

State of Wisconsin \ Department of Commerce

**RULES in FINAL
DRAFT FORM**

Rule No.: Sections Comm 5.323 and 5.325

Relating to: Manufactured Home Dealer and Salesperson Licenses

Clearinghouse Rule No.: 04-134

COM-10535 (N.03/97)

The Wisconsin Department of Commerce proposes an order to repeal chapters Comm 96, 97 and 98; to amend s. Comm 5.01 (1) Note; and to create ss. Comm 5.003 (6m), (6s), (8m), (11), (17m), (26m), (27e), (27m) (27s), (27w), (32e), (32h), (46m), (47m) and (48s), Comm 5.02 Table 5.02 lines 11c., 11g., 11n. and 11r., Comm 5.06 Table 5.06 lines 11c., 11g., 11n. and 11r., Comm 5.323 and Comm 5.325, relating to manufactured home dealer and salesperson licenses and affecting small businesses.

ANALYSIS OF PROPOSED RULES

Statutory Authority: Sections 101.951 and 101.952, Stats.

Statutes Interpreted: Sections 101.951 and 101.952, Stats.

General Summary

Section 101.951, Stats., requires the Department of Commerce to issue licenses to and regulate manufactured home dealers through the promulgation of administrative rules. Chapters Comm 96, 97 and 98 currently contain the required rules for the licensure and regulation of manufactured home dealers. Section 101.952, Stats., requires the department to issue licenses to and regulate manufactured home salespersons through the promulgation of administrative rules. Chapter Comm 98 currently contains the required rules for the licensure and regulation of manufactured home salespersons.

The proposed rules repeal chapters Comm 96, 97 and 98 and create new sections in chapter Comm 5 for the licensure and regulation of manufactured home dealers and salespersons. The licensure fees currently specified in chapter Comm 98 are also being moved, without change, to chapter Comm 5.

Detailed Summary

In moving the administrative rules from chapters Comm 96, 97 and 98 into chapter Comm 5, some changes are being proposed. Several changes deal with the use of new department forms. An existing Note in section Comm 5.01 indicates how department forms may be obtained. The following listing is a summary of the major changes contained in the proposed rules.

1. Revising the definition of “branch”, creating a definition of “main business office” and eliminating the subplot license. [Comm 5.003 (6m) and (27e)]

2. Increasing the term of the license from 2 years to 4 years for both the dealer license and the salesperson license. [Comm 5.06 Table 5.06]

3. Deleting the dealer license application requirements for asset reporting, liability reporting and net worth reporting, and requiring the use of a department form for submittal of financial information. [Comm 5.323 (2) (d) 2.]

4. The minimum net worth or surety bond requirements for the dealer license are revised and separated into broker and non-broker categories, and significantly increased for the non-broker. [Comm 5.323 (3) (a)]

5. Deleting the list of items to be included on a purchase contract and requiring the use of a department form for the purchase contract. [Comm 5.323 (6) (b)]

6. Requiring the use of a department form when a manufactured home dealer lists or offers to sell a used manufactured home on consignment. [Comm 5.323 (7) (a) 1.]

7. Adding a rule requiring the dealer to have written verification of a dealership arrangement or an established relationship with a manufacturer to sell and advertise the manufacturer's new manufactured homes. [Comm 5.323 (9) (e) 1.]

8. Adding a rule requiring a manufactured home salesperson to obtain a salesperson license for each manufactured home dealer employing the manufactured home salesperson. [Comm 5.325 (1) (b)]

Federal Comparison

An Internet-based search of the *Code of Federal Regulations* (CFR) did not find any existing federal regulations relating to the licensure of manufactured home dealers and salespersons. Title 24 CFR Part 3282 Subpart F contains requirements for dealer responsibilities, but does not address licensing of dealers.

An Internet-based search of the 2003 and 2004 issues of the *Federal Register* did not find any proposed regulations relating to the licensure of manufactured home dealers and salespersons.

