

HOUSE BILL No. 4121

January 30, 2003, Introduced by Rep. Jamnick 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, 3, 4, 5, 6, 7, 11, 12,
13, 14, 16, 16a, 17, 18, 21, 22, 23, 24, 25, 27, 28, 28a, 28b,
28c, 29, 30, 30a, 30b, 30c, 30d, 30e, 30f, 30g, 30h, 31, 38, 43,
and 45 (MCL 125.2301, 125.2302, 125.2303, 125.2304, 125.2305,
125.2306, 125.2307, 125.2311, 125.2312, 125.2313, 125.2314,
125.2316, 125.2316a, 125.2317, 125.2318, 125.2321, 125.2322,
125.2323, 125.2324, 125.2325, 125.2327, 125.2328, 125.2328a,
125.2328b, 125.2328c, 125.2329, 125.2330, 125.2330a, 125.2330b,
125.2330c, 125.2330d, 125.2330e, 125.2330f, 125.2330g, 125.2330h,
125.2331, 125.2338, 125.2343, and 125.2345), section 28 as
amended by 1993 PA 241 and sections 28a, 28b, 28c, and 43 as
added and section 38 as amended by 1988 PA 337; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to create a ~~mobile home~~ **manufactured housing**
 3 commission; to prescribe its powers and duties and those of local
 4 governments; to provide for a ~~mobile home~~ **manufactured housing**
 5 code and the licensure, regulation, construction, operation, and
 6 management of ~~mobile~~ **manufactured** home ~~parks~~ **communities**, the
 7 licensure and regulation of ~~retail sales dealers~~ **retailers**,
 8 warranties of ~~mobile~~ **manufactured** homes, and **installation**
 9 service practices of ~~dealers~~ **installers and servicers**; to
 10 provide for the ~~titling~~ **ownership** of ~~mobile~~ **manufactured**
 11 homes; to prescribe the powers and duties of certain agencies and
 12 departments; to provide remedies and penalties; to declare the
 13 act to be remedial; ~~to repeal this act on a specific date;~~ and
 14 to repeal ~~certain~~ acts and parts of acts.

15 Sec. 1. This act shall be known and may be cited as "the
 16 ~~mobile home~~ **manufactured housing** commission act".

17 Sec. 2. As used in this act:

18 (a) "Campground" means a campground as defined in section
 19 12501 of the public health code, ~~Act No. 368 of the Public Acts~~
 20 ~~of 1978, being section 333.12501 of the Michigan Compiled Laws~~
 21 **1978 PA 368, MCL 333.12501.**

22 (b) "Code" means all or a part of the ~~mobile home~~
 23 **manufactured housing** code promulgated ~~pursuant to~~ **under** section
 24 5.

25 (c) "Commission" means the ~~mobile home code~~ **manufactured**
 26 **housing** commission **created under section 3.**

1 (d) "Department" means the department of ~~commerce~~ **consumer**
2 **and industry services**.

3 (e) "Installer and ~~repairer~~ **servicer**" means a person,
4 including a ~~mobile~~ **manufactured** home ~~dealer~~ **retailer**, who for
5 compensation installs or ~~repairs mobile~~ **services manufactured**
6 homes.

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

8 (g) ~~"Mobile~~ **"Manufactured** home" means a structure,
9 transportable in 1 or more sections, ~~which~~ **that** is built on a
10 chassis and designed to be used as a dwelling with or without
11 permanent foundation, when connected to the required utilities,
12 and includes the plumbing, heating, air-conditioning, and
13 electrical systems contained in the structure. **For a**
14 **manufactured home manufactured after June 15, 1976, "manufactured**
15 **home" includes a structure constructed in accordance with the**
16 **national manufactured housing construction and safety standards**
17 **act of 1974, title VI of the housing and community development**
18 **act of 1974, Public Law 93-383, 42 U.S.C. 5401 to 5424 and 5426.**

19 (h) ~~"Mobile~~ **"Manufactured** home ~~dealer~~ **retailer**" means a
20 person other than a manufacturer engaged in the business of
21 buying ~~mobile~~ **manufactured** homes for resale, exchange, lease,
22 or rent or offering ~~mobile~~ **manufactured** homes for sale, lease,
23 rent, or exchange to customers.

24 (i) ~~"Mobile~~ **"Manufactured** home ~~park~~ **community**" means a
25 parcel or tract of land under the control of a person upon which
26 3 or more ~~mobile~~ **manufactured** homes are located on a continual,
27 nonrecreational basis and ~~which~~ **that** is offered to the public

1 for that purpose regardless of whether a charge is made
2 ~~therefor~~ **for placing a manufactured home on the land**, together
3 with ~~any~~ a building, structure, enclosure, street, equipment,
4 or facility used or intended for use incident to the occupancy of
5 a ~~mobile~~ **manufactured** home.

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

7 (k) "Person" means an individual, partnership, association,
8 trust, or corporation, or ~~any~~ other legal entity or combination
9 of legal entities.

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

14 (m) "Seasonal ~~mobile~~ **manufactured** home ~~park~~ **community**"
15 means a parcel or tract of land under the control of a person
16 upon which 3 or more ~~mobile~~ **manufactured** homes are located on a
17 continual or temporary basis but occupied on a temporary basis
18 only ~~—~~ and ~~which~~ **that** is offered to the public for that
19 purpose regardless of whether a charge is made ~~therefor~~ **for**
20 **placing a manufactured home on the land**, together with ~~any~~ a
21 building, enclosure, street, equipment, or facility used or
22 intended for use incident to the occupancy of a ~~mobile~~
23 **manufactured** home. Seasonal ~~mobile~~ **manufactured** home park does
24 not include a campground licensed ~~pursuant to~~ **under** sections
25 12501 to 12516 of the public health code, ~~Act No. 368 of the~~
26 ~~Public Acts of 1978, being sections 333.12501 to 333.12516 of the~~
27 ~~Michigan Compiled Laws 1978 PA 368, MCL 333.12501 to 333.12516.~~

1 (n) "Security interest", "security agreement", "secured
2 party", and "termination statement" have the same meanings as in
3 the uniform commercial code, ~~Act No. 174 of the Public Acts of~~
4 ~~1962, being sections 440.1101 to 440.11102 of the Michigan~~
5 ~~Compiled Laws~~ **1962 PA 174, MCL 440.1101 to 440.11102.**

6 Sec. 3. (1) The ~~mobile home~~ **manufactured housing**
7 commission is created within the department. ~~of commerce.~~

8 (2) The commission consists of 11 members appointed by the
9 governor with the advice and consent of the senate, each of whom
10 shall be a citizen of this state.

11 (3) The members of the commission shall include each of the
12 following:

13 (a) A representative of an organization whose membership
14 consists of ~~mobile~~ **manufactured** home residents.

15 (b) A representative of financial institutions.

16 (c) Two operators of a licensed ~~mobile~~ **manufactured** home
17 ~~park having~~ **community that has** 100 or more sites and 1 operator
18 of a licensed ~~mobile~~ **manufactured** home ~~park~~ **community** having
19 less than 100 sites.

20 (d) A representative of organized labor.

21 (e) An elected official of a local government.

22 (f) A licensed ~~mobile~~ **manufactured** home ~~dealer~~ **retailer.**

23 (g) One resident of a licensed ~~mobile~~ **manufactured** home
24 ~~park having~~ **community that has** 100 or more sites and 1 resident
25 of a licensed ~~mobile~~ **manufactured** home ~~park having~~ **community**
26 **that has** less than 100 sites.

27 (h) A manufacturer of ~~mobile~~ **manufactured** homes.

1 (4) A person appointed to be a member under subsection
2 (3)(a), (d), (e), (g), or a member of that person's immediate
3 family shall not have more than a 1% ownership interest in or
4 income benefit from a manufacturer of ~~mobile~~ **manufactured**
5 homes, a retail seller of ~~mobile~~ **manufactured** homes, a licensed
6 ~~mobile~~ **manufactured** home ~~park~~ **community**, or a supplier of
7 ancillary products or services to the ~~mobile~~ **manufactured** home
8 industry.

9 (5) The term of each member ~~shall be for~~ **is** 3 years. A
10 vacancy in the office of a member shall be filled by the governor
11 for the remainder of the unexpired term, not more than 1 month
12 after the vacancy is created, in the same manner as the original
13 appointment.

14 (6) The per diem compensation of the commission and the
15 schedule for reimbursement of expenses shall be established
16 annually by the legislature.

17 (7) Six members of the commission constitute a quorum for all
18 purposes, notwithstanding the existence of a vacancy in the
19 commission's membership. Action may be taken by the commission
20 by a vote of a majority of the members appointed and serving.
21 Meetings of the commission may be called by the chairperson or by
22 3 members on 3 business days' actual notice. At least 1 meeting
23 shall be held each calendar quarter. The commission may hold
24 meetings anywhere in this state.

