9218 do not apply to or affect:

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

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

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

6           **SECTION 1998gc.** 101.9203 of the statutes is created to read:

7           **101.9203 When certificate of title required.** (1) The owner of a mobile  
8 home situated in this state or intended to be situated in this state shall make  
9 application for certificate of title under s. 101.9209 for the mobile home if the owner  
10 has newly acquired the mobile home.

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

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

21           **SECTION 1998gg.** 101.9204 of the statutes is created to read:

22           **101.9204 Application for certificate of title.** (1) An application for a  
23 certificate of title shall be made to the department upon a form or in an automated  
24 format prescribed by it and shall be accompanied by the required fee. Each  
25 application for certificate of title shall include the following information:

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

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

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

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

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

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

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

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

1           **SECTION 1998gL.** 101.9205 of the statutes is created to read:

2           **101.9205 When department to issue certificate and to whom;**  
3 **maintenance of records.** (1) The department shall maintain a record of each  
4 application for certificate of title received by it and, when satisfied as to its  
5 genuineness and regularity and that the applicant is entitled to the issuance of a  
6 certificate of title, shall issue and deliver a certificate to the owner of the mobile  
7 home.

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

10           (a) According to title number.

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

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

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

15           **SECTION 1998gp.** 101.9206 of the statutes is created to read:

16           **101.9206 Contents of certificate of title.** (1) Each certificate of title issued  
17 by the department shall contain all of the following:

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

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

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

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

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



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

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

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

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

7           **(3)** (a) Unless the applicant fulfills the requirements of par. (b), the department  
8 shall issue a distinctive certificate of title for a mobile home last previously registered  
9 in another jurisdiction if the laws of the other jurisdiction do not require that secured  
10 parties be named on a certificate of title to perfect their security interests. The  
11 certificate shall contain the legend “This mobile home may be subject to an  
12 undisclosed security interest” and may contain any other information that the  
13 department prescribes. If the department receives no notice of a security interest in  
14 the mobile home within 4 months from the issuance of the distinctive certificate of  
15 title, the department shall, upon application and surrender of the distinctive  
16 certificate, issue a certificate of title in ordinary form.

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

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

23                   2. The applicant has filed with the department a bond in the form prescribed  
24 by the department and executed by the applicant, and either accompanied by the  
25 deposit of cash with the department or also executed by a person authorized to

1 conduct a surety business in this state. The bond shall be in an amount equal to 1.5  
2 times the value of the mobile home as determined by the department and conditioned  
3 to indemnify any prior owner and secured party and any subsequent purchaser of the  
4 mobile home or person acquiring any security interest in it, and their respective  
5 successors in interest, against any expense, loss or damage, including reasonable  
6 attorney fees, by reason of the issuance of the certificate of title of the mobile home  
7 or on account of any defect in or undisclosed security interest upon the right, title and  
8 interest of the applicant in and to the mobile home. Any such interested person has  
9 a right of action to recover on the bond for any breach of its conditions, but the  
10 aggregate liability of the surety to all persons shall not exceed the amount of the  
11 bond. The bond, and any deposit accompanying it, shall be returned at the end of 5  
12 years or prior thereto if, apart from this section, a nondistinctive certificate of title  
13 could then be issued for the mobile home.

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

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

17 **SECTION 1998gt.** 101.9207 of the statutes is created to read:

18 **101.9207 Lost, stolen or mutilated certificates.** (1) If a certificate of title  
19 is lost, stolen, mutilated or destroyed or becomes illegible, the owner or legal  
20 representative of the owner named in the certificate, as shown by the records of the  
21 department, shall promptly make application for and may obtain a replacement  
22 upon furnishing information satisfactory to the department. The replacement  
23 certificate of title shall contain the legend "This is a replacement certificate and may  
24 be subject to the rights of a person under the original certificate".

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

3           **SECTION 1998gx.** 101.9208 of the statutes is created to read:

4           **101.9208 Fees.** The department shall be paid the following fees:

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

7           (2) Upon filing an application under sub. (1) or (4) before the first day of the  
8 2nd month beginning after the effective date of this subsection .... [revisor inserts  
9 date], an environmental impact fee of \$5, by the person filing the application. Upon  
10 filing an application under sub. (1) or (4) on or after the first day of the 2nd month  
11 beginning after the effective date of this subsection .... [revisor inserts date], an  
12 environmental impact fee of \$6, by the person filing the application. All moneys  
13 collected under this subsection shall be credited to the environmental fund for  
14 environmental management.

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

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

19           (6) For each assignment of a security interest noted upon a certificate of title,  
20 \$1 by the assignee.

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

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

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

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

5           **SECTION 1998Lc.** 101.9209 of the statutes is created to read:

6           **101.9209 Transfer of interest in a mobile home.** (1) (a) If an owner  
7           transfers an interest in a mobile home, other than by the creation of a security  
8           interest, the owner shall, at the time of the delivery of the mobile home, execute an  
9           assignment and warranty of title to the transferee in the space provided therefor on  
10          the certificate, and cause the certificate to be mailed or delivered to the transferee.

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

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

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

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

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

7           (b) Any transferee of a mobile home who, with intent to defraud, fails to make  
8 application for a new certificate of title immediately upon transfer to him or her of  
9 a mobile home may be fined not more than \$1,000 or imprisoned for not more than  
10 30 days or both.

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

14           **SECTION 1998Lg.** 101.921 of the statutes is created to read:

15           **101.921 Transfer to or from dealer.** (1) (a) Except as provided in par. (b),  
16 if a mobile home dealer acquires a mobile home and holds it for resale or accepts a  
17 mobile home for sale on consignment, the mobile home dealer may not submit to the  
18 department the certificate of title or application for certificate of title naming the  
19 mobile home dealer as owner of the mobile home. Upon transferring the mobile home  
20 to another person, the mobile home dealer shall immediately give the transferee, on  
21 a form prescribed by the department, a receipt for all title, security interest and sales  
22 tax moneys paid to the mobile home dealer for transmittal to the department when  
23 required. The mobile home dealer shall promptly execute the assignment and  
24 warranty of title, showing the name and address of the transferee and of any secured  
25 party holding a security interest created or reserved at the time of the resale or sale

1 on consignment, in the spaces provided therefor on the certificate or as the  
2 department prescribes. Within 7 business days following the sale or transfer, the  
3 mobile home dealer shall mail or deliver the certificate or application for certificate  
4 to the department with the transferee's application for a new certificate. A  
5 nonresident who purchases a mobile home from a mobile home dealer in this state  
6 may not, unless otherwise authorized by rule of the department, apply for a  
7 certificate of title issued for the mobile home in this state unless the mobile home  
8 dealer determines that a certificate of title is necessary to protect the interests of a  
9 secured party. The mobile home dealer is responsible for determining whether a  
10 certificate of title and perfection of security interest is required. The mobile home  
11 dealer is liable for any damages incurred by the department or any secured party for  
12 the mobile home dealer's failure to perfect a security interest which the mobile home  
13 dealer had knowledge of at the time of sale.

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

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

24 (2) Every mobile home dealer shall maintain for 5 years a record of every mobile  
25 home bought, sold or exchanged, or received for sale or exchange. The record shall

1 be open to inspection by a representative of the department or by a peace officer  
2 during reasonable business hours. The dealer shall maintain the record in the form  
3 prescribed by the department.

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

6 **SECTION 1998LL.** 101.9211 of the statutes is created to read:

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

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

20 (3) A person holding a certificate of title whose interest in the mobile home has  
21 been extinguished or transferred other than by voluntary transfer shall mail or  
22 deliver the certificate to the department upon request of the department. The  
23 delivery of the certificate pursuant to the request of the department does not affect  
24 the rights of the person surrendering the certificate, and the action of the department

1 in issuing a new certificate of title is not conclusive upon the rights of an owner or  
2 secured party named in the old certificate.

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

6 1. Evidence satisfactory to the department of the issuance of the letters of  
7 administration, letters testamentary, letters of guardianship, letters of trust or  
8 appointment of the trustee in bankruptcy.

