

CHAPTER 327

HOTELS, PUBLIC RESORTS, MOBILE HOMES

	HOTELS		
327.01	Liability to guest.	327.32	Uniform standards code established.
327.02	Baggage; loss, injury; limitation of liability.	327.33	Administration.
		327.34	Penalties.
327.03	Liability of keeper.		MOBILE HOME LOT
327.04	Other loss or injury.		RENTALS, WARRANTIES
327.05	Liens.	327.41	Definitions.
327.06	Retention of baggage.	327.42	Lot rental agreements.
327.07	Fraud.	327.43	Entrance and transfer fees prohibited; security deposits limited.
327.08	Proof of fraud.		Termination for cause.
327.09	Equal rights in hotels and other public places.	327.44	Utility rates.
		327.45	Access.
327.091	Setting fire to hotel belongings.	327.452	Retaliatory conduct prohibited.
327.095	Blind or deaf persons accompanied by guide dogs; discrimination prohibited.	327.46	Penalties for violations.
		327.47	Damages.
	TOURIST CAMPS		MOBILE HOME SALES
327.10	Lodging establishment operator, duties.	327.51	Definitions.
327.11	Guest, registration.	327.52	Implied warranties.
327.12	Registration records, inspection.	327.53	Limitation, exclusion or modification of warranty.
327.13	Violation.		Honoring of warranties; duration.
	MOBILE HOME PARKS	327.54	Manufacturers and dealers; licenses.
	AND CAMPING AREAS	327.551	Dealer's records.
327.14	Definitions.	327.552	Responsibility of dealers.
327.15	License for mobile home park and recreational camping area.	327.553	Duties.
		327.554	Prohibitions.
327.16	Application.	327.56	Remedies and enforcement.
327.18	Licenses; revocation, suspension.		MOBILE HOME REPOSSESSION
327.20	Rules.		SECURITY ACT
327.23	Construction of terms; municipal parks.	327.61	Citation.
327.24	Enforcement.	327.62	Definitions.
327.25	Operation, part of year.	327.63	Applicability.
327.26	No local licenses.	327.64	Notice of default; service and return.
327.27	Regulatory provisions.	327.65	Court order.
327.28	Unlawful parking of mobile homes.	327.66	Cure of default.
327.29	Informational report.	327.67	Filing of order.
	MOBILE HOMES BUILDING CODE		
327.31	Definitions.		

HOTELS

327.01 LIABILITY TO GUEST.

No inn or hotel keeper who has constantly in his or its inn or hotel a metal safe or suitable vault in good order and fit for the custody of money, bank notes, jewelry, articles of gold and silver manufacture, precious stones, personal ornaments, railway mileage books or tickets, negotiable or valuable papers, and bullion, and who keeps on the doors of the sleeping rooms used by guests suitable locks or bolts and suitable fastenings on the transoms and windows of the rooms, and who keeps a copy of this section, printed in distinct type, constantly and conspicuously posted in the office and on the inside of the entrance door of every bedroom and of every parlor and other public room in the building, shall be liable for the loss of or injury to property suffered by any guest unless such guest has offered to deliver the same to such innkeeper or hotel keeper for custody in such metal safe or vault, and such innkeeper or hotel keeper has omitted or refused to take the same and deposit it in such safe or vault for custody and to give such guest a receipt therefor. The keeper of any such inn or hotel shall not be liable for the loss, destruction, or injury of or to any property hereinbefore described for more than the sum of \$300 unless the same shall be lost, destroyed, or injured through theft or negligence of such innkeeper or hotel keeper. No keeper of any inn or hotel shall be required to accept for safe-keeping, as aforesaid, property in excess of the value of \$500 unless such acceptance thereof is in writing.

History: 1919 c 511 s 1; 1921 c 479 s 1 (7312)

327.02 BAGGAGE; LOSS, INJURY; LIMITATION OF LIABILITY.

For the loss of or injury to the kind of baggage or property enumerated in this section, when actually delivered to the hotel proprietor or innkeeper for safe-keeping elsewhere than in the room assigned to such guest, the hotel proprietor or innkeeper shall not be liable unless such hotel proprietor or innkeeper shall have given the guest a check or receipt therefor to evidence such delivery; and when so received and checked the liability shall be limited to the following amounts:

- \$150 for each trunk and its contents;
- \$ 50 for each valise or traveling-case and its contents;
- \$ 10 for each box, parcel, or package and its contents; and
- \$ 50 for wearing apparel.

If any such property of a guest when not so delivered for safe-keeping shall be lost or injured in such hotel or inn through the negligence of such hotel proprietor or innkeeper, such hotel proprietor or innkeeper shall be liable for the actual value thereof.

History: 1919 c 511 s 2 (7313)

327.03 LIABILITY OF KEEPER.

The liability of the keeper of a hotel or inn for loss, injury, or damage to the personal property of a guest of the character described in section 327.02, while contained in the room assigned to such guest, shall be that of a bailee for hire, and such liability shall not exceed for any one guest on account of such property the sum of \$500, provided, that such loss or damage to such property shall not have resulted from the fault or negligence of such hotel or innkeeper.

History: 1921 c 479 s 2 (7314)

327.04 OTHER LOSS OR INJURY.

For the loss of or injury to baggage or property of a guest not enumerated in sections 327.01 or 327.02, such as trunks, valises, traveling-cases, or other receptacles not suitable to be placed in the safe, containing property of special or unusual value delivered to the hotel proprietor or innkeeper for safe-keeping or other purpose, the hotel proprietor or innkeeper shall not be liable unless the owner or person delivering such property shall at the time of such delivery acquaint the hotel proprietor or innkeeper with the approximate value thereof, and, if demanded, with the nature of the contents thereof, and such hotel proprietor or innkeeper shall receive such property and give a check or receipt therefor; and, in such case, the liability shall not exceed the actual value of such receptacle and contents lost or the amount of the actual injury thereto.

When any person shall suffer his baggage or property to remain in any hotel after leaving such hotel as a guest, and after the relation of innkeeper and guest has ceased, or shall forward the same to such hotel before becoming a guest, and the same shall be received into such hotel, such hotel proprietor, after the lapse of ten days, may, at his or its option, hold such baggage or property at the risk of such owner, or he shall have the right to deposit such baggage or property in a storage warehouse, in which event he shall take from the proprietor of such storage warehouse a receipt for the same, in the name of the owner thereof, and hold the same for such owner; and such hotel proprietor, after he shall have so deposited such baggage or property in such storage warehouse, shall not be responsible for the loss thereof to such owner, provided he shall deliver to the owner of such baggage or property the storage warehouse receipt upon demand. Proof, on behalf of the guest, of the bringing of his property to the hotel or inn under the foregoing provisions, the loss thereof, and ordinary care on his part, shall be proof prima facie of negligence on the part of the hotel keeper or innkeeper.