25 (8) The commission shall elect a member of the commission as
26 its chairperson and another member as its vice-chairperson. The
27 duties and powers of the chairperson and vice-chairperson ~~shall~~

1 ~~be~~ **are** as prescribed in the commission's rules.

2 (9) A member of the commission may be removed from office by
3 the governor for inefficiency, neglect of duty, or misconduct or
4 malfeasance in office. A member of the commission who has a
5 direct pecuniary interest in a matter before the commission shall
6 disclose that interest before the commission taking action with
7 respect to the matter. ~~, which~~ **The** disclosure shall become a
8 part of the record of the commission's official proceedings.

9 Sec. 4. (1) The commission may do all of the following:

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

11 (b) ~~Act for the purpose of establishing~~ **establish** a uniform
12 policy relating to all phases of ~~mobile~~ **manufactured** home
13 businesses, ~~mobile~~ **manufactured** home ~~parks~~ **communities**, and
14 seasonal ~~mobile~~ **manufactured** home ~~parks~~ **communities**.

15 (c) Determine the sufficiency of local ~~mobile~~ **manufactured**
16 home ordinances ~~which~~ **that** are designed to provide local
17 governments with superintending control over ~~mobile homes~~
18 **manufactured home** businesses, ~~mobile~~ **manufactured** home ~~parks~~
19 **communities**, or seasonal ~~mobile homes parks~~ **manufactured home**
20 **communities**.

21 (d) Conduct public hearings relating to the powers prescribed
22 in this subsection.

23 (2) The director of ~~commerce~~ **the department** or an
24 authorized representative of the director shall do all of the
25 following:

26 (a) Administer the rules promulgated by the ~~commission~~
27 **department**.

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

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

5 (d) Provide assistance to the commission as the commission
6 requires.

7 (3) The commission ~~shall~~ **does** not ~~act for the purpose of~~
8 ~~regulating mobile~~ **regulate manufactured** homes that are not
9 located within a ~~mobile~~ **manufactured** home ~~park~~ **community** or a
10 seasonal ~~mobile~~ **manufactured** home ~~park~~ **community**, except as
11 relates to the business, sales, and service practices of ~~mobile~~
12 **manufactured** home ~~dealers~~ **retailers** and the business **and**
13 **installation** practices of ~~mobile~~ **manufactured** home installers
14 and ~~repairers~~ **servicers**.

15 Sec. 5. (1) The commission shall promulgate the ~~mobile~~
16 ~~home~~ **manufactured housing** code subject to section 4. The code
17 shall consist of rules governing all of the following:

18 (a) The licensure, density, layout, permits for construction,
19 **and** construction of ~~mobile~~ **manufactured** home ~~parks~~
20 **communities** including standards for roads, utilities, open space,
21 or proposed recreational facilities, and safety measures
22 sufficient to protect health, safety, and welfare of ~~mobile~~
23 **manufactured** home ~~park~~ **community** residents. ~~, except~~ **The**
24 **rules do not govern** water supply, sewage collection and
25 treatment, and drainage facilities ~~which are regulated by~~ **that**
26 the department of ~~public health~~ **environmental quality**
27 **regulates**.

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

3 (c) The business practices of ~~mobile~~ **manufactured** home
4 installers and ~~repairers~~ **servicers**.

5 (d) The licensure and ~~regulations~~ **regulation** of ~~mobile~~
6 **manufactured** home installers and ~~repairers~~ **servicers**.

7 (e) The setup and installation of ~~mobile~~ **manufactured** homes
8 inside ~~mobile~~ **manufactured** home ~~parks~~ **communities** or seasonal
9 ~~mobile~~ **manufactured** home ~~parks~~ **communities**.

10 (f) The regulation of the responsibilities, under the
11 ~~mobile~~ **manufactured** home warranty, of the ~~mobile~~ **manufactured**
12 home components manufacturer, the ~~mobile~~ **manufactured** home
13 assembler or manufacturer, and the ~~mobile~~ **manufactured** home
14 ~~dealer~~ **retailer**, including the time period and relationships of
15 each under the warranty, and the remedies available, if any, if
16 the responsible parties cease to operate as a business.

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

18 (i) ~~Consumer~~ **Customer** deposits, except utility deposits
19 from ~~consumers~~ **customers** who are direct customers of utilities
20 regulated by the Michigan public service commission.

21 (ii) Detailed listing of furnishings and fixtures by a
22 manufacturer of a new ~~mobile~~ **manufactured** home or a ~~mobile~~
23 **manufactured** home ~~dealer~~ **retailer** for a ~~used mobile~~ **preowned**
24 **manufactured** home.

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

26 (iv) ~~Used mobile~~ **preowned manufactured** homes. A ~~mobile~~
27 **manufactured** home ~~dealer~~ **retailer** shall provide a detailed

1 listing of its service records for ~~used mobile~~ **preowned**
2 **manufactured** homes ~~which~~ **that** are being sold by the ~~dealer~~
3 **retailer** and ~~of which~~ **that** the ~~dealer~~ **retailer** has knowledge
4 of.

5 (h) Applications for and issuance of certificates of ~~title~~
6 **ownership** for ~~mobile~~ **manufactured** homes.

7 (2) As part of the code, the commission shall also promulgate
8 rules governing the licensure, density, layout, permits for
9 construction, and construction of seasonal ~~mobile~~ **manufactured**
10 home ~~parks, including~~ **communities. The rules shall govern**
11 standards for roads, utilities, open space, proposed recreational
12 facilities, and safety measures sufficient to protect the health,
13 safety, and welfare of seasonal ~~mobile~~ **manufactured** home ~~park~~
14 **community** residents. ~~—except~~ **The rules shall not govern** water
15 supply, sewage collection and treatment, and drainage facilities
16 ~~—, which shall be regulated by~~ **that** the department of ~~public~~
17 ~~health~~ **environmental quality regulates.**

18 (3) ~~The~~ **In** rules promulgated for seasonal ~~mobile~~
19 **manufactured** home ~~parks~~ **communities, the department** may impose
20 a less stringent standard than the rules promulgated for ~~mobile~~
21 **manufactured** home ~~parks~~ **communities.**

22 Sec. 6. (1) The department of ~~public health~~ **environmental**
23 **quality** shall promulgate rules for ~~mobile~~ **manufactured** home
24 ~~parks~~ **communities** and seasonal ~~mobile~~ **manufactured** home
25 ~~parks~~ **communities** setting forth minimum standards regulating
26 **all of the following:**

27 (a) Water supply system.

1 (b) Sewage collection and disposal system.

2 (c) Drainage.

3 (d) Garbage and rubbish storage and disposal.

4 (e) Insect and rodent control.

5 (f) General operation, maintenance, and safety.

6 (g) Certification of compliance under section 17.

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

9 (3) The commission shall consult with appropriate state and
10 local governments in developing the procedures for effective
11 coordination of efforts. The commission shall recommend
12 procedures to the governor and the legislature for coordinating
13 state agency decisions and activities pertaining to this act.

14 Sec. 7. (1) A local government ~~which~~ **that** proposes a
15 standard related to ~~mobile~~ **manufactured** home ~~park~~
16 **communities** or seasonal ~~mobile~~ **manufactured** home ~~park~~
17 **communities**, or related to ~~mobile~~ **manufactured** homes located
18 within a ~~mobile~~ **manufactured** home ~~park~~ **community** or a
19 seasonal ~~mobile~~ **manufactured** home ~~park~~ **community**, that is
20 higher than the standard provided in this act or the code; or a
21 standard related to the business, sales, and service practices of
22 ~~mobile~~ **manufactured** home ~~dealers~~ **retailers**, or the business
23 **and installation practices** of ~~mobile~~ **manufactured** home
24 installers and ~~repairers~~ **servicers**, that is higher than the
25 standard provided in this act or the code shall file the proposed
26 standard with the commission. The commission may promulgate
27 rules to establish the criteria and procedure for implementation

1 of a higher ~~standards~~ **standard** by a local government. The
2 commission shall review and approve the proposed standard unless
3 the standard is unreasonable, arbitrary, or not in the public
4 interest. If the commission does not approve or disapprove the
5 proposed standard within 60 days after it is filed with the
6 commission, the standard ~~shall be considered~~ **is** approved unless
7 the local government grants the commission additional time to
8 consider the standard. After the proposed standard is approved,
9 the local government may adopt the standard by ordinance. The
10 ordinance shall relate to a specific section of the code.

11 (2) A local government standard related to ~~mobile~~
12 **manufactured** homes not located within a ~~mobile~~ **manufactured**
13 home ~~park~~ **community** or seasonal ~~mobile~~ **manufactured** home
14 ~~park~~ **community** need not be filed with the ~~mobile home~~
15 **manufactured housing** commission, unless the standard relates to
16 the business, sales, and service practices of ~~mobile~~
17 **manufactured** home ~~dealers~~ **retailers**, or the business **and**
18 **installation practices** of ~~mobile~~ **manufactured** home installers
19 and ~~repairers~~ **servicers**.