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

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

13 a. The date of death of the decedent.

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

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

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

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

23 4. The limit in subd. 3. does not apply if the surviving spouse is proceeding  
24 under s. 867.03 (1g) and the total value of the decedent's solely owned property in the



1 state, including the mobile homes transferred under this paragraph, does not exceed  
2 \$10,000.

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

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

8 **SECTION 1998Lp.** 101.9212 of the statutes is created to read:

9 **101.9212 When department to issue a new certificate.** (1) The  
10 department, upon receipt of a properly assigned certificate of title, with an  
11 application for a new certificate of title, the required fee and any other transfer  
12 documents required by law, to support the transfer, shall issue a new certificate of  
13 title in the name of the transferee as owner.

14 (2) The department, upon receipt of an application for a new certificate of title  
15 by a transferee other than by voluntary transfer, with proof of the transfer, the  
16 required fee and any other documents required by law, shall issue a new certificate  
17 of title in the name of the transferee as owner. If the transfer constituted a  
18 termination of the owner's interest or a sale under a security agreement by a secured  
19 party named in the certificate, under s. 101.9211 (2), the new certificate shall be  
20 issued free of the names and addresses of the secured party who terminated the  
21 owner's interest and of all secured parties subordinate under s. 101.9213 to such  
22 secured party. If the outstanding certificate of title is not delivered to it, the  
23 department shall make demand therefor from the holder of such certificate.

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

4           **SECTION 1998Lt.** 101.9213 of the statutes is created to read:

5           **101.9213 Perfection of security interests.** (1) Unless excepted by s.  
6 101.9202, a security interest in a mobile home of a type for which a certificate of title  
7 is required is not valid against creditors of the owner or subsequent transferees or  
8 secured parties of the mobile home unless perfected as provided in ss. 101.9202 to  
9 101.9218.

10           (2) Except as provided in sub. (3), a security interest is perfected by the delivery  
11 to the department of the existing certificate of title, if any, an application for a  
12 certificate of title containing the name and address of the secured party, and the  
13 required fee. The security interest is perfected as of the time of its creation if such  
14 delivery is completed within 10 days after the time that the security interest is  
15 created, and without regard to the limitations expressed in s. 409.301 (2). If the  
16 delivery is not completed within 10 days after the time that the security interest is  
17 created, the security interest is perfected as of the time of such delivery.

18           (3) If a secured party whose name and address is contained on the certificate  
19 of title for a mobile home acquires a new or additional security interest in the mobile  
20 home, such security interest is perfected at the time of its attachment under s.  
21 409.203.

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

24           (5) The rules of priority stated in s. 409.312, and the other sections therein  
25 referred to, shall, to the extent appropriate, apply to conflicting security interests in

1 a mobile home of a type for which a certificate of title is required, or in a previously  
2 certificated mobile home, as defined in s. 101.9222 (1). A security interest perfected  
3 under this section or under s. 101.9222 (4) or (5) is a security interest perfected  
4 otherwise than by filing for purposes of s. 409.312.

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

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

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

19 **SECTION 1998Lx.** 101.9214 of the statutes is created to read:

20 **101.9214 Duties on creation of security interest.** If an owner creates a  
21 security interest in a mobile home, unless the name and address of the secured party  
22 already is contained on the certificate of title for the mobile home:

23 (1) The owner shall immediately execute, in the space provided therefor on the  
24 certificate of title or on a separate form or in an automated format prescribed by the  
25 department, an application to name the secured party on the certificate, showing the

1 name and address of the secured party, and cause the certificate, application and the  
2 required fee to be delivered to the secured party.

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

5 (3) Upon receipt of the certificate of title, the application and the required fee,  
6 the department shall issue to the owner a new certificate containing the name and  
7 address of the new secured party. The department shall deliver to the new secured  
8 party and to the register of deeds of the county of the owner's residence memoranda,  
9 in such form as the department prescribes, evidencing the notation of the security  
10 interest upon the certificate; and thereafter, upon any assignment, termination or  
11 release of the security interest, additional memoranda evidencing such action.

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

16 **SECTION 1998pc.** 101.9215 of the statutes is created to read:

17 **101.9215 Assignment of security interest.** (1) A secured party may assign,  
18 absolutely or otherwise, the party's security interest in the mobile home to a person  
19 other than the owner without affecting the interest of the owner or the validity of the  
20 security interest, but any person without notice of the assignment is protected in  
21 dealing with the secured party as the holder of the security interest and the secured  
22 party remains liable for any obligations as a secured party until the assignee is  
23 named as secured party on the certificate.

24 (2) The assignee may but need not, to perfect the assignment, have the  
25 certificate of title endorsed or issued with the assignee named as secured party, upon

1 delivering to the department the certificate and an assignment by the secured party  
2 named in the certificate in the form that the department prescribes.

3 **SECTION 1998pg.** 101.9216 of the statutes is created to read:

4 **101.9216 Release of security interest.** (1) Within one month or within 10  
5 days following written demand by the debtor after there is no outstanding obligation  
6 and no commitment to make advances, incur obligations or otherwise give value,  
7 secured by the security interest in a mobile home under any security agreement  
8 between the owner and the secured party, the secured party shall execute and deliver  
9 to the owner, as the department prescribes, a release of the security interest in the  
10 form and manner prescribed by the department and a notice to the owner stating in  
11 no less than 10–point boldface type the owner’s obligation under sub. (2). If the  
12 secured party fails to execute and deliver the release and notice of the owner’s  
13 obligation as required by this subsection, the secured party is liable to the owner for  
14 \$25 and for any loss caused to the owner by the failure.

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

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

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

1           **SECTION 1998pL.** 101.9217 of the statutes is created to read:

2           **101.9217 Secured party's and owner's duties.** (1) A secured party named  
3 in a certificate of title shall, upon written request of the owner or of another secured  
4 party named on the certificate, disclose any pertinent information as to the party's  
5 security agreement and the indebtedness secured by it.

6           (2) (a) An owner shall promptly deliver the owner's certificate of title to any  
7 secured party who is named on it or who has a security interest in the mobile home  
8 described in it under any other applicable prior law of this state, upon receipt of a  
9 notice from such secured party that the security interest is to be assigned, extended  
10 or perfected. Any owner who fails to deliver the certificate of title to a secured party  
11 requesting it under this paragraph shall be liable to such secured party for any loss  
12 caused to the secured party thereby and may be required to forfeit not more than  
13 \$200.

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

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

19           **SECTION 1998pp.** 101.9218 of the statutes is created to read:

20           **101.9218 Method of perfecting exclusive.** The method provided in ss.  
21 101.921 to 101.9218 of perfecting and giving notice of security interests subject to ss.  
22 101.921 to 101.9218 is exclusive. Security interests subject to ss. 101.921 to 101.9218  
23 are hereby exempted from the provisions of law which otherwise require or relate to  
24 the filing of instruments creating or evidencing security interests.

25           **SECTION 1998pt.** 101.9219 of the statutes is created to read:

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

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

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

11           (b) Issue a distinctive certificate of title pursuant to s. 101.9206 (3) or 101.9222  
12 (3).

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

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

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

1 successors in interest, against any expense, loss or damage, including reasonable  
2 attorney fees, by reason of the issuance of the certificate of title of the mobile home  
3 or on account of any defect in or undisclosed security interest upon the right, title and  
4 interest of the applicant in and to the mobile home. Any such interested person has  
5 a right of action to recover on the bond for any breach of its conditions, but the  
6 aggregate liability of the surety to all persons shall not exceed the amount of the  
7 bond. The bond, and any deposit accompanying it, shall be returned at the end of 5  
8 years or prior thereto if, apart from this section, a nondistinctive certificate of title  
9 could then be issued for the mobile home, or if the mobile home is no longer registered  
10 in this state and the currently valid certificate of title is surrendered to the  
11 department, unless the department has been notified of the pendency of an action  
12 to recover on the bond.

