

SECOND REGULAR SESSION

HOUSE BILL NO. 1827

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SUTHERLAND.

Read 1st time January 24, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4323L.01I

AN ACT

To repeal sections 144.011, 700.010, 700.045, 700.056, 700.065, 700.070, 700.090, 700.100, 700.115, 700.450, 700.455, 700.460, 700.465, 700.470, 700.525, and 700.650, RSMo, and to enact in lieu thereof fifteen new sections relating to manufactured homes, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 144.011, 700.010, 700.045, 700.056, 700.065, 700.070, 700.090, 2 700.100, 700.115, 700.450, 700.455, 700.460, 700.465, 700.470, 700.525, and 700.650, RSMo, 3 are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 144.011, 4 700.010, 700.041, 700.045, 700.056, 700.065, 700.090, 700.095, 700.096, 700.097, 700.098, 5 700.100, 700.115, 700.525, and 700.650, to read as follows:

144.011. 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and 2 the taxes imposed thereby, the definition of "retail sale" or "sale at retail" shall not be construed 3 to include any of the following:

4 (1) The transfer by one corporation of substantially all of its tangible personal property 5 to another corporation pursuant to a merger or consolidation effected under the laws of the state 6 of Missouri or any other jurisdiction;

7 (2) The transfer of tangible personal property incident to the liquidation or cessation of 8 a taxpayer's trade or business, conducted in proprietorship, partnership or corporate form, except 9 to the extent any transfer is made in the ordinary course of the taxpayer's trade or business;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 10 (3) The transfer of tangible personal property to a corporation solely in exchange for its
11 stock or securities;
- 12 (4) The transfer of tangible personal property to a corporation by a shareholder as a
13 contribution to the capital of the transferee corporation;
- 14 (5) The transfer of tangible personal property to a partnership solely in exchange for a
15 partnership interest therein;
- 16 (6) The transfer of tangible personal property by a partner as a contribution to the capital
17 of the transferee partnership;
- 18 (7) The transfer of tangible personal property by a corporation to one or more of its
19 shareholders as a dividend, return of capital, distribution in the partial or complete liquidation
20 of the corporation or distribution in redemption of the shareholder's interest therein;
- 21 (8) The transfer of tangible personal property by a partnership to one or more of its
22 partners as a current distribution, return of capital or distribution in the partial or complete
23 liquidation of the partnership or of the partner's interest therein;
- 24 (9) The transfer of reusable containers used in connection with the sale of tangible
25 personal property contained therein for which a deposit is required and refunded on return;
- 26 (10) The purchase by persons operating eating or food service establishments, of items
27 of a nonreusable nature which are furnished to the customers of such establishments with or in
28 conjunction with the retail sales of their food or beverage. Such items shall include, but not be
29 limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum
30 articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks
31 and toothpicks;
- 32 (11) The purchase by persons operating hotels, motels or other transient accommodation
33 establishments, of items of a nonreusable nature which are furnished to the guests in the guests'
34 rooms of such establishments and such items are included in the charge made for such
35 accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and
36 other toiletries and food or confectionery items offered to the guests without charge;
- 37 (12) The transfer of a manufactured home other than:
- 38 (a) A transfer which involves the delivery of the document known as the "Manufacturer's
39 Statement of Origin" to a person other than a manufactured home dealer, as defined in section
40 [700.450] **700.010**, RSMo, for purposes of allowing such person to obtain a title to the
41 manufactured home from the department of revenue of this state or the appropriate agency or
42 officer of any other state;
- 43 (b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this
44 state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the
45 manufactured home described in paragraph (a) of this subdivision;

46 (c) The first transfer which occurs after December 31, 1985, if the tax imposed by
47 sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which
48 occurred before December 31, 1985; or

49 (13) Charges for initiation fees or dues to:

50 (a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations
51 operating under the lodge system a substantial part of the activities of which are devoted to
52 religious, charitable, scientific, literary, educational or fraternal purposes; or

53 (b) Posts or organizations of past or present members of the armed forces of the United
54 States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization
55 substantially all of the members of which are past or present members of the armed forces of the
56 United States or who are cadets, spouses, widows, or widowers of past or present members of
57 the armed forces of the United States, no part of the net earnings of which inures to the benefit
58 of any private shareholder or individual.

