

HOUSE BILL No. 4070

February 5, 1991, Introduced by Reps. Bouchard and McBryde and Referred to the Committee on Housing and Urban Affairs.

A bill to amend sections 9, 21, 30a, and 30c of Act No. 96 of the Public Acts of 1987, entitled "The mobile home commission act," being sections 125.2309, 125.2321, 125.2330a, and 125.2330c of the Michigan Compiled Laws; and to add sections 9a, 9b, 9c, and 9d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 9, 21, 30a, and 30c of Act No. 96 of
2 the Public Acts of 1987, being sections 125.2309, 125.2321,
3 125.2330a, and 125.2330c of the Michigan Compiled Laws, are
4 amended and sections 9a, 9b, 9c, and 9d are added to read as
5 follows:

6 Sec. 9. (1) ~~The commission shall promulgate rules to~~
7 ~~establish fees and charges for the issuance of licenses or~~

1 ~~permits under section 5.~~ THE FEES FOR ACTIVITIES REGULATED BY
2 THIS ACT ARE AS DESCRIBED IN SECTIONS 9A, 9B, 9C, AND 9D.

3 (2) The fees and charges under this act shall be applied
4 solely to the implementation of the act and shall constitute the
5 total funding for the commission except as provided in Act
6 No. 243 of the Public Acts of 1959, being sections 125.1035 to
7 125.1043 of the Michigan Compiled Laws.

8 (3) ~~A fee shall not be charged~~ THE DEPARTMENT SHALL NOT
9 CHARGE A FEE for an investigation conducted pursuant to section
10 36.

11 (4) ~~A fee shall not be charged or collected by the~~
12 ~~commission~~ THE COMMISSION OR THE DEPARTMENT SHALL NOT CHARGE OR
13 COLLECT A FEE in excess of that necessary to administer and
14 enforce this act.

15 ~~(5) The commission may promulgate rules to adjust the fees~~
16 ~~established in subsection (1) and in sections 21, 30a, and 30c~~
17 ~~such that revenues obtained under this act equal appropriations~~
18 ~~by the legislature for the purpose of administering this act.~~
19 ~~However, the adjusted fees shall not exceed the fees stated in~~
20 ~~sections 21, 30a, and 30c.~~

21 SEC. 9A. (1) EXCEPT IN THE CASE OF A SALE OF A MOBILE HOME
22 TO A LICENSED MOBILE HOME DEALER, AFTER A SALE OF A MOBILE HOME A
23 PERSON SHALL, ON A FORM PRESCRIBED BY THE DEPARTMENT, FILE AN
24 APPLICATION FOR A CERTIFICATE OF MOBILE HOME TITLE AND PAY A FEE
25 OF \$45.00 TO THE DEPARTMENT OR ITS AUTHORIZED REPRESENTATIVE
26 WITHIN 15 DAYS AFTER THE CLOSING OF THE SALE TRANSACTION. THE

1 DEPARTMENT SHALL CHARGE A LATE FEE OF \$15.00 IF THE APPLICATION
2 IS FILED AFTER THE 15-DAY LIMIT.

3 (2) IN THE CASE OF AN OWNER'S TRANSFER OR ASSIGNMENT OF THE
4 TITLE OR INTEREST TO A MOBILE HOME PURSUANT TO SECTION 30C, THE
5 PURCHASER OR TRANSFEREE OF A MOBILE HOME, UNLESS THE PURCHASER OR
6 TRANSFEREE IS A LICENSED MOBILE HOME DEALER, SHALL PAY THE FOL-
7 LOWING APPLICABLE FEE:

8 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), \$45.00.

9 (B) FIFTEEN DOLLARS, IF THE SALE, ASSIGNMENT, OR OTHER
10 TRANSFER WILL REQUIRE THE ADDITION OR DELETION FROM THE CERTIFI-
11 CATE OF TITLE OF ANY OF THE FOLLOWING:

12 (i) THE OWNER'S SPOUSE.

13 (ii) A PERSON RELATED TO THE OWNER WITHIN THE FOURTH DEGREE
14 OF CONSANGUINITY AS COMPUTED BY THE CIVIL LAW METHOD.

15 (iii) A PERSON RELATED TO THE OWNER'S SPOUSE WITHIN THE
16 FOURTH DEGREE OF CONSANGUINITY AS COMPUTED BY THE CIVIL LAW
17 METHOD.

