

REFERENCE TITLE: **manufactured housing; escrow account**

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1423

Introduced by
Senator Reagan

AN ACT

**AMENDING SECTIONS 41-2180, 41-2186, 41-2189, 41-2190 AND 41-2193, ARIZONA
REVISED STATUTES; RELATING TO MANUFACTURED HOUSING.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2180, Arizona Revised Statutes, is amended to
3 read:

4 41-2180. Trust and escrow requirements; rules; exemptions

5 A. BEGINNING JULY 1, 2012, EACH DEALER OR BROKER LICENSED PURSUANT TO
6 THIS ARTICLE SHALL ESTABLISH AN INDEPENDENT ESCROW ACCOUNT WITH AN
7 INDEPENDENT FINANCIAL INSTITUTION OR ESCROW AGENT AUTHORIZED TO HANDLE SUCH
8 AN ACCOUNT IN THIS STATE AS PRESCRIBED BY TITLE 6, CHAPTER 7 OR 8, FOR EACH
9 TRANSACTION INVOLVING:

10 1. A NEW MANUFACTURED HOME.

11 2. A NEW FACTORY-BUILT BUILDING DESIGNED FOR USE AS A RESIDENTIAL
12 DWELLING.

13 3. A MANUFACTURED HOME, MOBILE HOME OR FACTORY-BUILT BUILDING DESIGNED
14 FOR USE AS A RESIDENTIAL DWELLING THAT IS PREVIOUSLY OWNED AND THAT HAS A
15 PURCHASE PRICE OF FIFTY THOUSAND DOLLARS OR MORE.

16 B. FOR THE PURPOSES OF SUBSECTION A OF THIS SECTION, A FINANCIAL
17 INSTITUTION OR ESCROW AGENT IS INDEPENDENT IF THE INDIVIDUAL OR ENTITY IS NOT
18 CONTROLLED BY THE LICENSEE, A FAMILY MEMBER OF THE LICENSEE OR A BUSINESS
19 AFFILIATED WITH THE LICENSEE AND THE LICENSEE, FAMILY MEMBER OR BUSINESS
20 AFFILIATE DOES NOT HAVE A MAJORITY INTEREST IN THE FINANCIAL INSTITUTION OR
21 ESCROW AGENT.

22 C. THE OWNER OF A MOBILE HOME PARK WHO ALSO IS OR OWNS A DEALERSHIP
23 LICENSED PURSUANT TO THIS ARTICLE TO SELL NEW UNITS MAY SELL A NEW
24 MANUFACTURED HOME OR A NEW FACTORY-BUILT BUILDING DESIGNED FOR USE AS A
25 RESIDENTIAL DWELLING AS A LICENSEE WITHOUT COMPLYING WITH SUBSECTION A OF
26 THIS SECTION IF ALL OF THE FOLLOWING APPLY:

27 1. THE HOME WILL BE SITED IN A MOBILE HOME PARK THAT IS OWNED BY THE
28 PARK OWNER.

29 2. AT THE TIME OF THE SALE, THE PARK OWNER HAS ON FILE AT THE OFFICE
30 OF MANUFACTURED HOUSING THE NAME AND ADDRESS OF ALL MOBILE HOME PARKS OWNED
31 BY THE PARK OWNER, THE NAME, ADDRESS AND LICENSE NUMBER OF THE LICENSED
32 DEALERSHIP AND DOCUMENTATION SHOWING THAT THE PARK OWNER IS AT LEAST A
33 MAJORITY OWNER OF, AND CONTROLS, THE LICENSED DEALERSHIP.

34 3. AT THE TIME OF THE SALE, THE PARK OWNER HAS POSTED WITH THE OFFICE
35 OF MANUFACTURED HOUSING A DEALER BOND IN AN AMOUNT OF AT LEAST ONE HUNDRED
36 THOUSAND DOLLARS IN A FORM SATISFACTORY TO THE OFFICE OF MANUFACTURED
37 HOUSING.