History: 1919 c 511 s 3 (7315)

327.05 LIENS.

Every innkeeper, hotel keeper, and keeper of a boarding house or lodging house, whether individual, copartnership, or corporation, shall have a lien upon and may retain the possession of all the baggage and other effects brought into his or its inn, hotel, boarding house, or lodging house by any guest, boarder, or lodger, whether the same is the individual property of such guest, boarder, or lodger or under his control, or the property of any other person for whose board, lodging, or other accommodation the person contracting for such board and lodging is liable for the proper charges owing such innkeeper, hotel keeper, or keeper of a boarding house or lodging house for any board, lodging, or other accommodation furnished to or for such guest, boarder, or lodger, and for all money paid out for or advanced to any such guest, boarder, or lodger, not to exceed the sum of \$200, and for such extras as are furnished at the written request signed by such guest, boarder, or lodger until the amount of such charges is paid, and any execution, attachment, or other process levied upon such baggage or effects shall be subject to such innkeeper's lien and the cost of satisfying it.

History: 1919 c 511 s 4 (7316)

327.06 RETENTION OF BAGGAGE.

The innkeeper or hotel keeper may retain such baggage and other property upon which he has a lien for goods, board, or lodging furnished to the owner thereof, for a period of 90 days, at the expiration of which time, if such lien is not satisfied, such baggage and other property may be sold at public auction to satisfy the lien and the costs of sale. The sale shall be made by a sheriff or constable upon the notice and in the manner provided for in the case of sale under execution from justice courts.

History: 1919 c 511 s 5 (7317)

327.07 FRAUD.

Any person who shall obtain food, lodging, or other accommodations at any hotel, lodging house, inn, boarding or eating house, without paying therefor, with intent to defraud the owner or manager thereof, or who obtains credit at any hotel, lodging house, inn, boarding or eating house by or through any false pretense, or by or through the aid, assistance, or influence of any baggage or effects in his possession and control, but not actually belonging to such person, shall be guilty of a misdemeanor; and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$100 or by imprisonment in the county jail for not more than 90 days.

History: 1919 c 511 s 6 (7318)

327.08 PROOF OF FRAUD.

Proof that food, lodging, or other accommodations was obtained by false pretense or by false or fictitious show or pretense of baggage or other property, or proof that the person refused or neglected to pay for such food, lodging, or other accommodations on demand, or that he gave in payment of such food, lodging, or other accommodations negotiable paper on which payment was refused, or that he absconded without offering to pay for such food, lodging, or other accommodations, or that he surreptitiously removed or attempted to remove his baggage, shall be prima facie proof of the fraudulent intent mentioned in section 327.07; but sections 327.01, 327.02 and 327.04 to 327.08 shall not apply where there has been an agreement in writing for delay in payment for a period to exceed ten days.

History: 1919 c 511 s 7 (7319)

327.09 EQUAL RIGHTS IN HOTELS AND OTHER PUBLIC PLACES.

No person shall be excluded, on account of race, color, national origin, or religion from full and equal enjoyment of any accommodation, advantage, or privilege furnished by public conveyances, theaters, or other public places of amusement, or by hotels, barber shops, saloons, restaurants, or other places of refreshments, entertainment, or accommodations.

History: RL s 2812; 1943 c 579 s 1; 1965 c 585 s 1 (7321)

327.091 SETTING FIRE TO HOTEL BELONGINGS.

Subdivision 1. **Penalty.** Any person in any hotel, rooming house, lodging house or other place of public abode who, by smoking or attempting to light or to smoke cigarettes, cigars, pipes or tobacco, in any manner in which lighters or matches are employed, shall in a careless or negligent manner set fire to any bedding, furniture, curtains, drapes, house or any household fittings, or any part of any building of the class hereinbefore set forth, so as to endanger life or property in any way, or to any extent, is guilty of a misdemeanor.

Subd. 2. **Notice required.** In each sleeping room of all hotels, rooming houses, lodging houses and other places of public abode, a plainly printed notice shall be kept posted in a conspicuous place advising tenants of the provisions of this section.

History: 1951 c 103 s 1,2; 1971 c 23 s 21

327.095 BLIND OR DEAF PERSONS ACCOMPANIED BY GUIDE DOGS; DISCRIMINATION PROHIBITED.

Subdivision 1. **Right of blind or deaf persons to take dog guides into public places and conveyances.** It is lawful for a blind or deaf person to take a dog guide into any and all public buildings, eating places, public conveyances, hotels, tourist cabins, public inns, public elevators, or similar places when the dog guide can be properly identified as being from a recognized school for seeing eye, hearing ear or guide dogs and when such dog is properly harnessed or leashed so that the blind or deaf person may maintain control of the dog.

Subd. 2. **Extra payments or charges for guide dogs prohibited.** No person shall require a blind or deaf person to make any extra payment or pay any additional charge for such a dog when taken into any of the places mentioned in subdivision 1.

Subd. 3. **Penalty.** Any person or any representative of any firm or corporation who attempts to deprive a blind or deaf person of the rights set forth in this section is guilty of a misdemeanor.

History: 1965 c 763 s 1; 1977 c 247 s 5

TOURIST CAMPS

327.10 LODGING ESTABLISHMENT OPERATOR, DUTIES.

Every person operating within this state a recreational camping area, cabin camp, lodging house, tourist rooms, motel, mobile home park, or resort furnishing sleeping or overnight stopping accommodations for transient guests, shall provide and keep thereat a suitable guest register for the registration of all guests provided with sleeping accommodations or other overnight stopping accommodations thereat; and every such guest shall be registered therein. Upon the arrival of every such guest, the operator of such camp or resort shall require him to enter in such register, or enter for him therein, in separate columns provided in such register, the name and home address of the guest and every person, if any, with him as a member of his party; and if traveling by motor

vehicle, the make of such vehicle, registration number, and other identifying letters or characters appearing on the official number plate carried thereon, including the name of the state issuing such official plate. Such registration shall be kept in an accurate and orderly manner and retained for one year so that the same will be always accessible for inspection by the proper authorities.

History: 1937 c 186 s 1; 1951 c 428 s 16; 1969 c 427 s 1 (10536-5)

327.11 GUEST, REGISTRATION.

Every person, upon arriving at any lodging house, mobile home park, recreational camping area, cabin camp, motel or other resort described in sections 327.10 to 327.13 and applying for guest accommodations therein of the character described in section 327.10, shall furnish to the operator or other attendant in charge of such camp or resort the registration information necessary to complete his registration in accordance with the requirements of section 327.10, and shall not be provided with accommodations unless and until such information shall be so furnished.

History: 1937 c 186 s 2; 1951 c 428 s 17; 1969 c 427 s 2 (10536-6)

327.12 REGISTRATION RECORDS, INSPECTION.

The registration records provided for in sections 327.10 to 327.13 shall be open to the inspection of all law enforcement officers of the state and its subdivisions.