18 (3) THE FEE FOR OBTAINING A DUPLICATE, REPLACEMENT, OR COR-
19 RECTED TITLE, FOR PLACING OR TERMINATING A LIEN ON THE TITLE, OR
20 FOR PLACING A NAME ON THE TITLE IS \$4.00.

21 (4) AN ADDITIONAL FEE OF \$5.00 SHALL BE ADDED TO ALL OTHER
22 FEES IF A TITLE IS REQUESTED TO BE ISSUED EXPEDITIOUSLY.

23 (5) THE ANNUAL LICENSE FOR A MOBILE HOME DEALER IS \$150.00.

24 (6) THE ANNUAL LICENSE FOR A MOBILE HOME INSTALLER OR
25 REPAIRER IS \$50.00.

1 (7) A MOBILE HOME DEALER AND A MOBILE HOME BROKER SHALL PAY
 2 THE APPROPRIATE AMOUNT OF SALES TAX AT THE TIME OF FILING THE
 3 APPLICATION FOR A CERTIFICATE OF MOBILE HOME TITLE.

4 SEC. 9B. EACH APPLICANT FOR A MOBILE HOME PARK LICENSE OR
 5 FOR A MOBILE HOME PARK LICENSE RENEWAL SHALL APPLY FOR THE
 6 LICENSE OR THE LICENSE RENEWAL ON A FORM PRESCRIBED BY THE
 7 DEPARTMENT. THE NONREFUNDABLE FEE FOR THE ANNUAL LICENSE IS
 8 \$75.00, PLUS AN ADDITIONAL \$1.00 FOR EACH SITE IN EXCESS OF 25
 9 SITES PER MOBILE HOME PARK, EITHER OF WHICH SHALL BE SUBMITTED
 10 WITH THE APPLICATION TO THE DEPARTMENT.

11 SEC. 9C. EXCEPT AS OTHERWISE PROVIDED IN SECTION 9A(1), A
 12 NONREFUNDABLE LATE FEE OF \$50.00 SHALL BE CHARGED FOR ANY LICENSE
 13 ISSUED UNDER THIS ACT IF TIMELY APPLICATION IS NOT MADE BY THE
 14 APPLICANT PURSUANT TO THE SUBMISSION DATE CONTAINED IN THIS ACT.

15 SEC. 9D. (1) THE FOLLOWING NONREFUNDABLE FEES SHALL ACCOM-
 16 PANY THE DOCUMENTS SUBMITTED PURSUANT TO R 125.1905 AND
 17 R 125.1915 OF THE MICHIGAN ADMINISTRATIVE CODE FOR NEW MOBILE
 18 HOME PARK CONSTRUCTION OR FOR EXPANSION TO AN EXISTING LICENSED
 19 MOBILE HOME PARK:

20 (A) APPLICATION FOR PLANS APPROVAL AND A PERMIT TO
 21 CONSTRUCT..... \$ 185.00,
 22 PLUS AN ADDITIONAL \$4.00 PER MOBILE HOME SITE, IN EXCESS OF 25
 23 SITES, TO A MAXIMUM OF \$1,000.00.

24 (B) APPLICATION FOR AN EXTENSION OF A PERMIT TO
 25 CONSTRUCT..... \$ 185.00.

26 (2) A NONREFUNDABLE FEE OF \$505.00, PLUS AN ADDITIONAL \$4.00
 27 PER MOBILE HOME CONDOMINIUM SITE, IN EXCESS OF 25 SITES, THAT IS

1 TO BE CONSTRUCTED SHALL ACCOMPANY THE DOCUMENTS THAT ARE
2 SUBMITTED FOR THE CONSTRUCTION OF A NEW MOBILE HOME CONDOMINIUM.

3 (3) FOR AN EXISTING MOBILE HOME PARK THAT CONVERTS TO A
4 MOBILE HOME CONDOMINIUM WITH NO INCREASE IN THE NUMBER OF MOBILE
5 HOME SITES WITHIN THE PARK, THE ACCOMPANYING NONREFUNDABLE FEE
6 SHALL BE \$480.00.