State Comparison

An Internet-based search of adjacent states' rules found the following regulations that include requirements relating to the licensure of manufactured home dealers and salespersons.

- Illinois has no state regulations applying to manufactured home dealer and salesperson licenses.
- Iowa has state regulations that require anyone engaged in the business of selling mobile homes or manufactured homes to obtain a mobile home retailer's license, administered by the Department of Transportation. The regulations are very basic. A \$50,000 surety bond is required, and a license must be obtained for each county in which the dealer maintains a place of business.
- Michigan has extensive regulations applying to the licensure of manufactured home dealers, administered by the Department of Labor and Economic Growth. The regulations are very detailed and comprehensive, covering areas such as criminal record check, surety bond, sales location, advertising, recordkeeping, purchase agreements, prohibited business practices, and broker responsibilities.

- Minnesota has state regulations applying to the licensure of manufactured home dealers, administered by the Department of Administration. The regulations are very general, covering areas such as application, place of business, manufacturer's sale agreement, recordkeeping, salespersons, and dealer responsibilities.

The Michigan and Minnesota regulations generally cover the same topics as the proposed rules. The Michigan regulations are very extensive and include some subjects covered in other Wisconsin state agency rules.

Advisory Council

The proposed rules have been developed with the assistance of the Manufactured Home Dealers and Salespersons Advisory Council. The members of that citizen advisory council are as follows:

<u>Name</u>	<u>Representing</u>
Russ Gilson	WI Housing Alliance (Real estate agent)
Bart Huntington	WI Housing Alliance (Dealer/community owner)
Tom Palecek	WI Housing Alliance (Manufacturer)
Allen Schwoerer	WI Housing Alliance (Installer)
Mark Thiede	WI Housing Alliance (Dealer)
Gary Wegner	WI Housing Alliance (Salesperson)
Lynn Wehner	WI Housing Alliance (Lender/mortgage broker)
Steve Wetts	WI Housing Alliance (Salesperson)
Kathleen Zurawski	USDA Rural Development (Public)

SECTION 1. Comm 5.003 (6m), (6s), (8m), (11), (17m), (26m), (27e), (27m), (27s), (27w), (32e), (32h), (46m), (47m) and (48s) are created to read:

Comm 5.003 (6m) "Branch" means an office, other than the main business office, involved in the sales of manufactured homes that advertises as a sales location, displays new or used homes, takes sales calls, is staffed by licensed salespersons, has signage of a licensed dealer, and accepts offers or contracts on manufactured homes.

Comm 5.003 (6s) "Broker" means a manufactured home dealer who has no sales lot, no inventory and no ownership interest in the manufactured homes being sold.

Comm 5.003 (8m) "Cash price" means the manufactured home dealer asking price including dealer installed options and accessories and additional dealer mark-up, profit and transportation charges, minus the dollar value of cash discounts.

Comm 5.003 (11) "Damage" means defects caused by reasons other than normal wear through home age and usage.

Comm 5.003 (17m) "Financial statement" means a balance sheet showing assets, liabilities and net worth.

Comm 5.003 (26m) "Licensee" means any manufactured home dealer or manufactured home salesperson or any person who is both a manufactured home dealer and a manufactured home salesperson.

Comm 5.003 (27e) "Main business office" means an office involved in the sales of manufactured homes that is the primary management location of the licensed manufactured home dealer.

Comm 5.003 (27m) "Manufactured home" has the meaning given in s. 101.91 (2), Stats.

Note: Under s.101.91 (2), Stats., "manufactured home" means any of the following: (a) A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. (b) A structure which meets all the requirements of par. (a) except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC 5401 to 5425. (c) A mobile home, unless a mobile home is specifically excluded under the applicable statute.

Comm 5.003 (27s) "Manufactured home dealer" has the meaning given in s. 101.91 (3), Stats., except for a person who sells no more than one new or used manufactured home in any one calendar year.