13 **SECTION 1998px.** 101.922 of the statutes is created to read:

14 **101.922 Suspension or revocation of certificate.** (1) The department  
15 shall suspend or revoke a certificate of title if it finds any of the following:

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

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

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

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

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



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

3           **SECTION 1998tc.** 101.9221 of the statutes is created to read:

4           **101.9221 Grounds for refusing issuance of certificate of title.** The  
5           department shall refuse issuance of a certificate of title if any required fee has not  
6           been paid or for any of the following reasons:

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

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

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

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

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

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

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

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

21          **SECTION 1998tg.** 101.9222 of the statutes is created to read:

22          **101.9222 Previously certificated mobile homes.** (1) In this section,  
23          “previously certificated mobile home” means a mobile home for which a certificate  
24          of title has been issued by the department of transportation prior to July 1, 2000.

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

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

4           **(b)** The department of commerce issues a certificate of title of the mobile home  
5 under this chapter.

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

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

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

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

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

24           **(b)** If a security interest in a previously certificated mobile home was created,  
25 but was unperfected, under any other applicable law of this state on July 1, 2000, it

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

3 **SECTION 1998tL.** 101.9223 of the statutes is created to read:

4 **101.9223 Registration of mobile homes. (1) DEFINITION.** In this section,  
5 "owner" means, with respect to a mobile home that is leased to a lessee for a period  
6 of one year or more, the lessee of the mobile home for purposes of mobile home  
7 registration under this section.

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

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

13 1. The name of the owner.

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

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

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

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

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

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

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

9           (d) Applications for renewal of registration shall contain the information  
10 required in par. (b) for original applications or such parts thereof as the department  
11 considers necessary to ensure the proper registration of the mobile home. The  
12 department may require that applications for renewal of registration be  
13 accompanied by the certificate of title issued for the mobile home only when the true  
14 ownership or proper registration of the mobile home is in doubt and cannot be  
15 resolved from records maintained by the department.

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

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

22           (g) If the applicant for a certificate of registration is under 18 years of age, the  
23 application shall be accompanied by a statement made and signed by either of the  
24 applicant's parents, if such parent has custody of the minor; or, if neither parent has  
25 custody, then by the person having custody, stating that the applicant has the

1 signer's consent to register the mobile home in the applicant's name. Any person who  
2 violates this subsection may be required to forfeit not more than \$200.

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

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

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

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

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

21 2. Other information or documents required by law or by the department  
22 pursuant to authority of law.

23 (c) A certificate of title is a prerequisite to registration of the mobile home and,  
24 except for an applicant who is the lessee of a mobile home, a valid certificate of title

1 has not been issued to the applicant for the mobile home and the applicant is not  
2 entitled to the issuance of a certificate of title.

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

5 (4) CONTENTS AND ISSUANCE OF CERTIFICATE OF REGISTRATION; ISSUANCE OF  
6 DUPLICATE CERTIFICATE. (a) Except as provided in par. (b) the department upon  
7 registering a mobile home shall issue and deliver to the owner a certificate of  
8 registration. The certificate shall contain the name, residence and address of the  
9 owner, a brief description of the mobile home, the registration number assigned and  
10 the date of expiration of registration. The certificate shall be in such form and may  
11 contain such additional information as the department considers advisable.

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

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

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

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

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

4 2. The name “Wisconsin” or abbreviation “Wis”.

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

7 (6) ISSUANCE OF REPLACEMENT PLATE. (a) Whenever a current registration plate  
8 is lost or destroyed, the owner of the mobile home to which the plate was attached  
9 shall immediately apply to the department for replacement. Upon satisfactory proof  
10 of the loss or destruction of the plate and upon payment of a fee of \$2 for each plate,  
11 the department shall issue a replacement.

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

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

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

23 (e) This subsection does not apply to plates issued pursuant to the law  
24 pertaining to the registration of mobile home dealers, distributors, as defined in s.  
25 340.01 (14), mobile home manufacturers or transporters, as defined in s. 340.01 (72).

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

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

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

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

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

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

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

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



1           (c) Wilfully twists, paints, alters or adds to or cuts off any portion of a  
2 registration plate, decal or other evidence of registration; or who places or deposits,  
3 or causes to be placed or deposited on such plate, decal or other evidence of  
4 registration any substance to hinder the normal reading of such plate, decal or other  
5 evidence of registration; or who defaces, disfigures, covers, obstructs, changes or  
6 attempts to change any letter or figure thereon; or who causes such plate, decal or  
7 other evidence of registration to appear to be a different color.

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

10           (e) Possesses a counterfeit registration plate, decal or other evidence of  
11 registration.

12           **(11) REPRODUCING EVIDENCE OF REGISTRATION PROHIBITED.** Except as authorized  
13 by the department, any person who reproduces, by any means whatever, a  
14 registration plate, decal or other evidence of registration shall forfeit not less than  
15 \$200 nor more than \$500.

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

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

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

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

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

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

9 **SECTION 1998tp.** 101.94 (8) (a) of the statutes is amended to read:

10 101.94 (8) (a) ~~A~~ Except as provided in par. (c), a person who violates this  
11 subchapter or, a rule promulgated under this subchapter or an order issued under  
12 this subchapter shall forfeit not more than \$1,000 for each violation. Each violation  
13 of this subchapter constitutes a separate violation with respect to each  
14 manufactured home or mobile home or with respect to each failure or refusal to allow  
15 or perform an act required by this subchapter, except the maximum forfeiture under  
16 this subsection may not exceed \$1,000,000 for a related series of violations occurring  
17 within one year of the first violation.

18 **SECTION 1998tt.** 101.94 (8) (c) of the statutes is created to read:

19 101.94 (8) (c) A person who violates s. 101.935, a rule promulgated under s.  
20 101.935 or an order issued under s. 101.935 may be required to forfeit not less than  
21 \$10 nor more than \$250 for each violation. Each day of continued violation  
22 constitutes a separate violation.

23 **SECTION 1998tx.** 101.951 of the statutes is created to read:

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

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

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

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

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

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

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

1           (5) A licensee shall conduct the licensed business continuously during the  
2 license year.

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

5           (a) Proof of unfitness.

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

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

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

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

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

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

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

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

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

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

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

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

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

8           (b) No license may be suspended or revoked except after a hearing thereon. The  
9 department of commerce shall give the licensee at least 5 days' notice of the time and  
10 place of the hearing. The order suspending or revoking such license shall not be  
11 effective until after 10 days' written notice thereof to the licensee, after such hearing  
12 has been had; except that the department of commerce, when in its opinion the best  
13 interest of the public or the trade demands it, may suspend a license upon not less  
14 than 24 hours' notice of hearing and with not less than 24 hours' notice of the  
15 suspension of the license. Matters involving suspensions and revocations brought  
16 before the department of commerce shall be heard and decided upon by the  
17 department of administration. The division of hearings and appeals shall conduct  
18 the hearing. This paragraph does not apply to licenses that are suspended or revoked  
19 under s. 101.02 (21).

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

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

3           **SECTION 1998xc.** 101.952 of the statutes is created to read:

4           **101.952 Mobile home salespersons regulated.** (1) No person may engage  
5 in the business of selling mobile homes to a consumer or to the retail market in this  
6 state without a license therefor from the department. If a mobile home dealer acts  
7 as a mobile home salesperson the dealer shall secure a mobile home salesperson's  
8 license in addition to the license for engaging as a mobile home dealer.

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

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

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

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

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

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

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

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

14           **SECTION 1998yg.** 101.953 of the statutes is created to read:

15           **101.953 Warranty and disclosure.** (1) A one-year written warranty is  
16 required for every new mobile home sold, or leased to another, by a mobile home  
17 manufacturer, mobile home dealer or mobile home salesperson in this state, and for  
18 every new mobile home sold by any person who induces a resident of the state to enter  
19 into the transaction by personal solicitation in this state or by mail or telephone  
20 solicitation directed to the particular consumer in this state. The warranty shall  
21 state all of the following:

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

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

4 (c) 1. That the mobile home manufacturer and mobile home dealer shall take  
5 corrective action for defects which become evident within one year from the delivery  
6 date and as to which the mobile home owner has given notice to the manufacturer  
7 or dealer not later than one year and 10 days after the delivery date and at the  
8 address set forth in the warranty; and that the mobile home manufacturer and  
9 mobile home dealer shall make the appropriate adjustments and repairs, within 30  
10 days after notification of the defect, at the site of the mobile home without charge to  
11 the mobile home owner. If the mobile home dealer makes the adjustment, the mobile  
12 home manufacturer shall fully reimburse the dealer.

