



LAWS OF ALASKA

1986

Source

CSHB 148(Jud)(title am)

Chapter No.

15

AN ACT

Relating to mobile home warranties and sales.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: April 18, 1986
Actual Effective Date: July 17, 1986

AN ACT

Relating to mobile home warranties and sales.

* Section 1. AS 45.30.015(a) is amended to read:

(a) A manufacturer constructing mobile homes for sale in the state shall deposit a performance bond in the amount of \$100,000 [\$35,000] with the department to assure compliance with the provisions of AS 45.30.011.

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

Sec. 45.30.018. PRIVATE CAUSE OF ACTION AGAINST BOND. (a) A buyer who has a claim against the manufacturer of the buyer's mobile home for failure to fulfill the manufacturer's obligations under AS 45.30.011 may file an action upon the bond required by AS 45.30.-015.

(b) Two copies of the complaint and the summons shall be served by certified mail on the attorney general at the time the action is filed. Service upon the attorney general constitutes service on the surety. The attorney general shall transmit one copy of the complaint and summons to the surety within three business days after receiving the summons and complaint. The attorney general shall maintain a record, available for public inspection, of all actions commenced under this section.

(c) The remedy provided in this section is in addition to and not in derogation of all other rights and remedies that a buyer may

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1 have under another law or instrument.

2 * Sec. 3. 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. 4. AS 45.30.100(2) is amended to read:

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

16 * Sec. 5. 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.