

HOUSE BILL NO. 486

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE MULDER

Introduced: 2/19/02

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to registration of mobile home dealers; and providing for an effective**
2 **date."**

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

4 * **Section 1.** AS 08.67 is amended by adding new sections to read:

5 **Sec. 08.67.110. Registration of mobile home dealers.** A mobile home dealer
6 may not do business in the state unless the dealer is registered with the department.
7 However, a person licensed under AS 08.88 may, without registering under this
8 chapter, perform the same activities with respect to mobile homes, except for property
9 management, as are authorized for that person to perform under AS 08.88 with respect
10 to real estate.

11 **Sec. 08.67.120. Application, bond, and fee.** (a) In order to register under
12 AS 08.67.110, a person shall file with the department an application, a bond required
13 by AS 08.67.150, and application and registration fees established by the department
14 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 the business;
5 (3) the names and addresses of all persons having an interest in the
6 business and, in the case of a corporation, the names and addresses of the two
7 principal officers;
8 (4) the names and addresses of all sales representatives;
9 (5) the names and makes of all new mobile homes handled;
10 (6) a statement of 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
18 chapter.

19 **Sec. 08.67.130. Department approval.** The department shall approve an
20 application for registration under AS 08.67.120 if the application contains the
21 information required by AS 08.67.120 and the bond complies with AS 08.67.150.

22 **Sec. 08.67.140. Renewal of registration.** A dealer shall renew the
23 registration required by AS 08.67.110 every two years by filing with the department a
24 request for renewal, the bond required by AS 08.67.150, and a renewal fee established
25 by the department by regulation.

26 **Sec. 08.67.150. Bond.** (a) An applicant for registration under AS 08.67.120
27 or for renewal of a registration under AS 08.67.140 shall file with the application or
28 request for renewal and shall maintain in force while registered a \$25,000 bond that is
29 in favor of the state, that is executed by an authorized corporate surety approved by
30 the department, and that is conditioned upon the applicant's promise to pay all

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

1 the state; and

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

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

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

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

15 **Sec. 08.67.160. Action on bond.** A person who suffers loss or damage
16 because a dealer or a person doing business as a dealer violates this chapter or
17 commits fraud or makes fraudulent representations in the course of doing business as a
18 dealer may bring an action in the appropriate court against the dealer and upon the
19 bond.

20 **Sec. 08.67.170. Penalty.** A person who knowingly violates this chapter is
21 guilty of a class A misdemeanor. In this section, "knowingly" has the meaning given
22 in AS 11.81.900.

23 **Sec. 08.67.180. Definitions.** In this chapter,

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

26 (2) "department" means the Department of Administration;

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

30 * **Sec. 2.** AS 08.01.010 is amended by adding a new paragraph to read:

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

1 * **Sec. 3.** AS 08.88.900(a)(20) is amended to read:

2 (20) a mobile home dealer **licensed under AS 08.67 performing**
3 **within the scope of the dealer's license**; or

4 * **Sec. 4.** Except as provided in sec. 5 of this Act, this Act takes effect immediately under
5 AS 01.10.070(c).

6 * **Sec. 5.** AS 08.67.110, 08.67.160, and 08.67.170, enacted by sec. 1 of this Act, and sec. 3
7 of this Act take effect January 1, 2003.