

# HOUSE BILL No. 5794

March 13, 2002, Introduced by Rep. Hart and referred to the Committee on Commerce.

A bill to amend 1987 PA 96, entitled  
"The mobile home commission act,"  
by amending the title and sections 1, 2, 4, 5, 6, 7, 9, 10, 18,  
21, 22, 23, 24, 25, 28, 30h, 35, 38, and 43 (MCL 125.2301,  
125.2302, 125.2304, 125.2305, 125.2306, 125.2307, 125.2309,  
125.2310, 125.2318, 125.2321, 125.2322, 125.2323, 125.2324,  
125.2325, 125.2328, 125.2330h, 125.2335, 125.2338, and 125.2343),  
section 10 as amended by 1992 PA 203, section 28 as amended by  
1993 PA 241, and section 38 as amended and section 43 as added by  
1988 PA 337; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### TITLE

An act to ~~create a mobile home commission; to prescribe its~~  
~~powers and duties and those of local governments; to~~ provide for  
a mobile home code and the licensure, regulation, construction,

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1 operation, and management of mobile home parks, the licensure and  
2 regulation of retail sales dealers, warranties of mobile homes,  
3 and service practices of dealers; to provide for the titling of  
4 mobile homes; to prescribe the powers and duties of certain STATE  
5 agencies and departments; to provide remedies and penalties; to  
6 declare the act to be remedial; ~~to repeal this act on a specific~~  
7 ~~date;~~ and to repeal ~~certain~~ acts and parts of acts.

8       Sec. 1. This act shall be known and may be cited as "the  
9 mobile home ~~commission~~ act".

10       Sec. 2. As used in this act:

11       (a) "Campground" means a campground as defined in section  
12 12501 of the public health code, ~~Act No. 368 of the Public Acts~~  
13 ~~of 1978, being section 333.12501 of the Michigan Compiled Laws~~  
14 1978 PA 368, MCL 333.12501.

15       (b) "Code" means all or a part of the mobile home code  
16 promulgated ~~pursuant to~~ UNDER section 5.

17       ~~(c) "Commission" means the mobile home code commission.~~

18       (C) ~~(d)~~ "Department" means the department of ~~commerce~~  
19 CONSUMER AND INDUSTRY SERVICES.

20       (D) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF CON-  
21 SUMER AND INDUSTRY SERVICES.

22       (e) "Installer and repairer" means a person, including a  
23 mobile home dealer, who for compensation installs or repairs  
24 mobile homes.

25       (f) "Local government" means a county or municipality.

26       (g) "Mobile home" means a structure, transportable in 1 or  
27 more sections, ~~which~~ THAT is built on a chassis and designed to

1 be used as a dwelling with or without permanent foundation, when  
2 connected to the required utilities, and includes the plumbing,  
3 heating, air-conditioning, and electrical systems contained in  
4 the structure.

5 (h) "Mobile home dealer" means a person other than a manu-  
6 facturer engaged in the business of buying mobile homes for  
7 resale, exchange, lease, or rent or offering mobile homes for  
8 sale, lease, rent, or exchange to customers.

9 (i) "Mobile home park" means a parcel or tract of land under  
10 the control of a person upon which 3 or more mobile homes are  
11 located on a continual, nonrecreational basis and ~~which~~ THAT is  
12 offered to the public for that purpose regardless of whether a  
13 charge is made ~~therefor~~ FOR THAT PURPOSE, together with ~~any~~ A  
14 building, structure, enclosure, street, equipment, or facility  
15 used or intended for use incident to the occupancy of a mobile  
16 home.

17 (j) "Municipality" means a city, village, or township.

18 (k) "Person" means an individual, partnership, association,  
19 trust, or corporation, or ~~any~~ other legal entity or combination  
20 of legal entities.

21 (l) "Recreational vehicle" means a vehicle primarily  
22 designed and used as temporary living quarters for recreational,  
23 camping, or travel purposes, including a vehicle having its own  
24 motor power or a vehicle mounted on or drawn by another vehicle.

