

1999 DRAFTING REQUEST

Bill

Received: **02/09/2000**

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Tom Sykora (608) 266-1194**

By/Representing: **himself**

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

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

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

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Mobile homes

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rmarchan 02/10/2000 rmarchan 02/22/2000	chanaman 02/14/2000	jfrantze 02/14/2000	_____	lrb_docadmin 02/14/2000		State
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02/23/2000 09:38:24 AM

Page 2

FE Sent For: ~~02/23/2000~~, 02/23/2000.

Handwritten annotations: a large circle around the date "02/23/2000" in the text above, with an arrow pointing to the handwritten text "12" written below it.

<END>

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Kjf Kjf/jf
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LEGISLATIVE REFERENCE BUREAU

BILL REQUEST FORM

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

RTM

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: <i>2/7/00</i>	Legislator or agency requesting this draft: <i>Rep. Sykora (Dcommerce)</i>
Name/phone number of person submitting request: <i>Rep. Tom Sykora 6-1194</i>	
Persons to contact for questions about this draft (names and phone numbers please): <i>Michael Bright - info on attached sheet ; Sara 6-1195</i>	
Describe the problem, including any helpful examples. How do you want to solve the problem? <i>See attached - WI Dept. of Commerce Manufacture Housing Change</i>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy. <i>Chapter 101 Stats.</i>	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Michael Bright, Chris Spooner (Doc), Ross Kinzler (WMHA)

Do you consider this urgent? YES NO If yes, please indicate why:

not much time remaining in session

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:

Expand the definition of manufactured home to include mobile home

- this will apply to current use of manufactured homes to include mobile homes. Is this O.K.?

"unless otherwise noted"

- what does this mean? What provisions are intended to apply only to manufactured home that is not a mobile home?

What about other definitions?

- should mobile home part be manuf. home part?
- should mobile home dealer be manuf. home dealer?

* Places where "mobile home" is used in Subch. III of ch 101 that are not treated in S111:

101.92(4)

101.94(1), (4)(a) + (b) 1. to 3, ~~4, 5, 6~~

* Places where "manufactured home" is used in Subch. III of ch 101 but not mobile home: 101.94(2)

Should the expanded definition of "manuf home" apply here?

* Need to reconcile manuf home manufacturer + manuf home dealer stuff w/ 101.95 + 101.951

* RP 101.96 (stopped applying on 7/99)

RP 101.90 (no longer consistent)

* What about application of expanded definition to ch. 196,
(applied by cross ref.) (may need to make some changes there)

* Can't we just remove the date restriction in the
definition of "mobile home"?

Wisconsin Department of Commerce
Manufacture Housing Change

Background

1999 Wisconsin Act 9 consolidated the manufactured housing functions, which are currently in the Departments of Administration (DOA) and Transportation (DOT), into the Department of Commerce, effective July 1, 2000.

Concern

A problem exists with the definition of the term, "Mobile Home". Under s. 101.91 (1), Stats., the definition of the term, "Mobile Home", is a vehicle that was manufactured or assembled before June 15, 1976. This statutory definition conforms to the federal definition of what constitutes a "mobile home" as opposed to what constitutes "manufactured housing."

The statutory text moved from the DOA and DOT chapters uses the term, "Mobile Home", in many places. The definition of "Mobile Home" in these DOA and DOT's chapters has not been updated through the years to reflect the distinction between "mobile home" and "manufactured housing." As these statutes are moved into Chapter 101, there is confusion and unintended consequences.

DOT's definition of a "mobile home" includes many structures that were built after June 15, 1976, and which have features that classify them as "manufactured housing" today. The unintended consequence in transferring DOT's language into Chapter 101 with the use of the term, "Mobile Home", is that the new Chapter 101 text only applies to and regulates vehicles manufactured or assembled before June 15, 1976.

As a result, only dealers and sellers of those old vehicles would need to be licensed under current law. Also, only those old vehicles would need to be titled. These are clearly not the intended results of the act. A relatively easy way to remedy this situation is to replace the term, "mobile", with the term, "manufactured", where mobile homes are now mentioned in the Chapter 101, Stats., as affected by 1999 Wisconsin Act 9.

Recommendation

We recommend the applicable sections of Chapter 101, Stats., be revised. Then add an applicability provision, perhaps by creating 101.97 that would read:

"In this subchapter, the term manufactured home, includes a mobile home unless specifically excluded."

Additional Issue

One other "Mobile Home"-related issue, which is a need to insert a "Note Relating to Security" into the new Ch. 101 text relative to mobile homes. The note would go into the treatment section 101.9218, Stats.

It should be essentially the same note that currently exists under s. 342.24, Stats. The note would communicate the results of a court case, which found that motor vehicle law provisions relating to security interests do not apply to a "mobile home" once it has become a fixture. In cases where the home is set on a permanent foundation, the lending institutions will mortgage the land and home together. It would be less confusing if the word, "mobile", were NOT used in the note for the same reasons we have recommended not using that term in the new Chapter 101 statutory text.

Wisconsin Manufactured Housing Association

**202 State Street, Ste 200
Madison, WI 53703**

VIA FAX

February 4, 2000

Michael Bright
Bright Consulting
123 E Doty St Ste 205
Madison, WI 53703

Dear Michael,

Subject: Fix up language for Act 8

I've reviewed the language that you faxed me from Commerce. My conclusion is that unless it is modified, the language will fix one problem and create another. As drafted, the amendment would correct the problem for manufactured homes but create a problem for mobile homes. As Act 9 was approved, the drafters used the term mobile home throughout, which has the effect of deregulating manufactured homes. The Commerce amendment corrects that, but would deregulate mobile homes instead. My recommendation is to do as Commerce suggests and substitute "manufactured" for "mobile" in all of the spots indicated in the draft. Then, add an applicability provision, perhaps by creating 101.97 would read:

"In this subchapter, the term manufactured home, includes a mobile home unless specifically excluded."

I understand that we will be meeting with Department representatives on Wednesday, if there are any questions, we could address them at that time.

Sincerely,

Ross Kinzler
Executive Director

cc: Chris Spooner, Dept. of Commerce

Jermstad, Sara

From: Michael P. Bright [bright.inc@midplains.net]
Sent: Monday, February 07, 2000 10:37 AM
To: Rep.Sykora@legis.state.wi.us
Subject: manufact. housing

Rep. Sykora,

Thanks for taking on the language that cleans-up Act 9 for the manufactured housing industry. I understand that Dept. Commerce, ie Chris Spooner talked with you last week. We want to be careful about how the clean-up reads so that we do not reverse the problem and create another. Who is doing the LRB drafting? Thanks again for your valuable time and assistance.

Sincerely,

Michael P. Bright
President
Bright Consulting Inc.
123 East Doty Street
Suite 205
Madison, WI 53703
Phone: (608) 257-6544
Fax: (608) 257-6587
Email: bright.inc@midplains.net

440 F.2d 551 printed in FULL format.

Thomas T. GEORGE, Trustee, Petitioner-Appellant, v. COMMERCIAL CREDIT CORP.,
Respondent-Appellee

No. 18330

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

440 F.2d 551; 1971 U.S. App. LEXIS 10926; 8 U.C.C. Rep. Serv. (Callaghan) 1315

April 6, 1971

DISPOSITION: [**1]

Affirmed.