History: 1937 c 186 s 3 (10536-7)

327.13 VIOLATION.

Every person who shall violate any of the provisions of sections 327.10 to 327.12 shall be guilty of a misdemeanor.

History: 1937 c 186 s 4 (10536-8)

MOBILE HOME PARKS AND CAMPING AREAS

327.14 DEFINITIONS.

Subdivision 1. **Terms.** For the purposes of sections 327.10, 327.11, 327.14 to 327.28 the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. **Mobile home.** The words "mobile home" when used in sections 327.10, 327.11, 327.14 to 327.28 shall mean a transportable, single-family dwelling unit suitable for year round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing and subject to tax or registration, as such, under the provisions of chapters 168 or 273 and having no foundation other than wheels, jacks or skirtings.

Subd. 3. **Mobile home park.** The words "mobile home park" as used in sections 327.10, 327.11, 327.14 to 327.28 shall mean any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

Subd. 4. **Municipality.** The word "municipality" as used in sections 327.10, 327.11, 327.14 to 327.28 shall mean any city, town or township in this state, however organized.

Subd. 5. **Primary license.** The words "primary license" shall mean the initial license issued to the first person, firm or corporation to establish and maintain, conduct or operate a mobile home park or recreational camping area at any one location.

Subd. 6. **Annual license.** The words "annual license" shall mean a renewal license issued to the person, firm or corporation operating a previously licensed mobile home park or recreational park or recreational camping area.

Subd. 7. **Recreational camping vehicle.** The words "recreational camping vehicle" as used in sections 327.14 to 327.28 shall mean any of the following:

(a) Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "Travel Trailer" by the manufacturer of the trailer.

(b) Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

(c) Motor-home means a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

(d) Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

Subd. 8. **Recreational camping area.** The words "recreational camping area" as used in sections 327.10, 327.11, 327.14 to 327.28 shall mean any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more units, consisting of tents, travel trailers, pick-up coaches, motor-homes, or camping trailers and whether use of such accommodation is granted free of charge or for compensation. Provided, that nothing in this definition shall be constructed to include children's camps, industrial camps, migrant labor camps, as defined in Minnesota Statutes and state commissioner of health regulations and also shall not include United States forest service camps, state forest service camps, state wildlife management areas or state owned public access areas which are restricted in use to picnicking and boat landing.

History: 1951 c 428 s 1; 1965 c 668 s 1-3; 1969 c 427 s 3-8; 1973 c 123 art 5 s 7; 1977 c 305 s 45

327.15 LICENSE FOR MOBILE HOME PARK AND RECREATIONAL CAMPING AREA.

No person, firm or corporation shall establish, maintain, conduct or operate a mobile home park or recreational camping area within this state without first obtaining a license therefor from the state department of health. Any person, firm, or corporation desiring to operate either a mobile home park or a recreational camping area on the same site in connection with the other, need only obtain one license. A license shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122. The license shall state the number of mobile home sites and recreational camping sites allowed according to state commissioner of health approval. No renewal license shall be issued if the number of sites specified in the application exceeds those of the original application unless the plans for expansion or the construction for expansion are first approved by the department of health. Any mobile home park or recreational camping area located in more than one municipality shall be dealt with as two separate mobile home parks or camping areas. The license shall be conspicuously displayed in the office of the mobile home park or camping area. The license is not transferable as to place.

History: 1951 c 428 s 2; 1965 c 668 s 4; 1969 c 427 s 9; 1974 c 471 s 18; 1975 c 310 s 33; 1977 c 305 s 45

327.16 APPLICATION.

Subdivision 1. **Made to state department of health.** The application for license to operate and maintain a mobile home park or recreational camping area shall be made to the state department of health, at such office and in such manner as may be prescribed by that department.

Subd. 2. **Contents.** The applicant for such primary license or annual license shall make application in writing upon such form as the state department of health may provide, and shall set forth:

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation.

(2) A legal description of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a mobile home park or recreational camping area.

(3) The proposed and existing facilities on and about said site, lot, field, or tract of land for the proposed construction or alteration and maintaining of a sanitary community building for toilets, urinals, sinks, wash basins, slop-sinks, and showers, drains, laundry facilities, source of water supply; sewage, garbage and waste disposal except that no toilet facilities shall be required to be constructed in any mobile home park which permits thereon only mobile homes equipped with toilet facilities discharging to water carried sewage disposal systems; and method of fire protection.

(4) The proposed method of lighting the structures and site, lot, field, or tract of land upon which said mobile home park or recreational camping area is to be located.

(5) Designate the calendar months of the year which applicant will operate said mobile home park or recreational camping area.

(6) Plans and drawings for new construction or alteration, including buildings, wells, plumbing and sewage disposal systems.

Subd. 3. **Fees; approval.** The application for the primary license shall be submitted with all plans and specifications enumerated in subdivision 2, and payment of a fee in an amount prescribed by the state commissioner of health pursuant to section 144.122 and shall be accompanied by an approved zoning permit from the municipality or county wherein the park is to be located, or a statement from the municipality or county that it does not require an approved zoning permit. The fee for the annual license shall be in an amount prescribed by the state commissioner of health pursuant to section 144.122. All license fees paid to the commissioner of health shall be turned over to the state treasury. The fee submitted for the primary license shall be retained by the state even though the proposed project is not approved and a license is denied.

When construction has been completed in accordance with approved plans and specifications the state commissioner of health shall promptly cause the mobile home park or recreational camping area and appurtenances thereto to be inspected. When the inspection and report has been made and the state commissioner of health finds that all requirements of sections 327.10, 327.11, 327.14 to 327.28, and such conditions of health and safety as the state commissioner of health may require, have been met by the applicant, the state commissioner of health shall forthwith issue the primary license in the name of the state.

Subd. 4. **Sanitary facilities.** During the pendency of the application for such primary license any change in the sanitary or safety facilities of the intended mobile home park or recreational camping area shall be immediately reported in writing to the state department of health through the office through which the application was made. If no objection is made by the state department of health

to such change in such sanitary or safety facilities within 60 days of the date such change is reported, it shall be deemed to have the approval of the state department of health.

Subd. 5. **Permit.** When the plans and specifications have been approved, the state department of health shall issue an approval report permitting the applicant to construct or make alterations pertaining to water and sewage disposal upon a mobile home park or recreational camping area and the appurtenances thereto according to the plans and specifications presented.

Such approval does not relieve the applicant from securing building permits in municipalities having a building code; or from complying with any other municipal ordinance or ordinances, applicable thereto, not in conflict with this statute.

Subd. 6. **Denial of construction.** If the application to construct or make alterations upon a mobile home park or recreational camping area and the appurtenances thereto or a primary license to operate and maintain the same is denied by the state commissioner of health, he shall so state in writing giving the reason or reasons for denying the application. If the objections can be corrected the applicant may amend his application and resubmit it for approval, and if denied the applicant may appeal from the decision of the state commissioner of health as provided in section 327.18.