20 (3) A local government ordinance shall not be designed as
21 exclusionary to ~~mobile~~ **manufactured** homes generally whether the
22 ~~mobile~~ **manufactured** homes are located inside or outside of
23 ~~mobile~~ **manufactured** home ~~parks~~ **communities** or seasonal
24 ~~mobile~~ **manufactured** home ~~parks~~ **communities**.

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

1 following:

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

4 (b) The ~~mobile~~ **manufactured** home setup and installation
5 standards promulgated by the federal department of housing and
6 urban development ~~pursuant to~~ **under** the national manufactured
7 housing construction and safety standards act of 1974, **title VI**
8 **of the housing and community development act of 1974, Public Law**
9 **93-383, 42 U.S.C. 5401 to 5424 and 5426.**

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

14 (6) A local government ordinance shall not contain roof
15 configuration standards or special use zoning requirements that
16 apply only to, or ~~excludes~~ **exclude**, ~~mobile~~ **manufactured**
17 homes. A local government ordinance shall not contain a
18 manufacturing or construction standard that is incompatible with,
19 or is more stringent than, a standard promulgated by the federal
20 department of housing and urban development ~~pursuant to~~ **under**
21 the national manufactured housing construction and safety
22 standards act of 1974, **title VI of the housing and community**
23 **development act of 1974, Public Law 93-383 42 U.S.C. 5401 to 5424**
24 **and 5426.** A local government ordinance may include reasonable
25 standards relating to ~~mobile~~ **manufactured** homes located outside
26 of ~~mobile~~ **manufactured** home ~~parks~~ **communities** or seasonal
27 ~~mobile~~ **manufactured** home ~~parks which~~ **communities that** ensure

1 that ~~mobile~~ **manufactured** homes compare aesthetically to
2 site-built housing located or allowed in the same residential
3 zone.

4 Sec. 11. (1) A person who desires to develop a ~~mobile~~
5 **manufactured** home ~~park~~ **community** or a seasonal ~~mobile~~
6 **manufactured** home ~~park~~ **community** shall submit a preliminary
7 plan to the **department of environmental quality and to the**
8 appropriate municipality, ~~local health department,~~ county road
9 commission, and county drain commissioner for preliminary
10 approval. The preliminary plan shall include the location, **the**
11 layout, **the** general design, and a general description of the
12 project. The preliminary plan shall not include detailed
13 construction plans.

14 (2) The municipality may grant preliminary approval if the
15 proposed ~~mobile~~ **manufactured** home ~~park~~ **community** or seasonal
16 ~~mobile~~ **manufactured** home ~~park~~ **community** conforms to
17 applicable laws and local ordinances not in conflict with this
18 act and laws and ordinances relative to **all of the following:**

- 19 (a) Land use and zoning.
20 (b) Municipal water supply, sewage service, and drainage.
21 (c) Compliance with local fire ordinances and state fire
22 laws.

23 (3) The county drain commissioner shall review and may
24 approve outlet drainage. The county road commission shall review
25 and may approve ingress and egress roads. The county road
26 commission and the county drain commissioner shall adopt and
27 publish standards to implement this subsection. The county road

1 commission and the county drain commissioner ~~shall~~ **do** not have
2 authority as to interior streets and drainage in the ~~mobile~~
3 **manufactured** home ~~park~~ **community** or seasonal ~~mobile~~
4 **manufactured** home ~~park~~ **community**, unless the streets or drains
5 are dedicated to the public.

6 (4) The local health department shall grant preliminary
7 approval, under the guidance of the department of ~~public health~~
8 **environmental quality**, for on-site water and sewage service and
9 general site suitability.

10 (5) If a reviewing agency as provided in this section has not
11 returned the preliminary plan to the developer, either approved,
12 modified, or disapproved, within 60 days after it receives the
13 preliminary plan, the preliminary plan ~~shall be~~ **is** considered
14 approved.

15 (6) Coordination of approvals by state and local governments
16 shall be provided by the director of ~~public health~~
17 **environmental quality** before ~~it~~ **that department** may grant
18 construction approval.

19 (7) The developer shall submit the preliminary approval with
20 the final plans to the department of ~~public health~~
21 **environmental quality** for review before the department ~~of~~
22 ~~commerce~~ may issue a construction permit.

23 Sec. 12. (1) When all preliminary approvals are made, the
24 developer shall submit the legal documents and the final plans
25 draft to the department.

26 (2) The department shall review the filing and within 90 days
27 after filing issue its approval or disapproval. Upon the

1 approval of all the reviewing agencies, the department shall
2 issue a permit to construct the ~~mobile~~ **manufactured** home ~~park~~
3 **community** or seasonal ~~mobile~~ **manufactured** home ~~park~~
4 **community**.

5 Sec. 13. (1) A person shall not construct a ~~mobile~~
6 **manufactured** home ~~park~~ **community** or seasonal ~~mobile~~
7 **manufactured** home ~~park~~ **community** without obtaining a permit
8 issued by the department.

9 (2) Construction may begin ~~upon the granting of~~ **when the**
10 **department grants** a permit to construct. ~~by the department.~~

11 Sec. 14. Upon completion of the construction of ~~the~~
12 ~~mobile~~ **a manufactured** home ~~park~~ **community** or seasonal ~~mobile~~
13 **manufactured** home ~~park~~ **community**, the owner or operator of the
14 ~~park~~ **community** and a registered professional engineer or
15 architect shall file with the department an affidavit certifying
16 that the ~~mobile~~ **manufactured** home ~~park~~ **community** or seasonal
17 ~~mobile~~ **manufactured** home ~~park~~ **community**, lot, and work were
18 completed in accordance with the approved specifications and
19 plans.

20 Sec. 16. (1) A person shall not operate a ~~mobile~~
21 **manufactured** home ~~park~~ **community** or seasonal ~~mobile~~
22 **manufactured** home ~~park~~ **community** without a license.

23 (2) Upon completion, review, and approval of certifications,
24 the department shall grant a license to operate a ~~mobile~~
25 **manufactured** home ~~park~~ **community** or seasonal ~~mobile~~
26 **manufactured** home ~~park~~ **community**.

27 (3) An annual license shall be granted and renewed by the

1 department based upon the certifications and recommendations of
2 the appropriate agencies and local governments.

3 (4) If a person submits a timely application for renewal of a
4 license and pays the appropriate fee, the person may continue to
5 operate a ~~mobile~~ **manufactured** home ~~park~~ **community** or seasonal
6 ~~mobile~~ **manufactured** home ~~park~~ **community** unless notified that
7 the application for renewal is not approved.

8 (5) A campground ~~which~~ **that** is currently licensed under
9 sections 12501 to 12516 of the public health code, ~~Act No. 368~~
10 ~~of the Public Acts of 1978, being sections 333.12501 to 333.12516~~
11 ~~of the Michigan Compiled Laws 1978 PA 368, MCL 333.12501 to~~
12 **333.12516, that** was previously licensed under the licensing
13 provisions of ~~Act No. 243 of the Public Acts of 1959, being~~
14 ~~sections 125.1035 to 125.1043 of the Michigan Compiled Laws 1959~~
15 **PA 243, MCL 125.1035 to 125.1043,** as a seasonal trailer park, and
16 ~~which~~ **that** currently meets the seasonal trailer park
17 construction standards under ~~Act No. 243 of the Public Acts of~~
18 ~~1959 1959 PA 243, MCL 125.1035 to 125.1043,~~ may apply for and
19 shall be licensed as a seasonal ~~mobile~~ **manufactured** home ~~park~~
20 **community** under this act if the campground meets all other
21 requirements for licensure under this act as a seasonal ~~mobile~~
22 **manufactured** home ~~park~~ **community**.

23 Sec. 16a. ~~Mobile homes~~ **A manufactured home** located in a
24 seasonal ~~mobile~~ **manufactured** home ~~park~~ **community** may be
25 occupied on a full-time basis from April 1 to October 31, but
26 shall not be occupied for more than 15 consecutive days in any
27 30-day period from November 1 to March 31.

1 Sec. 17. (1) The department of ~~public health~~
2 **environmental quality** or its authorized representative shall
3 conduct an annual physical inspection of ~~mobile~~ **manufactured**
4 home ~~parks~~ **communities** and seasonal ~~mobile~~ **manufactured** home
5 ~~parks~~ **communities** in accordance with standards established by
6 the department of ~~public health~~ **environmental quality**. If the
7 ~~mobile~~ **manufactured** home ~~park~~ **community** or seasonal ~~mobile~~
8 **manufactured** home ~~park~~ **community** is approved, the department of
9 ~~public health~~ **environmental quality** shall issue a certification
10 of compliance to the department ~~of commerce~~ that the ~~park~~
11 **community** is licensable.