Note: Under s.101.91 (3), Stats., "manufactured home dealer" means a person who, for a commission or other thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an interest in, manufactured homes or who is engaged wholly or partially in the business of selling manufactured homes, whether or not the manufactured homes are owned by the person, but does not include: (a) A receiver, trustee, personal representative, guardian, or other person appointed by or acting under the judgment or order of any court. (b) Any public officer while performing that officer's official duty. (c) Any employee of a person enumerated in par. (a) or (b). (d) Any lender, as defined in s. 421.301 (22). (e) A person transferring a manufactured home used for that person's personal, family or household purposes, if the transfer is an occasional sale and is not part of the business of the transferor.

Comm 5.003 (27w) "Manufactured home park" has the meaning given in s. 101.91 (5m), Stats.

Note: Under s.101.91 (5m), Stats., "manufactured home park" means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. "Manufactured home park" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

Comm 5.003 (32e) "Net worth" means the difference between the asset and liability values on a financial statement. Negative net worth is the excess of liabilities over assets.

Comm 5.003 (32h) "New manufactured home" has the meaning given in s. 101.91 (11), Stats.

Note: Under s.101.91 (11), Stats., "new manufactured home" means a manufactured home that has never been occupied, used or sold for personal or business use.

Comm 5.003 (46m) "Retail purchaser" means any purchaser not licensed as a manufactured home dealer or a manufactured home salesperson.

Comm 5.003 (47m) "Site" means any plot of land which is owned or rented, and used or intended to be used for the accommodation of a manufactured home for residential purposes.

Comm 5.003 (48s) "Used manufactured home" has the meaning given in s. 101.91 (12), Stats.

Note: Under s.101.91 (12), Stats., "used manufactured home" means a manufactured home that has previously been occupied, used or sold for personal or business use.

SECTION 2. Comm 5.01 (1) Note is amended to read:

Comm 5.01 (1) Note: Applications and related forms for licenses, certifications and registrations covered under this chapter are available from the Division of Safety and Buildings, P.O. Box 7082, Madison, Wisconsin 53707-7082, telephone 608/261-8500, or at the Safety and Buildings website at www.commerce.wi.gov/SB/.

SECTION 3. Comm 5.02 Table 5.02 lines 11e., 11m. and 11s. are created to read:

Partial Table 5.02

Table 5.02 FEES					
	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
11.	Manufactured Home Manufacturer	License	\$10	NA	\$900
11e.	Manufactured Home Dealer - Main Business Office	License	none	NA	\$200
11m.	Manufactured Home Dealer - Branch	License	none	NA	\$200
11s.	Manufactured Home Salesperson	License	none	NA	\$16
12.	Soil Tester	Certification	\$25	\$50	\$240

SECTION 4. Comm 5.06 Table 5.06 lines 11e., 11m. and 11s. are created to read:

Partial Table 5.06

Table 5.06				
TERMS				
	License, Certification or Registration Category	Term	Expiration Date	Continuing Education Cycle
11.	Manufactured Home Manufacturer	4 years	December 31	NA
11e.	Manufactured Home Dealer - Main Business Office	4 years	Date of Issuance	NA
11m.	Manufactured Home Dealer - Branch	4 years	Date of Issuance	NA
11s.	Manufactured Home Salesperson	4 years	Date of Issuance	NA
12.	Soil Tester	4 years	June 30	March 30

SECTION 5. Comm 5.323 is created to read:

Comm 5.323 Manufactured home dealer. (1) GENERAL. Under s. 101.951 (1), Stats., no person may engage in the business of selling manufactured homes to a consumer or to the retail market unless the person holds a license issued by the department as a licensed manufactured home dealer.