CORE TERMS: mobile home, fixture, real estate, bankrupt, mobile, personalty, mortgage, annexation, realty, referee, registration, feet, transported, reaffirmed, permanent residence, insurance policy, building permit, real property, motor vehicle, one year, perfection, permanent, connected, highways, housing, cinder, seller, wheels, blocks

JUDGES: Duffy, Senior Circuit Judge, Fairchild, Circuit Judge, and Campbell, United States Senior District Judge.
n1

n1 Judge Campbell sitting by designation.

OPINIONBY: DUFFY

OPINION: [*552] DUFFY, Senior Circuit Judge.

This is an appeal from an order of the District Court affirming the decision of a Referee in Bankruptcy and sustaining a secured creditor's interest in a mobile home.

The question before us for decision is whether appellee's real estate mortgage on his mobile home may prevail against the trustee's claimed interest.

The referee and the District Court upheld the appellee's claim finding that the mobile home had become a fixture under Wisconsin law. The trustee argues that the mobile home was not a fixture, in fact, and secondly, that the law of fixtures does not apply to security interests in mobile homes.

Dale Wallace Foskett n2 owned five acres of land in Jefferson County, Wisconsin. On December 6, 1968, he purchased a Marshfield Mobile Home, No. 9090, from Highway Mobile Home Sales, Inc. He signed an installment contract and paid \$880 on the purchase price of \$8,800. Added was a sales tax and interest covering a

ten-year period.

n2 Foskett filed a petition in bankruptcy on June 28, 1969, and he will, at times, be referred to herein as the "bankrupt" without regard to the date when his bankruptcy petition was filed.

[**2]

Sometime in December 1968, Foskett executed a real estate mortgage to Highway Mobile Home Sales, Inc. The mortgage [*553] recites the sum of \$14,227.70 and described the real estate in metes and bounds. The mortgage was assigned to Commercial Credit Corporation, the respondent-appellee herein.

The mobile home here in question could not move under its own power. It was delivered to Foskett's real estate property by Mobile Sales. This mobile home was never again operated on or over the highways as a motor vehicle.

The mobile home here in question was 68 feet in length, 14 feet in width and 12 feet in height. It contained six rooms and weighed 15,000 pounds.

The bankrupt owned no other home and he and his wife occupied the mobile home continuously from December 6, 1968 until forced to vacate same by order of the Trustee in Bankruptcy.

The home was set on cement cinder blocks three courses high. It was connected with a well. It was hooked up to a septic tank. It also was connected with electric power lines.

The bankrupt never applied for a certificate of title from the Wisconsin Motor Vehicle Department. However, he did apply for a homeowner's insurance policy and [**3] he asked the seller to remove the wheels from his home. He also applied for a building permit and was told he had to construct a permanent foundation for the home. The permit was granted upon condition that the foundation be

constructed within one year. However, within that period, the petition for bankruptcy was filed.

The issue before us can be thus stated: Commercial Credit Corporation argues that the mobile home was a fixture under applicable law and is not personalty. The trustee insists that the mobile home was and still is a "motor vehicle" and is personalty.

The mobile homes industry has grown rapidly in the last few years. There has been a great demand for relatively inexpensive housing by middle income families. In Wisconsin, a distinction is now recognized between mobile homes (those used as homes) and motor homes (those often used as vehicles). n3

n3 Wis.Stats. Chap. 340.01 (29), (33m), 341.25(1)
(j), Laws 1969, Chap. 464.

In the recent case of *Beaulieu v. Minnehoma Insurance Company*, 44 [**4] Wis.2d 437, 171 N.W.2d 348 (1969), the Wisconsin Supreme Court pointed out the unique character of mobile homes: "As indicated by the plaintiff, a mobile home has a dual nature. It is designed as a house; yet, unlike a house, it is also capable of being easily transported. In the instant case, it was employed solely as an economical means of housing. It was never moved, nor was moving contemplated at the time the insurance coverage was procured." (44 Wis.2d at 439, 171 N.W.2d at 349).

We look to state law to determine the applicable standards for determining when personalty becomes affixed to real property.

The Wisconsin law on the question is found in *Auto Acceptance and Loan Corp. v. Kelm*, 18 Wis.2d 178, 118 N.W.2d 175 (1962) where the Wisconsin Supreme Court reaffirmed its decision in *Standard Oil Co. v. LaCrosse Super Auto Service, Inc.*, 217 Wis. 237, 258 N.W. 791 (1935). That case held that the three tests for determining whether facilities remain personalty or are to be considered part of the realty are 1) actual physical annexation to the realty; 2) application or adaptation to the use or purpose to which the realty is devoted, and 3) intention of the person making annexation [**5] to make a permanent accession to the freehold.

In the *Standard Oil Company* case, *supra*, the Court pointed out that "physical annexation" is relatively unimportant and "intention" of the parties is the principal consideration.

In *Premonstratensian Fathers v. Badger Mutual Insurance Co.*, 46 Wis.2d 362, at p. 367, 175 N.W.2d 237, at p. 240 (1970), the Court reaffirmed its adherence

to the three-fold test saying, "It is the application of these tests to [*554] the facts of a particular case which will lead to a determination of whether or not an article, otherwise considered personal property, constitutes a common-law fixture, and hence takes on the nature of real property."

Viewed in light of these Wisconsin tests, the finding of the referee and the District Court that this mobile home had become a fixture must clearly stand. The bankrupt's actual intention pointed definitely toward affixing the mobile home to the land as a permanent residence, as seen in his application for a building permit (which, by law, required him to erect a concrete slab as a permanent foundation within one year), his purchase of a homeowner's insurance policy, and his requests made to the [**6] seller to have the wheels of the home removed. Moreover, the home was clearly adapted to use as the permanent residence of the bankrupt and was never moved off of his fiveacre plot.

The fact that it may have been physically possible for this mobile home to have been more securely attached to the ground should not alter our position. Physical attachment did occur by means of cinder blocks and a "C" clamp, while connections for electricity, sewage and natural gas were provided as well. Finally, we note that the very size and difficulty in transporting this mobile home further highlight the fact that this was a vehicle which was intended primarily to be placed in one position for a long period of time and to be used as an intended permanent home.

The trustee also errs when he asserts that the effect of the Wisconsin Motor Vehicle Code (Wis.Stats. Chaps. 340-349) is to foreclose the possibility of a mobile home ever becoming a fixture. The trustee points principally to Section 342.24, which states in relevant part: "The method provided in this chapter of perfecting and giving notice of security interests subject to this chapter is exclusive. * * *" Rather than accepting a restrictive [**7] interpretation of the Motor Vehicle Code, we feel that the quoted provision, along with the other sections dealing with registration and perfection of security interests n4 do not apply to a mobile home, once it has become a fixture.

n4 See Sections 341.04, 341.05, 341.47, 342.05, 342.19.

In this connection, it is clear that Section 342.24 is more concerned with potential conflict with the Commercial Code when it speaks of exclusive perfection, than with the real estate laws. Likewise, within the Motor Vehicle Code itself, there are specific exemptions from registra-

tion for certain types of vehicles which are only limitedly used upon the highways. This mobile home, for example, would have been exempt from registration while being transported from the dealer to the bankrupt's property. (Wis.Stat. Sec. 341.47).