59 2. The assumption of liabilities of the transferor by the transferee incident to any of the
60 transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall
61 not disqualify the transfer from the exclusion described in this section, where such liability
62 assumption is related to the property transferred and where the assumption does not have as its
63 principal purpose the avoidance of Missouri sales or use tax.

700.010. As used in sections 700.010 to 700.500, for the purpose of sections 700.010
2 to 700.500, the following terms mean:

3 (1) "Authorized representative", any person, firm or corporation, or employee thereof,
4 approved or hired by the commission to perform inspection services;

5 (2) "Code", the standards relating to manufactured homes, or modular units as adopted
6 by the commission. The commission, in its discretion, may incorporate, in whole or in part, the
7 standards codes promulgated by the American National Standards Institute, the United States
8 Department of Housing and Urban Development or other recognized agencies or organizations;

9 (3) "Commission", the public service commission;

10 (4) "Dealer", any person, other than a manufacturer, who sells or offers for sale four or
11 more **used homes or one or more new** manufactured homes, or **one or more new** modular units
12 in any consecutive twelve-month period;

13 (5) **"Installer", an individual who is licensed by the commission to install**
14 **manufactured homes under sections 700.650 to 700.692;**

15 (6) "Manufactured home", a factory-built structure or structures which, in the traveling
16 mode, is eight body feet or more in width or forty body feet or more in length, or, when erected
17 on site, contains three hundred twenty or more square feet, equipped with the necessary service
18 connections and made so as to be readily movable as a unit or units on its or their own running

19 gear and designed to be used as a dwelling unit or units with or without a permanent foundation.
20 The phrase "without a permanent foundation" indicates that the support system is constructed
21 with the intent that the manufactured home placed thereon may be moved from time to time at
22 the convenience of the owner;

23 [(6)] (7) "Manufacturer", any person who manufactures manufactured homes, or modular
24 units, including persons who engage in importing manufactured homes, or modular units for
25 resale;

26 [(7)] (8) "Modular unit", a transportable building unit designed to be used by itself or to
27 be incorporated with similar units at a point-of-use into a modular structure to be used for
28 residential, commercial, educational or industrial purposes. This definition shall not apply to
29 structures under six hundred fifty square feet used temporarily and exclusively for construction
30 site office purposes;

31 [(8)] (9) "New", being sold or offered for sale to the first purchaser for purposes other
32 than resale;

33 [(9)] (10) "Person", an individual, partnership, corporation or other legal entity;

34 [(10)] (11) "Premises", a lot, plot, or parcel of land including the buildings, structures,
35 and manufactured homes thereon;

36 [(11)] (12) "Recreational park trailer", a recreational park trailer as defined in the
37 American National Standards Institute (ANSI) A119.5 Standard on Recreational Park Trailers.
38 A recreational park trailer is not a recreational vehicle;

39 [(12)] (13) "Recreational vehicle", a recreational vehicle as defined in the American
40 National Standards Institute (ANSI) A119.2 Standard on Recreational Vehicles;

41 [(13)] (14) "Seal", a device, label or insignia issued by the public service commission,
42 U.S. Department of Housing and Urban Development, or its agent, to be displayed on the
43 exterior of the manufactured home, or modular unit to evidence compliance with the code;

44 [(14)] (15) "Setup", the operations performed at the occupancy site which renders a
45 manufactured home or modular unit fit for habitation, which operations include, but are not
46 limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

**700.041. 1. There is hereby established a fund in the state treasury to be known as
2 the "Manufactured Housing Consumer Recovery Fund" for the purpose of paying
3 consumer claims under procedures the commission may promulgate by rule. The public
4 service commission shall administer the manufactured housing consumer recovery fund
5 and all moneys in the fund shall be used solely as prescribed in this section. Any interest
6 earned from the investment of moneys in the fund shall be credited to the fund.**