(2) APPLICATION FOR LICENSE. A person applying for a manufactured home dealer license shall submit all of the following:

- (a) An application in accordance with s. Comm 5.01.
- (b) An application fee and a license fee in accordance with s. Comm 5.02, Table 5.02.
- (c) A license fee for each branch in accordance with s. Comm 5.02, Table 5.02.
- (d) One of the following forms of security:

1. Surety bond. A surety bond shall be filed on form SBD-10679 and issued by a bonding company licensed by this state. The surety bond shall be payable for the benefit of any person sustaining a loss because of an act of the licensee constituting grounds for the suspension or revocation of a license under s. 101.951 (6), Stats.

2. Financial statement. A financial statement shall be filed on form SBD-10678 or the equivalent in accordance with generally accepted accounting principles and be dated not more than 90 days prior to the date of application. A small business, as defined in s. 227.114 (1), Stats., that does no interim financial reporting may submit a financial statement from the close of the business's most recent fiscal year. Financial statements anticipating some future event shall not be accepted.

(3) QUALIFICATIONS. (a) *Minimum net worth or bond.* The minimum level of net worth or surety bond of an applicant shall be determined in accordance with Table 5.323-1 for a non-broker or Table 5.323-2 for a broker. The department shall deny the license of any applicant who fails to meet the net worth or surety bond criteria specified in the tables.

Table 5.323-1
Minimum Net Worth or Bond for a Non-Broker

Number of Manufactured Homes Sold Per Year	Amount
New Dealer	\$50,000
2–50	\$50,000
51–up	\$100,000

Table 5.323-2
Minimum Net Worth or Bond for a Broker

Number of Manufactured Homes Sold Per Year	Amount
New Dealer	\$25,000
2–50	\$25,000
51–up	\$50,000

(b) *Person applying.* The person applying for a manufactured home dealer license shall be the owner of the business, a partner in the business applying on behalf of a partnership, or the chairperson of the board or chief executive officer applying on behalf of the corporation.

(4) RESPONSIBILITIES. A person who holds a manufactured home dealer license shall post the license at the main business office and shall comply with the trade practices, facilities and records requirements specified in subs. (5) to (9).

(5) ADVERTISING AND SALES REPRESENTATIONS. (a) *Truthful.* The use of false, deceptive or misleading advertising or representations by any licensee to induce the purchase of a manufactured home is prohibited.

(b) *Factual.* Any licensee, making a statement of fact to the public in an advertisement, written statement or representation concerning the manufactured home offered for sale, the services provided or any other aspects of business operation, shall, upon request of the department, furnish evidence of the validity and accuracy of the statement of fact at the time it was made.

(c) *Disclosures required when advertising price.* When the price of a manufactured home is advertised by a licensee, the advertised price shall include all charges that shall be paid by the retail purchaser to acquire ownership of the advertised home with the exception of sales tax, title registration fees, government required permits, and charges from lenders or other entities.

(d) *Name.* Advertisements for manufactured home sales shall include the licensed business name.

(e) *New or used.* When advertising a manufactured home, a licensee shall state the model year of the home or whether the home is a new manufactured home or a used manufactured home. If the manufactured homes in an advertisement are either all new or all used, one reference in the advertisement designating that they are new or used is sufficient.

(f) *Expiration terms of sales or promotions.* Whenever a sale or promotion offering gifts, merchandise, equipment, accessories, service, discounts, price reductions or cash is advertised, the advertisement shall specifically disclose the expiration terms or date of the sale or promotion.

(g) *Relocations.* Whenever a licensee advertises a manufactured home on a rental lot site that may have to be moved as a condition of the sale, that fact shall be stated in the advertisement.

(6) PURCHASE CONTRACT. (a) *Usage.* 1. A licensee shall furnish retail purchasers with a manufactured home purchase contract that clearly states that the retail purchaser is making an offer to purchase a manufactured home. An exact copy of the purchase contract shall be provided to the retail purchaser at the time the retail purchaser signs the offer and again after the offer is accepted by the manufactured home dealer if accepted at a different time than accepted by the retail purchaser. Any changes in the purchase contract after signing by the retail purchaser or subsequent to acceptance by the manufactured home dealer shall be initialed by all the parties on all copies.

