

HOUSE BILL No. 4199

February 13, 2001, Introduced by Reps. Schermesser, O'Neil, Plakas, Wojno, Anderson, Dennis, Richardville, Hale and Gielegem and referred to the Committee on Commerce.

A bill to amend 1987 PA 96, entitled
"The mobile home commission act,"
by amending sections 3 and 5 (MCL 125.2303 and 125.2305).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The mobile home commission is created within
2 the department. ~~of commerce.~~

3 (2) The commission consists of 11 members, EACH OF WHOM
4 SHALL BE A CITIZEN OF THIS STATE, appointed by the governor with
5 the advice and consent of the ~~senate~~ HOUSE OF REPRESENTATIVES,
6 ~~each of whom shall be a citizen of this state~~ EXCEPT AS OTHER-
7 WISE PROVIDED IN SUBSECTION (3). THE GOVERNOR SHALL CONSIDER
8 GEOGRAPHICAL DIVERSITY WHEN MAKING AN APPOINTMENT TO THE
9 COMMISSION.

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

1 (a) A representative of an organization whose membership
2 consists of mobile home residents SELECTED FROM A LIST OF
3 3 RECOMMENDATIONS PROVIDED BY THE MICHIGAN MANUFACTURED HOMEOWN-
4 ERS ASSOCIATION. AN APPOINTMENT MADE UNDER THIS SUBDIVISION DOES
5 NOT REQUIRE THE ADVICE AND CONSENT OF THE HOUSE OF REPRESENTA-
6 TIVES IF THAT APPOINTMENT IS MADE FROM THE RECOMMENDATIONS OF AN
7 ORGANIZATION WHOSE MEMBERSHIP CONSISTS OF THE MICHIGAN MANUFAC-
8 TURED HOMEOWNERS ASSOCIATION.

9 (b) A representative of financial institutions SELECTED FROM
10 LISTS OF 3 RECOMMENDATIONS EACH PROVIDED BY THE MICHIGAN BANKERS
11 ASSOCIATION, THE MICHIGAN CREDIT UNION LEAGUE, THE MICHIGAN ASSO-
12 CIATION OF SAVINGS BANKS, AND THE MICHIGAN MORTGAGE BANKERS
13 ASSOCIATION. AN APPOINTMENT MADE UNDER THIS SUBDIVISION DOES NOT
14 REQUIRE THE ADVICE AND CONSENT OF THE HOUSE OF REPRESENTATIVES IF
15 THE APPOINTMENT IS MADE FROM THE RECOMMENDATIONS OF THE MICHIGAN
16 BANKERS ASSOCIATION, THE MICHIGAN CREDIT UNION LEAGUE, THE
17 MICHIGAN ASSOCIATION OF SAVINGS BANKS, AND THE MICHIGAN MORTGAGE
18 BANKERS ASSOCIATIONS.

19 (c) Two operators of ~~a~~ licensed mobile home ~~park having~~
20 ~~100 or more sites and 1 operator of a licensed mobile home park~~
21 ~~having less than 100 sites~~ PARKS SELECTED FROM A LIST OF
22 3 RECOMMENDATIONS PROVIDED BY THE MICHIGAN MANUFACTURED HOUSING,
23 RV AND CAMPGROUND ASSOCIATION. AN APPOINTMENT MADE UNDER THIS
24 SUBDIVISION DOES NOT REQUIRE THE ADVICE AND CONSENT OF THE HOUSE
25 OF REPRESENTATIVES IF THE APPOINTMENT IS MADE FROM THE RECOMMEN-
26 DATIONS OF THE MICHIGAN MANUFACTURED HOUSING, RV AND CAMPGROUND
27 ASSOCIATION.

1 ~~(d) A representative of organized labor.~~

2 ~~(e) An elected official of a local government.~~

3 (D) AN ELECTED TOWNSHIP OFFICIAL SELECTED FROM A LIST OF 3
4 RECOMMENDATIONS PROVIDED BY THE MICHIGAN TOWNSHIPS ASSOCIATION.
5 AN APPOINTMENT MADE UNDER THIS SUBDIVISION DOES NOT REQUIRE THE
6 ADVICE AND CONSENT OF THE HOUSE OF REPRESENTATIVES IF THE
7 APPOINTMENT IS MADE FROM THE RECOMMENDATIONS OF THE MICHIGAN
8 TOWNSHIPS ASSOCIATION.