25 (m) "Seasonal mobile home park" means a parcel or tract of  
26 land under the control of a person upon which 3 or more mobile  
27 homes are located on a continual or temporary basis but occupied

1 on a temporary basis only ~~—, and which~~ THAT is offered to the  
 2 public for that purpose regardless of whether a charge is made  
 3 ~~therefor~~ FOR THAT PURPOSE, together with ~~any~~ A building,  
 4 enclosure, street, equipment, or facility used or intended for  
 5 use incident to the occupancy of a mobile home. Seasonal mobile  
 6 home park does not include a campground licensed ~~pursuant to~~  
 7 UNDER sections 12501 to 12516 of the public health code, ~~Act~~  
 8 ~~No. 368 of the Public Acts of 1978, being sections 333.12501 to~~  
 9 ~~333.12516 of the Michigan Compiled Laws~~ 1978 PA 368, MCL  
 10 333.12501 TO 333.12516.

11 (n) "Security interest", "security agreement", "secured  
 12 party", and "termination statement" have the same meanings as in  
 13 the uniform commercial code, ~~Act No. 174 of the Public Acts of~~  
 14 ~~1962, being sections 440.1101 to 440.11102 of the Michigan~~  
 15 ~~Compiled Laws~~ 1962 PA 174, MCL 440.1101 TO 440.11102.

16 Sec. 4. (1) The ~~commission~~ DEPARTMENT may do all of the  
 17 following:

18 (a) Promulgate rules to implement and administer this act.

19 (b) Act for the purpose of establishing a uniform policy  
 20 relating to all phases of mobile home businesses, mobile home  
 21 parks, and seasonal mobile home parks.

22 (c) Determine the sufficiency of local mobile home ordi-  
 23 nances ~~which~~ THAT are designed to provide local governments  
 24 with superintending control over mobile home businesses, mobile  
 25 home parks, or seasonal mobile homes parks.

26 (d) Conduct public hearings relating to the powers  
 27 prescribed in this subsection.

1 (2) The director ~~of commerce~~ or an authorized  
2 representative of the director shall do all of the following:

3 (a) Administer the rules promulgated by the ~~commission~~  
4 DEPARTMENT.

5 (b) Conduct hearings relating to violations of this act or  
6 rules promulgated under this act.

7 (c) Make investigations to determine compliance with this  
8 act and rules promulgated under this act.

9 ~~(d) Provide assistance to the commission as the commission~~  
10 ~~requires.~~

11 (3) The ~~commission~~ DEPARTMENT shall not act for the pur-  
12 pose of regulating mobile homes that are not located within a  
13 mobile home park or a seasonal mobile home park, except as  
14 relates to the business, sales, and service practices of mobile  
15 home dealers and the business practices of mobile home installers  
16 and repairers.

17 Sec. 5. (1) The ~~commission~~ DEPARTMENT shall promulgate  
18 the mobile home code subject to section 4. The code shall con-  
19 sist of rules governing all of the following:

20 (a) The licensure, density, layout, permits for construc-  
21 tion, construction of mobile home parks including standards for  
22 roads, utilities, open space, or proposed recreational facili-  
23 ties, and safety measures sufficient to protect health, safety,  
24 and welfare of mobile home park residents. ~~, except~~ THE RULES  
25 DO NOT GOVERN water supply, sewage collection and treatment, and  
26 drainage facilities ~~which are regulated by~~ THAT the department  
27 of ~~public health~~ ENVIRONMENTAL QUALITY REGULATES.

1 (b) The business, sales, and service practices of mobile  
2 home dealers.

3 (c) The business practices of mobile home installers and  
4 repairers.

5 (d) The licensure and ~~regulations~~ REGULATION of mobile  
6 home installers and repairers.

7 (e) The setup and installation of mobile homes inside mobile  
8 home parks or seasonal mobile home parks.

9 (f) The regulation of the responsibilities, under the mobile  
10 home warranty, of the mobile home components manufacturer, the  
11 mobile home assembler or manufacturer, and the mobile home  
12 dealer, including the time period and relationships of each under  
13 the warranty, and the remedies available, if any, if the respon-  
14 sible parties cease to operate as a business.

15 (g) Abuses relating to all of the following:

16 (i) Consumer deposits, except utility deposits from consum-  
17 ers who are direct customers of utilities regulated by the  
18 Michigan public service commission.

19 (ii) Detailed listing of furnishings and fixtures by a manu-  
20 facturer of a new mobile home or a mobile home dealer for a used  
21 mobile home.

22 (iii) Disclosure and delivery of manufacturer's warranties.

23 (iv) Used mobile homes. A mobile home dealer shall provide  
24 detailed listing of its service records for used mobile homes  
25 ~~which~~ THAT are being sold by the dealer and ~~of which~~ THAT the  
26 dealer has knowledge OF.