History: 1951 c 428 s 3; 1961 c 375 s 1; 1965 c 668 s 5-9; 1969 c 427 s 10; 1974 c 471 s 19,20; 1975 c 310 s 34; 1977 c 305 s 45

327.17 [Repealed, 1959 c 562 s 1]

327.18 LICENSES; REVOCATION, SUSPENSION.

Subdivision 1. **Procedure for revocation or suspension.** Any license granted hereunder shall be subject to revocation or suspension by the state department of health; provided, however, that the state department of health shall first serve or cause to be served upon the licensee a written notice specifying the way or ways in which such licensee has failed to comply with this statute, or any special rules or regulations promulgated by the state department of health. Said notice shall direct the licensee to remove or abate such nuisance, insanitary or objectionable condition, specified in such notice, within five days, or within such extended period of time as may be reasonably allowed by the complaining official. If the licensee fails to comply with the terms and conditions of said notice, within the time specified or such extended period of time, the department of health shall require the licensee to appear for a hearing before the state commissioner of health or the duly authorized employees of the department of health. The state commissioner of health shall review the facts and make such determination as he deems necessary in the matter. If the licensee fails to comply with such determination, the commissioner shall direct the department of health to suspend or revoke the license.

Subd. 2. **Summary proceeding.** Notwithstanding any other provision of this section, the department of health upon finding that there is a clear and present danger to the public health may order the immediate removal of one or more mobile homes or recreational camping vehicles, and may also order closing of the central building for the purpose of reducing the amount of liquid waste being discharged to the sewerage system. The order shall be complied with immediately. The licensee may appeal such order to the district court and shall be entitled to immediate trial de novo on the validity of said order. Failure of the licensee to comply with such order, or failure of a mobile home or recreational camping vehicle occupant to vacate under such order, shall be a misdemeanor.

Subd. 3. **Procedure for hearing and appeal.** The procedure for hearings or for appeals from the orders of the department or of the commissioner where provided in sections 327.14 to 327.29 shall be in accordance with Minnesota Statutes 1961, Chapter 15 as amended.

History: 1951 c 428 s 5; 1965 c 668 s 10; 1969 c 427 s 11; 1977 c 305 s 45

327.19 [Repealed, 1965 c 668 s 14]

327.20 RULES.

Subdivision 1. **Regulations.** No domestic animals or house pets of occupants of mobile home parks or recreational camping areas shall be allowed to run at large, or commit any nuisances within the limits of a mobile home park or recreational camping area. Each mobile home park or recreational camping area licensed under the provisions of sections 327.10, 327.11, 327.14 to 327.28 shall, among other things, provide for the following, in the manner hereinafter specified:

(1) A responsible attendant or caretaker shall be in charge of every mobile home park or recreational area at all times, and the duty of said attendant or caretaker shall be to maintain the park, its facilities and equipment in a clean, orderly and sanitary condition.

(2) No mobile home park shall be so located that the drainage of the park area will endanger any water supply. All such parks shall be well drained. No waste water from mobile homes or recreational camping vehicles shall be deposited on the surface of the ground. All sewage and other water carried wastes shall be discharged into a municipal sewage system whenever available. When such a system is not available, a sewage disposal system acceptable to the state commissioner of health shall be provided.

(3) No mobile home shall be parked closer than three feet to the side lot lines of a mobile home park, if the abutting property is improved property, or closer than ten feet to a public street or alley. Each individual mobile home site shall abut or face on a driveway or clear unoccupied space of not less than 16 feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet between the sides of adjacent mobile homes including their attachments and at least three feet between mobile homes when parked end to end. The space between mobile homes may be used for the parking of motor vehicles and other property, provided such vehicle or other property be parked at least ten feet from the nearest adjacent mobile home position. The requirements of this paragraph shall not apply to recreational camping areas and variances may be granted by the state commissioner of health in mobile home parks when the variance is applied for in writing and in the opinion of the commissioner such variance will not endanger the health and welfare of mobile home park occupants.

(4) An adequate supply of water of safe, sanitary quality shall be furnished at each mobile home park or recreational camping area. The source of such supply shall first be approved by the state department of health. At least one water supply outlet shall be provided at convenient locations throughout the mobile home park or recreational camping area.

(5) All plumbing shall be installed in accordance with the provisions of the regulations of the state commissioner of health and the provisions of the Minnesota plumbing code.

Subd. 2. **Health and safety.** The state department of health may prescribe such regulations for the operation and maintenance of mobile home parks or recreational camping areas and for safe-guarding the health and safety of persons occupying licensed mobile home parks and recreational camping areas as

the department shall deem to be necessary and expedient. Such regulations pertaining to health and safety shall have the force and effect of law, and any violation thereof shall constitute a misdemeanor; and upon conviction therefor the offender may be punished as otherwise provided by law.

Subd. 3. **Streets and roadways.** A mobile home park owner shall maintain streets and roadways in the park so as to permit passage of emergency vehicles and normal resident travel.

History: 1951 c 428 s 7; 1965 c 668 s 11; 1969 c 427 s 12; 1977 c 305 s 45; 1979 c 264 s 1

327.21 [Repealed, 1965 c 668 s 14]

327.22 [Repealed, 1961 c 375 s 5]

327.23 CONSTRUCTION OF TERMS; MUNICIPAL PARKS.

Subdivision 1. **State parks.** Nothing in sections 327.10, 327.11, 327.14 to 327.28 should be construed to include any of the state parks in Minnesota.

Subd. 2. **Mobile home park.** The term "mobile home park" shall not be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual or company on premises associated with a work project and used exclusively to house labor or other personnel occupied in such work project. The state department of health may by regulation prescribe such sanitary facilities as it may deem necessary to provide for the sanitation of such structures and the safety of the occupants thereof.

Subd. 3. **Municipal parks.** Any mobile home park or recreational camping area owned or operated by any municipality or political subdivision of this state shall meet all sanitary and safety provisions of sections 327.10, 327.11, 327.14 to 327.28, shall be inspected as herein provided, and make all reports, as herein required of a licensee.

History: 1951 c 428 s 10; 1961 c 375 s 2; 1965 c 668 s 12; 1969 c 427 s 13,14

327.24 ENFORCEMENT.

Subdivision 1. **Violations.** It is the duty of the state department of health to enforce the provisions of sections 327.10, 327.11, 327.14 to 327.28 and the rules and regulations of the department applicable to mobile home parks. The department may request the county attorney of the county in which a violation occurs to initiate action to abate the unlawful operation of a mobile home park. Officials of the department may enter upon the premises of such mobile home parks at any time for the purposes herein set forth, or for the purpose of enforcing this statute.