38 ~~A-~~ D. Each dealer or broker who is licensed pursuant to this article
39 and who sells manufactured homes, mobile homes or factory-built buildings
40 designed for use as residential dwellings or A MANUFACTURED HOME, MOBILE HOME
41 OR FACTORY-BUILT BUILDING DESIGNED FOR USE AS A RESIDENTIAL DWELLING THAT IS
42 PREVIOUSLY OWNED AND THAT HAS A PURCHASE PRICE OF LESS THAN FIFTY THOUSAND
43 DOLLARS shall maintain a trust account or an escrow account with a financial
44 institution or escrow agent located in this state and shall deposit all
45 earnest money received for the sale of manufactured homes, mobile homes or

1 factory-built buildings designed for use as residential dwellings in such
2 account. The department shall conduct an audit of each dealer's or broker's
3 trust or escrow account at least once every two years. BEGINNING JULY 1,
4 2012, A PURCHASER UNDER THIS SUBSECTION MAY REQUEST THAT THE DEALER OR BROKER
5 ESTABLISH AN INDEPENDENT ESCROW ACCOUNT AND IF SUCH A REQUEST IS MADE THE
6 DEALER OR BROKER SHALL COMPLY WITH THIS SUBSECTION BY COMPLYING WITH
7 SUBSECTION A OF THIS SECTION.

8 ~~B.~~ E. All dealers or brokers shall notify the deputy director in
9 writing when the trust or escrow account has been established by indicating
10 the name and number of the account and the name and location of the financial
11 institution used.

12 ~~C.~~ F. The dealer or broker, in writing, shall authorize the
13 depository to release any and all information relative to trust or escrow
14 accounts to the deputy director or ~~his~~ THE DEPUTY DIRECTOR'S agent, employee
15 or deputy.

16 ~~D.~~ G. The dealer's or broker's earnest money receipt book shall
17 reflect all earnest monies received and shall be at the minimum in duplicate
18 and consecutively numbered.

19 ~~E.~~ H. All earnest monies shall be deposited in the escrow account or
20 trust fund account no later than the close of the second banking business day
21 after receipt.

22 I. THE TERMS OR INSTRUCTIONS FOR ANY ESCROW ACCOUNT OPENED UNDER
23 SUBSECTION A OR D OF THIS SECTION ARE DEEMED TO BE AND ENFORCEABLE AS PART OF
24 THE PURCHASE CONTRACT. ALL PARTIES TO THE PURCHASE CONTRACT AND THE LICENSEE
25 SHALL SIGN THE TERMS AND INSTRUCTIONS. IF PRACTICABLE, THE ESCROW TERMS OR
26 INSTRUCTIONS SHALL BE INCLUDED IN THE PURCHASE CONTRACT OR STATED IN AN
27 ADDENDUM TO THE PURCHASE CONTRACT. THE LICENSEE SHALL PROVIDE A COPY OF THE
28 PURCHASE CONTRACT TO THE ESCROW AGENT EVEN IF THE ESCROW TERMS OR
29 INSTRUCTIONS ARE CONTAINED IN A SEPARATE DOCUMENT. THE LICENSEE SHALL
30 PROMPTLY PROVIDE THE ESCROW ACCOUNT INFORMATION TO ALL PARTIES TO THE
31 PURCHASE CONTRACT ONCE THE ACCOUNT IS OPENED.

32 J. AT A MINIMUM, THE ESCROW TERMS OR INSTRUCTIONS SHALL CONTAIN:

33 1. IDENTIFICATION OF THE ESCROW AGENT WITH INFORMATION CONTAINING AT
34 LEAST THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE AGENT.

35 2. ALL CONDITIONS OR REQUIREMENTS THAT AFFECT OR PERTAIN TO CLOSING
36 THE ESCROW ACCOUNT AND DISBURSEMENT OF THE MONIES IN THE ACCOUNT.