1 (h) Applications for and issuance of certificates of title  
2 for mobile homes.

3 (2) As part of the code, the ~~commission~~ DEPARTMENT shall  
4 also promulgate rules governing the licensure, density, layout,  
5 permits for construction, and construction of seasonal mobile  
6 home parks, including standards for roads, utilities, open space,  
7 proposed recreational facilities, and safety measures sufficient  
8 to protect the health, safety, and welfare of seasonal mobile  
9 home park residents, except water supply, sewage collection and  
10 treatment, and drainage facilities ~~—, which shall be regulated~~  
11 ~~by~~ THAT the department of ~~public health~~ ENVIRONMENTAL QUALITY  
12 REGULATES.

13 (3) ~~The~~ FOR rules promulgated for seasonal mobile home  
14 parks, THE DEPARTMENT may impose a less stringent standard than  
15 the rules promulgated for mobile home parks.

16 Sec. 6. (1) The department of ~~public health~~ ENVIRONMENTAL  
17 QUALITY shall promulgate rules for mobile home parks and seasonal  
18 mobile home parks setting forth minimum standards regulating ALL  
19 OF THE FOLLOWING:

- 20 (a) Water supply system.
- 21 (b) Sewage collection and disposal system.
- 22 (c) Drainage.
- 23 (d) Garbage and rubbish storage and disposal.
- 24 (e) Insect and rodent control.
- 25 (f) General operation, maintenance, and safety.
- 26 (g) Certification of compliance under section 17.

1 (2) Representatives of local government shall act in an  
2 advisory capacity in the promulgation of the code.

3 (3) The ~~commission~~ DEPARTMENT shall consult with appropri-  
4 ate state and local governments in developing the procedures for  
5 effective coordination of efforts. The ~~commission~~ DEPARTMENT  
6 shall recommend procedures to the governor and the legislature  
7 for coordinating state agency decisions and activities pertaining  
8 to this act.

9 Sec. 7. (1) ~~A local government which proposes a standard~~  
10 ~~related to mobile home parks or seasonal mobile home parks, or~~  
11 ~~related to mobile homes located within a mobile home park or a~~  
12 ~~seasonal mobile home park that is higher than the standard pro-~~  
13 ~~vided in this act or the code; or a standard related to the busi-~~  
14 ~~ness, sales, and service practices of mobile home dealers, or the~~  
15 ~~business of mobile home installers and repairers, that is higher~~  
16 ~~than the standard provided in this act or the code shall file the~~  
17 ~~proposed standard with the commission.~~ A LOCAL GOVERNMENT THAT  
18 PROPOSES ANY OF THE FOLLOWING STANDARDS SHALL FILE THE PROPOSED  
19 STANDARD WITH THE DEPARTMENT:

20 (A) A STANDARD RELATED TO MOBILE HOME PARKS OR SEASONAL  
21 MOBILE HOME PARKS, OR MOBILE HOMES LOCATED WITHIN A MOBILE HOME  
22 PARK OR A SEASONAL MOBILE HOME PARK, THAT IS HIGHER THAN A STAN-  
23 DARD PROVIDED IN THIS ACT OR THE CODE.

24 (B) A STANDARD RELATED TO THE BUSINESS, SALES, AND SERVICE  
25 PRACTICES OF MOBILE HOME DEALERS, OR THE BUSINESS OF MOBILE HOME  
26 INSTALLERS AND REPAIRERS, THAT IS HIGHER THAN THE STANDARD  
27 PROVIDED IN THIS ACT OR THE CODE.



1           (2) The ~~commission~~ DEPARTMENT may promulgate rules to  
2 establish the criteria and procedure for implementation of A  
3 higher ~~standards~~ STANDARD by a local government. The  
4 ~~commission~~ DEPARTMENT shall review and approve the proposed  
5 standard unless the standard is unreasonable, arbitrary, or not  
6 in the public interest. If the ~~commission~~ DEPARTMENT does not  
7 approve or disapprove the proposed standard within 60 days after  
8 it is filed, ~~with the commission,~~ the standard ~~shall be~~  
9 ~~considered~~ IS approved unless the local government grants the  
10 ~~commission~~ DEPARTMENT additional time to consider the  
11 standard. After the proposed standard is approved, the local  
12 government may adopt the standard by ordinance. The ordinance  
13 ~~shall~~ MUST relate to a specific section of the code.