12 (2) Except for purposes of issuing a license or renewing a
13 license ~~pursuant to~~ **under** this act, a local government ~~may~~
14 **shall** not make an inspection unless it has reason to believe that
15 this act, the code, or rules promulgated ~~pursuant to~~ **under** this
16 act were violated.

17 Sec. 18. (1) A variance in the design and construction of a
18 ~~mobile~~ **manufactured** home ~~park~~ **community** or seasonal ~~mobile~~
19 **manufactured** home ~~park~~ **community** may be granted upon notice of
20 the request to the local government and the department of ~~public~~
21 ~~health~~ **environmental quality**, **if the variance has or may have an**
22 **impact on department of environmental quality rules**, at the time
23 of filing with the department. ~~of commerce. If the local~~
24 ~~government grants a variance which would permit activities~~
25 ~~violative of the minimum standards of the code, the local~~
26 ~~government shall file with the department a copy of the variance~~
27 ~~order and an explanation of the reason for the granting of the~~

1 ~~order. The department may approve or disapprove the variance or~~
2 ~~revoke the variance upon notice and hearing.~~

3 (2) After a public hearing, the ~~department~~ **commission** may
4 grant a specific variance to a substantive requirement of the
5 code if the literal application of the substantive requirement
6 would result in an exceptional, practical difficulty to the
7 applicant, and if the specific condition justifying the variance
8 is neither so general nor recurrent in nature as to make an
9 amendment of the code with respect to the condition reasonably
10 practical or desirable.

11 (3) The ~~department~~ **commission** may attach in writing a
12 condition in connection with the granting of a variance that in
13 its judgment is necessary to protect the health, safety, and
14 welfare of the people of this state. The variance shall not
15 exceed the minimum necessary to alleviate the exceptional,
16 practical difficulty.

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

19 (5) A variance to a rule promulgated under this act may be
20 granted only by the commission.

21 Sec. 21. (1) A ~~mobile~~ **manufactured** home ~~dealer~~ **retailer**
22 shall not engage in the retail sale of a ~~mobile~~ **manufactured**
23 home without a license.

24 (2) A ~~mobile~~ **manufactured** home ~~dealer, mobile~~ **retailer,**
25 **or a manufactured** home installer ~~—~~ or ~~repairer~~ **servicer,** may
26 obtain an initial or renewal license by filing with the
27 commission an application together with consent to service of

1 process in a form prescribed by the commission ~~pursuant to~~
2 **under** section 35.

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

6 (4) The annual license fee for a ~~mobile~~ **manufactured** home
7 ~~dealer~~ **retailer** is \$150.00 or ~~any other~~ a lesser amount
8 established ~~pursuant to~~ **under** section 9(5).

9 (5) The annual license fee for a ~~mobile~~ **manufactured** home
10 installer or repairer is \$50.00 or ~~any other~~ a lesser amount
11 established ~~pursuant to~~ **under** section 9(5).

12 (6) A licensed ~~mobile~~ **manufactured** home ~~dealer, mobile~~
13 **retailer, or a manufactured** home installer ~~, or repairer~~
14 **servicer**, may file an application for the license of a successor,
15 whether or not the successor is then in existence, for the
16 unexpired portion of the year. The commission may grant or deny
17 the application.

18 (7) A licensee who submits a timely application for renewal
19 of a license and pays the appropriate fee may continue sales of
20 ~~mobile~~ **manufactured** homes unless notified that the application
21 for renewal is not approved.

22 Sec. 22. The commission may promulgate rules to require a
23 licensed ~~mobile~~ **manufactured** home ~~dealer~~ **retailer** to post a
24 surety bond in an amount up to \$10,000.00 for each sales location
25 and may determine conditions of the bond. An appropriate deposit
26 of cash or securities shall be accepted in lieu of a **required**
27 bond. ~~which is required.~~

1 Sec. 23. A licensed ~~mobile~~ **manufactured** home ~~dealer~~
2 **retailer** shall make and keep accounts, and other records as the
3 commission prescribes by rule. The records required shall be
4 preserved for 3 years unless the commission otherwise prescribes
5 by rule for particular types of records. If the information
6 contained in a record filed with the commission is or becomes
7 inaccurate or incomplete in ~~any~~ **a** material respect, the
8 licensee promptly shall file a correcting amendment.

9 Sec. 24. A ~~mobile~~ **manufactured** home ~~dealer~~ **retailer**
10 shall not **do any of the following**:

11 (a) Advertise or represent a ~~mobile~~ **manufactured** home as
12 other than calendar or model year.

13 (b) Misapply ~~consumer~~ **customer** deposits on a ~~mobile~~
14 **manufactured** home or a ~~mobile~~ **manufactured** home ~~park~~
15 **community**.

16 (c) Fail to place deposits, down payments, or similar
17 payments for the purchase or right to purchase a ~~mobile~~
18 **manufactured** home in a separate escrow account subject to return
19 upon cancellation of the purchase order by the prospective
20 purchaser under the rules or orders as the commission promulgates
21 or issues unless the ~~dealer shall post~~ **retailer posts** a bond or
22 a deposit of cash or securities for protection of these payments
23 in an amount acceptable to the commission.

24 (d) Fail to disclose to the department ~~any~~ direct or
25 indirect business relationships with financial and loan
26 institutions, banks, and insurance companies.

27 Sec. 25. (1) The commission shall promulgate rules relating

1 to the responsibility of the ~~mobile~~ **manufactured** home ~~dealer,~~
 2 ~~mobile~~ **retailer, the manufactured** home installer **and servicer,**
 3 and the ~~mobile~~ **manufactured** home ~~park~~ **community** or seasonal
 4 ~~mobile~~ **manufactured** home ~~park~~ **community** owner for
 5 installation and setup of a ~~mobile~~ **manufactured** home.

6 (2) A person licensed under ~~any~~ **1 or more** of the following
 7 acts ~~shall~~ **is** not ~~be~~ required to be licensed as a ~~mobile~~
 8 **manufactured** home installer and ~~repairer~~ **servicer** in order to
 9 perform work on ~~mobile~~ **manufactured** homes for which the person
 10 is licensed, unless the work performed also includes the setup,
 11 installation, or general ~~repair~~ **servicing** of ~~mobile~~
 12 **manufactured** homes:

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

16 (b) ~~Act No. 266 of the Public Acts of 1929, being sections~~
 17 ~~338.901 to 338.917 of the Michigan Compiled Laws~~ **The state**
 18 **plumbing act, 2002 PA 733, MCL 338.3511 to 338.3569.**

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

22 (3) The electrical administrative act, ~~Act No. 217 of the~~
 23 ~~Public Acts of 1956, being sections 338.881 to 338.892 of the~~
 24 ~~Michigan Compiled Laws, Act No. 266 of the Public Acts of 1929,~~
 25 ~~being sections 338.901 to 338.917 of the Michigan Compiled Laws~~
 26 **1956 PA 217, MCL 338.881 to 338.892, the state plumbing act, 2002**
 27 **PA 733, MCL 338.3511 to 338.3569, and the Forbes mechanical**

1 contractors act, ~~Act No. 192 of the Public Acts of 1984, being~~
2 ~~sections 338.971 to 338.988 of the Michigan Compiled Laws, shall~~
3 **1984 PA 192, MCL 338.971 to 338.988, do not apply to the setup or**
4 installation of a ~~mobile~~ **manufactured** home and the following
5 connections, or replacement or ~~repair~~ **servicing** of the
6 following connections, by a licensed ~~mobile~~ **manufactured** home
7 installer and ~~repairer~~ **servicer**:

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

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

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

17 Sec. 27. (1) ~~A person shall not, in~~ **In** connection with
18 the offer, sale, purchase, or rental of a ~~mobile~~ **manufactured**
19 home, ~~mobile~~ **manufactured** home site, or **related** equipment,
20 ~~relating thereto~~ **a person shall not do either of the**
21 **following**:

22 (a) Employ a devise, scheme, or artifice to defraud.

23 (b) Make an untrue statement of material fact or omit to
24 state a material fact necessary to make the statement not
25 misleading, in the light of the circumstances under which it is
26 made.