37 3. ANY CONDITIONS OR REQUIREMENTS WHERE MONIES ARE TO BE DISBURSED
38 FROM THE ESCROW ACCOUNT IN ADVANCE OF THE ACCOUNT BEING CLOSED.

39 4. ANY CONDITIONS OR REQUIREMENTS WHERE ADDITIONAL MONIES OR DOCUMENTS
40 MUST BE DEPOSITED WITH AN ESCROW AGENT AFTER THE ESCROW ACCOUNT IS OPENED.

41 ~~F.~~ K. A dealer or broker may deposit and maintain up to two hundred
42 dollars in the trust account to offset service charges that may be assessed
43 by the financial institutions.

44 ~~G.~~ L. Every deposit into a trust account shall be made with a deposit
45 slip ~~which~~ THAT identifies each transaction as follows:

1 1. The amount of deposit.
2 2. The names of all parties involved in the transaction.
3 All receipts for monies deposited in escrow shall be made accountable by
4 containing the same information.
5 ~~H.~~ M. A complete record shall be retained by the dealer's or broker's
6 office of all earnest monies received. The record shall contain provisions
7 for entering:
8 1. The amount received.
9 2. From whom the money was received.
10 3. The date of receipt.
11 4. The place of deposit.
12 5. The date of deposit.
13 6. The daily balance of the trust fund account deposit of each
14 transaction.
15 7. When the transaction has been completed.
16 8. THE date and payment for all goods and services the dealer has
17 contracted to provide.
18 ~~I.~~ N. All earnest money deposited in the trust or escrow account
19 shall be held in such account until one of the following is completed:
20 1. An application for title transfer has been made.
21 2. The transaction involved is consummated or terminated and a
22 complete accounting is made.
23 ~~J.~~ O. ~~Upon~~ ON completion ~~of~~ PURSUANT TO subsection ~~I.~~ N of this
24 section, the earnest money deposit shall be conveyed to the lending
25 institution or the dealer, broker, purchaser, seller, manufacturer or
26 lienholder, whichever is applicable.
27 ~~K.~~ P. The dealer or broker shall retain true copies of the purchase
28 agreements, earnest money receipts, depository receipts, evidence of delivery
29 documents and evidence of consummation of sale or termination of sale for a
30 period of three years.
31 ~~L.~~ Q. The deposits referred to in this section shall not be ~~utilized~~
32 USED for any purpose other than the transaction for which they were provided.
33 ~~M.~~ R. Notwithstanding any other provision of this section AND EXCEPT
34 THAT THIS SUBSECTION DOES NOT APPLY TO AN INDEPENDENT ESCROW ACCOUNT
35 ESTABLISHED PURSUANT TO SUBSECTION A OF THIS SECTION, before an event listed
36 under subsection ~~I.~~ N of this section is completed, a licensed dealer may
37 release trust account earnest monies to pay for flooring or inventory for the
38 unit that is the subject of the transaction for which the earnest monies were
39 provided. Either a licensed dealer or broker may release trust account
40 earnest monies to pay other lawfully imposed interim loan amounts and charges
41 imposed by a financial institution or other bona fide lender on the unit that
42 is the subject of the transaction for which the earnest monies were provided.
43 The dealer or broker shall not make any payment out of trust account monies
44 pursuant to this subsection unless done in compliance with all of the
45 following:

1 1. The payment is made no more than ten business days ~~prior to~~ BEFORE
2 the completion date pursuant to subsection ~~I~~ N of this section.

3 2. The payment is made directly to the financial institution or other
4 bona fide lender.

5 3. The payment is recorded in the dealer's or broker's records under
6 this section and documented by a receipt, a payment record or any other
7 evidence from the financial institution or lender.

8 4. If the transaction is terminated, the dealer or broker replaces the
9 amount of the payment in the trust account within three business days after
10 receiving written notification of the termination.