14           (3) ~~-(2)-~~ A local government standard related to mobile  
15 homes not located within a mobile home park or seasonal mobile  
16 home park need not be filed with the ~~mobile home commission~~  
17 DEPARTMENT, unless the standard relates to the business, sales,  
18 and service practices of mobile home dealers, or the business of  
19 mobile home installers and repairers.

20           (4) ~~-(3)-~~ A local government ordinance shall not be designed  
21 as exclusionary to mobile homes generally whether the mobile  
22 homes are located inside or outside of mobile home parks or sea-  
23 sonal mobile home parks.

24           (5) ~~-(4)-~~ A local government ordinance shall not contain a  
25 standard for the setup or installation of mobile homes that is  
26 incompatible with, or is more stringent than, either of the  
27 following:

1 (a) The manufacturer's recommended setup and installation  
2 specifications.

3 (b) The mobile home setup and installation standards promul-  
4 gated by the federal department of housing and urban development  
5 pursuant to the national manufactured housing construction and  
6 safety standards act of 1974, TITLE VI OF THE HOUSING AND COMMU-  
7 NITY DEVELOPMENT ACT OF 1974, PUBLIC LAW 93-383, 42 U.S.C. 5401  
8 to 5426.

9 (6) ~~-(5)-~~ In the absence of ~~any~~ setup or installation  
10 specifications or standards for foundations as set forth in sub-  
11 section ~~-(4)(a)-~~ (5)(A) or (b), the local government standards  
12 for site-built housing ~~shall~~ apply.

13 (7) ~~-(6)-~~ A local government ordinance shall not contain  
14 roof configuration standards or special use zoning requirements  
15 that apply only to, or ~~excludes~~ THAT EXCLUDE, mobile homes. A  
16 local government ordinance shall not contain a manufacturing or  
17 construction standard that is incompatible with, or is more  
18 stringent than, a standard promulgated by the federal department  
19 of housing and urban development ~~pursuant to~~ UNDER the national  
20 manufactured housing construction and safety standards act of  
21 1974, TITLE VI OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF  
22 1974, PUBLIC LAW 93-383, 42 U.S.C. 5401 to 5426. A local govern-  
23 ment ordinance may include reasonable standards relating to  
24 mobile homes located outside of mobile home parks or seasonal  
25 mobile home parks ~~which~~ THAT ensure that mobile homes compare  
26 aesthetically to site-built housing located or allowed in the  
27 same residential zone.

1       Sec. 9. (1) The ~~commission~~ DEPARTMENT shall promulgate  
2 rules to establish fees and charges for ~~the issuance of~~ ISSUING  
3 licenses or permits under section 5.

4       (2) The fees and charges under this act shall be applied  
5 solely to the implementation of ~~the~~ THIS act and ~~shall~~ con-  
6 stitute the total funding for the ~~commission~~ DEPARTMENT'S  
7 ENFORCEMENT OF THIS ACT, except as provided in ~~Act No. 243 of~~  
8 ~~the Public Acts of 1959, being sections 125.1035 to 125.1043 of~~  
9 ~~the Michigan Compiled Laws~~ 1959 PA 243, MCL 125.1035 TO  
10 125.1043.

11       (3) ~~A~~ THE DEPARTMENT SHALL NOT CHARGE A fee ~~shall not be~~  
12 ~~charged~~ for an investigation conducted ~~pursuant to~~ UNDER sec-  
13 tion 36.

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

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

23       Sec. 10. Upon request and at reasonable charges as the  
24 ~~commission~~ DEPARTMENT prescribes, the department shall furnish  
25 to a person a reproduction ~~pursuant~~ ACCORDING to the records  
26 media act, 1992 PA 116, MCL 24.401 TO 24.403, certified under the  
27 seal of office if requested, of a document that is retained as a

1 matter of public record, except that the department shall not  
2 charge or collect a fee for a reproduction of a document fur-  
3 nished to a public official for use in his or her official  
4 capacity.

5       Sec. 18. (1) A variance in the design and construction of a  
6 mobile home park or seasonal mobile home park may be granted upon  
7 notice of the request to the local government and the department  
8 of ~~public health~~ ENVIRONMENTAL QUALITY at the time of filing  
9 with the department. ~~of commerce.~~ If the local government  
10 grants a variance ~~which~~ THAT would permit activities violative  
11 of the minimum standards of the code, the local government shall  
12 file with the department a copy of the variance order and an  
13 explanation of the reason for the granting of the order. The  
14 department may approve or disapprove the variance or revoke the  
15 variance upon notice and hearing.