Subd. 2. **Penalty.** Any person, firm or corporation who shall fail to comply, or who operates without first complying with the provisions of sections 327.10 to 327.28, is guilty of a misdemeanor.

History: 1951 c 428 s 11; 1965 c 668 s 13; 1969 c 427 s 15

327.25 OPERATION, PART OF YEAR.

If any applicant for a mobile home park license desires to operate such mobile home park only during the months from May 1 to October 1, he shall pay the above mentioned annual license fee. If in the opinion of the state department of health the sanitary and facility requirements herein contained are too rigid for the seasonal mobile home parks, the department may in writing or by regulation modify such requirements as circumstances may permit and require.

History: 1951 c 428 s 12; 1961 c 375 s 3; 1969 c 427 s 16

327.26 NO LOCAL LICENSES.

No city, town or political subdivision of this state may impose any license (1) upon any licensed mobile home park or recreational camping area complying with the provisions of sections 327.10, 327.11, 327.14 to 327.28, or (2) upon any occupant of any such mobile home park, on or after January 1, 1952.

History: 1951 c 428 s 13; 1969 c 427 s 17; 1973 c 123 art 5 s 7

327.27 REGULATORY PROVISIONS.

Subdivision 1. **Fire extinguishers.** Each mobile home owner shall provide each mobile home with a fire marshal approved type extinguisher, kept in constant usable condition. No mobile home may be parked more than three days without a usable fire extinguisher in the mobile home.

Subd. 2. **Speed limit.** It shall be unlawful for any type vehicle to travel at a rate in excess of ten miles per hour while within the limits of a mobile home park or recreational camping area and such ten miles per hour limit shall be clearly posted throughout the mobile home park.

Subd. 3. [Repealed, 1969 c 427 s 22]

Subd. 4. **Certain practices prohibited.** No animal washing, car washing, or other slop creating practices shall be carried on in any building, structure or other place not designated for such purposes. No pets or domesticated animals shall be allowed to enter the buildings containing the sanitary or washing facilities for the mobile home park.

History: 1951 c 428 s 14; 1969 c 427 s 18-20

327.28 UNLAWFUL PARKING OF MOBILE HOMES.

Where a licensed mobile home park is reasonably available in the general area it shall be unlawful for any person to occupy any mobile home located elsewhere than in a licensed mobile home park unless adequate sanitary and water facilities are provided for occupants' use 24 hours each day. This section shall not apply to mobile homes parked under section 327.23, subdivision 2.

History: 1951 c 428 s 15; 1959 c 562 s 4; 1961 c 375 s 4; 1969 c 427 s 21

327.29 INFORMATIONAL REPORT.

To aid in the enforcement of the provisions of Laws 1959, Chapter 562, the operator of each trailer coach park as defined in section 327.14, and any act amendatory thereof or supplementary thereto, shall report monthly on the number of trailer coaches in the trailer coach park, whether or not each trailer coach is registered in Minnesota, and whether or not the owner or occupant thereof is employed in the state. This report shall be made to the secretary of state on or before the 15th day of each month on forms and in the manner prescribed by the secretary of state.

History: 1959 c 562 s 5

MOBILE HOMES BUILDING CODE

327.31 DEFINITIONS.

Subdivision 1. Unless clearly indicated otherwise by the context, the terms defined by this section have the meanings given them.

Subd. 2. "Authorized representative" includes any person, firm or corporation, or employee thereof, approved or hired by the commissioner to perform inspection services.

Subd. 3. "Code" means the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect on May 21, 1971, or the provisions of the National Fire Protection Association and identified as NFPA 501B, and further revisions adopted by the commissioner.

Subd. 4. "Commissioner" means the commissioner of administration.

Subd. 5. "Dealer" means any person, other than a manufacturer, as defined in sections 327.31 to 327.34, who sells three or more mobile homes in any consecutive twelve month period.

Subd. 6. "Mobile home" means a factory-built structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be a relocatable structure or structures used for any occupancy without a permanent foundation, but shall not include motor vehicles as defined in Minnesota Statutes 1971, Section 169.01, Subdivision 3, or recreational camping vehicles as defined in Minnesota Statutes 1971, Section 327.14, Subdivision 7. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner.

Subd. 7. "Person" means a person, partnership, corporation or other legal entity.

Subd. 8. "Seal" means a device or insignia issued by the commissioner to be displayed on the mobile home to evidence compliance with the code.

Subd. 9. "Support system" means any device placed beneath a mobile home at the site of occupancy for the purpose of providing support.

Subd. 10. "Ground anchoring system" is any device connected to a mobile home and designed for the purpose of securing the mobile home to the ground.

Subd. 11. "Mobile home installer" means any person who, within any consecutive twelve month period, installs for others three mobile homes at site of occupancy by making necessary service connections or attaching support systems or ground anchoring systems.

Subd. 12. "Installation seal" means a device or insignia issued by the commissioner to be displayed on the mobile home to evidence compliance with the commissioner's rules and regulations pertaining to support systems and ground anchoring systems.

History: 1971 c 409 s 1; 1973 c 370 s 1; 1974 c 273 s 1,2

327.32 UNIFORM STANDARDS CODE ESTABLISHED.

Subdivision 1. After July 1, 1972, no person shall:

(a) Sell, or offer for sale, in this state, any mobile home manufactured after July 1, 1972;

(b) Manufacture any mobile home in this state; or

(c) Park any mobile home manufactured after July 1, 1972, in any mobile home park in this state;

unless the mobile home complies with the code and bears a seal issued by the commissioner, and is accompanied by a certificate by the manufacturer or dealer, both evidencing that it so complies with the code.

Subd. 2. The commissioner shall issue seals to any manufacturer or dealer upon application supported by such evidence as the commissioner deems necessary to establish that the seals will be affixed only to mobile homes which comply with the code.

Subd. 3. No person shall alter any mobile home to which a seal has been affixed if such alteration causes such mobile home to be in violation of the code. The commissioner may make rules regarding alterations and permits therefor.

Subd. 4. Upon a showing that another state provides for the sealing of mobile homes upon compliance with standards which are at least equal to those provided in the code, the commissioner may, by rule, provide that a seal affixed under the authority of such state shall have the same effect as a seal affixed under authority of this state, and thereafter any mobile home which bears the seal of such state shall not be required to bear the seal of this state as provided in subdivision 1 hereof. The commissioner may make any such rule contingent upon such other state granting reciprocal effect to seals affixed under authority of this state.

Subd. 5. No mobile home which bears a seal as provided herein shall be required by any agency or political subdivision of this state to comply with any other building, plumbing, heating, or electrical code or any construction standards other than the code as defined in sections 327.31 to 327.34 nor be subject to any other state or local building inspection, except as the commissioner shall, by rule, provide in the case of alterations. No mobile home which bears an installation seal as provided herein shall be required by any agency or political subdivision of this state to comply with any support system or ground anchoring system standards other than those adopted and promulgated by the commissioner.