**7 2. Claims approved by the commission under law may be paid from the fund
8 subject to appropriation. No claims shall be considered by the commission until all other**

9 **legal remedies have been exhausted. The commission shall establish an advisory committee**
10 **to assist with the evaluation of all claims filed by consumers. The committee members shall**
11 **be volunteers and serve without compensation.**

12 **3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys**
13 **in the manufactured housing consumer recovery fund shall not be transferred to the credit**
14 **of the general revenue fund at the end of the biennium; however, the total amount in the**
15 **manufactured housing consumer recovery fund shall not exceed thirty-two percent of the**
16 **amount of the annual appropriation of the manufactured housing fund from the preceding**
17 **fiscal year. Moneys in the manufactured housing consumer recovery fund may be**
18 **transferred back to the manufactured housing fund by appropriation.**

700.045. It shall be a misdemeanor:

2 (1) For a manufacturer or dealer to manufacture, rent, lease, sell or offer to sell any
3 manufactured home or modular unit after January 1, 1977, unless there is in effect a registration
4 with the commission;

5 (2) To rent, lease, sell or offer to sell any new manufactured home or new modular unit
6 or used modular unit used for educational purposes manufactured after January 1, 1974, which
7 does not bear a seal as required by sections 700.010 to 700.115;

8 (3) To affix a seal or cause a seal to be affixed to any manufactured home or modular
9 unit which does not comply with the code;

10 (4) To alter a manufactured home or modular unit in a manner prohibited by the
11 provisions of sections 700.010 to 700.115;

12 (5) To fail to correct within a reasonable time not to exceed ninety days after being
13 ordered to do so in writing by an authorized representative of the commission a code violation
14 in a new manufactured home or new modular unit or used modular unit used for educational
15 purposes owned, manufactured or sold if the same is manufactured after January 1, 1974.

16 **Reasonable and necessary extensions may be granted by the commission; or**

17 (6) To interfere with, obstruct, or hinder any authorized representative of the commission
18 in the performance of his or her duties.

700.056. Every dealer of a **new** manufactured home offered for sale in this state shall
2 at the time of sale provide the purchaser with a bill of sale **or the purchase agreement**
3 containing at least the following: The total price of the unit, **serial number if available, if not,**
4 **the manufacturer name and model number of the unit,** and its contents, **any waivers,** a list
5 of all furniture and appliances in the manufactured home, any other costs which will be assessed
6 to the purchaser **by the dealer** such as transportation, handling, or such other costs, and the sales
7 tax payable for such manufactured home.

2 700.065. All **new** manufactured homes located in this state shall be anchored and tied
3 down in accordance with the standards promulgated by the commission pursuant to the
4 provisions of sections 700.010 to 700.115 **and 700.650 to 700.692.**

2 700.090. 1. Every manufacturer or dealer [of manufactured homes] who sells or offers
3 for sale, on consignment or otherwise, a manufactured home or modular unit from or in the state
4 of Missouri shall register [each location] with the commission **each place of business at which**
5 **the manufacturer or dealer sells or offers for sale a manufactured home or modular unit.**

6 2. The commission shall issue a certificate of registration to a manufacturer who:

7 (1) Completes and files with the commission an application for registration which
8 contains the following information:

9 (a) The name of the manufacturer;

10 (b) The address of the manufacturer and addresses of each factory owned or operated by
11 the manufacturer, if different from the address of the manufacturer;

12 (c) If a corporation, the state of original incorporation, a list of the names and addresses
13 of all officers and directors of the corporation, and proof of the filing of all franchise and sales
14 tax forms required by Missouri law;

15 (d) If not a corporation, the name and address of the managing person or persons
16 responsible for overall operation of the manufacturer;

17 (2) Files with the commission an initial registration fee of seven hundred fifty dollars in
18 the form of a cashier's check or money order made payable to the state of Missouri.