13 2. If a repair, replacement, substitution or alteration is made under the  
14 warranty and it is discovered, before or after expiration of the warranty period, that  
15 the repair, replacement, substitution or alteration has not restored the mobile home  
16 to the condition in which it was warranted except for reasonable wear and tear, such  
17 failure shall be considered a violation of the warranty and the mobile home shall be  
18 restored to the condition in which it was warranted to be at the time of the sale except  
19 for reasonable wear and tear, at no cost to the purchaser or the purchaser's assignee  
20 notwithstanding that the additional repair may occur after the expiration of the  
21 warranty period.

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

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



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

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

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

15           **SECTION 1998xL.** 101.954 of the statutes is created to read:

16           **101.954 Sale or lease of used mobile homes.** In the sale or lease of any used  
17 mobile home, the sales invoice or lease agreement shall contain the point of  
18 manufacture of the used mobile home, the name of the manufacturer and the name  
19 and address of the previous mobile home owner.

20           **SECTION 1998xp.** 101.955 of the statutes is created to read:

21           **101.955 Jurisdiction and venue over out-of-state manufacturers. (1)**  
22 The importation of a mobile home for sale in this state by an out-of-state  
23 manufacturer is considered an irrevocable appointment by that manufacturer of the  
24 department of financial institutions to be that manufacturer's true and lawful  
25 attorney upon whom may be served all legal processes in any action or proceeding

1 against such manufacturer arising out of the importation of such mobile home into  
2 this state.

3 (2) The department of financial institutions upon whom processes and notices  
4 may be served under this section shall, upon being served with such process or notice,  
5 mail a copy by registered mail to the out-of-state manufacturer at the nonresident  
6 address given in the papers so served. The original shall be returned with proper  
7 certificate of service attached for filing in court as proof of service. The service fee  
8 shall be \$4 for each defendant so served. The department of financial institutions  
9 shall keep a record of all such processes and notices, which record shall show the day  
10 and hour of service.

11 **SECTION 1998xt.** 101.965 of the statutes is created to read:

12 **101.965 Penalties.** (1) Any person who violates ss. 101.953 to 101.955, or any  
13 rule promulgated under ss. 101.953 to 101.955, may be fined not more than \$1,000  
14 or imprisoned for not more than 6 months or both.

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

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

24 **7.** Page 1021, line 15: after that line insert:

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

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

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

5           138.056 (1) (c) “Mobile home transaction” means a consumer credit sale, as  
6 defined in s. 421.301 (9), of or a consumer loan, as defined in s. 421.301 (12), secured  
7 by a first lien or equivalent security interest in a mobile home, as defined in s. ~~218.10~~  
8 ~~(2)~~ 101.91 (2e).

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

10          138.09 (7) (jm) 1. b. The loan administration fee is charged for a consumer loan  
11 that is secured primarily by an interest in real property or in a mobile home, as  
12 defined in s. ~~218.10 (2)~~ 101.91 (2e).”

13          **8.** Page 1067, line 16: after that line insert:

14          **SECTION 2309m.** 196.01 (3n) of the statutes is amended to read:  
15 196.01 (3n) “Mobile home” has the meaning given in s. 101.91 ~~(1)~~ (2e).”

16          **9.** Page 1079, line 12: after that line insert:

17          **SECTION 2342cc.** Subchapter VI (title) of chapter 218 [precedes 218.10] of the  
18 statutes is amended to read:

19                                   **CHAPTER 218**

20                                   SUBCHAPTER VI

21                                   **MOBILE HOME RECREATIONAL**

22                                   **VEHICLE DEALERS**

23          **SECTION 2342cg.** 218.10 (1) of the statutes is repealed.

24          **SECTION 2342cL.** 218.10 (1m) of the statutes is created to read:

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

3           **SECTION 2342cp.** 218.10 (1t) of the statutes is repealed.

4           **SECTION 2342ct.** 218.10 (2) of the statutes is repealed.

5           **SECTION 2342cx.** 218.10 (3) of the statutes is renumbered 218.10 (1g), and  
6 218.10 (1g) (intro.) and (e), as renumbered, are amended to read:

7           218.10 (1g) (intro.) "~~Mobile home dealer~~" "Dealer", unless the context requires  
8 otherwise, means a person who, for a commission or other thing of value, sells,  
9 exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an  
10 interest in ~~mobile homes~~ a recreational vehicle or who is engaged wholly or in part  
11 in the business of selling ~~mobile homes~~ recreational vehicles, whether or not the  
12 ~~mobile homes~~ recreational vehicles are owned by the person, but does not include:

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

16           **SECTION 2342gc.** 218.10 (4) of the statutes is renumbered 218.10 (1x) and  
17 amended to read:

18           218.10 (1x) "~~Mobile home manufacturer~~" "Manufacturer" means any person  
19 within or without this state who manufactures or assembles ~~mobile homes~~  
20 recreational vehicles for sale in this state.

21           **SECTION 2342gg.** 218.10 (5) of the statutes is repealed.

22           **SECTION 2342gi.** 218.10 (6) of the statutes is renumbered 218.10 (8t) and  
23 amended to read:

1           218.10 (8t) ~~“Mobile home salesperson”~~ “Salesperson”, unless the context  
2 requires otherwise, means any person who is employed by a ~~mobile home~~  
3 manufacturer or dealer to sell or lease ~~mobile homes~~ recreational vehicles.

4           **SECTION 2342gL.** 218.10 (7) of the statutes is amended to read:

5           218.10 (7) ~~“New mobile home~~ recreational vehicle” means a mobile home  
6 recreational vehicle which has never been occupied, used or sold for personal or  
7 business use.

8           **SECTION 2342gp.** 218.10 (8) of the statutes is repealed.

9           **SECTION 2342gt.** 218.10 (8m) of the statutes is amended to read:

10           218.10 (8m) ~~“Recreational vehicle”~~ means a mobile home, as defined in s.  
11 340.01 (29), that does not exceed the statutory size under s. 348.07 (2).

12           **SECTION 2342gx.** 218.10 (9) of the statutes is amended to read:

13           218.10 (9) ~~“Used mobile home~~ recreational vehicle” means a ~~mobile home~~  
14 recreational vehicle which has previously been occupied, used or sold for personal or  
15 business use.

16           **SECTION 2342Lc.** 218.101 of the statutes is repealed.

17           **SECTION 2342Lg.** 218.11 (title) of the statutes is amended to read:

18           218.11 (title) ~~Mobile home~~ Recreational vehicle dealers regulated.

19           **SECTION 2342LL.** 218.11 (1) of the statutes is amended to read:

20           218.11 (1) No person may engage in the business of selling ~~mobile homes to the~~  
21 ultimate recreational vehicles to a consumer or to the retail market in this state  
22 unless first licensed to do so by the ~~licensor as herein provided~~ department.

23           **SECTION 2342Lp.** 218.11 (2) (b) and (d) of the statutes are amended to read:

24           218.11 (2) (b) 1. The ~~licensor~~ department shall promulgate rules establishing  
25 the license period under this section.

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

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

8           **SECTION 2342Lt.** 218.11 (3) of the statutes is amended to read:

9           218.11 (3) A license shall be issued only to persons whose character, fitness and  
10 financial ability, in the opinion of the licenser department, is such as to justify the  
11 belief that they can and will deal with and serve the buying public fairly and honestly,  
12 will maintain a permanent office and place of business and an adequate service and  
13 parts department during the license year, and will abide by all the provisions of law  
14 and lawful orders of the licenser department.