11 This subsection does not affect any other rights or obligations between the
12 purchaser and the licensed dealer or broker.

13 ~~N~~ S. The board shall adopt separate rules for dealer trust and
14 escrow accounts and broker trust and escrow accounts. At a minimum, these
15 rules shall contain trust and escrow account requirements for the following:

- 16 1. Record keeping.
- 17 2. Administration.
- 18 3. Service fees or charges.
- 19 4. Deposits.
- 20 5. Advances or payments out of trust and escrow accounts.
- 21 6. Closing or termination of sales transactions.
- 22 7. Auditing or investigation of trust or escrow account complaints.

23 ~~O~~ T. This section shall not apply to a real estate broker or
24 salesperson licensed pursuant to section 32-2122 and pursuant to this article
25 when the unit is sold in conjunction with real estate.

26 Sec. 2. Section 41-2186, Arizona Revised Statutes, is amended to read:
27 41-2186. Grounds for disciplinary action

28 The deputy director may, ~~upon~~ ON the deputy director's own motion, and
29 shall, ~~upon~~ ON the complaint in writing of any person, cause to be
30 investigated by the office the acts of any manufacturer, dealer, broker,
31 salesperson or installer licensed with the office and may temporarily suspend
32 or permanently revoke any license issued under this article, impose an
33 administrative penalty or place on probation any licensee, if the holder of
34 the license, while a licensee, is guilty of or commits any of the following
35 acts or omissions:

36 1. Failure in any material respect to comply with this article or
37 article 2 of this chapter.

38 2. Violation of any rule that is adopted by the board and that
39 pertains to the construction of any unit or of any rule that is adopted by
40 the board and that is necessary to effectively carry out the intent of this
41 article, article 2 of this chapter or the laws of the United States or of
42 this state.

43 3. Misrepresentation of a material fact by the applicant in obtaining
44 a license.

- 1 4. Aiding or abetting an unlicensed person or knowingly combining or
2 conspiring with an unlicensed person to evade this article or article 2 of
3 this chapter, or allowing one's license to be used by an unlicensed person or
4 acting as an agent, partner or associate of an unlicensed person with intent
5 to evade this article or article 2 of this chapter.
- 6 5. Conviction of a felony.
- 7 6. The doing of a wrongful or fraudulent act by a licensee ~~which~~ THAT
8 relates to this article or article 2 of this chapter, **INCLUDING, BEGINNING**
9 **JULY 1, 2012, FAILURE TO COMPLY WITH SECTION 41-2180, SUBSECTION A.**
- 10 7. Departure from or disregard of any code or any rule adopted by the
11 board.
- 12 8. Failure to disclose or subsequent discovery by the office of facts
13 ~~which~~ THAT, if known at the time of issuance of a license or the renewal of a
14 license, would have been grounds to deny the issuance or renewal of a
15 license.
- 16 9. Knowingly entering into a contract with a person not duly licensed
17 in the required classification for work to be performed for which a license
18 is required.
- 19 10. Acting in the capacity of a licensee under any license issued under
20 this article in a name other than as set forth ~~upon~~ ON the license.
- 21 11. Acting as a licensee while the license is under suspension.
- 22 12. Failure to respond relative to a verified complaint after notice of
23 such complaint.
- 24 13. Violation of title 28, chapter 10 or rules adopted pursuant to
25 title 28, chapter 10, except for the licensing requirements of sections
26 28-4334, 28-4335, 28-4361, 28-4362, 28-4364, 28-4401 and 28-4402.
- 27 14. False, misleading or deceptive sales practices by a licensee in the
28 sale or offer of sale of any unit regulated by this article or article 2 of
29 this chapter.
- 30 15. Failure to remit the consumer recovery fund fee pursuant to section
31 41-2189.
- 32 16. Acting as a salesperson while not employed by a dealer or broker.
- 33 17. As a salesperson, representing or attempting to represent a dealer
34 or broker other than by whom the salesperson is employed.
- 35 18. Failure by a salesperson to promptly place all cash, checks and
36 other items of value and any related documents received in connection with a
37 sales transaction in the care of the employing dealer or broker.
- 38 19. Failure to provide all agreed on goods and services.
- 39 20. Failure to manufacture or install in a workmanlike manner all
40 subassemblies, units and accessory structures ~~which~~ THAT are suitable for
41 their intended purpose.
- 42 21. Failure of the licensee to work only within the scope of the
43 license held.
- 44 22. An action by a licensee, who is also a mobile home park owner,
45 manager, agent or representative, that restricts a resident's or prospective