27 (2) A person shall not willfully authorize, direct, or aid in

1 publication, advertisement, distribution, or circulation of a
 2 statement or representation concerning a ~~mobile~~ **manufactured**
 3 home, ~~mobile~~ **manufactured** home site, or **related** equipment
 4 ~~relating thereto, which~~ **that** misrepresents the facts concerning
 5 the ~~mobile~~ **manufactured** home, ~~mobile~~ **manufactured** home site,
 6 or **related** equipment. ~~relating thereto.~~

7 (3) A person with knowledge that an advertisement, pamphlet,
 8 prospectus, or letter concerning a ~~mobile~~ **manufactured** home,
 9 ~~mobile~~ **manufactured** home site, or **related** equipment ~~relating~~
 10 ~~thereto~~ contains a written statement that is false or fraudulent
 11 ~~—~~ shall not issue, circulate, publish, or distribute the
 12 advertisement, pamphlet, prospectus, or letter concerning a
 13 ~~mobile~~ **manufactured** home, ~~mobile~~ **manufactured** home site, or
 14 **related** equipment. ~~relating thereto.~~

15 (4) A person shall not willfully make ~~any~~ a material
 16 misrepresentation in the sale of a ~~mobile~~ **manufactured** home,
 17 ~~mobile~~ **manufactured** home site, or **related** equipment. ~~relating~~
 18 ~~thereto.~~

19 Sec. 28. (1) An owner or operator of a ~~mobile~~ **manufactured**
 20 home ~~park~~ **community** or seasonal ~~mobile~~ **manufactured** home
 21 ~~park~~ **community** shall not engage, or permit an employee or agent
 22 to engage, in any of the following unfair or deceptive methods,
 23 acts, or practices:

24 (a) Directly or indirectly charging or collecting from a
 25 person an entrance fee.

26 (b) Requiring a person to directly or indirectly purchase a
 27 ~~mobile~~ **manufactured** home from another person as a condition of

1 entrance to, or lease or rental of, a ~~mobile~~ **manufactured** home
2 ~~park~~ **community** or seasonal ~~mobile~~ **manufactured** home ~~park~~
3 **community** space.

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

6 (d) Requiring or coercing a person to purchase, rent, or
7 lease goods or services from another person as a condition of any
8 of the following:

9 (i) Entering into a ~~park~~ **community** or lease.

10 (ii) Selling a ~~mobile~~ **manufactured** home through the ~~park~~
11 **community** owner or operator — or his or her agent or designee
12 upon leaving a ~~mobile~~ **manufactured** home ~~park~~ **community** or
13 seasonal ~~mobile~~ **manufactured** home ~~park~~ **community**.

14 (iii) Renting space in a ~~mobile~~ **manufactured** home ~~park~~
15 **community** or seasonal ~~mobile~~ **manufactured** home ~~park~~
16 **community**.

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

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

26 (g) Renting or leasing a ~~mobile~~ **manufactured** home or site
27 in a ~~mobile~~ **manufactured** home ~~park~~ **community** or seasonal

1 ~~mobile~~ **manufactured** home ~~park~~ **community** without offering a
2 written lease.

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

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

20 (j) Requiring a repossessing lender to pay a homeowner's debt
21 that was incurred before repossession of the manufactured home.

22 (k) Prohibiting a repossessing lender from selling a
23 manufactured home on-site.

24 (2) A ~~tenant~~ **resident** of a ~~mobile~~ **manufactured** home
25 ~~park~~ **community** or seasonal ~~mobile~~ **manufactured** home ~~park~~
26 **community** may bring an action on his or her own behalf for a
27 violation of this section.

1 (3) If the commission has reason to suspect that the owner of
2 a ~~mobile~~ **manufactured** home ~~park~~ **community** or seasonal
3 ~~mobile~~ **manufactured** home ~~park~~ **community** is engaged in conduct
4 that violates existing water utility tariffs or qualifies the
5 owner of a ~~mobile~~ **manufactured** home ~~park~~ **community** or
6 seasonal ~~mobile~~ **manufactured** home ~~park~~ **community** for
7 regulation as a water utility, the commission shall promptly send
8 a written report of the alleged violation to the Michigan public
9 service commission.

10 Sec. 28a. (1) ~~Mobile~~ **Manufactured** home ~~park~~ **community**
11 rules or regulations may include provisions governing the
12 physical condition of ~~mobile~~ **manufactured** homes and the
13 aesthetic characteristics of ~~mobile~~ **manufactured** homes in
14 relation to the ~~mobile~~ **manufactured** home ~~park~~ **community** in
15 which they are located, subject to all of the following:

16 (a) The age or size of a ~~mobile~~ **manufactured** home shall not
17 be used as the sole basis for refusing to allow an on-site,
18 ~~in-park~~ **in-community** sale or for refusing to allow the ~~mobile~~
19 **manufactured** home to remain on-site. **The community rules or**
20 **regulations shall not establish a minimum value or a minimum sale**
21 **price for a manufactured home as a condition to an in-community**
22 **sale of the home.** The burden of going forward in a suit against
23 the ~~mobile~~ **manufactured** home ~~park~~ **community** owner or operator
24 for violation of this subdivision is on the resident.

25 (b) The standards incorporated in the written ~~park~~
26 **community** rules or regulations governing the physical condition
27 and aesthetic characteristics of ~~mobile~~ **manufactured** homes in

1 the ~~mobile~~ **manufactured** home ~~park shall~~ **community** apply
2 equally to all residents.

3 (c) A ~~mobile~~ **manufactured** home sold on-site shall conform
4 with ~~Act No. 133 of the Public Acts of 1974, being sections~~
5 ~~125.771 to 125.774 of the Michigan Compiled Laws~~ **1974 PA 133,**
6 **MCL 125.771 to 125.774.**

7 (d) ~~Any~~ **A** charge connected to the on-site, ~~in park~~
8 **in-community** sale of a ~~mobile~~ **manufactured** home, other than the
9 inspection fee permitted under subdivision (e) and the commission
10 or fee charged by a ~~mobile~~ **manufactured** home ~~dealer~~ **retailer**
11 licensed under this act who is engaged by the seller to transact
12 the sale, is **considered** an entrance or exit fee in violation of
13 section 28.

14 (e) A ~~park~~ **community** owner or operator may charge a
15 reasonable fee to inspect the ~~mobile~~ **manufactured** home before
16 sale. The charge shall not be more than \$30.00, or the amount
17 charged for a building permit ~~inspections~~ **inspection** by the
18 municipality in which the ~~mobile~~ **manufactured** home is located,
19 whichever is higher.

20 (f) The standards governing the physical condition of
21 ~~mobile~~ **manufactured** homes and the aesthetic characteristics of
22 ~~mobile~~ **manufactured** homes in the ~~mobile~~ **manufactured** home
23 ~~park~~ **community**, as incorporated in the written ~~park~~ **community**
24 rules, shall not be designed to defeat the intent of this
25 section.

26 (2) Subsection (1)(f) ~~shall~~ **does** not apply if the ~~mobile~~
27 **manufactured** home ~~park~~ **community** is changing its method of

1 doing business and provides not less than 1 year's notice, unless
2 a different notice period is otherwise provided by law, of the
3 proposed change to all affected ~~mobile~~ **manufactured** home ~~park~~
4 **community** residents. A change in a ~~mobile~~ **manufactured** home
5 ~~park's~~ **community's** method of doing business includes, but is
6 not limited to, ~~any~~ **1 or more** of the following:

7 (a) Conversion to a ~~mobile~~ **manufactured** home ~~park~~
8 **community** condominium ~~pursuant to~~ **under** the condominium act,
9 ~~Act No. 59 of the Public Acts of 1978, being sections 559.101 to~~
10 ~~559.275 of the Michigan Compiled Laws~~ **1978 PA 59, MCL 559.101 to**
11 **559.276.**

12 (b) Conversion to total rental of both ~~mobile~~ **manufactured**
13 home site and ~~park-owned mobile~~ **community-owned manufactured**
14 homes.

15 (c) Changes in use of the land on which the ~~mobile~~
16 **manufactured** home ~~park~~ **community** is located.

17 (3) Notwithstanding subsection (1) or (2), a ~~mobile~~
18 **manufactured** home ~~park~~ **community** may require a ~~mobile~~
19 **manufactured** home to be moved to a comparable site within the
20 ~~mobile~~ **manufactured** home ~~park~~ **community**, at the expense of
21 the ~~mobile~~ **manufactured** home ~~park~~ **community**.

22 (4) If, after termination of a resident's tenancy for just
23 cause as provided in chapter 57a of the revised judicature act of
24 1961, ~~Act No. 236 of the Public Acts of 1961, being sections~~
25 ~~600.5771 to 600.5785 of the Michigan Compiled Laws~~ **1961 PA 236,**
26 **MCL 600.5771 to 600.5785**, the resident of a ~~mobile~~ **manufactured**
27 home ~~park~~ **community** sells his or her ~~mobile~~ **manufactured** home

1 to the owner or operator of the ~~mobile~~ **manufactured** home ~~park~~
 2 **community**, or to ~~any~~ **an** entity in which the owner or operator
 3 has ~~any~~ **an** interest, the resident ~~shall have~~ **has** the right to
 4 have the ~~mobile~~ **manufactured** home's value appraised and, if so
 5 appraised, the sale price of the ~~mobile~~ **manufactured** home shall
 6 not be less than the appraised value.

7 (5) Except as provided in subsection (1)(a), a ~~mobile~~
 8 **manufactured** home ~~park~~ **community** owner or operator, or both,
 9 has the burden of going forward to show compliance with
 10 subsection (1).

