

1999 Assembly Bill 807

Date of enactment: **April 11, 2000**  
Date of publication\*: **April 25, 2000**

# 1999 WISCONSIN ACT 53

**AN ACT** to repeal 101.90, 101.96 and 196.01 (3m); to renumber 101.91 (2e); to renumber and amend 101.91 (2g), 101.91 (2m), 101.91 (3), 101.91 (4) and 101.9218; to amend 100.21 (1) (a), 101.19 (1) (e), 101.71 (6) (b), 101.91 (intro.), 101.91 (1g), 101.91 (2) (intro.), 101.91 (5), 101.91 (6), 101.92 (1), 101.92 (2), 101.92 (3), 101.92 (4), 101.92 (5) to (8), 101.9202 (1), 101.9202 (3), 101.9203, 101.9204 (1) (b) to (g), 101.9205 (1) and (3), 101.9206 (1) (c) and (d), (2) (a) 2. and (3) (a) and (b) 1. and 2., 101.9208 (1) (a), (c), (d), (dm) and (g), 101.9209 (title), (1) to (4) and (5) (a) and (b), 101.921, 101.9211 (1) to (3), (4) (a) (intro.), (b) 1. (intro.), b. and c. and 2. to 4., (c) and (d), 101.9212 (3), 101.9213 (1), (3) and (5) to (8), 101.9214 (intro.), 101.9215 (1), 101.9216 (1), (2) and (4), 101.9217 (2) (a), 101.9219 (2) (intro.) and (a) and (3) (a) and (b), 101.922 (1) (b), 101.9221 (1) (a), (3) and (4), 101.9222 (title), 101.9222 (1) to (3) and (5) (a) (intro.) and (b), 101.93, 101.935 (title), 101.935 (1), (2) (a) and (d) and (2m), 101.94 (3), (4) (intro.), (a) and (b) (intro.) and 1. to 3. and (5), 101.94 (7), 101.94 (8) (a), 101.95, 101.951 (title), 101.951 (1) and (6) (n), 101.952 (title), 101.952 (1), (2) (a), (3), (5) and (6), 101.953 (1) (intro.) and (a) to (d), (3) and (4), 101.954, 101.955 (1), 101.965 (3), 138.056 (1) (b), 138.056 (1) (c), 138.09 (7) (jm) 1. b., 196.01 (3n), 196.01 (3p), 196.01 (3s), 196.26 (1m), 196.85 (2g), 341.05 (26) (a), 422.201 (12m), 422.209 (1m) (a) 2. and 422.413 (2g) (intro.); to repeal and recreate 101.9218 (title); and to create 101.91 (2) (c), 101.9218 (2) and 138.056 (1) (bm) of the statutes; relating to: the regulation of mobile homes and manufactured homes and the financing of certain mobile home and manufactured home transactions.

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

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

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

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

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

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

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

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

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

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

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\* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

101.91 (2) (intro.) "Manufactured home" means either any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) (a) 2. Reassignment and warranty of title by a mobile manufactured home dealer.

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

(b) 1. The applicant is a mobile manufactured home dealer and is financially responsible as substantiated by the last financial statement on file with the department,

a finance company licensed under s. 138.09, a bank organized under the laws of this state, or a national bank located in this state.

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

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

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

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

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

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

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

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

**101.9209 (title) Transfer of interest in a mobile manufactured home.** (1) (a) If an owner transfers an interest in a mobile manufactured home, other than by the creation of a security interest, the owner shall, at the time

of the delivery of the mobile manufactured home, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate, and cause the certificate to be mailed or delivered to the transferee.

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

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

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

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

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

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

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

**101.921 Transfer to or from dealer.** (1) (a) Except as provided in par. (b), if a mobile manufactured home dealer acquires a mobile manufactured home and holds it for resale or accepts a mobile manufactured home for sale on consignment, the mobile manufactured home dealer may not submit to the department the certificate of title or application for certificate of title naming the mobile manufactured home dealer as owner of the mobile manufactured home. Upon transferring the mobile manufactured home to another person, the mobile manufactured home dealer shall immediately give the

transferee, on a form prescribed by the department, a receipt for all title, security interest and sales tax moneys paid to the mobile manufactured home dealer for transmittal to the department when required. The mobile manufactured home dealer shall promptly execute the assignment and warranty of title, showing the name and address of the transferee and of any secured party holding a security interest created or reserved at the time of the resale or sale on consignment, in the spaces provided therefor on the certificate or as the department prescribes. Within 7 business days following the sale or transfer, the mobile manufactured home dealer shall mail or deliver the certificate or application for certificate to the department with the transferee's application for a new certificate. A nonresident who purchases a mobile manufactured home from a mobile manufactured home dealer in this state may not, unless otherwise authorized by rule of the department, apply for a certificate of title issued for the mobile manufactured home in this state unless the mobile manufactured home dealer determines that a certificate of title is necessary to protect the interests of a secured party. The mobile manufactured home dealer is responsible for determining whether a certificate of title and perfection of security interest is required. The mobile manufactured home dealer is liable for any damages incurred by the department or any secured party for the mobile manufactured home dealer's failure to perfect a security interest which the mobile manufactured home dealer had knowledge of at the time of sale.

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Except as provided in subd. 4., this paragraph is limited to no more than 5 mobile manufactured homes

titled in this state that are less than 20 years old at the time of the transfer under this paragraph. There is no limit on transfer under this paragraph of mobile manufactured homes titled in this state that are 20 or more years old at the time of transfer under this paragraph.

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

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

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

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

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

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

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

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

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

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

(7) If a mobile manufactured home is subject to a security interest when brought into this state, s. 409.103

(1), (2) and (3) states the rules which apply to determine the validity and perfection of the security interest in this state.