19 3. The commission shall issue a certificate of registration to a dealer who:

20 (1) Completes and files with the commission an application for registration which
21 contains the following information:

22 (a) The name of the dealer;

23 (b) The business address of the dealer and addresses of each separate facility owned and
24 operated by the dealer from which manufactured homes or modular units are offered for sale if
25 different from the business address of the dealer;

26 (c) If a corporation, the state of original incorporation, a list of the names and addresses
27 of all officers and directors of the corporation, proof of the filing of all franchise and sales tax
28 forms required by Missouri law;

29 (d) If not a corporation, the name and address of the managing person or persons
30 responsible for the overall operations of the manufacturer;

31 (2) Files with the commission an initial registration fee of two hundred dollars in the
32 form of a cashier's check or money order made payable to the state of Missouri;

33 (3) Files with the commission proof of compliance with the provisions of section
301.280, RSMo.

34 4. The registration of any manufacturer or dealer shall be effective for a period of one
35 year and shall be renewed by the commission upon receipt by it from the registered dealer of a
36 renewal fee of seven hundred fifty dollars for manufacturers and two hundred dollars for dealers
37 and a form provided by the commission upon which shall be placed any changes from the
38 information requested on the initial registration form.

39 5. The commission may stagger the renewal of certificates of registration to provide for
40 more equal distribution over the twelve months of the number of registration renewals.

**700.095. 1. Every dealer shall, on or before January fifteenth of each year, make
2 application for registration or renewal and shall be required to maintain a bona fide
3 established place of business and maintain a permanent enclosed building or structure,
4 either owned in fee or leased and actually occupied as a place of business by the applicant
5 for the selling, bartering, trading, or exchanging of manufactured homes or modular units
6 where the public may contact the owner or operator at any reasonable time and where the
7 books, records, files, and other matter required and necessary to conduct the business shall
8 be kept and maintained.**

9 **2. The application shall contain the business address, not a post-office box address,
10 and telephone number of the place where the books, records, files, and other matters
11 required and necessary to conduct the business are located and where the same may be
12 inspected during normal daytime business hours.**

13 **3. Each application shall contain such additional information as may be required
14 by the commission to enable it to determine whether the applicant is a bona fide dealer in
15 fact and is of good moral character.**

16 **4. Upon the payment of a registration or renewal fee of two hundred dollars, there
17 shall be assigned to each dealer a certificate of registration in such form as the commission
18 shall prescribe.**

**700.096. 1. Each person registered as a dealer under the provisions of sections
2 700.010 to 700.115 shall file monthly reports with the commission, and such reports shall
3 be in the form and manner and contain the information required by the commission by
4 rules promulgated under chapter 536, RSMo, and shall permit an employee of the
5 commission or any law enforcement official to inspect during normal business hours any
6 of the following documents which are in his or her possession or under his or her control:**

7 **(1) Any manufacturer's invoice, certificate of origin, statement of origin, or title to
8 any manufactured home or modular unit;**

9 **(2) Any application for title to any manufactured home;**

10 **(3) Any affidavit provided under chapter 301, RSMo, or chapter 407, RSMo;**

11 **(4) Any assignment of title to any manufactured home;**

12 (5) Any disclosure statement or other document required by the laws of the United
13 States or any other state.

14 2. For purposes of this section, the term "law enforcement official" means any of
15 the following:

16 (1) The attorney general, or any person designated by him or her to make such an
17 inspection;

18 (2) Any prosecuting attorney or any person designated by a prosecuting attorney
19 to make such an inspection;

20 (3) Any member of the highway patrol;

21 (4) Any sheriff or deputy sheriff;

22 (5) Any peace officer certified under chapter 590, RSMO, acting in his or her
23 official capacity.

 700.097. No insurance company, finance company, bank, or trust company shall
2 be required to register with the commission in order to sell any manufactured home or
3 modular unit repossessed or purchased by the company on the basis of total destruction
4 or theft thereof when the sale of the manufactured home or modular unit is in conformance
5 with applicable title and registration laws of this state.