11 Sec. 28b. A ~~mobile~~ **manufactured** home ~~park~~ **community**
 12 rule that does either of the following shall not be enforced
 13 against a resident, unless the rule was proposed and in force
 14 before the resident was approved for tenancy in the ~~mobile~~
 15 **manufactured** home ~~park~~ **community**:

16 (a) Prohibits ~~those children~~ **a child** who ~~were~~ **was**
 17 previously approved under prior ~~park~~ **community** rules from
 18 residing in the ~~mobile~~ **manufactured** home ~~park~~ **community**. A
 19 rule prohibiting ~~children~~ **a child**, or **an** additional ~~children~~
 20 **child**, shall not be enforced against ~~persons~~ **a person** who ~~were~~
 21 ~~residents~~ **was a resident** of the ~~mobile~~ **manufactured** home
 22 ~~park~~ **community** at the time the rule was adopted until after
 23 1 year's notice to ~~those persons~~ **that person**.

24 (b) Prohibits a resident from keeping ~~those pets which were~~
 25 **a pet that was** previously approved under prior ~~park~~ **community**
 26 rules, except **a dangerous** ~~animals~~ **animal**.

27 Sec. 28c. (1) A lease or rental agreement or rules or

1 regulations that are adopted ~~pursuant to~~ **under** a lease or
 2 rental agreement may include a provision that requires **awarding**
 3 liquidated damages ~~to be awarded~~ to the prevailing party in a
 4 contested action to terminate a tenancy in a ~~mobile~~
 5 **manufactured** home ~~park~~ **community** for just cause under
 6 section 5775 of the revised judicature act of 1961, ~~Act No. 236~~
 7 ~~of the Public Acts of 1961, being section 600.5775 of the~~
 8 ~~Michigan Compiled Laws~~ **1961 PA 236, MCL 600.5775.**

9 (2) A provision allowed under subsection (1) may require
 10 liquidated damages of not more than \$500.00 for an action in the
 11 district court and not more than \$300.00 for each appellate
 12 level. Liquidated damages shall not be construed to be a
 13 penalty.

14 Sec. 29. A utility company shall notify the department 10
 15 days before shutoff of service for nonpayment, including sewer,
 16 water, gas, or electric service, when the service is being
 17 supplied to the licensed owner or operator of a ~~mobile~~
 18 **manufactured** home ~~park~~ **community** or seasonal ~~mobile~~
 19 **manufactured** home ~~park~~ **community** for the use and benefit of the
 20 ~~park's~~ **community's** tenants.

21 Sec. 30. (1) After December 31, 1978, every ~~mobile~~
 22 **manufactured** home located in this state ~~shall be~~ **is** subject to
 23 the certificate of ~~title~~ **ownership** provisions of this act,
 24 except for ~~any~~ a new ~~mobile~~ **manufactured** home owned by a
 25 manufacturer or licensed ~~mobile~~ **manufactured** home ~~dealer~~
 26 **retailer** and held for sale.

27 (2) After December 31, 1978, a certificate of title for a

1 ~~mobile~~ **manufactured** home issued by the secretary of state
2 before January 1, 1979, ~~pursuant to Act No. 300 of the Public~~
3 ~~Acts of 1949, being sections 257.1 to 257.923 of the Michigan~~
4 ~~Compiled Laws~~ **under the Michigan vehicle code, 1949 PA 300, MCL**
5 **257.1 to 257.923**, ~~shall be~~ **is** considered ~~to be~~ a certificate
6 of ~~title~~ **ownership** issued by the department under this act and
7 ~~shall be~~ **is** subject to all of the provisions of this act
8 ~~respecting~~ **regarding** certificates of ~~title~~ **ownership**.

9 (3) After December 31, 1978, a ~~mobile~~ **manufactured** home
10 shall not be sold or transferred except by transfer of the
11 certificate of ~~title~~ **ownership** for the ~~mobile~~ **manufactured**
12 home ~~pursuant to~~ **under** this act.

13 Sec. 30a. (1) An owner of a ~~mobile~~ **manufactured** home
14 ~~which~~ **that** is subject to the certificate of ~~title~~ **ownership**
15 provisions of this act shall ~~make application~~ **apply** to the
16 department for the issuance of a certificate of ~~title~~ **ownership**
17 for the ~~mobile~~ **manufactured** home upon the appropriate form
18 furnished by the department, accompanied by a fee of \$45.00 or
19 ~~any~~ **a** lesser amount established ~~pursuant to~~ **under** section
20 9(5). The application shall bear the signature of the owner
21 written in ink, shall be acknowledged by the owner before a
22 person authorized to take acknowledgments, and shall contain **all**
23 **of the following:**

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

25 (b) A description of the ~~mobile~~ **manufactured** home,
26 including the name of the manufacturer, the year and model, and
27 the manufacturer's serial number or, in the absence of a serial

1 number, a number assigned by the department. A number assigned
2 by the department shall be permanently placed on the ~~mobile~~
3 **manufactured** home in the manner and place designated by the
4 department.

5 (c) A statement of the ~~names and addresses of the holders of~~
6 ~~any security interests in the mobile~~ **name and address of each**
7 **holder of a security interest in the manufactured** home, in the
8 order of ~~their~~ priority.

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

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

1 of ~~any~~ a defect in the right, ~~title~~ **ownership**, or interest of
2 the applicant in and to the ~~mobile~~ **manufactured** home. Each
3 interested person has a right of action to recover on the bond
4 for a breach of its conditions, but the aggregate liability of
5 the surety to all persons shall not exceed the amount of the
6 bond. The bond shall be returned at the end of 5 years, or
7 before 5 years if the currently valid certificate of ~~title~~
8 **ownership** is surrendered to the department, unless the department
9 has received notification ~~of the pendency of~~ **that** an action **is**
10 **pending** to recover on the bond.

11 (3) The department shall examine and determine the
12 genuineness, regularity, and legality of an application for a
13 certificate of ~~title~~ **ownership** for a ~~mobile~~ **manufactured** home
14 and of any other application lawfully made to the department. ~~—~~
15 ~~and~~ **The department** may in all cases ~~make investigation~~
16 **investigate** or require additional information as ~~may be~~
17 ~~considered~~ **it considers** necessary, and shall reject ~~any~~ **an**
18 application if not satisfied ~~of~~ **as to** the genuineness,
19 regularity, or legality of it or the truth of ~~any~~ **a** statement
20 contained in it, or for any other reason, when authorized by
21 law.

22 (4) The fee for obtaining a duplicate, replacement, or
23 corrected ~~title~~ **certificate of ownership**, for placing or
24 terminating a lien on the ~~title~~ **certificate of ownership**, or
25 for placing a name on the ~~title~~ **certificate of ownership** is
26 \$15.00 or ~~any other~~ **a** lesser amount established ~~pursuant to~~
27 **under** section 9(5).

1 Sec. 30b. (1) The department upon receipt of the required
2 application and fees shall issue a certificate of ~~title~~
3 **ownership** except as otherwise provided.

4 (2) The certificate of ~~title~~ **ownership** shall contain upon
5 its face the date issued, the name and address of the owner, a
6 description of the ~~mobile~~ **manufactured** home as determined by
7 the department, a statement of all security interests in the
8 ~~mobile~~ **manufactured** home as set forth in the application, the
9 date on which the application was filed, and other information as
10 the department may require.

11 (3) The certificate of ~~title~~ **ownership** shall contain ~~upon~~
12 **on** the reverse side forms for assignment of ~~title~~ **ownership** or
13 interest and warranty of ~~title~~ **ownership** by the owner with
14 space for notation of security interests in the ~~mobile~~
15 **manufactured** home at the time of a transfer to be signed in ink,
16 and other forms as the department ~~may consider~~ **considers**
17 necessary to facilitate the effective administration of this
18 section. The certificate shall bear the **department's** seal. ~~of~~
19 ~~the department.~~

20 (4) The certificate of ~~title~~ **ownership** shall be mailed or
21 delivered to the owner or other person as the owner may direct in
22 a separate instrument, in the form ~~as~~ the department ~~shall~~
23 ~~prescribe~~ **prescribes**.

24 Sec. 30c. (1) If the owner of a ~~mobile~~ **manufactured** home
25 transfers or assigns the owner's ~~title~~ **ownership** or interest to
26 the ~~mobile~~ **manufactured** home, the owner shall ~~indorse~~ **endorse**
27 on the back of the certificate of ~~title~~ **ownership** an assignment

1 of the ~~mobile~~ **manufactured** home with warranty of ~~title~~
 2 **ownership** with a statement of all security interests in the
 3 ~~mobile~~ **manufactured** home. ~~—, and the owner shall cause mail~~
 4 **or deliver** the certificate ~~to be mailed or delivered~~ to the
 5 department or to the purchaser or transferee at the time of the
 6 delivery to the purchaser or transferee of the ~~mobile~~
 7 **manufactured** home.