15           **SECTION 2342Lx.** 218.11 (6) (intro.) and (d) of the statutes are amended to read:

16           218.11 (6) (intro.) The licenser department may deny, suspend or revoke a  
17 license on the following grounds:

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

20           **SECTION 2342pc.** 218.11 (6) (n) of the statutes is amended to read:

21           218.11 (6) (n) Having violated any law relating to the sale, distribution or  
22 financing of ~~mobile homes~~ recreational vehicles.

23           **SECTION 2342pg.** 218.11 (7) of the statutes is amended to read:

24           218.11 (7) (a) The licenser department may without notice deny the application  
25 for a license within 60 days after receipt thereof by written notice to the applicant,

1 stating the grounds for such denial. Within 30 days after such notice, the applicant  
2 may petition the ~~department of administration~~ division of hearings and appeals, as  
3 defined in s. 218.01 (1) (gm), to conduct a hearing to review the denial, and a hearing  
4 shall be scheduled with reasonable promptness. ~~If the licensor is the department of~~  
5 ~~transportation, the division of hearings and appeals shall conduct the hearing.~~ This  
6 paragraph does not apply to denials of applications for licenses under sub. (6m).

7 (b) No license may be suspended or revoked except after a hearing thereon. The  
8 ~~licensor~~ department shall give the licensee at least 5 days' notice of the time and  
9 place of such hearing. The order suspending or revoking such license shall not be  
10 effective until after 10 days' written notice thereof to the licensee, after such hearing  
11 has been had; except that the ~~licensor~~ department, when in its opinion the best  
12 interest of the public or the trade demands it, may suspend a license upon not less  
13 than 24 hours' notice of hearing and with not less than 24 hours' notice of the  
14 suspension of the license. Matters involving suspensions and revocations ~~brought~~  
15 ~~before the licensor~~ shall be heard and decided upon by the ~~department of~~  
16 ~~administration.~~ ~~If the licensor is the department of transportation, the division of~~  
17 ~~hearings and appeals shall conduct the hearing.~~ This paragraph does not apply to  
18 licenses that are suspended under sub. (6m).

19 (c) The ~~licensor~~ department may inspect the pertinent books, records, letters  
20 and contracts of a licensee. The actual cost of each such examination shall be paid  
21 by such licensee so examined within 30 days after demand therefor by the ~~licensor,~~  
22 department and the ~~licensor~~ department may maintain an action for the recovery of  
23 such costs in any court of competent jurisdiction.

24 **SECTION 2342pL.** 218.12 (title) of the statutes is amended to read:

1           **218.12** (title) ~~Mobile home dealer~~ Recreational vehicle salespersons  
2 **regulated.**

3           **SECTION 2342pp.** 218.12 (1) of the statutes is amended to read:

4           218.12 (1) No person may engage in the business of selling ~~mobile homes to the~~  
5 ~~ultimate~~ recreational vehicles to a consumer or to the retail market in this state  
6 without a license therefor from the licenser department. If a ~~mobile home~~ dealer acts  
7 as a ~~mobile home~~ salesperson the dealer shall secure a ~~mobile home~~ salesperson's  
8 license in addition to the license for engaging as a ~~mobile home~~ dealer.

9           **SECTION 2342pt.** 218.12 (2) (a) of the statutes is amended to read:

10           218.12 (2) (a) Applications for ~~mobile home~~ a salesperson's license and  
11 renewals thereof shall be made to the licenser department on such forms as the  
12 licenser department prescribes and furnishes and shall be accompanied by the  
13 license fee required under par. (c) or (d). The application shall include the applicant's  
14 social security number. In addition, the application shall require such pertinent  
15 information as the licenser department requires.

16           **SECTION 2342px.** 218.12 (2) (b) and (d) of the statutes are amended to read:

17           218.12 (2) (b) 1. The licenser department shall promulgate rules establishing  
18 the license period under this section.

19           2. The licenser department may promulgate rules establishing a uniform  
20 expiration date for all licenses issued under this section.

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



1           **SECTION 2342tc.** 218.12 (3) of the statutes is amended to read:

2           218.12 (3) Every licensee shall carry his or her license when engaged in his or  
3 her business and display the same upon request. The license shall name his or her  
4 employer, and in case of a change of employer, the salesperson shall immediately  
5 mail his or her license to the licenser ~~who~~ department, which shall endorse such  
6 change on the license without charge.

7           **SECTION 2342tg.** 218.12 (5) of the statutes is amended to read:

8           218.12 (5) The provision of s. 218.01 (3) relating to the denial, suspension and  
9 revocation of a motor vehicle salesperson's license shall apply to the denial,  
10 suspension and revocation of a ~~mobile home~~ salesperson's license so far as applicable,  
11 except that such provision does not apply to the denial, suspension or revocation of  
12 a license under sub. (3m).

13           **SECTION 2342tL.** 218.12 (6) of the statutes is amended to read:

14           218.12 (6) The provisions of s. 218.01 (3) (g) and (5) shall apply to this section,  
15 ~~mobile home~~ recreational vehicle sales practices and the regulation of ~~travel trailer~~  
16 ~~or mobile home~~ recreational vehicle salespersons, as far as applicable.

17           **SECTION 2342tp.** 218.14 of the statutes is repealed.

18           **SECTION 2342tt.** 218.15 of the statutes is amended to read:

19           **218.15** (title) **Sale or lease of used ~~primary housing units~~ recreational**  
20 **vehicles.** In the sale or lease of any used ~~primary housing unit~~ recreational vehicle,  
21 the sales invoice or lease agreement shall contain the point of manufacture of the  
22 used ~~primary housing unit~~ recreational vehicle, the name of the manufacturer and  
23 the name and address of the previous owner.

24           **SECTION 2342tx.** 218.16 of the statutes is repealed.

25           **SECTION 2342xc.** 218.165 of the statutes is repealed.

1           **SECTION 2342xg.** 218.17 (1) of the statutes is repealed.

2           **SECTION 2342xL.** 218.17 (2) of the statutes is amended to read:

3           218.17 (2) In any court action brought by the licensor department for violations  
4 of this subchapter, the licensor department may recover all costs of testing and  
5 investigation, in addition to costs otherwise recoverable, if it prevails in the action.

6           **SECTION 2342xp.** 218.17 (3) of the statutes is amended to read:

7           218.17 (3) Nothing in this subchapter prohibits ~~the~~ an aggrieved customer  
8 from bringing of a civil action against a ~~mobile home manufacturer~~, dealer or  
9 salesperson ~~by an aggrieved customer~~. If judgment is rendered for the customer  
10 based on an act or omission by the ~~manufacturer~~, dealer or salesperson, which  
11 constituted a violation of this subchapter, the plaintiff shall recover actual and  
12 proper attorney fees in addition to costs otherwise recoverable.”.

13           **10.** Page 1103, line 3: after that line insert:

14           “**SECTION 2356m.** 227.43 (1) (bg) of the statutes is amended to read:

15           227.43 (1) (bg) Assign a hearing examiner to preside over any hearing or review  
16 under ss. 84.30(18), 84.31 (6)(a), 85.013 (1), 86.073 (3), 86.16 (5), 86.195 (9) (b), 86.32  
17 (1), 101.935 (2) (b), 101.951 (7) (a) and (b), 114.134 (4) (b), 114.135 (9), 114.20 (19),  
18 175.05 (4) (b), 194.145 (1), 194.46, 218.01 (2) (bd) 2. and (c) 2., (3) (b), (c), (f) 1., (fm)  
19 1. and (h) and (3c) (d), 218.11 (7) (a) and (b), 218.22 (4) (a) and (b), 218.32 (4) (a) and  
20 (b), 218.41 (4), 218.51 (5) (a) and (b), 341.09 (2m) (d), 342.26, 343.69 and 348.25 (9).”.