Our reading of the Wisconsin Statutes is thus consistent with other statutory and common law provisions dealing with the fixture situation, such as Section 9-313 of the Uniform Commercial Code (Wis.Stats. [**8] Sec. 409.313) which takes care to state that the Code does not

prevent creation of encumbrances upon fixtures or real estate pursuant to the law applicable to real estate. (See also 4A Collier on Bankruptcy, para. 70.20 pp. 283-295).

In view of our holding that this particular mobile home had become a fixture under Wisconsin law and that the law of fixtures may, by law, be applied to mobile homes in that State, the Judgment of the District Court must be and is

Affirmed.

Marchant, Robert

From: Marchant, Robert
Sent: Thursday, February 10, 2000 11:53 AM
To: Spooner, Christopher
Cc: Jermstad, Sara
Subject: Mobile homes and manufactured homes



Mobile homes.pdf

Chris--

I have nearly completed a preliminary draft regarding the requested changes to the manufactured housing laws. The preliminary draft should be out the beginning of this coming week. I imagine some changes will be necessary because it is still not clear which statutes should apply only to mobile homes, which should apply only to manufactured homes and which should apply to both. I recommend that the department review subch. V of ch. 101, as it will appear on July 1, 2000, and determine how the terms mobile home and manufactured home should be used in each statute. I have attached a copy of the relevant statutes, as they will appear on July 1, 2000, in order to facilitate this review.

If it appears that the requested legislation may not be able to pass both houses of the legislature during the next floor period, you may want to consider a bill that simply delays the effective date of the relevant portions of Act 9 to a date in the Spring of 2001. This would provide additional time to draft legislation to make the necessary corrections.

Robert J. Marchant
Legislative Attorney
State of Wisconsin Legislative Reference Bureau
robert.marchant@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

PL
LRB-4513P
RJM: C.M.H.

2-14-00
TODAY

RMR
DNOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Currently, the DOA regulates mobile home parks, titling of mobile homes and the DOT regulates the registration and mobile home dealers and mobile home salespersons. The DOT regulates the registration and the department of commerce regulates the manufacture of mobile homes, and the recording and perfecting of security interests in mobile homes;

- 1 AN ACT relating to: the regulation of mobile homes and manufactured homes
- 2 and the financing of certain mobile home and manufactured home transactions.

Analysis by the Legislative Reference Bureau

Under current law, the department of administration, the department of transportation and the department of commerce each regulate mobile homes and manufactured homes. Under current law, the department of administration and the department of transportation regulate mobile homes regardless of the date that the mobile homes were manufactured. However, under the relevant statutes relating to the department of commerce, the definition of "mobile home" only includes a mobile home that was manufactured before June 15, 1976.

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

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

DOA and the DOT statutes govern

INSURANCE

ensure the continued regulation of

department of commerce

stat.

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

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

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

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

6 ~~History: 1979 c. 221; 1983 a. 27 s. 2200 (35); 1991 a. 269; 1995 a. 27~~

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

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

9 ~~History: 1974 c. 185; 1974 c. 223 s. 42; Stats. 1971 s. 101.19; 1975 a. 39; 1977 c. 29; 1979 c. 221; 1983 a. 27, 94, 446; 1987 a. 343; 1991 a. 39; 269; 1993 a. 414~~

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

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

13 ~~History: 1975 c. 405; 1979 c. 89; 1983 a. 27, 189; 1989 a. 109.~~

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

14 **SECTION 5.** 101.91 (1g) of the statutes, as created by 1999 Wisconsin Act 9, is
15 amended to read:

16 101.91 (1g) "Delivery date" means the date on which a ~~mobile~~ manufactured
17 home is physically delivered to the site chosen by the ~~mobile home~~ owner of the
18 manufactured home.

19 ~~NOTE: NOTE: Sub. (1g) is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:~~

19 ~~History: 1973 c. 116, 132; 1983 a. 27, 192; 1995 a. 362; 1999 a. 9.~~

19 **SECTION 6.** 101.91 (2) (intro.) of the statutes is amended to read:

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

2 History: 1973 c. 116, 132; 1983 a. 27, 192; 1995 a. 362; 1999 a. 9.
SECTION 7. 101.91 (2) (c) of the statutes is created to read:

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

5 SECTION 8. 101.91 (2e) [✓] of the statutes, as affected [✓] by 1999 Wisconsin Act 9, is
6 renumbered 101.91 (2k).

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

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

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

NOTE: NOTE: 506. (2g) is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:

19 History: 1973 c. 116, 132; 1983 a. 27, 192; 1995 a. 362; 1999 a. 9.
SECTION 10. 101.91 (2m) [✓] of the statutes, as created [✓] by 1999 Wisconsin Act 9,
20 is renumbered 101.91 (2d) and amended to read:

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

1 NOTE: NOTE: NOTE: Sub. (2m) is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:

2 History: 1973 c. 116, 132; 1983 a. 27, 192; 1995 a. 362; 1999 a. 9. ✓

3 SECTION 11. 101.91 (3) of the statutes, as affected by 1999 Wisconsin Act 9, is
4 renumbered 101.91 (2f) and amended to read:

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

12 NOTE: NOTE: Sub. (3) is shown as amended eff. 7-1-00 by 1999 Wis. Act 9. Prior to 7-1-00 it reads: NOTE:

13 (3) "Mobile home park" has the meaning given in s. 66.058 (1) (e). ✓

14 History: 1973 c. 116, 132; 1983 a. 27, 192; 1995 a. 362; 1999 a. 9. ✓

15 SECTION 12. 101.91 (4) of the statutes, as created by 1999 Wisconsin Act 9, is
16 renumbered 101.91 (2h) and amended to read:

17 101.91 (2h) "Mobile Manufactured home salesperson" means any person who
18 is employed by a ~~mobile~~ manufactured home manufacturer or ~~mobile~~ manufactured
19 home dealer to sell or lease ~~mobile~~ manufactured homes. ✓

20 NOTE: NOTE: Sub. (4) is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:

21 History: 1973 c. 116, 132; 1983 a. 27, 192; 1995 a. 362; 1999 a. 9. ✓

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

24 101.91 (5) "New ~~mobile~~ manufactured home" means a ~~mobile~~ manufactured
25 home that has never been occupied, used or sold for personal or business use. ✓

26 NOTE: NOTE: Sub. (5) is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:

27 History: 1973 c. 116, 132; 1983 a. 27, 192; 1995 a. 362; 1999 a. 9. ✓

28 SECTION 14. 101.91 (6) of the statutes, as created by 1999 Wisconsin Act 9, is
29 amended to read:

1 101.91 (6) "Used ~~mobile~~ [✓] manufactured home" means a ~~mobile~~ manufactured
2 home that has previously been occupied, used or sold for personal or business use.

NOTE: NOTE. Sub. (6) is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:
History: 1973 c. 116, 132; 1983 a. 27, 192; 1995 a. 362; 1999 a. 9.

3 **SECTION 15.** 101.92 (1) of the statutes is amended to read:

4 101.92 (1) Shall adopt, administer and enforce rules for the safe and sanitary
5 design and construction of manufactured homes ~~and mobile homes~~ that are
6 manufactured, distributed, sold or offered for sale in this state.

History: 1973 c. 116; 1979 c. 221; 1983 a. 27 ss. 1375pr, 1375q; 2200 (25); 1995 a. 27, 362; 1999 a. 9.