Subd. 6. After September 1, 1974, no person shall install or connect to any mobile home a support system or ground anchoring system which is in violation of any rules and regulations promulgated by the commissioner which pertain to support systems and ground anchoring systems. The commissioner shall issue installation seals to any dealer or mobile home installer upon application supported by such evidence as the commissioner deems necessary to establish that the seals will be affixed only to those mobile homes where the support system and ground anchoring system comply with the commissioner's rules and regulations.

History: 1971 c 409 s 2; Ex1971 c 48 s 27; 1974 c 273 s 3,4

327.33 ADMINISTRATION.

Subdivision 1. The commissioner shall, through his own inspectors or through a designated recognized inspection service acting as his authorized representative perform sufficient inspections of manufacturing premises and mobile homes to insure that the provisions of sections 327.31 to 327.34 are being complied with. The commissioner shall have the exclusive right to conduct such inspections.

Subd. 2. The commissioner shall by rule establish reasonable fees for seals, installation seals and inspection which are sufficient to cover all costs incurred in the administration of sections 327.31 to 327.34. All fees received by the commissioner shall be deposited in the state treasury and credited to the general fund.

Subd. 3. The commissioner may adopt such other rules as may be necessary to administer and enforce sections 327.31 to 327.34, including such periodic revisions of the code as he may deem necessary to protect the health and safety of the public. Revisions shall, to the extent practicable, be uniform with those adopted by other states. All rules shall be adopted in the manner prescribed by Minnesota Statutes 1969, Sections 15.0411 to 15.0417.

Subd. 4. The commissioner may appoint such employees within the department of administration as he may deem necessary for the administration of sections 327.31 to 327.34.

History: 1971 c 409 s 3; 1974 c 273 s 5

327.34 PENALTIES.

Subdivision 1. It shall be a misdemeanor for any person,

(a) to sell, or offer to sell, any mobile home manufactured after July 1, 1972 which does not comply with the code or if manufactured after July 1, 1972 which does not bear a seal as required by sections 327.31 to 327.34;

(b) to affix a seal or installation seal, or cause a seal or installation seal to be affixed, to any mobile home which does not comply with the code or the commissioner's rules and regulations pertaining to support systems and ground anchoring systems;

(c) to alter a mobile home in a manner prohibited by sections 327.31 to 327.34;

(d) to fail to correct a code violation in a mobile home owned, manufactured, or sold by him within 90 days of being ordered to do so in writing by an authorized representative of the commissioner; or

(e) to interfere with, obstruct, or hinder any authorized representative of the commissioner in the performance of his duties; or

(f) to fail to correct a violation in the installation of a support system or ground anchoring system in a mobile home owned, manufactured, or sold by him within 90 days of being ordered to do so in writing by an authorized representative of the commissioner.

Subd. 2. The issuance of seals to any manufacturer convicted of a violation of sections 327.31 to 327.34 may be suspended by the commissioner, and no further seals shall be issued to any such manufacturer except upon proof satisfactory to the commissioner that the conditions which brought about the violation have been remedied.

Subd. 3. Seals and installation seals remain the property of the department of administration and may be removed by the commissioner from any mobile home which is in violation of the code.

Subd. 4. It shall be a misdemeanor for any manufacturer, dealer or mobile home installer to install in or connect to any mobile home at the site of occupancy a support system or ground anchoring system after September 1, 1974, which does not comply with the commissioner's rules and regulations or to install a support system or ground anchoring system without affixing an installation seal to the mobile home immediately upon completion of installation.

History: 1971 c 409 s 4; 1974 c 273 s 6-8

MOBILE HOME LOT RENTALS, WARRANTIES

327.41 DEFINITIONS.

Subdivision 1. As used in sections 327.41 to 327.47 the terms defined in this section have the meanings given them.

Subd. 2. "Mobile home" has the meaning specified in section 327.31, subdivision 6.

Subd. 3. "Mobile home park" has the meaning specified in section 327.14, subdivision 3.

Subd. 4. "Person" means any individual, corporation, firm, partnership, incorporated and unincorporated association, or any other legal or commercial entity.

Subd. 5. "Space or lot" means an area within a mobile home park, designed for the accommodation of a mobile home.

Subd. 6. "Utility service" means any electric, fuel oil, natural or propane gas, sewer, waste disposal and water service by whatever means furnished.

History: 1973 c 295 s 1

327.42 LOT RENTAL AGREEMENTS.

Subdivision 1. Every agreement to rent or lease a mobile home space or lot shall be documented by a written lease or rental agreement signed by the lessor and the tenant which shall specify every term and condition in connection with the rental or lease of the space or lot. The lease or rental agreement shall include:

- (a) A description of the location and size of the space or lot;
- (b) The amount of rent per month and a statement of all personal property, services and facilities which are to be provided by the lessor for the tenant;
- (c) The rights, duties and obligations of the parties, and all rules and regulations of the mobile home park which, if violated, may be cause for eviction;
- (d) The amount of any security deposit, installation charges and any other financial obligation of the tenant imposed by the lessor.

Subd. 2. The lessor shall give the tenant at least 60 days notice in writing of any change in the terms and conditions of a lease or rental agreement. A rule or regulation adopted or amended after the tenant enters into a lease or rental agreement may be enforced against the tenant only if the new or amended rule is reasonable and does not substantially modify the agreement. A reasonable rent increase or a modification of the lease or rental agreement resulting from governmental action shall not be construed as a substantial modification of the lease or rental agreement.

Subd. 3. Entry into an agreement pursuant to this section shall not be deemed a waiver of any rights or privileges guaranteed by law to the mobile home park owner or tenant.

Subd. 4. The following notice printed verbatim in boldface type of a minimum size of ten points shall be provided to prospective tenants before they sign leases or rental agreements:
"IMPORTANT NOTICE

Your lease or rental agreement will set forth your rights and duties as well as the rights and duties of this mobile home park.

You may stay in the park for the term of your lease as long as it is in operation and you meet your financial obligations, obey state and local laws regarding mobile home parks, abide by park rules or regulations, meet any other obligations in the agreement and do not substantially annoy or endanger other tenants or substantially damage the park premises.

You cannot be evicted until you have received written notice for the eviction and have been given

(a) the time the ordinance, law or regulation provides to comply with a local ordinance, state law or regulation relating to mobile homes or a reasonable time if the ordinance, law or regulation provides no time, or

(b) 30 days to comply with the terms and conditions of the lease or rental agreement, except for nonpayment of rent.

If you have substantially annoyed or endangered other tenants or have caused substantial damage to the mobile home park premises, you will have 30 days after receipt of written notice to move out of the park. However, if during the 30 day period you substantially annoy or endanger other tenants or damage the park premises, you may be evicted immediately.