1 resident's access to buyers, sellers or licensed dealers or brokers in
2 connection with the sale of a home or the rental of a space, that the
3 department finds constitutes a violation of section 33-1434, subsection B or
4 section 33-1452, subsection E or that violates any law or regulation relating
5 to fair housing or credit practices.

6 Sec. 3. Section 41-2189, Arizona Revised Statutes, is amended to read:
7 41-2189. Funding and assessments

8 A. A dealer or broker of manufactured homes, mobile homes or
9 factory-built buildings designed for use as residential dwellings shall pay,
10 in addition to the license or renewal fee, a fee established by the board of
11 not to exceed thirty dollars for each unit **THAT IS** sold **AND THAT IS SUBJECT**
12 **TO SECTION 41-2180, SUBSECTION D**, for deposit into the consumer recovery
13 fund. The fee is payable to the office by the fifteenth day of the month
14 following the month in which the sale is consummated.

15 ~~B. If the balance remaining in the consumer recovery fund is less than~~
16 ~~two hundred thousand dollars, a dealer or broker of manufactured homes,~~
17 ~~mobile homes or factory-built buildings designed for use as residential units~~
18 ~~shall, when renewing a license for the following calendar year, pay in~~
19 ~~addition to the renewal fee a fee of not to exceed fifty dollars for deposit~~
20 ~~into the fund. If the balance in the consumer recovery fund exceeds four~~
21 ~~hundred thousand dollars, the board may relieve licensees of the per unit~~
22 ~~fee.~~

23 ~~C. B.~~ Chapter 6 of this title does not apply to the setting of fees
24 under this section.

25 ~~D. C.~~ An amount not to exceed seventy-five per cent of the previous
26 fiscal year's interest earned on the consumer recovery fund may be expended
27 by the director, with the approval of the board. The expenditure shall be
28 used for consumer and licensee education in connection with the manufactured
29 housing and factory-built building industry, and all monies up to a maximum
30 of fifty thousand dollars remaining unexpended and unencumbered at the end of
31 each fiscal year may be used for consumer and licensee education in
32 succeeding fiscal years and do not revert to the consumer recovery fund.

33 Sec. 4. Section 41-2190, Arizona Revised Statutes, is amended to read:
34 41-2190. Recovery from fund; claim against licensee;
35 subrogation; appeal; statute of limitations

36 A. If any consumer who is buying or selling the consumer's home uses
37 the services of a licensed dealer or broker of manufactured homes, mobile
38 homes or factory-built buildings designed for use as residential buildings
39 and is damaged as a result of an act or omission by a licensed dealer or
40 broker of manufactured homes, mobile homes or factory-built buildings
41 designed for use as residential buildings ~~which~~ **THAT** constitutes a violation
42 of section 41-2180, or rules adopted pursuant to that section, **AND THE SALE**
43 **IS SUBJECT TO SECTION 41-2180, SUBSECTION D**, that consumer may file a claim
44 with the office for payment from the consumer recovery fund. The claim shall
45 be verified by the office.

1 B. If any consumer of manufactured homes, mobile homes or
2 factory-built buildings designed for use as residential buildings is damaged
3 by the failure of the principal to perform a sales agreement or to perform
4 repairs under a warranty **AND THE SALE IS SUBJECT TO SECTION 41-2180,**
5 **SUBSECTION D**, the consumer may file a claim with the office for payment from
6 the consumer recovery fund. The claim shall be verified by the office.

