

**CS FOR HOUSE BILL NO. 436(TRA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 4/2/96

Referred: Labor and Commerce, Finance

Sponsor(s): REPRESENTATIVE MARTIN

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to purchase and sale of mobile homes by mobile home  
2 dealers; to mobile home titles; and providing for an effective date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:

5 (37) regulation of mobile home dealers under AS 08.67.

6 \* **Sec. 2.** AS 08 is amended by adding a new chapter to read:

7 **CHAPTER 67. MOBILE HOME DEALERS.**

8 Sec. 08.67.010. **REGISTRATION OF MOBILE HOME DEALERS.** A mobile  
9 home dealer may not do business in the state unless the dealer is registered with the  
10 department.

11 Sec. 08.67.020. **APPLICATION, BOND, AND FEE.** (a) In order to register  
12 under AS 08.67.010, a person shall file with the department an application, a bond  
13 required by AS 08.67.050, and application and registration fees established by the  
14 department by regulation.

(b) The department shall prescribe and furnish the form of application for dealer registration. The application must contain

(1) the name under which the business is conducted;

(2) the location of business;

(3) the name and address of all persons having an interest in the business and, in the case of a corporation, the application must contain the name and address of the two principal officers;

(4) the name and address of all sales representatives;

(5) the name and make of all new mobile homes handled;

(6) whether or not used mobile homes are handled;

(7) a statement that the applicant is a bona fide dealer in mobile home sales with a principal office at the location given;

(8) if the applicant sells a mobile home as a new or current model mobile home having a manufacturer's warranty, the name of the manufacturer of the mobile home and the date and duration of the applicant's sales and service agreement with the manufacturer;

(9) other information the department requires to administer this chapter.

Sec. 08.67.030. DEPARTMENT APPROVAL. The department shall approve an application for registration under AS 08.67.020 if the application contains the information required by AS 08.67.020 and the bond complies with AS 08.67.050.

Sec. 08.67.040. RENEWAL OF REGISTRATION. A dealer shall renew the registration required by AS 08.67.010 every two years by filing with the department a request for renewal, the bond required by AS 08.67.050, and a renewal fee established by the department by regulation.

Sec. 08.67.050. BOND. (a) An applicant for registration under AS 08.67.020 or for renewal of a registration under AS 08.67.040 shall file with the application or request for renewal, and shall maintain in force while registered, a \$50,000 bond that is in favor of the state, that is executed by an authorized corporate surety approved by the department, and that is conditioned upon the applicant's promise to pay all

(1) taxes and contributions due the state or a political subdivision of

(2) judgments entered against the applicant for fraud, negligence, or breach of contract when acting as a dealer.

(b) The bond required by this section is conditioned on the applicant complying with this chapter and not committing fraud or making fraudulent representations in the course of doing business as a dealer.

(c) A surety may cancel the bond after giving the department 30 days' advance written notice. Cancellation does not relieve a surety of liability arising on the bond from a purchase negotiated by the bonded dealer before cancellation or a liability that accrues against the bond before cancellation. The department shall retain the cancelled bond on file.

(d) If the bond required under this section is cancelled, the department may suspend the dealer's registration until the dealer is bonded as required under this section.

Sec. 08.67.060. ACTION ON BOND. If a person suffers loss or damage by reason of a dealer, or a person doing business as a dealer, violating this chapter or committing fraud or making fraudulent representations in the course of doing business as a dealer, the person may bring an action in the appropriate court against the dealer and upon the bond.

Sec. 08.67.070. PENALTY. A person who knowingly violates this chapter is guilty of a class A misdemeanor. In this section, "knowingly" has the meaning given in AS 11.81.900.

Sec. 08.67.080. DEFINITIONS. In this chapter,

(1) "dealer" means a person who is engaged in the business of buying, selling, or dealing in new or used mobile homes;

(2) "department" means the Department of Commerce and Economic Development;

(3) "mobile home" means a vehicle designed and equipped for human habitation, and that may only be moved by another motor vehicle when authorized by permit.

\* **Sec. 3.** AS 28.10.201(b) is amended to read:

(b) The owner of a vehicle described in AS 28.10.011 as being exempt from

1 registration and the owner of a snowmobile or off-highway vehicle may not apply for,  
2 nor may the department issue, a certificate of title for the vehicle. However, the  
3 department

4 (1) may issue a certificate of title to the owner of a vehicle exempt  
5 from registration under AS 28.10.011(3), (6), (7), or (11) only upon application by that  
6 owner; and

7 (2) **shall** [MAY] issue a certificate of title to the owner of a mobile  
8 home upon application, **display of evidence of ownership satisfactory to the**  
9 **department**, and payment of a fee of \$100 by the owner; a certificate of title issued  
10 under this paragraph must comply with AS 28.10.231.

11 \* **Sec. 4.** This Act takes effect July 1, 1997.