16       (2) After a public hearing the department may grant a spe-  
17 cific variance to a substantive requirement of the code if the  
18 literal application of the substantive requirement would result  
19 in an exceptional, practical difficulty to the applicant, and if  
20 the specific condition justifying the variance is neither so gen-  
21 eral nor recurrent in nature as to make an amendment of the code  
22 with respect to the condition reasonably practical or desirable.

23       (3) The department may attach in writing a condition in con-  
24 nection with the granting of a variance that in its judgment is  
25 necessary to protect the health, safety, and welfare of the  
26 people of this state. The variance shall not exceed the minimum  
27 necessary to alleviate the exceptional, practical difficulty.

1 (4) A variance to a local ordinance, zoning requirement, or  
2 local rule may be granted only by a local government.

3 (5) A variance to a rule promulgated under this act may be  
4 granted only by the ~~commission~~ DEPARTMENT.

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

7 (2) A mobile home dealer, mobile home installer, or repairer  
8 may obtain an initial or renewal license by filing with the  
9 ~~commission~~ DEPARTMENT an application together with consent to  
10 service of process in a form prescribed by the ~~commission~~ ~~pursu-~~  
11 ~~ant to~~ DEPARTMENT UNDER section 35.

12 (3) An initial or renewal license under this act shall be  
13 issued for not more than 1 year. Licenses ~~shall~~ expire on  
14 October 1.

15 (4) The annual license fee for a mobile home dealer is  
16 \$150.00 or any other lesser amount established ~~pursuant to~~  
17 UNDER section 9(5).

18 (5) The annual license fee for a mobile home installer or  
19 repairer is \$50.00 or ~~any other~~ A lesser amount established  
20 ~~pursuant to~~ UNDER section 9(5).

21 (6) A licensed mobile home dealer, mobile home installer, or  
22 repairer may file an application for the license of a successor,  
23 whether or not the successor is then in existence, for the unex-  
24 pired portion of the year. The ~~commission~~ DEPARTMENT may grant  
25 or deny the application.

26 (7) A licensee who submits a timely application for renewal  
27 of a license and pays the appropriate fee may continue ~~sales~~

1 THE SALE of mobile homes unless notified that the application for  
2 renewal is not approved.

3 Sec. 22. The ~~commission~~ DEPARTMENT may promulgate rules  
4 to require a licensed mobile home dealer to post a surety bond in  
5 an amount up to \$10,000.00 for each sales location and may deter-  
6 mine conditions of the bond. An appropriate deposit of cash or  
7 securities shall be accepted in lieu of a bond ~~which~~ THAT is  
8 required.

9 Sec. 23. A licensed mobile home dealer shall make and keep  
10 accounts ~~,~~ and other records as the ~~commission~~ DEPARTMENT  
11 prescribes by rule. The records required shall be preserved for  
12 3 years unless the ~~commission~~ DEPARTMENT otherwise prescribes  
13 by rule for particular types of records. If the information con-  
14 tained in a record filed with the ~~commission~~ DEPARTMENT is or  
15 becomes inaccurate or incomplete in any material respect, the  
16 licensee promptly shall file a correcting amendment.

17 Sec. 24. A mobile home dealer shall not DO 1 OR MORE OF THE  
18 FOLLOWING:

19 (a) Advertise or represent a mobile home as other than cal-  
20 endar or model year.

21 (b) Misapply consumer deposits on a mobile home or a mobile  
22 home park.

23 (c) Fail to place deposits, down payments, or similar pay-  
24 ments for the purchase or right to purchase a mobile home in a  
25 separate escrow account subject to return upon cancellation of  
26 the purchase order by the prospective purchaser under the rules  
27 or orders as the ~~commission~~ DEPARTMENT promulgates or issues

1 unless the dealer shall post a bond or a deposit of cash or  
2 securities for protection of these payments in an amount accept-  
3 able to the ~~commission~~ DEPARTMENT.

4 (d) Fail to disclose to the department ~~any~~ direct or indi-  
5 rect business relationships with financial and loan institutions,  
6 banks, and insurance companies.

7 Sec. 25. (1) The ~~commission~~ DEPARTMENT shall promulgate  
8 rules relating to the responsibility of the mobile home dealer,  
9 mobile home installer, and ~~the~~ mobile home park or seasonal  
10 mobile home park owner for installation and setup of a mobile  
11 home.