7 C. ~~Upon~~ **ON** verification of the claim for payment, the deputy director
8 shall provide for a hearing pursuant to chapter 6, article 10 of this
9 title.

10 D. The board shall pay from the consumer recovery fund whatever sum
11 the administrative law judge finds payable ~~upon~~ **ON** the claim. A decision
12 granting a claim shall include an order suspending the license of the
13 licensee ~~upon~~ **ON** whose account the claim was filed. Such a license shall
14 remain on suspension until the licensee has repaid in full, plus interest at
15 the rate of ten per cent per year, the amount paid from the consumer recovery
16 fund on the licensee's account.

17 E. Any party aggrieved by the administrative law judge's decision may
18 apply for a rehearing by filing with the deputy director a motion in writing
19 pursuant to chapter 6, article 10 of this title. The filing of a motion for
20 rehearing shall suspend the operation of the administrative law judge's order
21 pending the decision of the director ~~upon~~ **ON** the rehearing.

22 F. Except as provided in section 41-1092.08, subsection H, any person
23 aggrieved by a final administrative decision may seek judicial review
24 pursuant to title 12, chapter 7, article 6.

25 G. The consumer recovery fund has a claim against the licensee on
26 whose account a claim was granted **OR ANY OTHER PERSON WHO CAUSED OR**
27 **CONTRIBUTED TO A CLAIM PAID BY THE CONSUMER RECOVERY FUND** for the amount paid
28 plus costs, necessary expenses and reasonable attorney fees.

29 H. The deputy director is subrogated to the claim of the consumer
30 recovery fund against the bond and other assets of the licensee. The deputy
31 director shall deposit any amount recovered into the consumer recovery fund.

32 I. If, at any time, the money deposited in the consumer recovery fund
33 is insufficient to satisfy any duly authorized claim or portion of a claim,
34 the board ~~shall~~, when sufficient money has been deposited in the consumer
35 recovery fund, **SHALL** satisfy such unpaid claims or portions of claims in the
36 order that such claims or portions of claims were originally filed.

37 J. A consumer pursuant to subsection A or B of this section is barred
38 from commencing an application for payment from the consumer recovery fund
39 later than two years from the date of sale or date of installation, whichever
40 is later.

41 Sec. 5. Section 41-2193, Arizona Revised Statutes, is amended to read:

42 **41-2193. Enforcement powers of deputy director and office**
43 **personnel; civil and administrative penalties**

44 A. The deputy director, personnel of the office and personnel under
45 contract to the office, ~~upon~~ **ON** presentation of credentials, shall be

1 permitted to enter and inspect premises where units regulated by this chapter
2 are manufactured, sold or installed as the deputy director may deem
3 appropriate to determine if any person has violated this chapter. No person
4 licensed by the office may refuse to admit the deputy director or the
5 personnel of the office or personnel under contract if the proper credentials
6 are presented and the inspection is made at a reasonable time.

7 B. If the deputy director has reasonable cause to believe a unit is
8 being offered for sale by a party required to be licensed but not licensed as
9 a dealer or broker by the office or is in violation of this chapter, or the
10 rules, regulations or standards ~~promulgated~~ ADOPTED pursuant to this chapter,
11 the office shall serve ~~upon~~ ON the manufacturer, dealer, broker or installer
12 a notice of violation, which may be affixed to the unit in violation and, if
13 affixed to the unit, shall not be removed by anyone without the authorization
14 of the office.