7 **SECTION 16.** 101.92 (2) of the statutes is amended to read:

8 101.92 (2) Shall license all manufacturers desiring to sell or distribute for sale
9 manufactured homes ~~or mobile homes~~ in this state.

History: 1973 c. 116; 1979 c. 221; 1983 a. 27 ss. 1375pr, 1375q; 2200 (25); 1995 a. 27, 362; 1999 a. 9.

10 **SECTION 17.** 101.92 (4) of the statutes is amended to read:

11 101.92 (4) Shall provide for announced or unannounced inspection of
12 manufacturing facilities, processes, fabrication and assembly of manufactured
13 homes ~~and mobile homes~~ to ensure compliance with the rules adopted under ss.
14 101.90 to 101.96.

History: 1973 c. 116; 1979 c. 221; 1983 a. 27 ss. 1375pr, 1375q; 2200 (25); 1995 a. 27, 362; 1999 a. 9.

15 **SECTION 18.** 101.92 (5) of the statutes is amended to read:

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

History: 1973 c. 116; 1979 c. 221; 1983 a. 27 ss. 1375pr, 1375q; 2200 (25); 1995 a. 27, 362; 1999 a. 9.

20 **SECTION 19.** 101.9202 (1) of the statutes, as created by 1999 Wisconsin Act 9,
21 is amended to read:

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5-9

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

3 ^{History: 1999 a. 9.} SECTION 20. 101.9202 (3) of the statutes, as created by 1999 Wisconsin Act 9,
4 is amended to read:

5 101.9202 (3) A security interest in a ~~mobile~~ manufactured home created by a
6 ~~mobile~~ ^{manufactured} home dealer or manufacturer who holds the ~~mobile~~ manufactured home for
7 sale, which shall be governed by the applicable provisions of ch. 409.

NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:
8 ^{History: 1999 a. 9.}

9 SECTION 21. 101.9203 of the statutes, as created by 1999 Wisconsin Act 9, is
10 amended to read:

11 **101.9203 When certificate of title required.** (1) The owner of a ~~mobile~~
12 manufactured home situated in this state or intended to be situated in this state
13 shall make application for certificate of title under s. 101.9209 for the ~~mobile~~
14 manufactured home if the owner has newly acquired the ~~mobile~~ manufactured home.

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

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

1 ~~NOTE: NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:~~

2 History: 1999 a. 9.

3 **SECTION 22.** 101.9204 (1) (b) to (g) of the statutes, as created by 1999 Wisconsin
4 Act 9, are amended to read:

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

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

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

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

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

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

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

3 ^{History: 1999 s. 9.} SECTION 23. 101.9205 (1) and (3) of the statutes, as created by 1999 Wisconsin
4 Act 9, are amended to read:

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

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

NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:

11 ^{History: 1999 s. 9.} SECTION 24. 101.9206 (1) (c) and (d), (2) (a) 2. and (3) (a) and (b) 1. and 2. of the
12 statutes, as created by 1999 Wisconsin Act 9, are amended to read:

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

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

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

18 (3) (a) Unless the applicant fulfills the requirements of par. (b), the department
19 shall issue a distinctive certificate of title for a ~~mobile~~ manufactured home last
20 previously registered in another jurisdiction if the laws of the other jurisdiction do
21 not require that secured parties be named on a certificate of title to perfect their
22 security interests. The certificate shall contain the legend "This ~~mobile~~
23 manufactured home may be subject to an undisclosed security interest" and may
24 contain any other information that the department prescribes. If the department

1 receives no notice of a security interest in the ~~mobile~~ manufactured home within 4
2 months from the issuance of the distinctive certificate of title, the department shall,
3 upon application and surrender of the distinctive certificate, issue a certificate of
4 title in ordinary form.

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

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

1 apart from this section, a nondistinctive certificate of title could then be issued for
2 the ~~mobile~~ manufactured home.

3 ^{History, 1999 a. 9.} SECTION 25. 101.9208 (1) (a), (c), (d), (dm) and (g) of the statutes, as created by
4 1999 Wisconsin Act 9, are amended to read:

5 101.9208 (1) (a) For filing an application for the first certificate of title, \$8.50,
6 by the owner of the ~~mobile~~ manufactured home.

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

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

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

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

19 ^{History, 1999 a. 9.} SECTION 26. 101.9209 (1) ~~(1)~~ ^{(title), to} (4) and (5) (a) and (b) of the statutes, as created
20 by 1999 Wisconsin Act 9, are amended to read:

(21) 101.9209 ^(title) Transfer of interest in a mobile manufactured home. (1) (a)
22 If an owner transfers an interest in a ~~mobile~~ manufactured home, other than by the
23 creation of a security interest, the owner shall, at the time of the delivery of the
24 ~~mobile~~ manufactured home, execute an assignment and warranty of title to the

1 transferee in the space provided therefor on the certificate, and cause the certificate
2 to be mailed or delivered to the transferee.

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

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

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

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

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

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11-8

1 NOTE: NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE: ✓

2 History: 1999 a.s.

3 SECTION 27. 101.921 of the statutes, as created by 1999 Wisconsin Act 9, is
4 amended to read:

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

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

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

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

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

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

1 ~~NOTE: NOTE: NOTE: This section is created ER 7-1-00 by 1999 Wis. Act 9. NOTE:~~
History: 1999 a. 9.

✓
b.

2 **SECTION 28.** 101.9211 (1) to (3), (4) (a) (intro.), (b) 1. (intro.) and c. and 2. to 4.,
3 (c) and (d) of the statutes, as created by 1999 Wisconsin Act 9, are amended to read:

4 **101.9211 (1)** If the interest of an owner in a ~~mobile~~ manufactured home passes
5 to another other than by voluntary transfer, the transferee shall, except as provided
6 in sub. (2), promptly mail or deliver to the department the last certificate of title, if
7 available, and the documents required by the department to legally effect such
8 transfer, and an application for a new certificate in the form that the department
9 prescribes.

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

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

plain 'a'

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

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

Amended 1-5-7

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

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

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

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

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

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

NOTE: NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:
History: 1999 a. 9.

SECTION 29. 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.

NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:
History: 1999 a. 9.

SECTION 30. 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

1 a ~~mobile~~ manufactured home by a secured party, upon default shall, to the extent
2 appropriate, govern the rights of secured parties and owners with respect to security
3 interests in ~~mobile~~ manufactured homes perfected under ss. 101.9202 to 101.9218.

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

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

NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:
History: 1999 a. 9.

14 SECTION 31. 101.9214 (intro.) of the statutes, as created by 1999 Wisconsin Act
15 9, is amended to read:

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

20 History: 1999 a. 9. SECTION 32. 101.9215 (1) of the statutes, as created by 1999 Wisconsin Act 9,
21 is amended to read:

22 101.9215 (1) A secured party may assign, absolutely or otherwise, the party's
23 security interest in the ~~mobile~~ manufactured home to a person other than the owner
24 without affecting the interest of the owner or the validity of the security interest, but

1 any person without notice of the assignment is protected in dealing with the secured
2 party as the holder of the security interest and the secured party remains liable for
3 any obligations as a secured party until the assignee is named as secured party on
4 the certificate.

5 ^{History: 1999 a. 9.} SECTION 33. 101.9216 (1), (2) and (4) of the statutes, as created by 1999
6 Wisconsin Act 9, are amended to read:

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

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

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

1 owner of a ~~mobile~~ manufactured home and the holder of security interest in the
2 ~~mobile~~ manufactured home.

NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:
History: 1999 a. 9.

3 SECTION 34. 101.9217 (2) (a) of the statutes, as created by 1999 Wisconsin Act
4 9, is amended to read:

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

Handwritten note: 205 sec 19-12

13 SECTION 35. 101.9219 (2) (intro.) and (a) and (3) (a) and (b) of the statutes, as
14 created by 1999 Wisconsin Act 9, are amended to read:

15 101.9219 (2) (intro.) If the department is not satisfied as to the ownership of
16 the ~~mobile~~ manufactured home or that there are no undisclosed security interests in
17 it, the department, subject to sub. (3), shall either:

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

22 (3) (a) The applicant is a ~~mobile~~ manufactured home dealer licensed under s.
23 101.951 and is financially responsible as substantiated by the last financial
24 statement on file with the department, a finance company licensed under s. 138.09

1 or 218.01, a bank organized under the laws of this state, or a national bank located
2 in this state.

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

NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:

History: 1999 a. 9.

22 SECTION 36. 101.922 (1) (b) of the statutes, as created by 1999 Wisconsin Act
23 9, is amended to read:

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

3 ^{History: 1999 a. 9.} **SECTION 37.** 101.9221 (3) and (4) of the statutes, as created by 1999 Wisconsin
4 Act 9, are amended to read:

5 101.9221 (3) The applicant is a ~~mobile~~ manufactured home dealer and is
6 prohibited from applying for a certificate of title under s. 101.921 (1) (a) or (b).

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

NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:

History: 1999 a. 9.

11 **SECTION 38.** 101.9222 (title) of the statutes, as created by 1999 Wisconsin Act
12 9, is amended to read:

13 **101.9222 (title) Previously certificated ~~mobile~~ manufactured homes.**

14 ^{History: 1999 a. 9.} **SECTION 39.** 101.9222 (1) to (3) and (5) (a) (intro.) and (b) of the statutes, as
15 created by 1999 Wisconsin Act 9, are amended to read:

16 101.9222 (1) In this section, "previously certificated ~~mobile~~ manufactured
17 home" means a ~~mobile~~ manufactured home for which a certificate of title has been
18 issued by the department of transportation prior to July 1, 2000.

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

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

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

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

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

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

NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:
History: 1999 a. 9.

15 SECTION 40. 101.93 of the statutes is amended to read:

16 **101.93 Departmental powers and duties.** (1) The department shall adopt
17 rules relating to plumbing in the design and construction of manufactured homes
18 ~~and mobile homes~~. The rules shall be consistent with s. 101.94 (1) to (3) and shall
19 be reviewed annually.

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

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

3 *over* History: 1973 c. 116; 1979 c. 221; 1983 a. 27 s. 2200 (25).

3 **SECTION 41.** 101.935 (title) of the statutes, as affected by 1999 Wisconsin Act
4 9, is amended to read:

5 **101.935 (title) Mobile Manufactured home park regulation.**

6 *over* History: 1991 a. 39; 1993 a. 16. 27. 491; 1995 a. 27 s. 9126 (19); 1999 a. 9 ss. 64g to 64r; Stats. 1999 s. 101.935.

6 **SECTION 42.** 101.935 (1), (2) (a) and (d) and (2m) of the statutes, as affected by
7 1999 Wisconsin Act 9, are amended to read:

8 101.935 (1) The department shall license and regulate ~~mobile~~ manufactured
9 home parks. The department may investigate ~~mobile~~ manufactured home parks
10 and, with notice, may enter and inspect private property.

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

16 (d) A permit may not be issued under this subsection until all applicable fees
17 have been paid. If the payment is by check or other draft drawn upon an account
18 containing insufficient funds, the permit applicant shall, within 15 days after receipt
19 of notice from the department of the insufficiency, pay by cashier's check or other
20 certified draft, money order or cash the fees to the department, late fees and
21 processing charges that are specified by rules promulgated by the department. If the
22 permit applicant fails to pay all applicable fees, late fees and the processing charges
23 within 15 days after the applicant receives notice of the insufficiency, the permit is
24 void. In an appeal concerning voiding of a permit under this paragraph, the burden

1 is on the permit applicant to show that the entire applicable fees, late fees and
2 processing charges have been paid. During any appeal process concerning a
3 payment dispute, operation of the ~~mobile~~ manufactured home park in question is
4 considered to be operation without a permit.

5 (2m) (a) The department shall inspect a ~~mobile~~ manufactured home park in
6 the following situations:

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

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

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

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

History: 1991 g. 39; 1993 a. 16, 27, 491; 1995 a. 27 s. 9126 (19); 1999 a. 9 ss. 64g to 64r Stats. 1999 s. 101.935.

14 SECTION 43. 101.94 (3), (4) (intro.) ~~and~~ (b) (intro.) ~~and~~ (5) of the statutes are
15 amended to read:

16 101.94 (3) Each manufactured home ~~or mobile home~~ manufacturer shall
17 submit to the department typical construction plans and specifications for review.
18 The department shall, by its own inspectors whether inside or outside this state,
19 perform sufficient inspections of manufacturing premises and manufactured units
20 to ensure compliance with this section. The department may contract for inspection
21 services, as provided in sub. (4), for inspections outside this state. Each
22 manufactured home ~~or mobile home~~, upon final assembly, shall display a label which
23 shall be prescribed by and be available only from the department, or similar agency
24 of other states where units are manufactured, providing reciprocal agreements have

and
(a) and 1. to 3.

1 been executed and are effective between this state and such other states indicating
2 that the manufactured home ~~or mobile home~~ meets the requirements of ss. 101.90
3 to 101.96 or the applicable laws of the state with which a reciprocal agreement has
4 been executed. No manufactured home ~~or mobile home~~ which bears such label shall
5 be required by any person to comply with any building, plumbing, heating or
6 electrical code or any construction standards other than those promulgated under
7 this section.

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

INSET
25-15

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

INSET
25-18

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

History: 1973 c. 116; 1977 c. 29; 1979 c. 221 ss. 552 to 556, 2202 (25); 1983 a. 27 ss. 1375r to 1375s, 2200 (25); 1989 a. 31; 1995 a. 27 s. 9126 (19); 1997 a. 283; 1999 a.

23 SECTION 44. 101.94 (8) (a) of the statutes, as affected [✓] by 1999 Wisconsin Act 9,
24 is amended to read:

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

NOTE: NOTE: Par. (a) is shown as amended eff. 7-1-00 by 1999 Wis. Act 9. Prior to 7-1-00 it reads: NOTE:

9 (a) A person who violates this subchapter or a rule or order issued under this subchapter shall forfeit not more than \$1,000 for each violation. Each violation of
 10 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
 11 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
 12 one year of the first violation.

History: 1973 c. 116; 1977 c. 29; 1979 c. 221 ss. 552 to 556, 2202 (25); 1983 a. 27 ss. 1375r to 1375s, 2200 (25); 1989 a. 31; 1995 a. 27 s. 9126 (19); 1997 a. 283; 1999 a.

13 **SECTION 45.** 101.95 of the statutes is amended to read:

14 **101.95 Manufactured home and ~~mobile home~~ manufacturers**
 15 **regulated.** The department shall by rule prescribe the manner by which a
 16 manufacturer shall be licensed for the manufacture, distribution or selling of
 17 manufactured homes or ~~mobile homes~~ in this state.