7 (4) FOR AN EXISTING MOBILE HOME PARK THAT CONVERTS TO A
8 MOBILE HOME CONDOMINIUM WITH AN INCREASE IN THE NUMBER OF MOBILE
9 HOME SITES WITHIN THE PARK, THE ACCOMPANYING NONREFUNDABLE FEE
10 SHALL BE \$505.00, PLUS AN ADDITIONAL \$4.00 PER MOBILE HOME CONDO-
11 MINIUM SITE, IN EXCESS OF 25 SITES, TO BE CONSTRUCTED TO A MAXI-
12 MUM OF \$1,480.00.

13 (5) A NONREFUNDABLE FEE OF \$50.00 SHALL ACCOMPANY AN APPLI-
14 CATION FOR A PERMIT TO CONSTRUCT THAT IS SUBMITTED PURSUANT TO
15 R 125.1950 OF THE MICHIGAN ADMINISTRATIVE CODE.

16 Sec. 21. (1) A mobile home dealer shall not engage in the
17 retail sale of a mobile home without a license.

18 (2) A mobile home dealer, A mobile home installer, or A
19 MOBILE HOME repairer may obtain an initial or renewal license by
20 filing with the commission an application together with consent
21 to service of process in a form prescribed by the commission pur-
22 suant to section 35.

23 (3) An initial or renewal license under this act shall be
24 issued for not more than 1 year. Licenses shall expire on
25 October 1.

26 (4) The annual license ~~fee~~ FEES for a mobile home dealer
27 ~~is \$150.00 or any other lesser amount established pursuant to~~

1 ~~section 9(5)~~ AND A MOBILE HOME INSTALLER OR REPAIRER ARE AS
2 ESTABLISHED IN SECTION 9A.

3 ~~(5) The annual license fee for a mobile home installer or~~
4 ~~repairer is \$50.00 or any other lesser amount established pursu-~~
5 ~~ant to section 9(5).~~

6 (5) ~~(6)~~ A licensed mobile home dealer, mobile home
7 installer, or MOBILE HOME repairer may file an application for
8 the license of a successor, whether or not the successor is then
9 in existence, for the unexpired portion of the year. The commis-
10 sion may grant or deny the application.

11 (6) ~~(7)~~ A licensee who submits a timely application for
12 renewal of a license and pays the appropriate fee may continue
13 ~~sales of~~ SELLING mobile homes unless notified that the applica-
14 tion for renewal is not approved.

15 Sec. 30a. (1) An owner of a mobile home which is subject to
16 the certificate of title provisions of this act shall ~~make~~
17 ~~application~~ APPLY to the department for the issuance of a cer-
18 tificate of title for the mobile home upon the appropriate form
19 furnished by the department, accompanied by ~~a fee of \$45.00 or~~
20 ~~any lesser amount established pursuant to section 9(5)~~ THE FEE
21 DESCRIBED IN SECTION 9A. The application shall bear the signa-
22 ture of the owner written in ink, shall be acknowledged by the
23 owner before a person authorized to take acknowledgments, and
24 shall contain ALL OF THE FOLLOWING:

25 (a) The name and address of the owner.

26 (b) A description of the mobile home, including the name of
27 the manufacturer, the year and model, and the manufacturer's

1 serial number or, in the absence of a serial number, a number
2 assigned by the department. A number assigned by the department
3 shall be permanently placed on the mobile home in the manner and
4 place designated by the department.

5 (c) A statement of the names and addresses of the holders of
6 any security interests in the mobile home, in the order of their
7 priority.

8 (d) Further information as may reasonably be required by the
9 department to enable it to determine whether the owner of the
10 mobile home is entitled to a certificate of title for the mobile
11 home.

12 (2) If the department is not satisfied as to the ownership
13 of the mobile home, before issuing a certificate of title for it,
14 the department may require the applicant to file a properly exe-
15 cuted surety bond in a form prescribed by the department, exe-
16 cuted by the applicant and a company authorized to conduct a
17 surety business in this state. The bond shall be in an amount
18 equal to twice the value of the mobile home as determined by the
19 department and shall be conditioned to indemnify or reimburse the
20 department, any prior owner, any holder of a security interest in
21 the mobile home, and any subsequent purchaser of the mobile home
22 ~~—~~ and their successors in interest ~~—~~ against any expense,
23 loss, or damage, including reasonable attorney's fees, by reason
24 of the issuance of a certificate of title to the mobile home or
25 on account of any defect in the right, title, or interest of the
26 applicant in and to the mobile home. Each interested person has
27 a right of action to recover on the bond for a breach of its

1 conditions ~~—, but~~ EXCEPT THAT the aggregate liability of the
2 surety to all persons shall not exceed the amount of the bond.
3 The bond shall be returned at the end of 5 years, or before 5
4 years if the currently valid certificate of title is surrendered
5 to the department, unless the department has received notifica-
6 tion of the pendency of an action to recover on the bond.