If you have been served with an eviction notice and you refuse to vacate the mobile home park, the park owner may commence a legal proceeding

against you. If the judge or jury decides in your favor, you may stay within the park. However, if the judge or jury decides in favor of the park owner, a sheriff may move you and your belongings out of the park within 24 hours.

The mobile home park must give you 60 days written notice of any change in the terms or conditions of the agreement.

Rules or regulations of the park must not be unreasonable.

Changes made in rules or regulations after you enter into this agreement will not apply to you if they substantially change your agreement.

The mobile home park may not charge you more for utilities than the rate which is charged to single-family dwellings in the same utility service area for comparable service or more than the rate which you could pay directly for the same utility service from some other comparable source in the same market area.

The park may charge you no fee for a space or lot except rent plus reasonable charges for goods and services furnished you at the expense of the park in setting up your home on the space or lot.

Security deposits for damage to property or for default in the agreement may not exceed two months' rent.

If you decide to sell your mobile home and it is more than 15 years old, the park owner may insist that the home be moved from the park after its sale.

You may not be evicted or have your rent increased or your services decreased for reporting to the Minnesota department of health, the Minnesota attorney general or other appropriate governmental agency any violation of law or health or building code.

You must receive written notice six months in advance if the park voluntarily ceases or partially ceases operation or 90 days' written notice if your home must be moved to enable the park owner to make improvements to the park premises.

State laws governing mobile home park rentals and leases may be enforced by the Minnesota attorney general."

Park owners also shall provide the notice to persons who are park tenants on May 30, 1979.

History: 1973 c 295 s 2; 1979 c 264 s 2-4

327.43 ENTRANCE AND TRANSFER FEES PROHIBITED; SECURITY DEPOSITS LIMITED.

Subdivision 1. No fee other than the periodic rental payment specified in the lease or rental agreement may be charged to a mobile home park tenant or prospective tenant or any agent of a tenant or prospective tenant for the right to obtain or retain a space or lot, provided that a lessor may impose a reasonable charge for goods and services actually furnished by or at his expense in setting up a mobile home on a space or lot.

Subd. 2. No lessor shall deny any mobile home park tenant the right to sell said tenant's mobile home within the park or require the tenant to remove the mobile home from the park solely on the basis of the sale thereof unless the home is more than 15 years old. The lessor may reserve the right to approve the purchaser of said mobile home as a tenant, but such permission may not be unreasonably withheld, and the lessor shall not exact a commission or fee with respect to the price realized by the seller unless the lessor has acted as agent for the seller in the sale pursuant to a written contract. The rights of a tenant as provided in this subdivision shall also extend to any party holding a security interest in the tenant's mobile home who chooses to exercise its rights under a security agreement to repossess and sell the mobile home and who so notifies

the lessor in writing. Temporary vacancy of a mobile home during a period not to exceed 90 days when the mobile home is being sold shall not be cause for removal so long as the mobile home is maintained in a manner consistent with the reasonable regulations of the mobile home park.

Subd. 3. Any fee charged to a tenant as security for damage to real or personal property of the lessor, or for default in the terms or conditions of the lease or rental agreement, may not exceed two months' rent as set forth in the lease or rental agreement.

Subd. 4. No lessor shall adopt unreasonable rules or regulations.

History: 1973 c 295 s 3; 1977 c 49 s 1; 1979 c 264 s 5,6; 1980 c 590 s 1,2

327.44 TERMINATION FOR CAUSE.

A lessor may recover possession of land upon which an occupied mobile home is situated only if:

(a) The tenant fails to comply with a local ordinance or state law or regulation relating to mobile homes within the time the ordinance, law or regulation provides or, if no time is provided, within a reasonable time after the tenant has received written notice of noncompliance;

(b) The tenant fails to comply with the terms and conditions of the lease or rental agreement within 30 days after the tenant has received written notice of the alleged noncompliance except the 30 day notice shall not apply to nonpayment of rent;

(c) The owner voluntarily ceases to operate as a park all or the part of the mobile home park occupied by the tenant, and the tenant has received six months written notice of the planned cessation of operation;

(d) The tenant conducts himself upon the mobile home park premises in a manner which substantially annoys or endangers the health or safety of other tenants or causes substantial damage to the mobile home park premises and has received 30 days written notice to vacate, except the park owner may require the tenant to vacate immediately if the tenant violates this clause a second or subsequent time after receipt of the notice;

(e) The mobile home park owner intends to make improvements to the mobile home park premises which necessitate removal of the tenant's mobile home from the park and the tenant has received 90 days' written notice; or

(f) A lease of a term of at least one year expires and the lessor seeks to recover possession within 15 days after expiration;

(g) The lessor seeking to recover possession on grounds of nonpayment of rent or utilities gives ten days written notice to the tenant, and to any party holding a security interest in the mobile home known to the lessor, to pay the amounts then owing and cure the default. If neither the tenant nor the secured party cures within ten days from receipt of notice, the lessor may commence legal proceedings to recover possession.

History: 1973 c 295 s 4; 1977 c 49 s 2; 1979 c 264 s 7; 1980 c 590 s 3

327.45 UTILITY RATES.

No landlord or owner of a mobile home park may directly or indirectly charge or otherwise receive payment from a tenant for a utility service, or require a tenant to purchase such service from the landlord, owner, or any other person, at a rate which is greater than either of the following:

(1) A rate which the tenant could directly pay for the same utility service from some other comparable source in the same market area; or

(2) A rate which is charged to single family dwellings within the same utility service area with comparable service.

History: 1973 c 295 s 5

327.451 ACCESS.

Subdivision 1. A mobile home park owner, agent or employee has no right of access to a mobile home located within the park unless access is necessary to prevent damage to the mobile home park premises or to respond to an emergency.

Subd. 2. A mobile home park owner, agent or employee may enter onto a mobile home space or lot in order to inspect the space or lot, make necessary or agreed upon repairs or improvements, supply necessary or agreed upon goods or services or exhibit the space or lot to prospective or actual purchasers, mortgagees, tenants, workers or contractors.

History: 1979 c 264 s 8

327.452 RETALIATORY CONDUCT PROHIBITED.

A mobile home park owner shall not increase rent, decrease services or bring an action for possession as a penalty for a tenant's:

(a) Good faith complaint to a government agency charged with responsibility for enforcement of a building or housing code or empowered to enforce this chapter; or

(b) Good faith attempt to exercise his rights or remedies pursuant to this chapter. The burden of proving otherwise shall be on the mobile home park owner if the action by the owner occurs within 90 days after the tenant has engaged in any of the activities described above. After 90 days the burden of proof shall be on the tenant.

History: 1979 c 264 s 9

327.46 PENALTIES FOR VIOLATIONS.

Any person who is found to have violated sections 327.41 to 327.47 shall be subject to the penalties provided in section 8.31.