2. A manufactured home purchase contract shall be executed whenever the licensee accepts a down payment, deposit, or title for a trade-in unit from a prospective retail purchaser.

(b) *Contract requirements.* A manufactured home purchase contract shall be completed on form SBD-10807.

(c) *Termination of offer to purchase.* 1. Unless otherwise specified in the contract, the offer to purchase is automatically voided if the licensee fails to accept or reject the offer by the close of the manufactured home dealer's next business day.

2. The licensee shall not sell the manufactured home to any other person until the offer is rejected by the licensee or the offer is voided in accordance with this subsection, or the retail purchaser cancels the contract in accordance with par. (d).

3. Any down payment, deposit or title shall be returned to the prospective retail purchaser within 2 working hours of the time the offer to purchase is rejected by the licensee. If the prospective retail purchaser is not present or available during the 2 hour period, those items shall be returned in person or mailed by the close of the manufactured home dealer's next business day.

(d) *Cancellation of agreements.* 1. The purchase contract shall clearly state that cancellation of a manufactured home contract within one business day of acceptance by a manufactured home dealer may subject the retail purchaser to a penalty of up to 1% of the cash price of the manufactured home and that cancellation after the close of the next business day may subject the retail purchaser to a penalty not to exceed the penalty amount specified in the contract. Modification of the purchase contract shall not extend the cancellation period. Documented proof of notification of cancellation is required regardless of the method of notification.

2. The title and any down payment or deposit which is not retained by the manufactured home dealer as a penalty in accordance with subd. 1. shall be returned to the retail purchaser by the close of the manufactured home dealer's next business day following receipt of the retail purchaser's notice of cancellation.

3. Whenever a manufactured home is sold away from the licensed place of business, the manufactured home dealer shall furnish the customer with a written notice of the 3-day consumer cancellation rights in accordance with s. 423.202, Stats.

(e) *Price changes.* Any increase in price to a retail purchaser after the manufactured home dealer has accepted an offer is prohibited except when the price increase is due to any of the items in subds. 1. to 3.

1. The addition of new equipment required by local, state or federal law.

2. Local, state or federal tax changes.

3. The reappraisal of a trade-in unit that has suffered damage or is missing furnishings, appliances or accessories that were part of the trade-in unit at the time the purchase contract was executed. Reappraisal by the licensee shall be limited to an amount equal to the retail repair costs of the damage incurred, or to the value of furnishings, appliances or accessories removed.

4. The purchase contract shall include information regarding possible price increases due to any of the items in subds. 1. to 3.

(f) *Warranties.* Warranties, warranty disclaimers and repair agreements sold by a licensee that apply to the manufactured home shall be indicated on the purchase contract.

(g) *Name of prior owner.* The purchase contract shall include the name and address of the current titled owner if the manufactured home is consigned to or listed by the licensee. The name and address of the previous owner shall be kept on file at the manufactured home dealer's main business office if the manufactured home is owned and offered for sale by the licensee.

(h) *On-site sales.* If the manufactured home is displayed for sale on a rental lot site or if a licensee represents that a manufactured home may occupy a site in a specified manufactured home park, the manufactured home dealer shall:

1. Clearly state on the purchase contract whether or not the manufactured home may have to be moved from the site.

2. Clearly state on the purchase contract that the contract is voidable by the retail purchaser if the retail purchaser is rejected by, or the purchaser's manufactured home is not permitted in, the manufactured home park.

3. If the manufactured home may remain on site, inform the prospective retail purchaser in writing prior to the execution of the contract that a copy of the current manufactured home park lease and rules may be obtained from the current manufactured home owner or manufactured home park operator.

(i) *Service fees.* A licensee shall not assess a retail purchaser an additional service charge or fee for completing any sales-related home inspection forms that are required by law or rule.

