

**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.**

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

3 (1) the name under which the business is conducted;  
4 (2) the location of business;  
5 (3) the name and address of all persons having an interest in the  
6 business and, in the case of a corporation, the application must contain the name and  
7 address of the two principal officers;

8 (4) the name and address of all sales representatives;  
9 (5) the name and make of all new mobile homes handled;  
10 (6) whether or not used mobile homes are handled;  
11 (7) a statement that the applicant is a bona fide dealer in mobile home  
12 sales with a principal office at the location given;

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

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

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

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

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

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

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

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

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

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

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

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

22 Sec. 08.67.080. DEFINITIONS. In this chapter,

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

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

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

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

31 (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.