 700.098. 1. The commission may refuse to register an applicant as a dealer, or may
2 suspend the registration of an existing dealer from one day to thirty days, or revoke the
3 registration of a dealer after a written notice and a hearing when the commission is
4 satisfied that the applicant or dealer has failed to comply with the provisions set out in
5 sections 700.010 to 700.115. Notification of unfavorable action by the commission on any
6 application for registration or renewal of registration shall be accompanied by a notice
7 informing the recipient that the decision of the director may be appealed as provided in
8 chapter 386, RSMo.

9 2. It shall be unlawful for any person to hold forth or act as a dealer who is not
10 currently registered as a dealer by the commission as required by sections 700.010 to
11 700.115.

 700.100. 1. The commission may refuse to register or refuse to renew the registration
2 of any person who fails to comply with the provisions of [section 700.090 or this section]
3 sections 700.010 to 700.115. Notification of unfavorable action by the commission on any
4 application for registration or renewal of registration must be delivered to the applicant within
5 thirty days from date it is received by the commission. Notification of unfavorable action by the
6 commission on any application for registration or renewal of registration must be accompanied
7 by a notice informing the recipient that the decision of the commission may be appealed as
8 provided in chapter 386, RSMo.

9 2. The commission may consider a complaint filed with it charging a registered
10 manufacturer or dealer with a violation of the provisions of this section, which charges, if
11 proven, shall constitute grounds for revocation or suspension of his registration, or the placing
12 of the registered manufacturer or dealer on probation.

13 3. The following specifications shall constitute grounds for the suspension, revocation
14 or placing on probation of a manufacturer's or dealer's registration:

15 (1) If required, failure to comply with the provisions of section 301.280, RSMo;

16 (2) Failing to be in compliance with the provisions of section 700.090;

17 (3) If a corporation, failing to file all franchise or sales tax forms required by Missouri
18 law;

19 (4) Engaging in any conduct which constitutes a violation of the provisions of section
20 407.020, RSMo;

21 (5) Failing to comply with the provisions of Sections 2301-2312 of Title 15 of the United
22 States Code (Magnuson-Moss Warranty Act);

23 (6) As a dealer, failing to arrange for the proper initial setup of any new manufactured
24 home or modular unit sold from or in the state of Missouri, [unless] **except as allowed under**
25 **subsection 5 of section 700.656**; the dealer [receives] **shall receive** a written waiver of that
26 service from the purchaser or his or her authorized agent;

27 (7) Requiring any person to purchase any type of insurance from that manufacturer or
28 dealer as a condition to his being sold any manufactured home or modular unit;

29 (8) Requiring any person to arrange financing or utilize the services of any particular
30 financing service as a condition to his being sold any manufactured home or modular unit;
31 provided, however, the registered manufacturer or dealer may reserve the right to establish
32 reasonable conditions for the approval of any financing source;

33 (9) Engaging in conduct in violation of section 700.045;

34 (10) Failing to comply with the provisions of section 301.210, RSMo;

35 (11) Failing to pay all necessary fees and assessments authorized pursuant to sections
36 700.010 to 700.115.

37 **4. The commission may order that any suspension, revocation, or probation**
38 **ordered under subsection 3 of this section shall apply to all manufacturer's or dealer's**
39 **registrations that are held by the same manufacturer or dealer or that are owned or**
40 **controlled by the same person or persons if a continued and consistent pattern of the**
41 **violations have been identified by the commission to be present with each licensee under**
42 **the same control or ownership.**

700.115. 1. Except as otherwise provided in subsections 2 and 3 of this section, a
2 violation of the provisions of sections 700.010 to 700.115 shall constitute a violation of the

3 provisions of section 407.020, RSMo. In addition to the authority vested in the attorney general
4 to enforce the provisions of that section, he may petition the court and the court may enter an
5 order revoking the registration certificate of the defendant or defendants issued pursuant to the
6 provisions of section 700.090.