21           **11.** Page 1215, line 19: after that line insert:

22           “**SECTION 2720dd.** 340.01 (11) (intro.) of the statutes is amended to read:

23           340.01 (11) (intro.) “Dealer” means a person who, for a commission or other  
24 thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale

1 or exchange of an interest in motor vehicles, ~~mobile homes~~ recreational vehicles,  
2 trailers or semitrailers, or who is engaged wholly or in part in the business of selling  
3 motor vehicles, ~~mobile homes~~ recreational vehicles, trailers or semitrailers, whether  
4 or not such vehicles are owned by that person, but not including:

5 **SECTION 2720dh.** 340.01 (14) of the statutes is amended to read:

6 340.01 (14) "Distributor" means a person who in whole or in part sells or  
7 distributes motor vehicles, ~~mobile homes~~ recreational vehicles, trailers or  
8 semitrailers to dealers, or who maintains distributor representatives.

9 **SECTION 2720dp.** 340.01 (28) of the statutes is amended to read:

10 340.01 (28) "Manufacturer" means a person who manufactures or assembles  
11 motor vehicles, ~~mobile homes~~ recreational vehicles, trailers or semitrailers, or who  
12 manufactures or installs on previously assembled truck chassis special bodies or  
13 equipment which when installed form an integral part of the motor vehicle and  
14 which constitutes a major manufacturing alteration.

15 **SECTION 2720dt.** 340.01 (29) of the statutes is amended to read:

16 340.01 (29) "Mobile home" means a vehicle designed to be towed as a single unit  
17 or in sections upon a highway by a motor vehicle and equipped and used or intended  
18 to be used, primarily for human habitation, with walls of rigid uncollapsible  
19 construction. ~~A mobile home exceeding statutory size under s. 348.07 (2) shall be~~  
20 ~~considered a primary housing unit. A mobile home not exceeding the statutory size~~  
21 ~~under s. 348.07 (2) shall be considered a touring or recreational unit.~~

22 **SECTION 2720hd.** 340.01 (48r) of the statutes is created to read:

23 340.01 (48r) "Recreational vehicle" means a mobile home that does not exceed  
24 the statutory size under s. 348.07 (2).

25 **SECTION 2720hh.** 340.01 (72) (a) of the statutes is amended to read:

1           340.01 (72) (a) A person engaged in this state in the business of transporting  
2 and delivering motor vehicles, trailers, semitrailers or ~~mobile homes~~ recreational  
3 vehicles in tow on their own wheels or under their own power from the manufacturer  
4 to the distributor, dealer or branch of the manufacturer, or from the distributor or  
5 dealer to another distributor or dealer, the manufacturer or branch of the  
6 manufacturer or from the branch of the manufacturer to the distributor, dealer or  
7 manufacturer.

8           **SECTION 2720hp.** 341.04 (1) (intro.) of the statutes is amended to read:

9           341.04 (1) (intro.) It is unlawful for any person to operate or for an owner to  
10 consent to being operated on any highway of this state any motor vehicle, ~~mobile~~  
11 ~~home~~ recreational vehicle, trailer or semitrailer or any other vehicle for which a  
12 registration fee is specifically prescribed unless at the time of operation the vehicle  
13 in question either is registered in this state, or, except for registration under s. 341.30  
14 or 341.305, a complete application for registration, including evidence of any  
15 inspection under s. 110.20 when required, accompanied by the required fee has been  
16 delivered to the department, submitted to a dealer under s. 341.09 (2m) for  
17 transmittal to the department or deposited in the mail properly addressed with  
18 postage prepaid and, if the vehicle is an automobile, station wagon or motor truck  
19 having a registered weight of 8,000 pounds or less, the vehicle displays a temporary  
20 operation plate issued for the vehicle unless the operator or owner of the vehicle  
21 produces proof that operation of the vehicle is within 2 business days of the vehicle's  
22 sale or transfer, or the vehicle in question is exempt from registration.

23           **SECTION 2720ht.** 341.12 (1) of the statutes is amended to read:

24           341.12 (1) The department upon registering a vehicle pursuant to s. 341.25 or  
25 341.30 shall issue and deliver prepaid to the applicant 2 registration plates for an

1 automobile, motor truck, motor bus, school bus, self-propelled ~~mobile home~~  
2 recreational vehicle or dual purpose motor home and one plate for other vehicles.  
3 The department upon registering a vehicle pursuant to any other section shall issue  
4 one plate unless the department determines that 2 plates will better serve the  
5 interests of law enforcement.”.

6 **12.** Page 1220, line 2: after that line insert:

7 “SECTION 2730m. 341.25 (1) (intro.) of the statutes is amended to read:

8 341.25 (1) (intro.) Unless a different fee is prescribed for a particular vehicle  
9 by par. (b) or ss. 341.26 to 341.268, the following registration fees shall be paid to the  
10 department for the annual registration of each motor vehicle, ~~mobile home~~  
11 recreational vehicle, trailer or semitrailer not exempted by s. 341.05 from  
12 registration in this state:”.

13 **13.** Page 1220, line 12: after that line insert:

14 “SECTION 2732d. 341.25 (1) (i) of the statutes, as affected by 1999 Wisconsin  
15 Act .... (this act), is amended to read:

16 341.25 (1) (i) For each ~~mobile home~~ recreational vehicle, and for each camping  
17 trailer, a fee of \$15.”.

18 **14.** Page 1220, line 23: after that line insert:

19 “SECTION 2734dd. 341.47 (1) (intro.) of the statutes is amended to read:

20 341.47 (1) (intro.) Except as provided in sub. (2), any motor vehicle, ~~mobile~~  
21 ~~home~~ recreational vehicle, trailer or semitrailer owned or repossessed by a dealer,  
22 distributor or manufacturer may be operated on the highways of this state for either  
23 private or business purposes without being registered if such vehicle has displayed  
24 upon it valid registration plates issued pursuant to s. 341.51 to the dealer, distributor

1 or manufacturer who is the owner of the vehicle or holder of the repossessed vehicle  
2 and such vehicle:

3 **SECTION 2734dh.** 341.51 (1) of the statutes is amended to read:

4 341.51 (1) The department shall register a person as a dealer, distributor or  
5 manufacturer of motor vehicles, trailers or semitrailers or as a transporter of  
6 vehicles upon receipt of a properly completed application form together with a fee of  
7 \$75 and upon being satisfied that the applicant is by law entitled to be registered.  
8 The department shall register a person as a dealer, distributor or manufacturer of  
9 ~~mobile homes~~ recreational vehicles upon receipt of a properly completed application  
10 form together with a fee of \$75 and upon being satisfied that the applicant is by law  
11 entitled to be so registered. The department shall assign to each person registered  
12 under this section a distinctive registration number and shall issue a certificate of  
13 registration bearing the registration number assigned.

14 **SECTION 2734dp.** 341.51 (2) of the statutes is amended to read:

15 341.51 (2) Upon registering a dealer, distributor, manufacturer or transporter  
16 the department also shall issue 2 registration plates. The department, upon  
17 receiving a fee of \$5 for each additional plate desired by a dealer, distributor or  
18 manufacturer of motor vehicles, trailers or semitrailers, \$5 for each additional plate  
19 desired by a dealer, distributor or manufacturer of ~~mobile homes~~ recreational  
20 vehicles and \$5 for each additional plate desired by a transporter, shall issue to the  
21 registered dealer, distributor, manufacturer or transporter the additional plates as  
22 ordered. The department may charge a fee of \$2 per plate for replacing lost, damaged  
23 or illegible plates issued under this subsection.

24 **SECTION 2734dt.** 341.53 of the statutes is amended to read:

1           **341.53 Expiration of registration; transferability of plates.** Certificates  
2 of registration and registration plates issued to dealers, distributors, manufacturers  
3 or transporters shall be issued for the calendar year and are valid only during the  
4 calendar year for which issued. Registration plates are transferable from one motor  
5 vehicle, trailer or semitrailer to another motor vehicle, trailer or semitrailer and  
6 from one ~~mobile home~~ recreational vehicle to another.

7           **SECTION 2734hd.** 341.62 of the statutes is amended to read:

8           **341.62 False evidence of registration.** Whoever operates or possesses a  
9 motor vehicle, ~~mobile home~~ recreational vehicle, trailer or semitrailer having  
10 attached thereto any plate or similar device fashioned in imitation or facsimile of or  
11 altered so as to resemble a registration plate issued by the department may be  
12 required to forfeit not more than \$500.