8 (2) Upon the delivery of a ~~mobile~~ **manufactured** home and the
 9 transfer, sale, or assignment of the ~~title~~ **ownership** or
 10 interest in a ~~mobile~~ **manufactured** home, the effective date of
 11 the transfer of ~~title~~ **ownership** or interest ~~shall be~~ **is** the
 12 date of execution of either the application for ~~title~~
 13 **certificate of ownership** or the certificate of ~~title~~
 14 **ownership**.

15 (3) The purchaser or transferee, unless the purchaser or
 16 transferee is a licensed ~~dealer~~ **retailer**, shall ~~cause to be~~
 17 ~~presented~~ **present** to the department the certificate of ~~title~~
 18 **ownership** accompanied by **1 of the following** applicable ~~fee, as~~
 19 ~~follows~~ **fees**:

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

21 (b) Except as provided in subdivision (c), \$15.00, if the
 22 sale, assignment, or other transfer will require the addition or
 23 deletion from the certificate of ~~title~~ **ownership** of ~~any~~ **1 or**
 24 **more** of the following:

25 (i) The owner's spouse.

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

1 (iii) A person related to the owner's spouse within the
2 fourth degree of consanguinity as computed by the civil law
3 method.

4 (c) ~~Any other~~ A lesser amount established ~~pursuant to~~
5 **under** section 9(5).

6 (4) Upon presentation of the certificate of ~~title~~ **ownership**
7 accompanied by the applicable fee, a new certificate of ~~title~~
8 **ownership** shall be issued. A certificate of ~~title~~ **ownership**
9 issued under subsection (3) and this subsection shall be mailed
10 or delivered to the owner or ~~any other~~ **another** person the owner
11 ~~may direct~~ **directs** in a separate instrument in a form as
12 ~~prescribed by~~ the department **prescribes**.

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

15 (6) If the transferee of a ~~mobile~~ **manufactured** home is a
16 ~~mobile~~ **manufactured** home ~~dealer~~ **retailer** who holds the
17 ~~mobile~~ **manufactured** home for resale, the ~~dealer~~ shall
18 **retailer is** not ~~be~~ required to forward the certificate of
19 ~~title~~ **ownership** to the department, but the ~~dealer~~ **retailer**
20 shall retain possession of the assigned certificate of ~~title~~
21 **ownership**. Upon transfer of the ~~dealer's title~~ **retailer's**
22 **ownership** or interest to another person, the ~~dealer~~ **retailer**
23 shall execute and acknowledge an assignment and warranty of
24 ~~title~~ **ownership** upon the certificate of ~~title~~ **ownership** and
25 deliver it to the person to whom the transfer is made if the
26 person is a licensed ~~dealer otherwise~~ **retailer**. **Otherwise, the**
27 **transferor shall make** application for a new ~~title shall be made~~

1 ~~by the transferor~~ **certificate of ownership** as provided in
2 section 30a(1).

3 Sec. 30d. (1) If an owner named in a certificate of ~~title~~
4 **ownership** creates a security interest in the ~~mobile~~
5 **manufactured** home described in the certificate, **all of the**
6 **following apply:**

7 (a) The owner shall immediately execute an application in the
8 form ~~prescribed by~~ the department **prescribes** showing the name
9 and address of the holder of the security interest. ~~and~~ **The**
10 **owner shall** deliver the certificate of ~~title~~ **ownership**,
11 application, and a fee of \$1.00 together with a copy of the
12 application, which ~~need not~~ **does not need to** be signed, to the
13 holder of the security interest.

14 (b) The holder of the security interest shall ~~cause~~ **mail or**
15 **deliver** the certificate of ~~title~~ **ownership**, application, and
16 fee and the copy of the application ~~to be mailed or delivered~~
17 to the department.

18 (c) The department shall indicate on the copy of the
19 application the date and place of filing of the application and
20 return the copy to the person presenting it.

21 (d) Upon receipt of the certificate of ~~title~~ **ownership**,
22 application, and the required fee the department shall issue a
23 new certificate in the form ~~provided~~ **prescribed** by section 30b
24 setting forth the name and address of each holder of a security
25 interest in the ~~mobile~~ **manufactured** home for which a
26 termination statement has not been filed and the date ~~on which~~
27 **that** the application first stating the security interest was

1 filed, and mail the certificate to the owner.

2 (2) A holder of a security interest may assign, absolutely or
3 otherwise, the security interest to a person other than the owner
4 without affecting the interest of the owner or the validity of
5 the security interest, but a person without notice of the
6 assignment is protected in dealing with the holder of the
7 security interest as the holder of the security interest. The
8 assignee may have the certificate of ~~title indorsed~~ **ownership**
9 **endorsed** with the assignee named as the holder of the security
10 interest by providing the department with a copy of the
11 assignment instrument but the failure of the assignee to do so
12 ~~shall~~ **does** not affect the validity of the security interest or
13 the assignment of the security interest.

14 (3) The filing under this section or under section 30a of an
15 application for a certificate of ~~title~~ **ownership** showing the
16 name and address of the holder of a security interest in a
17 ~~mobile~~ **manufactured** home is equivalent to the filing of a
18 financing statement with respect to the security interest under
19 article 9 of the uniform commercial code, ~~Act No. 174 of the~~
20 ~~Public Acts of 1962, being sections 440.9101 to 440.9994 of the~~
21 ~~Michigan Compiled Laws~~ **1962 PA 174, MCL 440.9101 to 440.9994.**

22 (4) ~~When~~ **If** there is not an outstanding obligation or
23 commitment to make advances, incur obligations, or otherwise give
24 value, secured or to be secured by a security interest in a
25 ~~mobile~~ **manufactured** home, the secured party shall, within 10
26 days after satisfaction of the obligation and, in any event
27 within 30 days, execute a termination statement in the form

1 ~~prescribed by~~ the department **prescribes** and mail or deliver the
2 termination statement to the owner or other person as the owner
3 may direct. The owner, other than a ~~dealer~~ **retailer** holding
4 the ~~mobile~~ **manufactured** home for resale, shall promptly ~~cause~~
5 **mail or deliver** the certificate, all termination statements, and
6 an application for certificate of ~~title~~ **ownership** accompanied
7 by a fee of \$1.00 ~~to be mailed or delivered~~ to the department.
8 ~~, which~~ **The department** shall issue a new certificate.

9 Sec. 30e. (1) If the interest of the owner in a ~~mobile~~
10 **manufactured** home is terminated by the enforcement of a security
11 agreement, the transferee of the owner's interest shall promptly
12 mail or deliver to the department the last certificate of ~~title~~
13 **ownership**, if the transferee ~~has possession of~~ **possesses** it, an
14 application for a new certificate in the form ~~prescribed by~~ the
15 department **prescribes**, and an affidavit made by or on behalf of
16 the holder of the security interest so enforced **stating** that the
17 ~~mobile~~ **manufactured** home was repossessed, that the interest of
18 the owner was lawfully terminated by enforcement of the security
19 agreement, and whether the holder has delivered the last
20 certificate of ~~title~~ **ownership** to the transferee of the owner's
21 interest, naming the transferee, or if not, the reason delivery
22 was not made and the ~~then~~ location of the certificate of
23 ~~title~~ **ownership** so far as known to the holder. If the holder
24 of the security interest succeeds to the interest of the owner
25 and holds the ~~mobile~~ **manufactured** home for resale, the holder
26 ~~shall~~ **is** not ~~be~~ required to secure a new certificate of
27 ~~title~~ **ownership** but, upon transfer to another person, shall

1 promptly mail or deliver to the transferee or to the department
2 the certificate, if in the holder's possession, the affidavit,
3 and other documents required to be sent to the department by the
4 transferee.

5 (2) If the interest of the owner in a ~~mobile~~ **manufactured**
6 home is terminated by sale ~~pursuant to~~ **under** a levy of
7 execution, attachment, or other process of a court, the
8 transferee of the owner's interest shall promptly mail or deliver
9 to the department the last certificate of ~~title~~ **ownership**, if
10 the transferee ~~has possession of~~ **possesses** it, an application
11 for a new certificate of ~~title~~ **ownership** in the form
12 ~~prescribed by~~ the department **prescribes**, and an affidavit, upon
13 a form ~~prescribed by~~ the department **prescribes**, made by the
14 officer of the court who conducted the sale, setting forth the
15 date of the sale, ~~and~~ the name of the purchaser, and whether
16 the officer has delivered the certificate of ~~title~~ **ownership** to
17 the purchaser. ~~and if not,~~ **If the certificate of ownership was**
18 **not delivered to the purchaser, the officer shall state in the**
19 **affidavit** the reason delivery was not made and the ~~then~~
20 location of the certificate of ~~title~~ **ownership** so far as known
21 to the officer.

22 (3) A person holding a certificate of ~~title where~~ **ownership**
23 **in which** the interest of the owner named in the certificate has
24 been terminated in the manner provided by subsection (1) or (2)
25 shall mail or deliver the certificate to the department upon its
26 request. The delivery of the certificate ~~pursuant to~~ **at** the
27 request of the department does not affect the rights of the

1 person surrendering the certificate, and the action of the
2 department in issuing a new certificate of ~~title~~ **ownership** is
3 not conclusive ~~upon any~~ **on the** rights of an owner or holder of
4 a security interest named in the old certificate.