(j) *Waiver.* The use of a manufactured home purchase contract that requires the retail purchaser to waive any claims the retail purchaser may have for breach of contract by the licensee is prohibited.

(7) CONSIGNMENT AND LISTING AGREEMENTS. (a) *Usage and contents.* 1. Form SBD-10808 shall be used whenever a manufactured home dealer lists or offers to sell a used manufactured home on consignment.

2. Form SBD-10807 shall be used whenever a manufactured home dealer sells a listed or consigned used manufactured home.

(b) *On-site sales on rental sites.* Manufactured homes selling agreements for units offered for sale on-site on rental sites shall comply with sub. (6) (h).

(c) *Net sales prohibited.* Licensees shall not obtain, negotiate, or attempt to negotiate any manufactured home selling agreement providing for a stipulated net price to the owner with the excess over the stipulated net price to be received by the licensee as commission.

(8) DISCLOSURE OF THE CONDITIONS OF THE MANUFACTURED HOME. (a) *Model year designation.* Changing the model year of a manufactured home is prohibited. If no model year is designated, the year of manufacture applies.

(b) *New manufactured home disclosure.* The licensee shall, on the face of the new manufactured home purchase contract, disclose all manufactured home dealer installed options or accessories and whether or not the options or accessories are warranted.

(c) *Used manufactured home general condition disclosure.* 1. Before the execution of a purchase contract for a used manufactured home owned by a licensee, the licensee shall inform a prospective retail purchaser of all significant structural or mechanical defects or damage on form SBD-10809. If the licensee is unable to determine whether specific damage or defects exist, that fact shall be noted on the disclosure form. Disclosure of information shall include that which the licensee discovers as a result of a reasonably competent and diligent inspection which shall consist of, but is not limited to, a walk-around and interior inspection, an under-home inspection, roof inspection and inspection of the appliances. A reasonably competent and diligent inspection is not required to cover every possible technical detail. The licensee is not required to dismantle any part of the manufactured home during the inspection process.

2. The seller of a listed or consigned used manufactured home shall provide a completed form SBD-10809 to the licensee. The licensee shall provide the completed disclosure statement to the prospective retail purchaser.

3. Unless otherwise agreed to in the purchase contract, the inspection disclosures shall not create any warranties, expressed or implied, or affect warranty coverage provided for in the purchase contract.

(9) FACILITIES AND RECORDS. (a) *Business facilities.* Manufactured home dealers shall provide and maintain business facilities that comply with all of the following:

1. A main business office that maintains books, records and files necessary to conduct business. The required business office may be established within a residence if the office is accessible to an outside entrance and is used primarily for conducting the manufactured home business.

2. A display lot within the same block or directly across the street from the main business office, if a display lot is provided.

3. A repair shop, or a service agreement with a nearby repair shop, where there are repair tools, repair equipment and personnel to perform the services provided for in a warranty applicable to a manufactured home sold by the manufactured home dealer. Any service agreement shall be on form SBD-10680.

(b) *Relocation.* A main business office may not be relocated without notice to the department.

(c) *Sign.* Manufactured home dealers who carry and display inventory shall provide an exterior business sign in compliance with s. 100.18 (5), Stats.

(d) *Temporary sales locations.* 1. Manufactured home dealers shall be permitted to display and sell manufactured homes at a temporary site other than the licensed place of business.

2. A temporary sales location may not be used for longer than 30 days.

3. A consigned, listed or model manufactured home shall not be considered a temporary sales location.

Note: There may be zoning, building code and permit requirements relating to business locations that are enforced by local municipalities.

(e) *Records kept.* The books, records and files required to be kept and maintained at the main business office by a manufactured home dealer shall include all of the following:

1. A written verification that the manufactured home dealer has in place a dealership arrangement or an established relationship with a manufacturer to sell and advertise the manufacturer's new manufactured homes.