12 (2) A person licensed under ~~any~~ 1 OR MORE of the following  
13 acts ~~shall~~ IS not ~~be~~ required to be licensed as a mobile home  
14 installer and repairer in order to perform work on mobile homes  
15 for which the person is licensed, unless the work performed also  
16 includes the setup, installation, or general repair of mobile  
17 homes:

18 (a) The electrical administrative act, ~~Act No. 217 of the~~  
19 ~~Public Acts of 1956, being sections 338.881 to 338.892 of the~~  
20 ~~Michigan Compiled Laws~~ 1956 PA 217, MCL 338.881 TO 338.892.

21 (b) ~~Act No. 266 of the Public Acts of 1929, being sections~~  
22 ~~338.901 to 338.917 of the Michigan Compiled Laws~~ 1929 PA 266,  
23 MCL 338.901 TO 338.917.

24 (c) The Forbes mechanical contractors act, ~~Act No. 192 of~~  
25 ~~the Public Acts of 1984, being sections 338.971 to 338.988 of the~~  
26 ~~Michigan Compiled Laws~~ 1984 PA 192, MCL 338.971 TO 338.988.

(3) The electrical administrative act, ~~Act No. 217 of the Public Acts of 1956, being sections 338.881 to 338.892 of the Michigan Compiled Laws, Act No. 266 of the Public Acts of 1929, being sections 338.901 to 338.917 of the Michigan Compiled Laws~~ 1956 PA 217, MCL 338.881 TO 338.892, 1929 PA 266, MCL 338.901 TO 338.917, and the Forbes mechanical contractors act, ~~Act No. 192 of the Public Acts of 1984, being sections 338.971 to 338.988 of the Michigan Compiled Laws~~ 1984 PA 192, MCL 338.971 TO 338.988, ~~shall~~ DO not apply to the setup or installation of a mobile home and the following connections, or replacement or repair of the following connections, by a licensed mobile home installer and repairer:

(a) Factory-installed electrical wiring, devices, appliances, or appurtenances to available electrical meters or pedestals.

(b) Factory-installed piping, fixtures, plumbing appliances, and plumbing appurtenances to sanitary drainage or storm drainage facilities, venting systems, or public or private water supply systems.

(c) Factory-installed process piping, heating and cooling equipment, and systems or supply lines to available service meters or mains.

Sec. 28. (1) An owner or operator of a mobile home park or seasonal mobile home park shall not engage, or permit an employee or agent to engage, in ~~any~~ 1 OR MORE of the following unfair or deceptive methods, acts, or practices:



1 (a) Directly or indirectly charging or collecting from a  
2 person an entrance fee.

3 (b) Requiring a person to directly or indirectly purchase a  
4 mobile home from another person as a condition of entrance to, or  
5 lease or rental of, a mobile home park or seasonal mobile home  
6 park space.

7 (c) Directly or indirectly charging or collecting from a  
8 person a refundable or nonrefundable exit fee.

9 (d) Requiring or coercing a person to purchase, rent, or  
10 lease goods or services from another person as a condition of  
11 ~~any~~ 1 OR MORE of the following:

12 (i) Entering into a park or lease.

13 (ii) Selling a mobile home through the park owner or opera-  
14 tor, or his or her agent or designee upon leaving a mobile home  
15 park or seasonal mobile home park.

16 (iii) Renting space in a mobile home park or seasonal mobile  
17 home park.

18 (e) Directly or indirectly charging or collecting from a  
19 person money or other thing of value for electric, fuel, or water  
20 service without the use of that service by a resident or tenant  
21 being first accurately and consistently measured, unless that  
22 service is included in the rental charge as an incident of  
23 tenancy.

24 (f) Conspiring, combining, agreeing, aiding, or abetting in  
25 the employment of a method, act, or practice that violates this  
26 act.

1 (g) Renting or leasing a mobile home or site in a mobile  
2 home park or seasonal mobile home park without offering a written  
3 lease.

4 (h) Subject to section 28a, prohibiting a resident from  
5 selling his or her mobile home on-site for a price determined by  
6 that resident, if the purchaser qualifies for tenancy and the  
7 mobile home meets the conditions of written park rules or  
8 regulations. This subdivision does not apply to seasonal mobile  
9 home parks.