History: 1973 c. 116; 1983 a. 27 ss. 1375s, 2200 (25).

18 **SECTION 46.** 101.951 (title) of the statutes, as created by 1999 Wisconsin Act
 19 9, is amended to read:

20 **101.951 (title) Mobile Manufactured home dealers regulated.**

History: 1999 a. 9.

21 **SECTION 47.** 101.951 (1) and (6) (n) of the statutes, as created by 1999 Wisconsin
 22 Act 9, are amended to read:

23 **101.951 (1)** No person may engage in the business of selling ~~mobile~~
 24 manufactured homes to a consumer or to the retail market in this state unless first
 25 licensed to do so by the department as provided in this section.

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

3 ^{History: 1999 a. 9.} SECTION 48. 101.952 (title) of the statutes, as created by 1999 Wisconsin Act
4 9, is amended to read:

5 101.952 (title) **Mobile Manufactured home salespersons regulated.**

6 ^{History: 1999 a. 9.} SECTION 49. 101.952 (1), (2) (a), (3), (5) and (6) of the statutes, as created by
7 1999 Wisconsin Act 9, are amended to read:

8 101.952 (1) No person may engage in the business of selling ~~mobile~~
9 manufactured homes to a consumer or to the retail market in this state without a
10 license therefor from the department. If a ~~mobile~~ manufactured home dealer acts as
11 a ~~mobile~~ manufactured home salesperson the dealer shall secure a ~~mobile~~
12 manufactured home salesperson's license in addition to the license for engaging as
13 a ~~mobile~~ manufactured home dealer.

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

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

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

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

NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE: ✓

History: 1999 a. 9.

9 SECTION 50. 101.953 (1) (intro.) and (a) to (d), (3) and (4) of the statutes, as
10 created by 1999 Wisconsin Act 9, are amended to read:

11 101.953 (1) (intro.) A one-year written warranty is required for every new
12 ~~mobile~~ manufactured home sold, or leased to another, by a ~~mobile~~ manufactured
13 home manufacturer, ~~mobile~~ manufactured home dealer or ~~mobile~~ manufactured
14 home salesperson in this state, and for every new ~~mobile~~ manufactured home sold
15 by any person who induces a resident of the state to enter into the transaction by
16 personal solicitation in this state or by mail or telephone solicitation directed to the
17 particular consumer in this state. The warranty shall state all of the following:

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

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

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

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

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

24 (3) The warranty required under this section shall apply to the manufacturer
25 of the ~~mobile~~ manufactured home as well as to the ~~mobile~~ manufactured home dealer

1 who sells or leases the ~~mobile~~ manufactured home to the consumer, and shall be in
2 addition to any other rights and privileges that the consumer may have under any
3 instrument or law. The waiver of any remedies under any law and the waiver,
4 exclusion, modification or limitation of any warranty, express or implied, including
5 the implied warranty of merchantability and fitness for a particular purpose, is
6 expressly prohibited. Any such waiver is void.

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

NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:

History: 1999 a. 9.

13 SECTION 51. 101.954 of the statutes, as created by 1999 Wisconsin Act 9, is
14 amended to read:

15 **101.954 Sale or lease of used ~~mobile~~ manufactured homes.** In the sale
16 or lease of any used ~~mobile~~ manufactured home, the sales invoice or lease agreement
17 shall contain the point of manufacture of the used ~~mobile~~ manufactured home, the
18 name of the manufacturer and the name and address of the previous ~~mobile home~~
19 owner of the manufactured home.

NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE:

History: 1999 a. 9.

20 SECTION 52. 101.955 (1) of the statutes, as created by 1999 Wisconsin Act 9, is
21 amended to read:

22 101.955 (1) The importation of a ~~mobile~~ manufactured home for sale in this
23 state by an out-of-state manufacturer is considered an irrevocable appointment by

1 that manufacturer of the department of financial institutions to be that
2 manufacturer's true and lawful attorney upon whom may be served all legal
3 processes in any action or proceeding against such manufacturer arising out of the
4 importation of such ~~mobile~~ manufactured home into this state.

5 ^{History: 1999 a. 9.} SECTION 53. 101.96 of the statutes is repealed. ✓

6 SECTION 54. 101.965 (3) of the statutes, as created by 1999 Wisconsin Act 9, is
7 amended to read:

8 101.965 (3) Nothing in this subchapter prohibits the bringing of a civil action
9 against a ~~mobile~~ manufactured home manufacturer, ~~mobile~~ manufactured home
10 dealer or ~~mobile~~ manufactured home salesperson by an aggrieved consumer. If
11 judgment is rendered for the consumer based on an act or omission by the ~~mobile~~
12 manufactured home manufacturer, ~~mobile~~ manufactured home dealer or ~~mobile~~
13 manufactured home salesperson, which constituted a violation of this subchapter,
14 the plaintiff shall recover actual and proper attorney fees in addition to costs
15 otherwise recoverable.

NOTE: NOTE: This section is created eff. 7-1-00 by 1999 Wis. Act 9. NOTE: ✓

16 ^{History: 1999 a. 9.} SECTION 55. 138.056 (1) (b) of the statutes, as affected by 1999 Wisconsin Act
17 9, is amended to read:

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

NOTE: NOTE: Par. (b) is shown as amended eff. 7-1-00 by 1999 Wis. Act 9. Prior to 7-1-00 it reads: NOTE: ✓

20 (b) "Dwelling" includes a cooperative housing unit and a mobile home as defined in s. 218.10 (2).

History: 1981 c. 45; 1983 a. 232; 1985 a. 325; 1991 a. 221; 1993 a. 88, 112; 1995 a. 27, 336; 1999 a. 9.

21 SECTION 56. 138.056 (1) (bm) of the statutes is created to read:

22 138.056 (1) (bm) "Mobile home" means a vehicle designed to be towed as a
23 single unit or in sections upon a highway by a motor vehicle and equipped and used,

1 or intended to be used, primarily for human habitation, with walls of rigid
2 uncollapsible construction. ^{CC} "Mobile home" includes the mobile home structure,
3 including the plumbing, heating and electrical systems and all appliances and all
4 other equipment carrying a manufacturer's warranty.

5 SECTION 57. 138.056 (1) (c) of the statutes, as affected by 1999 Wisconsin Act
6 9, is amended to read:

7 138.056 (1) (c) "Mobile home transaction" means a consumer credit sale, as
8 defined in s. 421.301 (9), of or a consumer loan, as defined in s. 421.301 (12), secured
9 by a first lien or equivalent security interest in a mobile home, as defined in s. 101.91
10 (2e). ✓

NOTE: NOTE: Par. (c) is shown as amended eff. 7-1-00 by 1999 Wis. Act 9. Prior to 7-1-00 it reads:NOTE:

11 (c) "Mobile home transaction" means a consumer credit sale, as defined in s. 421.301 (9), of or a consumer loan, as defined in s. 421.301 (12), secured by a first lien
12 or equivalent security interest in a mobile home as defined in s. 218.10 (2).
History: 1981 c. 45; 1983 a. 232; 1985 a. 325; 1991 a. 221; 1993 a. 88, 112; 1995 a. 27, 336; 1999 a. 9.

