

## **CHAPTER 39-18 MOBILE HOME DEALER REGULATION**

### **39-18-01. Mobile home and manufactured home dealer's license - Fees - Dealer's plates - Penalty.**

1. A person may not engage in the business of buying, selling, or exchanging of mobile homes, manufactured homes, or travel trailers, or advertise or hold that person out to the public as being in the business of buying, selling, or exchanging of mobile homes, manufactured homes, or travel trailers without first being licensed.
2. Application for a dealer's license and renewal license must be made to the department on forms the department prescribes and furnishes, and the application must be accompanied by an annual fee of thirty-five dollars for which must be issued one dealer plate. A dealer's license expires on December thirty-first of each year, and application for renewal of a dealer's license must be made on or before the expiration of the current dealer's license.
3. A mobile home or manufactured home dealer's license must be issued only to those who will maintain a permanent office and place of business, and an adequate service department, during the licensing year, and will abide by all the provisions of law pertaining to mobile home or manufactured home dealers.
4. In addition, the dealer shall maintain that person's business records in one central location.
5. Upon the payment of the fee of ten dollars for each additional plate, the department shall register and issue dealer's license plates for use on any mobile or manufactured homes owned by the licensed dealer, and the mobile and manufactured homes bearing the dealer's license plates may be lawfully operated upon the public highways of the state of North Dakota by the dealer, and the dealer's agents and servants, during the year of the registration. A dealer's license plates expire on December thirty-first of each year.
6. The term "mobile home" as used in this chapter includes and has the same meaning as "housetrailer", and both terms have the meaning prescribed in section 39-01-01. The terms "travel trailer" and "manufactured home" as used in this chapter have the meaning as prescribed in section 39-01-01.
7. Any mobile home or manufactured home dealer licensed under this chapter may sell house cars without being licensed under chapter 39-22. A mobile home or manufactured home dealer plate displayed on a house car must be displayed on the rear of the vehicle.
8. Any dealer violating this chapter must be assessed a one hundred dollar fee by the department for a first violation and a two hundred dollar fee by the department for a second violation within two years of the first violation. The department shall suspend the license of a mobile home or manufactured home dealer licensed under this chapter if a third or subsequent violation of this chapter occurs within five years of the first violation.

### **39-18-02. Bond required.**

Before the issuance of a mobile home or manufactured home dealer's license, the applicant for the license shall furnish a continuous surety bond executed by the applicant as principal and executed by a surety company licensed and qualified to do business within this state. The bond must be in the amount of fifty thousand dollars, and be conditioned upon the faithful compliance by the applicant as a dealer, if the license is issued to the dealer, that the dealer will comply with all the laws of this state pertaining to the business, and regulating or being applicable to the business of the dealer as a dealer in mobile homes or manufactured homes, and indemnifying any person dealing or transacting business with the dealer in connection with any mobile home or manufactured home from any loss or damage occasioned by the failure of the dealer to comply with the provisions of the laws of this state. This includes the furnishing of a proper and valid certificate of title to the vendee of a mobile home within fifteen days of the sale of a mobile home, and to the vendee of a travel trailer as defined by section 57-55-01 within fifteen days of

the sale of a travel trailer. In addition, this includes furnishing to the vendee of a manufactured home within fifteen days of the sale of a manufactured home an affidavit of affixation that is obtained from the county recorder in the county where the real property is affixed, a letter of confirmation, and a bill of sale that includes a statement as to whether there are any liens or encumbrances on the manufactured home. The bond must be filed with the director before the issuance of the license provided for under this chapter. The aggregate liability of the surety to all persons for all losses or damages may not exceed the amount of the bond. Any third party sustaining injury within the terms of the bond may proceed against the principal and surety without making the state a party to any proceeding. The bond may be canceled by the surety, as to future liability, by giving written notice by certified mail, addressed to the principal at the address stated in the bond, and to the department. Thirty days after the mailing of the notice, the bond is null and void as to any liability thereafter arising. The surety remains liable, subject to the terms, conditions, and provisions of the bond, until the effective date of the cancellation.

#### **39-18-02.1. Disposition of fees.**

Fees from registration of dealers must be deposited with the state treasurer and credited to the highway tax distribution fund.

