

Offered: 3/27/85  
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 148 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to mobile home warranties."  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
8 \* Section 1. AS 45.30.015(a) is amended to read:  
9 (a) A manufacturer constructing mobile homes for sale in the  
10 state shall deposit a performance bond in the amount of \$100,000  
11 [\$35,000] with the department to assure compliance with the provisions  
12 of AS 45.30.011.  
13 \* Sec. 2. AS 45.30 is amended by adding a new section to read:  
14 Sec. 45.30.018. PRIVATE CAUSE OF ACTION AGAINST BOND. (a) A  
15 buyer who has a claim against the manufacturer of the buyer's mobile  
16 home for failure to fulfill the manufacturer's obligations under  
17 AS 45.30.011 may file an action upon the bond required by AS 45.30.-  
18 015.  
19 (b) Two copies of the complaint and the summons shall be served  
20 by certified mail on the attorney general at the time the action is  
21 filed. Service upon the attorney general constitutes service on the  
22 surety. The attorney general shall transmit one copy of the complaint  
23 and summons to the surety within three business days after receiving  
24 the summons and complaint. The attorney general shall maintain a  
25 record, available for public inspection, of all actions commenced  
26 under this section.  
27 (c) The remedy provided in this section is in addition to and  
28 not in derogation of all other rights and remedies that a buyer may  
29 have under another law or instrument.

1 \* Sec. 2. AS 45.30 is amended by adding a new section to read:

2 Sec. 45.30.045. SURETY'S LIABILITY AND RIGHT TO CANCEL BOND.

3 (a) The surety shall inform the attorney general in writing of all  
4 claims against the bond lodged directly with the surety and all sums  
5 paid against the bond.

6 (b) The surety on the bond is not liable in an aggregate amount  
7 in excess of that named in the bond.

8 (c) Nothing in this chapter impairs the right of a surety to  
9 cancel its bond for lawful reasons; however, a cancellation does not  
10 extinguish the surety's liability on the bond for mobile homes previ-  
11 ously delivered to buyers in the state.

12 \* Sec. 3. AS 45.30.100(2) is amended to read:

13 (2) "department" means the Department of Law [COMMERCE AND  
14 ECONOMIC DEVELOPMENT];

15 \* Sec. 4. AS 45.50.471(b) is amended by adding a new paragraph to read:

16 (26) failing to comply with AS 45.30 relating to mobile home  
17 warranties and mobile home parks.