10 (i) Subject to reasonable mobile home park or seasonal  
11 mobile home park rules governing the location, size, and style of  
12 exterior television antenna, prohibiting a person from installing  
13 or maintaining an exterior television antenna on a mobile home  
14 within the park unless the mobile home park or seasonal mobile  
15 home park provides park residents, without charge, a central  
16 television antenna for UHF-VHF reception.

17 (2) A tenant of a mobile home park or seasonal mobile home  
18 park may bring an action on his or her own behalf for a violation  
19 of this section.

20 (3) If the ~~commission~~ DEPARTMENT has reason to suspect  
21 that the owner of a mobile home park or seasonal mobile home park  
22 is engaged in conduct that violates existing water utility tar-  
23 iffs or qualifies the owner of a mobile home park or seasonal  
24 mobile home park for regulation as a water utility, the  
25 ~~commission~~ DEPARTMENT shall promptly send a written report of  
26 the alleged violation to the Michigan public service commission.

1       Sec. 30h. The ~~commission~~ DEPARTMENT, in consultation with  
2 the secretary of state, shall promulgate rules ~~which shall~~  
3 THAT further define and distinguish between the term mobile home  
4 as used in this act and the term trailer coach as used in the  
5 Michigan vehicle code, ~~Act No. 300 of the Public Acts of 1949,~~  
6 ~~being sections 257.1 to 257.923 of the Michigan Compiled Laws~~  
7 1949 PA 300, MCL 257.1 TO 257.923.

8       Sec. 35. (1) A person who applies for a license or permit  
9 under this act ~~which~~ THAT is for other than a domestic corpora-  
10 tion shall file with the ~~commission~~ DEPARTMENT, in a form the  
11 ~~commission~~ DEPARTMENT prescribes, an irrevocable consent  
12 appointing the ~~commission~~ DEPARTMENT to be its attorney to  
13 receive service of lawful process in ~~any~~ A noncriminal action  
14 or proceeding against it or its successor, executor, or adminis-  
15 trator, ~~which~~ THAT arises under this act or a rule promulgated  
16 or order issued under this act after the consent is filed, with  
17 the same force and validity as if served personally on the person  
18 filing the consent.

19       (2) ~~When~~ IF a person, including a nonresident of this  
20 state, engages in conduct prohibited or made actionable by this  
21 act or a rule promulgated or order issued under this act, whether  
22 or not consent to service of process was filed and personal  
23 jurisdiction over him or her cannot otherwise be obtained in this  
24 state, that conduct ~~shall be considered~~ IS equivalent to his or  
25 her appointment of the ~~commission~~ DEPARTMENT to be his or her  
26 attorney to receive service of lawful process in a noncriminal  
27 action or proceeding against him or her or his or her successor,

1 executor, or administrator ~~which~~ THAT grows out of that conduct  
2 and ~~which~~ THAT is brought under this act or a rule promulgated  
3 or order issued under this act, with the same force and validity  
4 as if served on the person personally.

5 (3) Service under subsection (1) or (2) may be made by  
6 filing a copy of the process ~~in the office of the commission~~  
7 WITH THE DEPARTMENT, together with a \$25.00 fee. The service is  
8 not effective unless the plaintiff, which may be the ~~commission~~  
9 DEPARTMENT in an action or proceeding instituted by it, immedi-  
10 ately sends notice of the service and a copy of the process by  
11 registered or certified mail to the defendant or respondent at  
12 his or her last known address or takes other steps ~~which~~ THAT  
13 are reasonably calculated to give actual notice, and the  
14 plaintiff's affidavit or compliance with this section is filed in  
15 the case on or before the return day of the process, if any, or  
16 within ~~such further~~ ADDITIONAL time ~~as~~ IF the court allows.

17 Sec. 38. (1) The department may issue an order to show  
18 cause why an order imposing sanctions or penalties allowed under  
19 this act should not be issued ~~by the commission~~ if the depart-  
20 ment finds BOTH that the order is in the public interest ~~—~~ and  
21 ~~any~~ 1 OR MORE of the following:

22 (a) An application filed pertaining to a license, a disclo-  
23 sure statement, or a related document filed with the department  
24 in connection with a mobile home license, is incomplete in any  
25 material respect or contains a statement ~~which~~ THAT is false or  
26 misleading, in the light of the circumstances under which it is  
27 made.

