

SECOND REGULAR SESSION

# SENATE BILL NO. 950

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time January 15, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4294S.011

## 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, 700.470, 700.525, and 700.650, RSMo, and to enact in lieu thereof fifteen new sections relating to manufactured housing, with penalty provisions.

*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700.056, 700.065, 700.070, 700.090, 700.100, 700.115, 700.450, 700.455, 700.470, 700.525, and 700.650, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 144.011, 700.010, 700.041, 700.045, 700.056, 700.065, 700.090, 700.095, 700.096, 700.097, 700.098, 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 the taxes imposed thereby, the definition of "retail sale" or "sale at retail" shall not be construed to include any of the following:

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

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

(3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;

(4) The transfer of tangible personal property to a corporation by a

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

14 shareholder as a contribution to the capital of the transferee corporation;

15 (5) The transfer of tangible personal property to a partnership solely in  
16 exchange for a partnership interest therein;

17 (6) The transfer of tangible personal property by a partner as a  
18 contribution to the capital of the transferee partnership;

19 (7) The transfer of tangible personal property by a corporation to one or  
20 more of its shareholders as a dividend, return of capital, distribution in the  
21 partial or complete liquidation of the corporation or distribution in redemption  
22 of the shareholder's interest therein;

23 (8) The transfer of tangible personal property by a partnership to one or  
24 more of its partners as a current distribution, return of capital or distribution in  
25 the partial or complete liquidation of the partnership or of the partner's interest  
26 therein;

27 (9) The transfer of reusable containers used in connection with the sale  
28 of tangible personal property contained therein for which a deposit is required  
29 and refunded on return;

30 (10) The purchase by persons operating eating or food service  
31 establishments, of items of a nonreusable nature which are furnished to the  
32 customers of such establishments with or in conjunction with the retail sales of  
33 their food or beverage. Such items shall include, but not be limited to, wrapping  
34 or packaging materials and nonreusable paper, wood, plastic and aluminum  
35 articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes,  
36 straws, sticks and toothpicks;

37 (11) The purchase by persons operating hotels, motels or other transient  
38 accommodation establishments, of items of a nonreusable nature which are  
39 furnished to the guests in the guests' rooms of such establishments and such  
40 items are included in the charge made for such accommodations. Such items  
41 shall include, but not be limited to, soap, shampoo, tissue and other toiletries and  
42 food or confectionery items offered to the guests without charge;

43 (12) The transfer of a manufactured home other than:

44 (a) A transfer which involves the delivery of the document known as the  
45 "Manufacturer's Statement of Origin" to a person other than a manufactured  
46 home dealer, as defined in section [700.450] **700.010**, RSMo, for purposes of  
47 allowing such person to obtain a title to the manufactured home from the  
48 department of revenue of this state or the appropriate agency or officer of any  
49 other state;

50 (b) A transfer which involves the delivery of a "Repossessed Title" to a

51 resident of this state if the tax imposed by sections 144.010 to 144.525 was not  
52 paid on the transfer of the manufactured home described in paragraph (a) of this  
53 subdivision;

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

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

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

62 (b) Posts or organizations of past or present members of the armed forces  
63 of the United States or an auxiliary unit or society of, or a trust or foundation for,  
64 any such post or organization substantially all of the members of which are past  
65 or present members of the armed forces of the United States or who are cadets,  
66 spouses, widows, or widowers of past or present members of the armed forces of  
67 the United States, no part of the net earnings of which inures to the benefit of  
68 any private shareholder or individual.

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

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

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

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

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

12 (4) "Dealer", any person, other than a manufacturer, who sells or offers  
13 for sale four or more **used homes, or one or more new** manufactured homes,

14 or **one or more new** modular units in any consecutive twelve-month period;

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

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

26 [(6)] (7) "Manufacturer", any person who manufactures manufactured  
27 homes, or modular units, including persons who engage in importing  
28 manufactured homes, or modular units for resale;

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

35 [(8)] (9) "New", being sold or offered for sale to the first purchaser for  
36 purposes other than resale;

37 [(9)] (10) "Person", an individual, partnership, corporation or other legal  
38 entity;

39 [(10)] (11) "Premises", a lot, plot, or parcel of land including the  
40 buildings, structures, and manufactured homes thereon;

41 [(11)] (12) "Recreational park trailer", a recreational park trailer as  
42 defined in the American National Standards Institute (ANSI) A119.5 Standard  
43 on Recreational Park Trailers. A recreational park trailer is not a recreational  
44 vehicle;

45 [(12)] (13) "Recreational vehicle", a recreational vehicle as defined in the  
46 American National Standards Institute (ANSI) A119.2 Standard on Recreational  
47 Vehicles;

48 [(13)] (14) "Seal", a device, label or insignia issued by the public service  
49 commission, U.S. Department of Housing and Urban Development, or its agent,  
50 to be displayed on the exterior of the manufactured home, or modular unit to

51 evidence compliance with the code;

52       [(14)] (15) "Setup", the operations performed at the occupancy site which  
53 renders a manufactured home or modular unit fit for habitation, which operations  
54 include, but are not limited to, moving, blocking, leveling, supporting, and  
55 assembling multiple or expandable units.