13 SECTION 58. 138.09 (7) (jm) 1. b. of the statutes, as affected by 1999 Wisconsin
14 Act 9, is amended to read:

15 138.09 (7) (jm) 1. b. The loan administration fee is charged for a consumer loan
16 that is secured primarily by an interest in real property or in a mobile home, as
17 defined in ^{plain} ~~s. 101.91 (2e)~~ ^{es} s. 138.056 (1) (bm).

NOTE: NOTE: Subpart b. is shown as amended eff. 7-1-00 by 1999 Wis. Act 9. Prior to 7-1-00 it reads:NOTE:

18 (2) 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. 218.10
History: 1971 c. 60, 125, 239, 307; 1973 c. 2, 243; 1975 c. 407; 1977 c. 29 s. 1654 (7) (b); 1977 c. 444; 1979 c. 110 s. 60 (13); 1979 c. 168; 1981 c. 45 ss. 11 to 16, 51; 1983
a. 36, 192, 385; 1985 a. 127; 1987 a. 27; 1989 a. 31; 1991 a. 39, 204; 1993 a. 112, 184, 368, 482, 490; 1995 a. 27, 225, 272; 1997 a. 27, 191, 237; 1999 a. 9.

19 SECTION 59. 196.01 (3m) of the statutes is repealed. *as created by 1997 Wisconsin Act 229,*

20 SECTION 60. 196.01 (3n) of the statutes, as affected by 1999 Wisconsin Act 9,
21 is amended to read: *1997 Wisconsin Act 229 and*

22 196.01 (3n) "Mobile home" has the meaning given in s. 101.91 (2e) for
23 "manufactured home" in s. 101.91 (2).
24

NOTE: NOTE: Sub. (3n) is shown as amended eff. 7-1-00 by 1999 Wis. Act 9. Prior to 7-1-00 it reads:NOTE:

25 (3n) "Mobile home" has the meaning given in s. 101.91 (1).
History: 1977 c. 29, 418; 1981 c. 390; 1983 a. 27, 53, 76; 192, 425, 538; 1985 a. 79, 1985 a. 297 ss. 14 to 22, 39; 1987 a. 27; 1989 a. 344; 1993 a. 121, 496; 1995 a. 46, 409;
1997 a. 184, 218, 229; 1999 a. 9; s. 13.93 (2) (c).

1 SECTION 61. 196.01 (3p) of the statutes is amended to read:

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

as created by 1997 Wisconsin Act 229

History: 1977 c. 29, 418; 1981 c. 390; 1983 a. 27, 53, 76, 192, 425, 538; 1985 a. 79, 1985 a. 297 ss. 14 to 22, 39; 1987 a. 27; 1989 a. 344; 1993 a. 121, 496; 1995 a. 46, 409; 1997 a. 184, 218, 229; 1999 a. 9; s. 13.93 (2) (c).

5 SECTION 62. 196.01 (3s) of the statutes is amended to read:

6 196.01 (3s) "Mobile home park occupant" means a person who rents or owns
7 a mobile home ~~or manufactured home~~ in a mobile home park.

as affected by 1997 Wisconsin Act 229

History: 1977 c. 29, 418; 1981 c. 390; 1983 a. 27, 53, 76, 192, 425, 538; 1985 a. 79, 1985 a. 297 ss. 14 to 22, 39; 1987 a. 27; 1989 a. 344; 1993 a. 121, 496; 1995 a. 46, 409; 1997 a. 184, 218, 229; 1999 a. 9; s. 13.93 (2) (c).

8 SECTION 63. 196.26 (1m) of the statutes is amended to read:

9 196.26 (1m) COMPLAINT AND INVESTIGATION. If any mercantile, agricultural or
10 manufacturing society, body politic, municipal organization or 25 persons file a
11 complaint specified in sub. (1) (a) 1. against a public utility, or if the commission
12 terminates a proceeding on a complaint under s. 196.199 (3) (a) 1m. b., or if a person
13 files a complaint specified in sub. (1) (a) 3., the commission, with or without notice,
14 may investigate the complaint under this section as it deems necessary. If the mobile
15 home park occupants of 25% of the total number of ~~manufactured homes or mobile~~
16 ~~homes or mobile homes~~ in a mobile home park or the mobile home park occupants of 25 ~~manufactured~~
17 ~~homes or mobile homes~~ in a mobile home park, whichever is less, files a complaint
18 against a mobile home park contractor or mobile home park operator, the
19 commission, with or without notice, may investigate the complaint as it deems
20 necessary. The commission may not issue an order based on an investigation under
21 this subsection without a public hearing.

NOTE: NOTE: Sub. (1m) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:

History: 1981 c. 148; 1983 a. 53; 1985 a. 297; 1989 a. 344; 1993 a. 496; 1995 a. 409; 1997 a. 218, 229; s. 13.93 (2) (c).

22 SECTION 64. 196.85 (2g) of the statutes is amended to read:

as created by 1997 Wisconsin Act 229

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

History: 1971 c. 40 s. 93; 1971 c. 125; 1973 c. 243 s. 82; 1975 c. 68; 1977 c. 29 ss. 1359, 1360, 1654 (10) (f); 1977 c. 203, 418; 1979 c. 171; 1981 c. 390; 1987 a. 378; 1991 a. 269; 1993 a. 496; 1997 a. 27, 140, 184, 229, 254; s. 13.93 (2) (c). *as created by 1999 Wisconsin Act 9,*

14 **SECTION 65.** 341.05 (26) (a) of the statutes *is* amended to read:

15 341.05 (26) (a) Is a mobile home, as defined in s. 101.91 (2e), or a manufactured
 16 home, as defined in s. 101.91 (2).

History: 1971 c. 207; 1973 c. 90; 1977 c. 29, 43, 418; 1983 a. 50, 180, 243, 288, 538; 1985 a. 187; 1985 a. 197 s. 7; 1987 a. 349; 1991 a. 39, 316; 1993 a. 288; 1995 a. 138, 189; 1997 a. 27, 269; 1999 a. 9.

17 **SECTION 66.** 422.201 (12m) of the statutes, as affected by 1999 Wisconsin Act
 18 9, is amended to read:

19 422.201 (12m) This section does not apply to consumer credit sales of or
 20 consumer loans secured by a first lien on or equivalent security interest in mobile
 21 homes as defined in *plain* s. 101.91 (2e) *91* s. 138.056 (1) (bm), if the sales or loans are made
 22 on or after November 1, 1981.

NOTE: NOTE: Sub. (12m) is shown as amended eff. 7-1-00 by 1999 Wis. Act 9. Prior to 7-1-00 it reads: NOTE:

1 (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
2 in s. 218.10 (2), if the sales or loans are made on or after November 1, 1981.
History: 1971 c. 239; 1973 c. 2; 1979 c. 10, 168, 176; 1981 c. 45, 100; 1983 a. 389; 1985 a. 29; 1987 a. 27; 1989 a. 56; 1991 a. 316; 1995 a. 328, 329; 1997 a. 35, 302; 1999
a. 9.

3 SECTION 67. 422.209 (1m) (a) 2. of the statutes, as affected by 1999 Wisconsin

4 Act 9, is amended to read:

5 422.209 (1m) (a) 2. The loan administration fee is for a consumer loan that is

6 secured primarily by an interest in real property or in a mobile home, as defined in

7 ~~s. 101.91 (2e)~~ ^{plain} s. 138.056 (1) (bm).