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

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

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

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

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

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

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

(2) The owner, other than a mobile manufactured home dealer holding the mobile manufactured home for resale, upon receipt of the release and notice of obligation shall promptly cause the certificate and release to be mailed or delivered to the department, which shall

release the secured party's rights on the certificate and issue a new certificate.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The applicant has filed with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety business in this state. The bond shall be in an amount equal to 1.5 times the value of the mobile manufactured home as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the mobile manufactured home or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title of the mobile manufactured home or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the mobile manufactured home. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of 5 years or prior thereto if, apart from this section, a nondistinctive certificate of title could then be issued for the mobile manufactured home, or if the currently valid certificate of title for the mobile manufactured home is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Upon completion of the construction of a mobile manufactured home park.

2. Whenever a mobile manufactured home park is modified, as defined by the department by rule.

3. Whenever the department receives a complaint about a mobile manufactured home park

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

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

101.94 (3) Each manufactured home or mobile home manufacturer shall submit to the department typical construction plans and specifications for review. The department shall, by its own inspectors whether inside or outside this state, perform sufficient inspections of manufacturing premises and manufactured units to ensure compliance with this section. The department may contract for inspection services, as provided in sub. (4), for inspections outside this state. Each manufactured



home ~~or mobile home~~, upon final assembly, shall display a label which shall be prescribed by and be available only from the department, or similar agency of other states where units are manufactured, providing reciprocal agreements have been executed and are effective between this state and such other states indicating that the manufactured home ~~or mobile home~~ meets the requirements of ~~ss. 101.90 to 101.96~~ this subchapter or the applicable laws of the state with which a reciprocal agreement has been executed. No manufactured home ~~or mobile home~~ which bears such label shall be required by any person to comply with any building, plumbing, heating or electrical code or any construction standards other than those promulgated under this section.

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

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

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

1. Inspect manufactured homes ~~or mobile homes~~.
2. Review manufactured home ~~or mobile home~~ plans and specifications.
3. Evaluate manufactured home ~~or mobile home~~ manufacturer quality control procedures.

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

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

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

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

101.94 (8) (a) Except as provided in par. (c), a person who violates this subchapter, a rule promulgated under this subchapter or an order issued under this subchapter

shall forfeit not more than \$1,000 for each violation. Each violation of this subchapter constitutes a separate violation with respect to each manufactured home ~~or mobile home~~ or with respect to each failure or refusal to allow or perform an act required by this subchapter, except the maximum forfeiture under this subsection may not exceed \$1,000,000 for a related series of violations occurring within one year of the first violation.

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

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

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

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

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

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

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

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

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

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

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

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

(3) Every licensee shall carry his or her license when engaged in his or her business and display the same upon request. The license shall name his or her employer, and, in case of a change of employer, the mobile manufactured home salesperson shall immediately mail his or her

license to the department, which shall endorse that change on the license without charge.

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

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

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

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

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

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

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

2. If a repair, replacement, substitution or alteration is made under the warranty and it is discovered, before or after expiration of the warranty period, that the repair, replacement, substitution or alteration has not restored

the mobile manufactured home to the condition in which it was warranted except for reasonable wear and tear, such failure shall be considered a violation of the warranty and the mobile manufactured home shall be restored to the condition in which it was warranted to be at the time of the sale except for reasonable wear and tear, at no cost to the purchaser or the purchaser's assignee notwithstanding that the additional repair may occur after the expiration of the warranty period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

196.26 (1m) COMPLAINT AND INVESTIGATION. If any mercantile, agricultural or manufacturing society, body politic, municipal organization or 25 persons file a complaint specified in sub. (1) (a) 1. against a public utility, or if the commission terminates a proceeding on a complaint under s. 196.199 (3) (a) 1m. b., or if a person files a complaint specified in sub. (1) (a) 3., the commission, with or without notice, may investigate the complaint under this section as it deems necessary. If the mobile home park occupants of 25% of the total number of ~~manufactured homes or~~ mobile homes in a mobile home park or the mobile home park occupants of 25 ~~manufactured homes or~~ mobile homes in a mobile home park, whichever is less, files a complaint against a mobile home park contractor or mobile home park operator, the commission, with or without notice, may investigate the complaint as it deems necessary. The commission may not issue an order based on an investigation under this subsection without a public hearing.

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

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

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

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

**SECTION 72.** 422.201 (12m) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

422.201 (12m) This section does not apply to consumer credit sales of or consumer loans secured by a first lien on or equivalent security interest in mobile homes as defined in s. ~~401.91 (2e)~~ 138.056 (1) (bm), if the sales or loans are made on or after November 1, 1981.

**SECTION 73.** 422.209 (1m) (a) 2. of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

422.209 (1m) (a) 2. The loan administration fee is for a consumer loan that is secured primarily by an interest in real property or in a mobile home, as defined in s. ~~401.91 (2e)~~ 138.056 (1) (bm).

**SECTION 74.** 422.413 (2g) (intro.) of the statutes, as

affected by 1999 Wisconsin Act 9, is amended to read:

422.413 (2g) (intro.) In any consumer credit transaction in which the collateral is a motor vehicle as defined in s. 340.01 (35), a trailer as defined in s. 340.01 (71), a snowmobile as defined in s. 340.01 (58a), a boat as defined in s. 30.50 (2), an aircraft as defined in s. 114.002 (3), or a mobile home as defined in s. ~~401.91 (2e)~~ 138.056 (1) (bm), a writing evidencing the transaction may provide for the creditor's recovery of all of the following expenses, if the expenses are reasonable and bona fide:

**SECTION 75. Effective date.**

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

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