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

9       **2. Claims approved by the commission under law may be paid**  
10 **from the fund subject to appropriation. No claims shall be considered**  
11 **by the commission before all other legal remedies have been**  
12 **exhausted. The commission shall establish an advisory committee to**  
13 **assist with the evaluation of all claims filed by consumers. The**  
14 **committee members shall be volunteers and serve without**  
15 **compensation.**

16       **3. Notwithstanding the provisions of section 33.080, RSMo, to the**  
17 **contrary, moneys in the manufactured house consumer recovery fund**  
18 **shall not be transferred to the credit of the general revenue fund at the**  
19 **end of the biennium; however, the total amount in the manufactured**  
20 **housing consumer recovery fund shall not exceed thirty-two percent of**  
21 **the amount of the annual appropriation of the manufactured housing**  
22 **fund from the preceding fiscal year. Moneys in the manufactured**  
23 **housing consumer recovery fund may be transferred back to the**  
24 **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  
3 to sell any manufactured home or modular unit after January 1, 1977, unless  
4 there is in effect a registration with the commission;

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

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

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

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

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

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

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

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

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

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

10 (a) The name of the manufacturer;

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

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

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

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

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

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

25 (a) The name of the dealer;

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

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

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

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

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

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

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

**700.095. 1. Every dealer shall, on or before January fifteenth of  
2 each year, make application for registration or renewal and shall be**

3 required to maintain a bona fide established place of business and  
4 maintain a permanent enclosed building or structure, either owned in  
5 fee or leased and actually occupied as a place of business by the  
6 applicant for the selling, bartering, trading, or exchanging of  
7 manufactured homes or modular units where the public may contact  
8 the owner or operator at any reasonable time and where the books,  
9 records, files, and other matter required and necessary to conduct the  
10 business shall be kept and maintained.

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

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

20 4. Upon the payment of a registration of renewal fee of two  
21 hundred dollars, there shall be assigned to each dealer a certificate of  
22 registration in such form as the commission shall prescribe.

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

9 (1) Any manufacturer's invoice or invoices, certificate of origin,  
10 statement of origin, or title to any manufactured home or modular unit;

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

12 (3) Any affidavit provided under chapter 301, RSMo, or chapter  
13 407, RSMo;

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

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

17 2. For the purposes of this section, the term "law enforcement



18 **official" means any of the following:**

19 **(1) The attorney general, or any person designated by the**  
20 **attorney general to make such an inspection;**

21 **(2) Any prosecuting attorney or any person designate by the**  
22 **prosecuting attorney to make such an inspection;**

23 **(3) Any member of the highway patrol;**

24 **(4) Any sheriff or deputy sheriff;**

25 **(5) Any peace officer certified under chapter 590, RSMo, acting**  
26 **in his or her official capacity.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43           **4. The commission may order that any suspension, revocation, or**  
44 **probation ordered under subsection 3 of this section shall apply to all**  
45 **manufacturer's or dealer's registrations that are held by the same**  
46 **manufacturer or dealer or that are owned or controlled by the same**

47 **person or persons if a continued and consistent pattern of the**  
48 **violations have been identified by the commission to be present with**  
49 **each licensee under the same control or ownership.**

700.115. 1. Except as otherwise provided in subsections 2 and 3 of this  
2 section, a violation of the provisions of sections 700.010 to 700.115 shall  
3 constitute a violation of the provisions of section 407.020, RSMo. In addition to  
4 the authority vested in the attorney general to enforce the provisions of that  
5 section, he may petition the court and the court may enter an order revoking the  
6 registration certificate of the defendant or defendants issued pursuant to the  
7 provisions of section 700.090.

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

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

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

- 3 (1) "Abandoned", a physical absence from the property, and either:  
4 (a) Failure by a renter of real property to pay any required rent for fifteen  
5 consecutive days, along with the discontinuation of utility service to the rented  
6 property for such period; or  
7 (b) Indication of or notice of abandonment of real property rented from a  
8 landlord;  
9 (2) "Manufactured home", a factory-built structure as defined in  
10 subdivision [(5) or (7)] **(6) or (8)** of section 700.010.

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

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

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

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

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

11 (4) "Installation", work undertaken at the place of occupancy to ensure the  
12 proper initial setup of a manufactured home which shall include the joining of all  
13 sections of the home, installation of stabilization, support, and leveling systems,  
14 assembly of multiple or expanded units, and installation of applicable utility  
15 hookups and anchoring systems that render the home fit for habitation;

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

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

20 (7) "Manufactured home", a manufactured home as that term is defined  
21 in subdivision (5) of section 700.010;

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

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

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

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

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

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

8 (3) "Manufactured home", a factory-built structure or

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

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

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

[700.455. 1. Every dealer shall, on or before January  
2 fifteenth of each year, instead of registering each manufactured  
3 home dealt in, make a verified application, upon a blank for such  
4 purpose to be furnished by the commission, for a distinctive  
5 number for all the manufactured homes dealt in or controlled by  
6 such dealer. The application shall contain, but need not be limited  
7 to:

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

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

23 to conduct the business shall be kept and maintained.

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

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

33 4. On the payment of a registration fee of fifty dollars there  
34 shall be assigned to each dealer a certificate of registration in such  
35 form as the commission shall prescribe.]

[700.470. 1. The commission may refuse to register an  
2 applicant as a dealer, or may suspend the registration of an  
3 existing dealer from one day to thirty days, or revoke the  
4 registration of a dealer, after a written notice and a hearing when  
5 he is satisfied that the applicant or dealer has failed to comply  
6 with the provisions set out in sections 700.450 to  
7 700.470. Notification of unfavorable action by the commission on  
8 any application for registration or renewal of registration must be  
9 accompanied by a notice informing the recipient that the decision  
10 of the director may be appealed as provided in chapter 536, RSMo.

11 2. It shall be unlawful for any person to hold forth or act as  
12 a dealer who is not currently registered as a dealer by the  
13 commission as required by sections 700.450 to 700.470.]

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