13           **SECTION 2734hh.** 342.18 (4) (a) of the statutes is amended to read:

14           342.18 (4) (a) Whenever application therefor accompanied by the required fee  
15 is made by a finance company licensed under s. 138.09 or 218.01, a bank organized  
16 under the laws of this state, or a national bank located in this state, and the vehicle  
17 in question is a used vehicle for which the department had issued a certificate of title  
18 to the previous owner or a vehicle previously registered in another jurisdiction or is  
19 a ~~mobile home~~ recreational vehicle.

20           **SECTION 2734hp.** 342.18 (4) (b) of the statutes is amended to read:

21           342.18 (4) (b) Whenever application therefor accompanied by the required fee  
22 is made by any other person and the vehicle in question is a vehicle for which the  
23 department had issued a certificate of title to the previous owner or is a vehicle  
24 previously registered in another jurisdiction or is a ~~mobile home~~ recreational vehicle  
25 and the department is satisfied that the present owner has not operated or consented

1 to the operation of the vehicle since it was transferred to that owner and that he or  
2 she understands that the certificate of title merely is evidence of ownership of the  
3 vehicle and does not authorize operation of the vehicle on the highways of this state.

4 **SECTION 2734ht.** 342.22 (3) (a) of the statutes is amended to read:

5 342.22 (3) (a) For a ~~mobile home~~ recreational vehicle, 20 years.

6 **SECTION 2734pd.** 342.30 (2) of the statutes is amended to read:

7 342.30 (2) An identification number assigned by the department to a ~~mobile~~  
8 home recreational vehicle, trailer or semitrailer shall be stamped upon the frame in  
9 a readily visible location. An identification number assigned to a motor vehicle  
10 manufactured prior to January 1, 1969, shall be permanently affixed to the left front  
11 pillar. The vehicle identification number for motor vehicles manufactured after  
12 January 1, 1969, shall be permanently affixed upon either a part of the vehicle that  
13 is not designed to be removed except for repair, or a separate plate which is  
14 permanently affixed to such part. The vehicle identification number shall be located  
15 inside the passenger compartment and shall be readable, without moving any part  
16 of the vehicle, through the vehicle glazing under daylight lighting conditions by an  
17 observer having 20/20 vision (Snellen) whose eyepoint is located outside the vehicle  
18 adjacent to the left windshield pillar. Identification numbers assigned for cycles shall  
19 be stamped on the left side, near the top of the engine casting just below the cylinder  
20 barrel. Such stamping or affixing shall be done under the supervision of a dealer,  
21 distributor or manufacturer registered under s. 341.51 or under the supervision of  
22 a peace officer. The person supervising the stamping or affixing shall make a report  
23 thereof to the department.

24 **SECTION 2734pt.** 343.055 (1) (d) of the statutes is amended to read:



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

11           **15.** Page 1253, line 5: after that line insert:

12           "SECTION 2821m. 409.302 (3) (f) of the statutes is created to read:

13           409.302 (3) (f) The mobile home security interest provisions under subch. V of  
14 ch. 101."

15           **16.** Page 1253, line 11: after that line insert:

16           "SECTION 2822d. 411.104 (1) (a) of the statutes is amended to read:

17           411.104 (1) (a) Certificate of title statute of this state, including ss. 30.531,  
18 101.9203 and 342.05.

19           SECTION 2822h. 422.201 (12m) of the statutes is amended to read:

20           422.201 (12m) This section does not apply to consumer credit sales of or  
21 consumer loans secured by a first lien on or equivalent security interest in mobile  
22 homes as defined in s. ~~218.10(2)~~ 101.91(2e), if the sales or loans are made on or after  
23 November 1, 1981.

24           SECTION 2822p. 422.209 (1m) (a) 2. of the statutes is amended to read:

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

4           **SECTION 2822t.** 422.413 (2g) (intro.) of the statutes is amended to read:

5           422.413 (2g) (intro.) In any consumer credit transaction in which the collateral  
6 is a motor vehicle as defined in s. 340.01 (35), a trailer as defined in s. 340.01 (71),  
7 a snowmobile as defined in s. 340.01 (58a), a boat as defined in s. 30.50 (2), an aircraft  
8 as defined in s. 114.002 (3), or a mobile home as defined in s. ~~218.10 (2)~~ 101.91 (2e),  
9 a writing evidencing the transaction may provide for the creditor's recovery of all of  
10 the following expenses, if the expenses are reasonable and bona fide:"

11           **17.** Page 1308, line 18: after that line insert:

12           **"SECTION 3073m.** 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."

22           **18.** Page 1389, line 14: after that line insert:

23           **"(3x) REGULATION OF MOBILE HOME PARKS, MOBILE HOME DEALERS AND MOBILE HOME**  
24 **SALESPERSONS.**

1 (a) *Position decreases.* The authorized FTE positions for the department of  
2 administration are decreased by 2.0 FTE 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) *Employe transfers.* There are transferred from the department of  
7 administration to the department of commerce 2.0 FTE incumbent employes 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) *Employe status.* Employes 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 employe 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 (3) <sup>d</sup> *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 (8) <sup>e</sup> *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 (13) <sup>f</sup> *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 (20) <sup>g</sup> *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 **19.** Page 1402, line 21: after that line insert:

4 “(3xx) REGULATION OF MOBILE HOME PARKS, MOBILE HOME DEALERS AND MOBILE  
5 HOME SALESPERSONS. The authorized FTE positions for the department of commerce  
6 are 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 (3xy) REGISTRATION AND TITLING OF MOBILE HOMES; DEPARTMENT OF COMMERCE.  
11 The authorized FTE positions for the department of commerce are increased by 1.6  
12 PR positions on the effective date of this subsection, to be funded from the  
13 appropriation under section 20.143 (3) (j) of the statutes, as affected by this act, for  
14 the performance of duties primarily related to registering and titling mobile homes.”.

15 **20.** Page 1423, line 8: after that line insert:

16 “(5xx) REGISTRATION AND TITLING OF MOBILE HOMES. The authorized FTE  
17 positions for the department of transportation are decreased by 1.6 SEG positions,  
18 funded 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 → “(5xy) ~~TRANSFER OF AUTHORITY AND RECORDS FROM THE DEPARTMENT OF~~  
~~TRANSPORTATION TO THE DEPARTMENT OF COMMERCE. On July 1, 2000, all of the following~~  
21 apply:  
22

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

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

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

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

1 (e) Any person who, on the first day of the 6th month beginning after the  
2 effective date of this paragraph, has been issued a license by the department of  
3 transportation to sell mobile homes that exceed the statutory size under section  
4 348.07 (2) of the statutes is considered to have received that license under section  
5 101.951 or 101.952 of the statutes, as created by this act, whichever is appropriate.”.

6 **21.** Page 1439, line 10: after that line insert:

7 “(2x) MOBILE HOME PARKS, DEALERS AND SALESPERSONS. On the effective date of  
8 this subsection, the unencumbered balance in the appropriation account under  
9 section 20.505 (7) (jf) of the statutes, as affected by the acts of 1999, is transferred  
10 to the appropriation account under section 20.143 (3) (j) of the statutes, as affected  
11 by the acts of 1999.”.

12 **22.** Page 1448, line 15: after that line insert:

13 “(3x) REGISTRATION OF MOBILE HOMES. The treatment of section 101.9223 of the  
14 statutes first applies to mobile homes that are not registered by the department of  
15 transportation, or mobile homes the registration of which with the department of  
16 transportation expires, on July 1, 2000.”.