5 (4) ~~The department, upon~~ **Upon** receipt of an application for
6 a new certificate of ~~title~~ **ownership** by a transferee in the
7 manner provided by subsection (1) or (2), with proof of the
8 transfer, the required fee, and any other documents required by
9 law, **the department** shall issue a new certificate of ~~title~~
10 **ownership** in the name of the transferee as owner, setting forth
11 all security interests noted on the last certificate of ~~title~~
12 **ownership** as having priority over the security agreement so
13 enforced and shall mail or deliver the new certificate to the
14 owner. If the outstanding certificate of ~~title~~ **ownership** is
15 not delivered, the department shall make demand for the
16 outstanding certificate of ~~title~~ **ownership** from the holder.

17 Sec. 30f. The department shall retain and appropriately
18 file every surrendered certificate of ~~title~~ **ownership**. The
19 file shall be maintained ~~so as to permit~~ **in a manner that**
20 **permits** the tracing of ~~title~~ **ownership** of the ~~mobile~~
21 **manufactured** home designated in a surrendered certificate for a
22 period of 10 years.

23 Sec. 30g. (1) The department may cancel or refuse to issue
24 a certificate of ~~title~~ **ownership under 1 or more of the**
25 **following circumstances:**

26 (a) If the department is satisfied that the certificate of
27 ~~title~~ **ownership** was fraudulently or erroneously issued.

1 (b) If the department determines that the holder of the
2 certificate has made or is making ~~an~~ unlawful use of the
3 certificate.

4 (c) If the department determines that the required fee has
5 not been paid and the fee is not paid upon reasonable notice or
6 demand.

7 (d) If the department is authorized under ~~any other~~ **another**
8 provision of this act.

9 ~~Upon receipt of~~ **If the department receives** notification
10 from another state or foreign country that a certificate of
11 ~~title~~ **ownership** issued by the department has been surrendered
12 by the owner in conformity with the laws of the other state or
13 foreign country.

14 (f) If it is shown by satisfactory evidence that delivery of
15 a ~~mobile~~ **manufactured** home in the possession of a dealer was
16 not made to the applicant to whom the certificate was issued.

17 (2) Before a cancellation under subsection (1)(a), (b), or
18 (d) is made, the person affected shall be given notice and an
19 opportunity to be heard.

20 Sec. 30h. The commission in consultation with the secretary
21 of state shall promulgate rules. ~~, which~~ **The rules promulgated**
22 **by the commission** shall further define and distinguish between
23 the term ~~mobile~~ **manufactured** home as used in this act and the
24 term trailer coach as used in the Michigan vehicle code, ~~Act~~
25 ~~No. 300 of the Public Acts of 1949, being sections 257.1 to~~
26 ~~257.923 of the Michigan Compiled Laws~~ **1949 PA 300, MCL 257.1 to**
27 **257.923.**

1 Sec. 31. A person who offers, sells, or purchases a
 2 ~~mobile~~ **manufactured** home or equipment or a ~~mobile~~
 3 **manufactured** home site in violation of this act or the code may
 4 have an action brought against him or her to rescind the
 5 transaction and recover damages.

6 Sec. 38. (1) The department may issue an order to show
 7 cause why an order imposing sanctions or penalties allowed under
 8 this act should not be issued by the commission if the department
 9 finds **both** that the order is in the public interest ~~—~~ and ~~any~~
 10 **1 or more** of the following:

11 (a) An application filed pertaining to a license, a
 12 disclosure statement, or a related document filed with the
 13 department in connection with a ~~mobile~~ **manufactured** home
 14 license ~~—~~ is incomplete in ~~any~~ **a** material respect or contains
 15 a statement ~~which~~ **that** is false or misleading, in the light of
 16 the circumstances under which it is made.

17 (b) A provision of this act, or a rule, order, or condition
 18 lawfully imposed under this act, was not complied with or was
 19 violated in connection with the offering by the person filing the
 20 document; the developer, ~~dealer~~ **retailer**, or operator; a
 21 partner, officer, director, proprietor, or manager of the
 22 developer, ~~dealer~~ **retailer**, or operator; or a person directly
 23 or indirectly controlling, or directly controlled by, the
 24 developer, ~~dealer~~ **retailer**, or operator.

25 (c) The project worked or tended to work a fraud or deception
 26 or would so operate, or the project would create an unreasonable
 27 risk to **a** prospective ~~tenants~~ **resident**, as defined by rules

1 promulgated by the commission.

2 (d) The developer, ~~dealer~~ **retailer**, or operator; a partner,
3 officer, director, proprietor, or manager of the developer,
4 ~~dealer~~ **retailer**, or operator; a person directly or indirectly
5 controlling or directly controlled by the developer, ~~dealer~~
6 **retailer**, or operator; or a person identified in the application
7 for a license ~~—~~ or **in** a disclosure statement ~~—~~ was within the
8 past 10 years **immediately before the date of the order** convicted
9 of an offense under this act, ~~or~~ is the subject of an
10 administrative order issued under this act, or had a civil
11 judgment entered against him or her as a result of a violation of
12 this act or a rule promulgated or order issued ~~pursuant to~~
13 **under** this act, and the department determines that the
14 involvement of the person in the sale or development of the
15 project creates an unreasonable risk to **a prospective** ~~tenants~~
16 **resident** or ~~mobile~~ **manufactured** home ~~purchasers~~ **purchaser**.

17 (e) The developer, ~~dealer~~ **retailer**, or operator; a partner,
18 officer, director, proprietor, or manager of the developer; a
19 person directly or indirectly controlling or directly controlled
20 by the developer, ~~dealer~~ **retailer**, or operator; or a person
21 identified in the application for a license ~~—~~ or **in** a
22 disclosure statement ~~—~~ was convicted of a violation or **was** the
23 subject of an administrative order or civil judgment as a result
24 of a violation of a statute regulating the offering of securities
25 or franchises or licensing or regulating builders, real estate
26 brokers, or real estate salespersons, or of violation of the land
27 sales act, ~~Act No. 286 of the Public Acts of 1972, being~~

1 ~~sections 565.801 to 565.835 of the Michigan Compiled Laws 1972~~
2 **PA 286, MCL 565.801 to 565.835**, or a rule promulgated or an order
3 issued under that act.

4 (f) The applicant's method of business, construction,
5 development, or sales includes or would include activities
6 ~~which~~ **that** are illegal.

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

8 (h) The applicant failed to comply with the state warranty
9 laws.

10 (2) ~~When~~ **If** it appears to the department that a person
11 engaged in an act or practice constituting a violation of this
12 act or a rule promulgated or order issued under this act, the
13 department may issue a notice to show cause why a cease and
14 desist order should not be issued.

15 (3) After 10 days' notice and opportunity for hearing, the
16 department may stop construction as to part or all of a project
17 if continuing the building will cause irreparable harm to
18 residents and prospective residents of the project.

19 Sec. 43. (1) If, after notice and a hearing as provided in
20 the administrative procedures act of 1969, ~~Act No. 306 of the~~
21 ~~Public Acts of 1969, being sections 24.201 to 24.328 of the~~
22 ~~Michigan Compiled Laws 1969 PA 306, MCL 24.201 to 24.328~~, a
23 person is determined to have violated this act, the commission
24 may impose 1 or more of the following penalties:

25 (a) Censure.

26 (b) Probation.

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

1 (d) Suspension of a license. The commission may request the
2 appointment of a receiver when taking action under this
3 subdivision.

4 (e) Revocation of a license. The commission may request the
5 appointment of a receiver when taking action under this
6 subdivision.

7 (f) Denial of a license.

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

9 (h) A requirement that restitution be made.

10 (2) A fine collected under this section shall be deposited
11 with the state treasurer and credited to the ~~mobile home~~
12 **manufactured housing** commission fund.

13 (3) This section does not prohibit ~~actions~~ **an action** being
14 taken under ~~other sections~~ **another section** of this act.

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

18 Sec. 45. (1) This act ~~shall~~ **does** not ~~be construed to~~
19 prohibit the prosecution or punishment of a person for conduct
20 ~~which~~ **that** constitutes a crime by statute or at common law.

21 (2) This act ~~shall~~ **does** not ~~be construed to~~ prohibit a
22 municipality from enforcing its local ordinances or from taking
23 ~~any~~ other appropriate action to protect the public health,
24 safety, or welfare as authorized by law or its charter.

25 (3) **A municipality may impose a civil fine of not more than**
26 **\$100.00 against a person that is not in compliance with the**
27 **licensure requirements of this act.**

1 Enacting section 1. Section 49 of the mobile home
2 commission act, 1987 PA 96, MCL 125.2349, is repealed.