#### **39-18-03. Titling and licensing of mobile homes, housetrailer, and travel trailers - License fee.**

The owner of a travel trailer, housetrailer, or mobile home, who sells or transfers the title to such vehicle shall endorse an assignment and warranty of title upon the certificate of title for such vehicle, along with a statement as to whether there are liens or encumbrances thereon. The owner shall deliver the certificate of title to the purchaser within fifteen days after such sale if title passes to the purchaser. If the legal title does not pass to the purchaser under the contract for sale of the vehicle, the legal title owner shall endorse thereon a statement that the owner holds the lien, the date thereof, and the name of the purchaser, and shall send the certificate of title to the department with an application of the purchaser for a new certificate of title showing the name of the legal owner, the registered owner, the date of the lien of the legal owner, which certificate of title when issued must be returned by the department to the legal title owner; who shall retain the same in the owner's possession until the terms of the contract are complied with by the purchaser, and thereupon, after showing that the lien has been paid and satisfied the owner shall deliver the certificate of title properly assigned to the purchaser. The purchaser or transferee shall present the endorsed and assigned certificate to the department, within thirty days after the receipt thereof, accompanied by a transfer fee of five dollars, and shall make an application for and obtain a new certificate of title for such vehicle. A penalty of not more than ten dollars may be imposed by the director for failure to present the certificate of title to the department as required by this section. Except when transported by a drive-away transporter duly registered and licensed under the laws of this state, no person may haul a mobile home, housetrailer, or travel trailer unless the same is first registered with and titled by the department, a certificate of title has been issued, and it displays a number plate issued by and under such regulations as the director may prescribe. The annual fee for such licensing is twenty dollars for mobile homes and housetrailer and twenty dollars for travel trailers.

The registration required hereunder must be on a calendar-year basis.

If such mobile home, housetrailer, or travel trailer enters the state carrying the current number plate of another state, no number plates may be required by the state of North Dakota for a period of thirty days.

The annual license fee provided for in this section does not preclude the taxation of certain mobile homes pursuant to chapter 57-55.

If such mobile home, housetrailer, or travel trailer remains stationary or parked within the state of North Dakota for a period of one year, no license may be required for that year, provided that nothing in this chapter permits the use of a dealer's plate on such mobile home, housetrailer, or travel trailer after the same has been sold by the dealer to whom such plate was issued.

**39-18-03.1. Park model trailer fee.**

Expired under S.L. 1997, ch. 344, § 4.

**39-18-03.2. Park model trailer fee.**

1. The owner of a park model trailer, as defined in subsection 2 of section 57-55-10, shall pay the department a fee of twenty dollars per calendar year to qualify for the exemption under section 57-55-10. The department shall issue a receipt for payment of the fee but payment of the fee does not confer any rights to the owner of a park model trailer which are not otherwise provided by law.
2. In lieu of subsection 1, upon the request of an owner of a park model trailer, as defined in subsection 2 of section 57-55-10, the department shall register the trailer as a travel trailer for a registration fee of twenty dollars per calendar year. The payment of the fee qualifies the trailer for an exemption under section 57-55-10. The department shall issue a number plate upon payment of the registration fee.
3. Fees collected under this section must be deposited in the highway tax distribution fund.

**39-18-04. Safety devices and requirements.**

Any new mobile home sold in the state of North Dakota and licensed under the provisions of this chapter must be equipped with combination taillight and stoplight controlled and operated from the driver's seat of the propelling vehicle; such mobile home must further be equipped with brakes approved by the department, designed and capable of bringing to a stop such vehicle and mobile home within a distance of fifty feet [15.24 meters] when operated at a speed of twenty miles [32.19 kilometers] per hour. No person may drive any mobile home on the highways of this state unless the propelling vehicle is able to stop within the distance and in the manner prescribed herein.

Any new mobile home sold in the state of North Dakota and licensed under the provisions of this chapter must be equipped with a hitch or coupler which will comply with the regulations as established by the interstate commerce commission.

**39-18-05. Width, length, and height of mobile home operated in the state of North Dakota - Oversize permits.**

Repealed by S.L. 1985, ch. 440, § 5.

**39-18-06. Suspension or revocation of dealer's license.**

The department may suspend or revoke any dealer's license for failure of the licensee to comply with any of the laws of this state governing mobile home or manufactured home dealers, or for failure to comply with the reasonable rules and regulations of the department set up under chapter 28-32, but an order suspending or revoking a dealer's license may not be made before a hearing at which the licensee must be given an opportunity to be heard.

**39-18-07. Penalty.**

Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of a class B misdemeanor.

**39-18-08. Sales by real estate broker or salesperson of used mobile home or manufactured home - Penalty.**

Notwithstanding any other provision of law, a person licensed as a real estate broker or salesperson may sell or offer to sell, buy or offer to buy, solicit prospective purchasers of, solicit or obtain listings of, or negotiate the purchase, sale, or exchange of any used mobile home or manufactured home. For the purposes of this section, a used mobile home is a mobile home which has been previously sold by a mobile home dealer and a used manufactured home is a manufactured home that has been previously sold by a manufactured home dealer. Any person, including a person licensed as a real estate broker or salesperson, who obtains a listing for the sale or exchange of a used mobile home or manufactured home that is located in a mobile

home park, as defined in section 23-10-01, shall provide notice of the listing within seven days after the listing is obtained, in writing, to the owner or operator of the mobile home park.

A real estate broker who engages in the activities authorized by this section may not maintain any place of business where two or more mobile homes are displayed and offered for sale by the broker, unless the broker is also licensed as a mobile home or manufactured home dealer under this chapter. A person who violates this section is guilty of an infraction.