1 (b) A provision of this act, or a rule, order, or condition  
2 lawfully imposed under this act, was not complied with or was  
3 violated in connection with the offering by the person filing the  
4 document; the developer, dealer, or operator; a partner, officer,  
5 director, proprietor, or manager of the developer, dealer, or  
6 operator; or a person directly or indirectly controlling, or  
7 directly controlled by, the developer, dealer, or operator.

8 (c) The project worked or tended to work a fraud or decep-  
9 tion or would so operate, or the project would create an unrea-  
10 sonable risk to prospective tenants, as defined by rules promul-  
11 gated by the ~~commission~~ DEPARTMENT.

12 (d) The developer, dealer, or operator; a partner, officer,  
13 director, proprietor, or manager of the developer, dealer, or  
14 operator; a person directly or indirectly controlling or directly  
15 controlled by the developer, dealer, or operator; or a person  
16 identified in the application for a license, or a disclosure  
17 statement, was CONVICTED OF AN OFFENSE UNDER THIS ACT within the  
18 ~~past~~ 10 years ~~convicted of an offense under this act~~  
19 IMMEDIATELY PRECEDING THE DATE OF THE ORDER, or is the subject of  
20 an administrative order issued under this act, or had a civil  
21 judgment entered against him or her as a result of a violation of  
22 this act or a rule promulgated or order issued ~~pursuant to~~  
23 UNDER this act, and the department determines that the involve-  
24 ment of the person in the sale or development of the project cre-  
25 ates an unreasonable risk to prospective tenants or mobile home  
26 purchasers.

1 (e) The developer, dealer, or operator; a partner, officer,  
2 director, proprietor, or manager of the developer; a person  
3 directly or indirectly controlling or directly controlled by the  
4 developer, dealer, or operator; or a person identified in the  
5 application for a license, or a disclosure statement, was con-  
6 victed of a violation or the subject of an administrative order  
7 or civil judgment as a result of a violation of a statute regu-  
8 lating the offering of securities or franchises or licensing or  
9 regulating builders, real estate brokers, or real estate sales-  
10 persons, or of violation of the land sales act, ~~Act No. 286 of~~  
11 ~~the Public Acts of 1972, being sections 565.801 to 565.835 of the~~  
12 ~~Michigan Compiled Laws~~ 1972 PA 286, MCL 565.801 TO 565.835, or a  
13 rule promulgated or an order issued under that act.

14 (f) The applicant's method of business, construction, devel-  
15 opment, or sales includes or would include activities ~~which~~  
16 THAT are illegal.

17 (g) The applicant failed to pay the proper fee.

18 (h) The applicant failed to comply with the state warranty  
19 laws.

20 (2) ~~When~~ IF it appears to the department that a person  
21 engaged in an act or practice constituting a violation of this  
22 act or a rule promulgated or order issued under this act, the  
23 department may issue a notice to show cause why a cease and  
24 desist order should not be issued.

25 (3) After 10 days' notice and opportunity for hearing, the  
26 department may stop construction as to part or all of a project

1 if continuing the building will cause irreparable harm to  
2 residents and prospective residents of the project.

3 Sec. 43. (1) If, after notice and a hearing as provided in  
4 the administrative procedures act of 1969, ~~Act No. 306 of the~~  
5 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~  
6 ~~Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328, a  
7 person is determined to have violated this act, the ~~commission~~  
8 DEPARTMENT may impose 1 or more of the following penalties:

9 (a) Censure.

10 (b) Probation.

11 (c) Placement of a limitation on a license.

12 (d) Suspension of a license. The ~~commission~~ DEPARTMENT  
13 may request the appointment of a receiver when taking action  
14 under this subdivision.

15 (e) Revocation of a license. The ~~commission~~ DEPARTMENT  
16 may request the appointment of a receiver when taking action  
17 under this subdivision.

18 (f) Denial of a license.

19 (g) A civil fine of not more than \$10,000.00.

20 (h) A requirement that restitution be made.

21 (2) A fine collected under this section shall be deposited  
22 with the state treasurer and credited to the mobile home  
23 ~~commission~~ fund.

24 (3) This section does not prohibit actions being taken under  
25 other sections of this act.

1           (4) The pursuit in court of the lawful rights of a licensee  
2 does not constitute a violation of this act, regardless of the  
3 outcome of the court action.

4           Enacting section 1. Sections 3 and 49 of the mobile home  
5 commission act, 1987 PA 96, MCL 125.2303 and 125.2349, are  
6 repealed.