9 (E) AN ELECTED OFFICIAL FROM A CITY OR VILLAGE SELECTED FROM
10 A LIST OF 3 RECOMMENDATIONS PROVIDED BY THE MICHIGAN MUNICIPAL
11 LEAGUE. AN APPOINTMENT MADE UNDER THIS SUBDIVISION DOES NOT
12 REQUIRE THE ADVICE AND CONSENT OF THE HOUSE OF REPRESENTATIVES IF
13 THE APPOINTMENT IS MADE FROM THE RECOMMENDATIONS OF THE MICHIGAN
14 MUNICIPAL LEAGUE.

15 (F) AN ELECTED COUNTY OFFICIAL SELECTED FROM A LIST OF 3
16 RECOMMENDATIONS PROVIDED BY THE MICHIGAN ASSOCIATION OF
17 COUNTIES. AN APPOINTMENT MADE UNDER THIS SUBDIVISION DOES NOT
18 REQUIRE THE ADVICE AND CONSENT OF THE HOUSE OF REPRESENTATIVES IF
19 THE APPOINTMENT IS MADE FROM THE RECOMMENDATIONS OF THE MICHIGAN
20 ASSOCIATION OF COUNTIES.

21 (G) ~~(f)~~ A licensed mobile home dealer SELECTED FROM A LIST
22 OF 3 RECOMMENDATIONS PROVIDED BY THE MICHIGAN MANUFACTURED HOUS-
23 ING, RV AND CAMPGROUND ASSOCIATION. AN APPOINTMENT MADE UNDER
24 THIS SUBDIVISION DOES NOT REQUIRE THE ADVICE AND CONSENT OF THE
25 HOUSE OF REPRESENTATIVES IF THE APPOINTMENT IS MADE FROM THE REC-
26 OMMENDATIONS OF THE MICHIGAN MANUFACTURED HOUSING, RV AND
27 CAMPGROUND ASSOCIATION.

1 (H) ~~(g) One resident~~ TWO RESIDENTS of ~~a~~ licensed mobile
2 home ~~park having 100 or more sites and 1 resident of a licensed~~
3 ~~mobile home park having less than 100 sites~~ PARKS, 1 OF WHOM IS
4 A REPRESENTATIVE OF ORGANIZED LABOR FROM A LIST OF
5 3 RECOMMENDATIONS PROVIDED BY THE AMERICAN FEDERATION OF
6 LABOR-CONGRESS OF INDUSTRIAL ORGANIZATIONS (AFL-CIO). AN
7 APPOINTMENT MADE UNDER THIS SUBDIVISION DOES NOT REQUIRE THE
8 ADVICE AND CONSENT OF THE HOUSE OF REPRESENTATIVES IF THE
9 APPOINTMENT IS MADE FROM THE RECOMMENDATIONS OF THE AFL-CIO.

10 (I) ~~(h)~~ A manufacturer of mobile homes SELECTED FROM A
11 LIST OF 3 RECOMMENDATIONS PROVIDED BY THE MICHIGAN MANUFACTURED
12 HOUSING, RV AND CAMPGROUND ASSOCIATION. AN APPOINTMENT MADE
13 UNDER THIS SUBDIVISION DOES NOT REQUIRE THE ADVICE AND CONSENT OF
14 THE HOUSE OF REPRESENTATIVES IF THE APPOINTMENT IS MADE FROM THE
15 RECOMMENDATIONS OF THE MICHIGAN MANUFACTURED HOUSING, RV AND
16 CAMPGROUND ASSOCIATION.

17 (4) A person appointed to be a member under subsection
18 (3)(a), (d), (e), ~~(g)~~ (F), OR (H), or a member of that person's
19 immediate family, shall not have ~~more than a 1%~~ AN ownership
20 interest in or income benefit from a manufacturer of mobile
21 homes, a retail seller of mobile homes, a licensed mobile home
22 park, or a supplier of ancillary products or services to the
23 mobile home industry.

24 (5) A PERSON APPOINTED TO BE A MEMBER OF THE COMMISSION
25 UNDER SUBSECTION (3)(B), OR A MEMBER OF THAT PERSON'S IMMEDIATE
26 FAMILY, SHALL NOT HAVE AN OWNERSHIP INTEREST IN OR INCOME BENEFIT
27 FROM A MANUFACTURER OF MOBILE HOMES, A RETAIL SELLER OF MOBILE

1 HOMES, A LICENSED MOBILE HOME PARK, OR A SUPPLIER OF ANCILLARY
2 PRODUCTS OR SERVICES TO THE MOBILE HOME INDUSTRY, EXCLUDING ANY
3 INCOME BENEFIT RECEIVED FROM PROVIDING MORTGAGES, LOANS, OR OTHER
4 FINANCIAL PRODUCTS TO THE MOBILE HOME INDUSTRY IN THE ORDINARY
5 COURSE OF EMPLOYMENT, AND ANY OWNERSHIP INTEREST IN HIS OR HER
6 EMPLOYER THAT SUPPLIES SERVICES TO THE MOBILE HOME INDUSTRY.