7 2. Notwithstanding any provisions of subsection 1 of this section to the contrary,
8 whoever violates any provision of this chapter shall be liable to the state of Missouri for a civil
9 penalty in an amount which shall not exceed one thousand dollars for each such violation. **If,**
10 **after a hearing, the commission finds that the person has violated any provision of this**
11 **chapter, it may direct its general counsel to enforce the provisions of this section by filing**
12 **a petition in circuit court for such civil penalties.** Each violation of this chapter shall
13 constitute a separate violation with respect to each manufactured home or **modular unit or** with
14 respect to each failure or refusal to allow or perform an act required by this chapter; except that,
15 the maximum civil penalty may not exceed one million dollars for any related series of violations
16 occurring within one year from the date of the first violation.

17 3. Any individual or director, officer, or agent of a corporation who knowingly and
18 willfully violates any provision of sections 700.010 to 700.115, in a manner which threatens the
19 health or safety of any purchaser, shall, upon conviction therefor, be fined not more than one
20 thousand dollars or imprisoned for not more than one year, or both.

700.525. As used in sections 700.525 to 700.541, the following terms mean:

2 (1) "Abandoned", a physical absence from the property, and either:

3 (a) Failure by a renter of real property to pay any required rent for fifteen consecutive
4 days, along with the discontinuation of utility service to the rented property for such period; or

5 (b) Indication of or notice of abandonment of real property rented from a landlord;

6 (2) "Manufactured home", a factory-built structure as defined in subdivision [(5)] **(6)** or
7 **[(7)] (8)** of section 700.010.

700.650. 1. Sections 700.650 to 700.692 shall be known and may be cited as the
2 "Manufactured Home Installation Act".

3 2. For the purposes of sections 700.650 to 700.692, the following terms shall mean:

4 (1) "Applicant", a person who applies to the commission for a license or limited-use
5 license to install manufactured homes;

6 (2) "Commission", the Missouri public service commission;

7 (3) "Dealer", any person, other than a manufacturer, who sells or offers for sale four or
8 more **used homes or one or more new** manufactured homes, **or one or more new modular**
9 **units** in any consecutive twelve-month period;

10 (4) "Installation", work undertaken at the place of occupancy to ensure the proper initial
11 setup of a manufactured home which shall include the joining of all sections of the home,

12 installation of stabilization, support, and leveling systems, assembly of multiple or expanded
13 units, and installation of applicable utility hookups and anchoring systems that render the home
14 fit for habitation;

15 (5) "Installation standards", reasonable specifications for the installation of a
16 manufactured home;

17 (6) "Installer", an individual who is licensed by the commission to install manufactured
18 homes, pursuant to sections 700.650 to **[700.680] 700.692**;

19 (7) "Manufactured home", a manufactured home as that term is defined in subdivision
20 **[(5)] (6)** of section 700.010;

21 (8) "Manufacturer", any person who manufactures manufactured homes, including
22 persons who engage in importing manufactured homes for resale; and

23 (9) "Person", an individual, partnership, corporation, or other legal entity.

2 [700.070. Effective November 27, 1973, all purchasers of manufactured
3 homes shall, within thirty days from the date of occupancy, anchor and secure the
4 manufactured home in accordance with the standards promulgated by the
5 commission pursuant to the provisions of sections 700.010 to 700.115.]

2 [700.450. As used in sections 700.450 to 700.470, the following terms
3 shall mean:

4 (1) "Commission", the public service commission;

5 (2) "Dealer", any person, including, but not limited to, real estate brokers
6 and salespersons, other than a manufacturer, who sells or offers for sale four or
7 more manufactured homes in any consecutive twelve-month period;

8 (3) "Manufactured home", a factory-built structure or structures which,
9 in the traveling mode, is eight body feet or more in width or forty body feet or
10 more in length, or, when erected on site, contains three hundred twenty or more
11 square feet, equipped with the necessary service connections and made so as to
12 be readily movable as a unit or units on its or their own running gear and
13 designed to be used as a dwelling unit or units with or without a permanent
14 foundation. The phrase "without a permanent foundation" indicates that the
15 support system is constructed with the intent that the manufactured home placed
16 thereon may be moved from time to time at the convenience of the owner;

17 (4) "Manufacturer", any person who manufactures manufactured homes,
18 including persons who engage in importing manufactured homes for resale;

19 (5) "Person", any individual, partnership, corporation or other legal
20 entity.]