17 **23.** Page 1469, line 10: after that line insert:

18 “(5x) REGULATION OF MOBILE HOMES AND RECREATIONAL VEHICLES. The treatment  
19 of sections 16.366 (title), (1), (2), (2m) and (3), 20.143 (3) (j), 20.505 (7) (jf), 25.46 (19),  
20 101.02 (20) (a) and (21) (a), 101.91 (1), (1g), (1m), (2g), (2m), (3), (4), (5) and (6), 101.92  
21 (9), 101.9202, 101.9203, 101.9204, 101.9205, 101.9206, 101.9207, 101.9208,  
22 101.9209, 101.921, 101.9211, 101.9212, 101.9213, 101.9214, 101.9215, 101.9216,  
23 101.9217, 101.9218, 101.9219, 101.922, 101.9221, 101.9222, 101.9223, 101.94 (8) (a)  
24 and (c), 101.951, 101.952, 101.953, 101.954, 101.955, 101.965, 138.056 (1) (b) and (c),





**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0238/2dn  
RJM&PEN: /...  
King

Kendra Bonderud:

Attached is the budget amendment based on LRB-3018 (re: mobile homes). I have incorporated the changes <sup>that</sup> you communicated to me through June 8, 1999; however, this draft does not contain any changes to the transportation provisions. In addition, this draft does not incorporate the transfer of the remaining DOA employees <sup>to</sup> with responsibility over mobile homes. If any further changes are necessary, please let me know.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: Robert.Marchant@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0238/2dn  
RJM&PEN:kmg:kjf

June 9, 1999

Kendra Bonderud:

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Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: Robert.Marchant@legis.state.wi.us

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**Marchant, Robert**

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**From:** Bonderud, Kendra  
**Sent:** Thursday, June 10, 1999 8:30 PM  
**To:** 'Robert.Marchant@legis.state.wi.us'  
**Subject:** LRBb0238/2 redraft request

I reviewed the mobile home draft and it looks good. Today JFC passed a closing technical motion that transfers the third position from DOA to Commerce, repeals the DOA appropriation on June 30, 2000 and transfers the unencumbered balance of the DOA appropriation to Commerce at that time. It looks like you included the second and third change, so I need to have you amend pg. 59, line 2 to transfer 3 positions instead of 2. Also, would you check pg 58, line 11 to determine whether it should say "Page 1308, line 12" instead of "Page 1308, line 18"? Thanks.

Kendra Bonderud  
Legislative Fiscal Bureau  
(608) 266-3847  
[Kendra.Bonderud@legis.state.wi.us](mailto:Kendra.Bonderud@legis.state.wi.us)



State of Wisconsin  
1999 - 2000 LEGISLATURE

3

LRBb0238/0  
RJM&PEN:kmg:kjf

SOON

RMK

DNOTE

LFB:.....Bonderud - Mobile home regulatory authority

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

Ed. + WPO:  
Changes on pp. 58  
and 59

1 At the locations indicated, amend the bill as follows:

2 1. Page 140, line 16: after that line insert:

3 "SECTION 64g. 16.366 (title), (1) and (2) of the statutes are renumbered 101.935  
4 (title), (1) and (2), and 101.935 (2) (d) and (e), as renumbered, are amended to read:

5 101.935 (2) (d) A permit may not be issued under this subsection until all  
6 applicable fees have been paid. If the payment is by check or other draft drawn upon  
7 an account containing insufficient funds, the permit applicant shall, within 15 days  
8 after receipt of notice from the department of the insufficiency, pay by cashier's check  
9 or other certified draft, money order or cash the fees ~~from~~ to the department, late fees  
10 and processing charges that are specified by rules promulgated by the department.

11 If the permit applicant fails to pay all applicable fees, late fees and the processing  
12 charges within 15 days after the applicant receives notice of the insufficiency, the

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

4           **SECTION 2822t.** 422.413 (2g) (intro.) of the statutes is amended to read:

5           422.413 (2g) (intro.) In any consumer credit transaction in which the collateral  
6 is a motor vehicle as defined in s. 340.01 (35), a trailer as defined in s. 340.01 (71),  
7 a snowmobile as defined in s. 340.01 (58a), a boat as defined in s. 30.50 (2), an aircraft  
8 as defined in s. 114.002 (3), or a mobile home as defined in s. ~~218.10 (2)~~ 101.91 (2e),  
9 a writing evidencing the transaction may provide for the creditor's recovery of all of  
10 the following expenses, if the expenses are reasonable and bona fide:".

11           **17.** Page 1308, line <sup>11</sup> ~~9~~: after that line insert:

12           **"SECTION 307<sup>2</sup>m.** 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."

22           **18.** Page 1389, line 14: after that line insert:

23           **"(3x) REGULATION OF MOBILE HOME PARKS, MOBILE HOME DEALERS AND MOBILE HOME**  
24 **SALESPERSONS.**

1 (a) *Employee transfers.* There are transferred from the department of  
2 administration to the department of commerce ~~3.0~~<sup>3.0</sup> FTE incumbent employes holding  
3 positions in the division of housing in the department of administration performing  
4 duties that are primarily related to regulating mobile home parks, mobile home  
5 dealers and mobile home salespersons.

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

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

22 (d) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
23 liabilities of the department administration primarily related to the regulation of  
24 mobile home parks, mobile home dealers and mobile home salespersons, as

1 (9), 101.9202, 101.9203, 101.9204, 101.9205, 101.9206, 101.9207, 101.9208,  
2 101.9209, 101.921, 101.9211, 101.9212, 101.9213, 101.9214, 101.9215, 101.9216,  
3 101.9217, 101.9218, 101.9219, 101.922, 101.9221, 101.9222, 101.9223, 101.94 (8) (a)  
4 and (c), 101.951, 101.952, 101.953, 101.954, 101.955, 101.965, 138.056 (1) (b) and (c),  
5 138.09 (7) (jm) 1. b., 196.01 (3n), 218.10 (1), (1m), (1t), (2), (3), (4), (5), (6), (7), (8), (8m)  
6 and (9), 218.101, 218.11 (title), (1), (2) (b) and (d), (3), (6) (intro.), (d) and (n) and (7),  
7 218.12 (title), (1), (2) (a), (b) and (d), (3), (5) and (6), 218.14, 218.15, 218.16, 218.165,  
8 218.17 (1), (2) and (3), 227.43 (1) (bg), 340.01 (11) (intro.), (14), (28), (29), (48r) and  
9 (72) (a), 341.04 (1) (intro.), 341.12 (1), 341.25 (1) (intro.) and (i) (by SECTION 2732d.),  
10 341.47 (1) (intro.), 341.51 (1) and (2), 341.53, 341.62, 342.18 (4) (a) and (b), 342.22 (3)  
11 (a), 342.30 (2), 343.055 (1) (d), 409.302 (3) (f), 411.104 (1) (a), 422.201 (12m), 422.209  
12 (1m) (a) 2., 422.413 (2g) (intro.) and 779.85 (6) and subchapter VI (title) of chapter  
13 218 of the statutes and SECTIONS 9101 (3x), 9150 (5xy), 9201 (2x) and 9310 (3x) of this  
14 act take effect on July 1, 2000.”

15

**(END)**

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0238/3dn  
RJM&PEN:.....

*King*

Kendra Bonderud:

*LRB*

Attached is the redraft of ~~0~~b0238 (mobile homes). Thank you for pointing out the error on page 58. I have incorporated that correction, as well as the requested change on page 59, into this draft. Please let me know if this draft requires any further changes.

*I have changed the  
will section members*

*RJM*

*PEN*



**DRAFTER'S NOTE  
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RJM&PEN:kmg:mrc

June 11, 1999

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Robert J. Marchant  
Legislative Attorney  
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Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926



State of Wisconsin  
1999 - 2000 LEGISLATURE

4  
LRBb0238/2  
RJM&PEN:kmg:mrc

*JG*  
RMNK

LFB:.....Bonderud – Mobile home regulatory authority

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DNOR

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10 the following expenses, if the expenses are reasonable and bona fide:"

11           **17.** Page 1308, line ~~43~~ <sup>41</sup> after that line insert:

12           **"SECTION 3072m.** 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  
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14 act take effect on July 1, 2000.”

15

(END)

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FROM THE  
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LRBb0238/dn  
RJM&PEN:kmg:mrc

4  
+jlg

June 11, 1999

was not corrected in the "1/3" version. We did catch the error  
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