2. The title or other evidence of ownership for each used manufactured home owned and offered for sale and the manufacturer's statement of origin information for each new manufactured home owned and offered for sale. The manufactured home dealer shall also have a factory invoice, a completed manufactured home dealer reassignment form or a purchase contract evidencing trade-in or purchase when a manufacturer or lending institution is holding the title or manufacturer's statement of origin of the manufactured home.

3. A written selling agreement between the owner and the manufactured home dealer for each manufactured home owned by an individual and offered for sale or listed by the manufactured home dealer.

4. The original or a copy of all manufactured home purchase contracts, purchase orders and invoices. The records shall also include a copy of form SBD-10687 as additional evidence of the sale as well as information regarding collection of sales tax and Wisconsin title and registration fees, if applicable.

5. A record of every manufactured home bought, sold, exchanged, consigned, or listed that includes the following information: date acquired, acquired from name and address, new or used, year, model and identification number, date sold or disposed of, disposed of or sold to name and address.

(f) *Maintenance of records.* The records under par. (e) shall be maintained for 5 years. The records shall be open to inspection and copying by the department during reasonable business hours.

(10) RENEWAL. (a) 1. A person may renew his or her manufactured home dealer license.

2. A manufactured home dealer license shall be renewed in accordance with s. Comm 5.07.

(b) The renewal of a license as a manufactured home dealer shall be contingent upon the applicant providing the information required under sub. (2) (d).

SECTION 6. Comm 5.325 is created to read:

Comm 5.325 Manufactured home salesperson. (1) GENERAL. (a) Under s. 101.952 (1), Stats., no person may engage in the business of selling manufactured homes to a consumer or to the retail market unless the person holds a license issued by the department as a licensed manufactured home salesperson. A manufactured home dealer who acts as a manufactured home salesperson shall secure a manufactured home salesperson license in addition to the manufactured home dealer license.

(b) A manufactured home salesperson shall obtain a manufactured home salesperson license for each manufactured home dealer employing the manufactured home salesperson.

(2) APPLICATION FOR LICENSE. A person applying for a manufactured home salesperson license shall submit all of the following:

(a) An application in accordance with s. Comm 5.01.

(b) An application fee and a license fee in accordance with s. Comm 5.02, Table 5.02.

(3) QUALIFICATIONS FOR LICENSE. A person applying for a manufactured home salesperson license shall hold a manufactured home dealer license issued by the department or shall be employed by a person who holds a manufactured home dealer license issued by the department.

(4) RESPONSIBILITIES. (a) A person who holds a manufactured home salesperson license shall comply with the responsibilities under s. 101.952 (3), Stats.

Note: Section 101.952 (3), Stats., indicates that every licensee shall carry his or her license when engaged in his or her business and display the same upon request. The license shall name his or her employer, and, in case of a change of employer, the manufactured home salesperson shall immediately mail his or her license to the department, which shall endorse that change on the license without charge.

(b) A person who holds a manufactured home salesperson license shall comply with the provisions under s. Comm 5.323 that apply to a licensee.

(5) INVALID LICENSE. (a) A manufactured home salesperson license shall remain valid until one of the following conditions occur:

1. The manufactured home dealer license held by the manufactured home salesperson's current employer expires.
2. The manufactured home salesperson ceases employment with a licensed manufactured home dealer.
3. The manufactured home salesperson's employer goes out of business.
4. The department suspends or revokes the manufactured home salesperson's license.

(b) A person whose manufactured home salesperson license is invalidated by ceasing employment with a licensed manufactured home dealer may request the department to transfer their manufactured home salesperson license to a new employer without charge, as long as the department receives the application before the new employer's manufactured home dealer license expires.

(6) RENEWAL. (a) A person may renew his or her manufactured home salesperson license.

(b) A manufactured home salesperson license shall be renewed in accordance with s. Comm 5.07.

SECTION 7. Chapters Comm 96, 97 and 98 are repealed.

END

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.