7 (3) The department shall examine and determine the genuine-
8 ness, regularity, and legality of an application for a certifi-
9 cate of title for a mobile home and of any other application law-
10 fully made to the department, and may in all cases ~~—make~~
11 ~~investigation~~ INVESTIGATE or require additional information as
12 may be considered necessary BY THE DEPARTMENT, and shall reject
13 any application if not satisfied of ~~the~~ ITS genuineness, regu-
14 larity, or legality ~~—of it~~ or OF the truth of any statement con-
15 tained in it, or for any other reason, when authorized by law.

16 (4) The fee for obtaining a duplicate, replacement, or cor-
17 rected title, for placing or terminating a lien on the title, or
18 for placing a name on the title is ~~—\$15.00 or any other lesser~~
19 ~~amount established pursuant to section 9(5)~~ THAT AMOUNT AS
20 DESCRIBED IN SECTION 9A.

21 Sec. 30c. (1) If the owner of a mobile home transfers or
22 assigns the owner's title or interest to the mobile home, the
23 owner shall indorse on the back of the certificate of title an
24 assignment of the mobile home with warranty of title with a
25 statement of all security interests in the mobile home, and shall
26 cause the certificate to be mailed or delivered to the department

1 or to the purchaser or transferee at the time of the delivery to
2 the purchaser or transferee of the mobile home.

3 (2) Upon the delivery of a mobile home and the transfer,
4 sale, or assignment of the title or interest in ~~a~~ THAT mobile
5 home, the effective date of the transfer of title or interest
6 shall be the date of execution of either the application for
7 title or the certificate of title.

8 (3) The purchaser or transferee, unless the purchaser or
9 transferee is a licensed dealer, shall cause to be presented to
10 the department the certificate of title accompanied by the appli-
11 cable fee DESCRIBED IN SECTION 9A. ~~as follows:~~

12 ~~(a) Except as provided in subdivision (b) or (c), \$45.00.~~

13 ~~(b) Except as provided in subdivision (c), \$15.00, if the~~
14 ~~sale, assignment, or other transfer will require the addition or~~
15 ~~deletion from the certificate of title of any of the following:~~

16 ~~(i) The owner's spouse.~~

17 ~~(ii) A person related to the owner within the fourth degree~~
18 ~~of consanguinity as computed by the civil law method.~~

19 ~~(iii) A person related to the owner's spouse within the~~
20 ~~fourth degree of consanguinity as computed by the civil law~~
21 ~~method.~~

22 ~~(c) Any other lesser amount established pursuant to~~
23 ~~section 9(5).~~

24 (4) ~~Upon~~ THE DEPARTMENT SHALL ISSUE A NEW CERTIFICATE OF
25 TITLE UPON presentation of the certificate of title accompanied
26 by the applicable fee. ~~a new certificate of title shall be~~
27 ~~issued.~~ A THE DEPARTMENT SHALL MAIL OR DELIVER A certificate of

1 title issued under ~~subsection (3) and~~ this subsection ~~shall be~~
2 ~~mailed or delivered~~ to the owner or any other person the owner
3 may direct in a separate instrument in a form as prescribed by
4 the department.

5 (5) If a security interest is reserved or created at the
6 time of the transfer, the parties shall comply with section 30d.

7 (6) If the transferee of a mobile home is a mobile home
8 dealer who holds the mobile home for resale, the MOBILE HOME
9 dealer ~~shall not be required to forward the certificate of title~~
10 ~~to the department, but the dealer~~ shall retain possession of the
11 assigned certificate of title. Upon transfer of the MOBILE HOME
12 dealer's title or interest to another person, the MOBILE HOME
13 dealer shall execute and acknowledge an assignment and warranty
14 of title upon the certificate of title and deliver it to the
15 person to whom the transfer is made if the person is a licensed
16 MOBILE HOME dealer. ~~; otherwise application~~ IN ALL OTHER CASES,
17 THE TRANSFEROR SHALL APPLY for a new title ~~shall be made by the~~
18 ~~transferor as~~ IN THE MANNER provided FOR in section 30a(1).