15 C. If there is reasonable cause to believe, from information furnished
16 to the deputy director or from an investigation instituted by the deputy
17 director, that any person is engaged in a business regulated by this article
18 without being licensed as required by law, the deputy director shall issue
19 and serve ~~upon~~ ON the person, by certified mail, a cease and desist order
20 requiring the person immediately, ~~upon~~ ON receipt of the notice, to cease and
21 desist from engaging in such business. ~~Upon~~ ON failure of such person to
22 comply with the order, the deputy director shall file an action in the
23 superior court in Maricopa county restraining and enjoining the person from
24 engaging in such business. The court in the action shall proceed as in other
25 actions for injunctions.

26 D. If in the judgment of the deputy director any person has engaged,
27 or is about to engage, in any acts or practices ~~which~~ THAT constitute, or
28 will constitute, a violation of this chapter, the rules, regulations or
29 standards ~~promulgated~~ ADOPTED pursuant to this chapter or an order issued
30 pursuant to this chapter, the deputy director may make application to the
31 appropriate court for an order enjoining such acts or practices. ~~Upon~~ ON a
32 showing by the deputy director that such person has engaged in, or is about
33 to engage in, any such acts or practices, an injunction, restraining order or
34 such other order as may be appropriate shall be granted by such court without
35 bond. On a showing by the deputy director that a licensee has wrongfully
36 withdrawn, or is about to wrongfully withdraw, funds required to be held in
37 the licensee's trust account, an injunction, restraining order or such other
38 order as may be appropriate to prevent a licensee from wrongfully withdrawing
39 trust account ~~funds~~ MONIES shall be granted by the court. ~~Upon~~ ON granting a
40 permanent injunction, the court may impose a civil penalty not exceeding one
41 thousand dollars for each violation.

42 E. In any investigation, proceeding or hearing ~~which~~ THAT the deputy
43 director may institute, conduct or hold under this article, the deputy
44 director, or a representative designated by the deputy director, may
45 administer oaths, certify to official acts, issue subpoenas for attendance of

1 witnesses and production of books, papers and records and exercise the same
2 powers in this regard as conferred ~~upon~~ ON public officers by ~~the provisions~~
3 ~~of~~ section 12-2212.

4 F. After any hearing ~~which~~ THAT the deputy director may institute,
5 conduct or hold under this article, the deputy director or a representative
6 designated by the deputy director may impose an administrative penalty in an
7 amount of not to exceed one thousand dollars for each violation. All monies
8 collected pursuant to this subsection shall be deposited in the STATE general
9 fund.

10 G. BEGINNING JULY 1, 2012, THE DIRECTOR OR DEPUTY DIRECTOR MAY REFER
11 TO THE ATTORNEY GENERAL OR A COUNTY ATTORNEY FOR CRIMINAL OR CIVIL
12 INVESTIGATION THE RESULTS OF ANY INVESTIGATION THAT INDICATE THE EXISTENCE OF
13 THE ELEMENTS OF FRAUD, INCLUDING INVESTIGATIVE INFORMATION REGARDING ANY
14 PERSON OR ENTITY THAT, ALTHOUGH NOT A LICENSEE UNDER THIS ARTICLE, HAS A
15 BUSINESS OR OTHER RELATIONSHIP TO A LICENSEE OR TO A MANUFACTURED HOME
16 TRANSACTION UNDER THIS ARTICLE.

17 ~~G.~~ H. If an inspection reveals that a mobile home entering this state
18 for sale or installation is in violation of this chapter, the office may
19 order its use discontinued and the mobile home or any portion of the mobile
20 home vacated. The order to vacate shall be served on the person occupying
21 the mobile home and copies of the order shall be posted at or on each exit of
22 the mobile home. The order to vacate shall include a reasonable period of
23 time in which the violation can be corrected. A person shall not occupy or
24 use a mobile home in violation of an order to vacate.

25 ~~H.~~ I. If construction, rebuilding or any other work is performed in
26 violation of this chapter or any rule adopted pursuant to this chapter, the
27 office may order the work stopped. The order to stop work shall be served on
28 the person doing the work or on the person causing the work to be done. The
29 person served with the order shall immediately cease the work until
30 authorized by the office to continue.