2 [700.455. 1. Every dealer shall, on or before January fifteenth of each
3 year, instead of registering each manufactured home dealt in, make a verified
4 application, upon a blank for such purpose to be furnished by the commission,

4 for a distinctive number for all the manufactured homes dealt in or controlled by
5 such dealer. The application shall contain, but need not be limited to:

6 (1) When the applicant is a partnership, the name and address of each
7 partner, or, when the applicant is a corporation, the names of the principal
8 officers of the corporation and the state in which it is incorporated. The
9 application shall be verified by the oath or affirmation of the applicant, if an
10 individual, or in the event an applicant is a partnership or corporation, then by a
11 partner or officer;

12 (2) A bona fide established place of business shall be required for every
13 dealer. A bona fide established place of business for any dealer shall include a
14 permanent enclosed building or structure, either owned in fee or leased and
15 actually occupied as a place of business by the applicant for the selling, bartering,
16 trading or exchanging of manufactured homes, where the public may contact the
17 owner or operator at any reasonable time and where the books, records, files and
18 other matters required and necessary to conduct the business shall be kept and
19 maintained.

20 2. The application shall contain the business address, not a post-office
21 box, and telephone number of the place where the books, records, files and other
22 matters required and necessary to conduct the business are located and where the
23 same may be inspected during normal daytime business hours.

24 3. Each application shall contain such additional information as may be
25 required by the commission to enable it to determine whether the applicant is a
26 bona fide dealer in fact and is of good moral character.

27 4. On the payment of a registration fee of fifty dollars there shall be
28 assigned to each dealer a certificate of registration in such form as the
29 commission shall prescribe.]
30

2 [700.460. 1. Each person registered as a dealer pursuant to the provisions
3 of sections 700.450 to 700.470 shall file monthly reports with the commission,
4 which reports shall be in the form and manner and contain the information
5 required by the commission by rules promulgated pursuant to chapter 536,
6 RSMo, and shall permit an employee of the commission or any law enforcement
7 official to inspect, during normal business hours, any of the following documents
8 which are in his possession or under his custody or control:

9 (1) Any title to any manufactured home;
10 (2) Any application for title to any manufactured home;
11 (3) Any affidavit provided pursuant to chapter 301 or 407, RSMo;
12 (4) Any assignment of title to any manufactured home;
13 (5) Any disclosure statement or other document required by the laws of
14 the United States or any other state.

15 2. For purposes of this section, the term "law enforcement official" shall
mean any of the following:

- 16 (1) Attorney general, or any person designated by him to make such an
17 inspection;
18 (2) Any prosecuting attorney or any person designated by a prosecuting
19 attorney to make such an inspection;
20 (3) Any member of the highway patrol;
21 (4) Any sheriff or deputy sheriff;
22 (5) Any peace officer certified pursuant to chapter 590, RSMo, acting in
23 his official capacity.]
24

2 [700.465. No insurance company, finance company, bank or trust
3 company shall be required to register with the commission in order to sell any
4 manufactured home repossessed or purchased by the company on the basis of
5 total destruction or theft thereof when the sale of the manufactured home is in
6 conformance with applicable title and registration laws of this state.]

2 [700.470. 1. The commission may refuse to register an applicant as a
3 dealer, or may suspend the registration of an existing dealer from one day to
4 thirty days, or revoke the registration of a dealer, after a written notice and a
5 hearing when he is satisfied that the applicant or dealer has failed to comply with
6 the provisions set out in sections 700.450 to 700.470. Notification of unfavorable
7 action by the commission on any application for registration or renewal of
8 registration must be accompanied by a notice informing the recipient that the
9 decision of the director may be appealed as provided in chapter 536, RSMo.
10 2. It shall be unlawful for any person to hold forth or act as a dealer who
11 is not currently registered as a dealer by the commission as required by sections
700.450 to 700.470.]

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