NOTE: NOTE: Subj. 2. is shown as amended eff. 7-1-00 by 1999 Wis. Act 9. Prior to 7-1-00 it reads: NOTE:

8 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. 218.10 (2).
History: 1971 c. 239; 1979 c. 89; 1981 c. 45 ss. 41 to 44, 51; 1987 a. 27; 1995 a. 272; 1997 a. 302; 1999 a. 9.

9 SECTION 68. 422.413 (2g) (intro.) of the statutes, as affected by 1999 Wisconsin

10 Act 9, is amended to read:

11 422.413 (2g) (intro.) In any consumer credit transaction in which the collateral

12 is a motor vehicle as defined in s. 340.01 (35), a trailer as defined in s. 340.01 (71),

13 a snowmobile as defined in s. 340.01 (58a), a boat as defined in s. 30.50 (2), an aircraft

14 as defined in s. 114.002 (3), or a mobile home as defined in ~~s. 101.91 (2e)~~ ^{plain} s. 138.056

15 (1) (bm), a writing evidencing the transaction may provide for the creditor's recovery

16 of all of the following expenses, if the expenses are reasonable and bona fide:

NOTE: NOTE: Subj. (2g)(intro.) is shown as amended eff. 7-1-00 by 1999 Wis. Act 9. Prior to 7-1-00 it reads: NOTE:

17 (2g) 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
18 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. 218.10 (2), a writing evidencing
19 the transaction may provide for the creditor's recovery of all of the following expenses, if the expenses are reasonable and bona fide:

History: 1971 c. 239; 1973 c. 2; 1979 c. 10; 1983 a. 389; 1985 a. 331; 1993 a. 368; 1995 a. 329; 1997 a. 302; 1999 a. 9.

20 SECTION 69. Effective date.

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

22 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4513/P1insC
RJM:.....

INSERT 5-9

✓
SECTION 1. 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~~ 101.95.

INSERT 11-8

(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.

INSERT 15-7

(a) b. The approximate value and description of the ~~mobile~~ manufactured home.

(END INSERT)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4513/P1ins
RJM:.....

INSERT ANALYSIS

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

INSERT 19-12

SECTION 1. 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 2. 101.9218 of the statutes, as created by 1999 Wisconsin Act 9, is renumbered 101.9218 (1) and amended to read:

101.9218 (1) ~~The~~ METHOD OF PERFECTING EXCLUSIVE. 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 3. 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.

(and mg)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4513/P1insB
RJM:.....

INSERT 25-15

9

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

INSERT 25-18

9

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.

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

LRB-4513/14 *pldn*
RJM:.....

cm H

ss. 101.925(4) and

✓
Representative Sykora:

The attached bill is in preliminary form. Please review the bill and let me know if you intend any changes. Once you approve of the bill, I will redraft it in introducible form. It is still unclear just what provisions in subch. V of ch. 101 should apply to both mobile homes and manufactured homes, which should apply to mobile homes only and which should apply to manufactured homes only. The department of commerce should review this issue in order to avoid replicating the problem that the bill is intended to fix. As you review the bill, please note the following issues:

1. The bill retains the specific use of the term "mobile home" in the following locations in subch. V of ch. 101: ss. 101.92 (6) and 101.94 (1) ~~and (1)(a) and (b) 1 to 3~~ stats. Please let me know if these provisions are not consistent with your intent.

2. The term "manufactured home" is currently used in ~~101.94 (2), stats.~~ *101.94 (2), stats.* without being accompanied by the term "mobile home." Under the bill, the term "manufactured home" includes a mobile home. Please let me know if ~~101.94 (2) stats.~~ *101.94 (2) stats.* should be amended specifically to exclude a mobile home.

These statutes

3. The bill repeals s. 101.90, stats., because it is inconsistent with subch. V of ch. 101 and repeals s. 101.96, stats., because that provision no longer applies.

is

4. Please review proposed s. 101.9218 (2) (manufactured home that is a fixture to real estate excluded from security laws in subch. V of ch. 101) in order to ensure that it accomplishes your intent.

5. The term "mobile home" currently is defined by cross-reference in ss. 138.056 (1), 139.09 (7) (jm) 1. b., 196.01 (3n), 341.05 (26) (a), 422.201 (12m), 422.209 (1m) (a) 2. and 422.413 (2g) (intro.), stats. Beginning on July 1, 2000, these cross-references will all use the definition of "mobile home" in subch. V of ch. 101 to define "mobile home." The bill amends these cross-references either to refer to the proposed definition of "manufactured home" in s. 101.91 (2), stats., or to retain the definition of "mobile home" that currently applies. The department of commerce and the department of financial institutions should review these cross-references in order to ensure that the bill uses the correct definition in all cases.

6. Should the duties of the department of transportation under s. 85.037, stats., regarding the certification of amounts of supplemental title fees received, be required



of the department of commerce? This change appears to be necessary in order to preserve the effect of the appropriation in s. 20.855 (4) (f), stats.

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

7. It is possible that the current definitions of "mobile home" under the department of administration and department of transportation statutes cover things that will not fit within the definition of "manufactured home" proposed in the bill. The department should consider this possibility and determine whether any additional changes to the definition of "manufactured home" are needed in order to ensure that the scope of the regulation is accurate.

in ch. 101

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4513/P1dn

RJM:cmh:jf

February 14, 2000

Representative Sykora:

The attached bill is in preliminary form. Please review the bill and let me know if you intend any changes. Once you approve of the bill, I will redraft it in introducible form. It is still unclear just what provisions in subch. V of ch. 101 should apply to both mobile homes and manufactured homes, which should apply to mobile homes only and which should apply to manufactured homes only. The department of commerce should review this issue in order to avoid replicating the problem that the bill is intended to fix. As you review the bill, please note the following issues:

1. The bill retains the specific use of the term "mobile home" in the following locations in subch. V of ch. 101: ss. 101.92 (6) and 101.94 (1), stats. Please let me know if these provisions are not consistent with your intent.

2. The term "manufactured home" is currently used in ss. 101.925 (4) and 101.94 (2), stats., without being accompanied by the term "mobile home." Under the bill, the term "manufactured home" includes a mobile home. Please let me know if these statutes should be amended specifically to exclude a mobile home.

3. The bill repeals s. 101.90, stats., because it is inconsistent with subch. V of ch. 101 and repeals s. 101.96, stats., because that provision no longer applies.

4. Please review proposed s. 101.9218 (2) (manufactured home that is a fixture to real estate is excluded from security laws in subch. V of ch. 101) in order to ensure that it accomplishes your intent.

5. The term "mobile home" currently is defined by cross-reference in ss. 138.056 (1), 139.09 (7) (jm) 1. b., 196.01 (3n), 341.05 (26) (a), 422.201 (12m), 422.209 (1m) (a) 2. and 422.413 (2g) (intro.), stats. Beginning on July 1, 2000, these cross-references will all use the definition of "mobile home" in subch. V of ch. 101 to define "mobile home." The bill amends these cross-references either to refer to the proposed definition of "manufactured home" in s. 101.91 (2), stats., or to retain the definition of "mobile home" that currently applies. The department of commerce and the department of financial institutions should review these cross-references in order to ensure that the bill uses the correct definition in all cases.

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