

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)(title am)
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 and
7 sales."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 45.30.015(a) is amended to read:
10 (a) A manufacturer constructing mobile homes for sale in the
11 state shall deposit a performance bond in the amount of \$100,000
12 [\$35,000] with the department to assure compliance with the provisions
13 of AS 45.30.011.
14 * Sec. 2. AS 45.30 is amended by adding a new section to read:
15 Sec. 45.30.018. PRIVATE CAUSE OF ACTION AGAINST BOND. (a) A
16 buyer who has a claim against the manufacturer of the buyer's mobile
17 home for failure to fulfill the manufacturer's obligations under
18 AS 45.30.011 may file an action upon the bond required by AS 45.30.-
19 015.
20 (b) Two copies of the complaint and the summons shall be served
21 by certified mail on the attorney general at the time the action is
22 filed. Service upon the attorney general constitutes service on the
23 surety. The attorney general shall transmit one copy of the complaint
24 and summons to the surety within three business days after receiving
25 the summons and complaint. The attorney general shall maintain a
26 record, available for public inspection, of all actions commenced
27 under this section.
28 (c) The remedy provided in this section is in addition to and
29 not in derogation of all other rights and remedies that a buyer may

1 have under another law or instrument.

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

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

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

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

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

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

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

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

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