7 (6) ~~-(5)-~~ The term of each member shall be for 3 years. A
8 vacancy in the office of a member shall be filled by the governor
9 for the remainder of the unexpired term, not more than 1 month
10 after the vacancy is created, in the same manner as the original
11 appointment.

12 (7) ~~-(6)-~~ The per diem compensation of the commission and
13 the schedule for reimbursement of expenses shall be established
14 annually by the legislature.

15 (8) ~~-(7)-~~ Six members of the commission constitute a quorum
16 for all purposes, notwithstanding the existence of a vacancy in
17 the commission's membership. Action may be taken by the commis-
18 sion by a vote of a majority of the members appointed and
19 serving. Meetings of the commission may be called by the chair-
20 person or by 3 members on 3 business days' actual notice. At
21 least 1 meeting shall be held each calendar quarter. The commis-
22 sion may hold meetings anywhere in this state.

23 (9) ~~-(8)-~~ The commission shall elect a member of the commis-
24 sion as its chairperson and another member as its
25 vice-chairperson. The duties and powers of the chairperson and
26 vice-chairperson shall be as prescribed in the commission's
27 rules.

1 (10) ~~(9)~~ A member of the commission ~~may~~ SHALL be removed
2 from office by the governor for inefficiency, neglect of duty, or
3 misconduct or malfeasance in office. THREE UNEXCUSED ABSENCES IN
4 1 CALENDAR YEAR IS GROUNDS FOR REMOVAL FROM THE COMMISSION. A
5 member of the commission who has a direct pecuniary interest in a
6 matter before the commission shall disclose that interest before
7 the commission taking action with respect to the matter, which
8 disclosure shall become a part of the record of the commission's
9 official proceedings.

10 Sec. 5. (1) The commission shall promulgate the mobile home
11 code subject to section 4. The code shall consist of rules gov-
12 erning all of the following:

13 (a) The licensure, density, layout, permits for construc-
14 tion, construction of mobile home parks including standards for
15 roads, utilities, open space, or proposed recreational facili-
16 ties, and safety measures sufficient to protect health, safety,
17 and welfare of mobile home park residents, except water supply,
18 sewage collection and treatment, and drainage facilities ~~which~~
19 THAT are regulated by the department of ~~public health~~
20 ENVIRONMENTAL QUALITY.

21 (b) The business, sales, and service practices of mobile
22 home dealers.

23 (c) The business practices of mobile home installers and
24 repairers.

25 (d) The licensure and regulations of mobile home installers
26 and repairers.

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

3 (f) The regulation of the responsibilities, under the mobile
4 home warranty, of the mobile home components manufacturer, the
5 mobile home assembler or manufacturer, and the mobile home
6 dealer, including the time period and relationships of each under
7 the warranty, and the remedies available, if any, if the respon-
8 sible parties cease to operate as a business.

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

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

13 (ii) Detailed listing of furnishings and fixtures by a manu-
14 facturer of a new mobile home or a mobile home dealer for a used
15 mobile home.

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

17 (iv) Used mobile homes. A mobile home dealer shall provide
18 detailed listing of its service records for used mobile homes
19 ~~which~~ THAT are being sold by the dealer and of which the dealer
20 has knowledge.

21 (h) Applications for and issuance of certificates of title
22 for mobile homes.

23 (2) As part of the code, the commission shall also promul-
24 gate rules governing the licensure, density, layout, permits for
25 construction, and construction of seasonal mobile home parks,
26 including standards for roads, utilities, open space, proposed
27 recreational facilities, and safety measures sufficient to

1 protect the health, safety, and welfare of seasonal mobile home
2 park residents, except water supply, sewage collection and treat-
3 ment, and drainage facilities, which shall be regulated by the
4 department of ~~public health~~ ENVIRONMENTAL QUALITY.

5 (3) The rules promulgated for seasonal mobile home parks may
6 impose a less stringent standard than the rules promulgated for
7 mobile home parks.