History: 1973 c 295 s 6

327.47 DAMAGES.

Any person injured by a violation of sections 327.41 to 327.47 shall recover the actual damages sustained, together with costs and disbursements including reasonable attorney's fees.

History: 1973 c 295 s 7

MOBILE HOME SALES

327.51 DEFINITIONS.

Subdivision 1. As used in sections 327.51 to 327.56, the terms defined in this section have the meanings given them.

Subd. 2. "Buyer" means a person who buys or contracts to buy a mobile home from a person engaged in the business of manufacturing, distributing, or selling mobile homes at retail.

Subd. 2a. "Commissioner" means the commissioner of administration.

Subd. 3. "Dealer" means a person, partnership, association, or corporation licensed as a mobile home dealer under section 327.55.

Subd. 4. "Implied warranty of merchantability" means a warranty as defined by section 336.2-314.

Subd. 5. "Implied warranty of fitness for particular purpose" means a warranty as defined by section 336.2-315.

Subd. 6. "Express warranty" means a warranty as defined by section 336.2-313.

Subd. 7. "Manufacturer" means any person, partnership, association, or corporation which manufactures, assembles, or produces mobile homes.

Subd. 8. "Mobile home" has the meaning specified in section 327.31, subdivision 6.

Subd. 9. "New mobile home" means a mobile home which is purchased for the first time other than for purposes of resale.

Subd. 10. "Sale" means

(a) The passing of title from a seller to a buyer for a price; or

(b) Any agreement to sell under which possession is delivered to the buyer but title is retained in the seller; or

(c) Any agreement in the form of a bailment or lease of goods if the bailee or lessee agrees to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the goods involved and it is agreed that the bailee or lessee will become, or for no other than a nominal consideration has the option to become, the owner of the goods upon full compliance with his obligations under the agreement.

Subd. 11. "Seller" means any manufacturer or dealer who engages in the sale of any new mobile home to a buyer.

Subd. 12. "Trust account" means a demand deposit or checking account maintained for the purpose of segregating trust funds from other funds.

Subd. 13. "Trust funds" means funds received by a dealer in a fiduciary capacity as a part of a mobile home sale transaction, pending the consummation or termination of a transaction, and includes all down payments, earnest money deposits, rents for clients, tax and insurance escrow payments, damage deposits, and any funds received on behalf of any person.

Subd. 14. "Net listing agreement" means any agreement by any dealer to sell, offer for sale, solicit or advertise the sale of a mobile home on behalf of any person which provides for the dealer to receive any consideration from any person other than a commission based on a percentage of the price at which the home is actually sold.

History: 1974 c 231 s 1; 1977 c 414 s 11-13; 1980 c 590 s 4-7

327.52 IMPLIED WARRANTIES.

Subdivision 1. Every sale of a new mobile home in this state shall be accompanied by an implied warranty that the mobile home conforms in all material aspects to applicable federal or state laws and regulations establishing standards of safety or quality, and by implied warranties of merchantability and fitness for particular purpose.

Subd. 2. Nothing in this section shall affect the right of the manufacturer or dealer to make express warranties with respect to a mobile home. However, a manufacturer or dealer making express warranties may not limit, modify or disclaim the implied warranties guaranteed by this section.

History: 1974 c 231 s 2

327.53 LIMITATION, EXCLUSION OR MODIFICATION OF WARRANTY.

Any language, oral or written, used by a seller of a new mobile home which attempts to exclude or modify any rights under the implied warranties guaranteed by section 327.52 shall be unenforceable.

History: 1974 c 231 s 3

327.54 HONORING OF WARRANTIES; DURATION.

Subdivision 1. It shall be the duty of the manufacturer and dealer, jointly and severally to service or repair within a reasonable time a mobile home at the site of the mobile home in an instance in which a warranty, express or implied, is breached provided the buyer permits reasonable opportunity for repair or service.

Subd. 2. The implied warranties guaranteed by section 327.52 shall be for a period of one year from the date of delivery. Notice of breach of any implied warranty shall be given in writing no later than 90 days after the expiration of the warranty.

History: 1974 c 231 s 4

327.55 MANUFACTURERS AND DEALERS; LICENSES.

Subdivision 1. **License.** No person, partnership or corporation shall engage in the business, either exclusively or in addition to any other occupation, of selling or manufacturing mobile homes, new or used, or shall offer to sell, solicit or advertise the sale of mobile homes, new or used, without first having acquired a license therefor as hereinafter provided. Application for the license and its renewal, shall be made to the commissioner, shall be in writing, and duly verified by oath. The applicant shall submit any information required by the commissioner, upon blanks provided by the commissioner for that purpose. No application shall be granted nor a license issued to anyone, until and unless the applicant furnishes proof satisfactory to the commissioner of the following:

(1) That the applicant has an established place of business; an established place of business when used in this section, means a permanent enclosed building or structure either owned in fee or leased at which a permanent business of bartering, trading and selling of mobile homes will be carried on in good faith and not for the purpose of evading this section, and at which shall be kept and maintained the books, records, and files necessary to conduct the business at such place and shall not mean residence, tents, temporary stands, or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement; provided that the owner of a licensed mobile home park who resides in or adjacent to the park may use his residence as the established place of business required by this section, unless prohibited by local zoning ordinance;

(2) That if the applicant desires to sell, solicit or advertise the sale of new mobile homes, he must have a bona fide contract or franchise in effect with a manufacturer or distributor of the new mobile home he proposes to deal in;

(3) That the applicant has secured a surety bond executed by the applicant as principal and issued by a surety company admitted to do business in this state, which shall be in the amount of \$20,000, and be conditioned upon the faithful compliance by the applicant with all of the laws and rules and regulations of this state pertaining to such business, including sections 325.772 and 325.79. Any third party sustaining injuries within the terms of the bond may proceed against the principal and surety without making the state a party to the proceedings. Provided, however, that the aggregate liability of the surety to all persons for all losses or damages shall in no event, exceed the amount of the bond.

(4) That the applicant has established a trust account as required by section 327.553, subdivision 2, unless the applicant intends to limit his business to selling, offering for sale, soliciting or advertising the sale of new mobile homes.

Subd. 2. **Premises for display of mobile homes.** If a license is granted, the licensee may be permitted to use unimproved lots and premises for sale, storage, and display of mobile homes.

If the licensee desires to remove from the established place of business occupied when the license is granted, to a new location, he shall first secure from the commissioner permission to do so. He shall be required to furnish proof satisfactory to the commissioner that the premises to which he proposes to remove conform to the requirements of subdivision 1.

Subd. 3. Licenses, when granted. The commissioner shall grant or deny the application for such license within 60 days after the filing of the application. If the application is granted, the commissioner shall license the applicant as a mobile home dealer for the remainder of the calendar year, and issue a certificate of license therefor as the commissioner may provide upon which shall be placed a distinguishing number of identification of such dealer. Each application for such license, and application for the renewal thereof, shall be accompanied by the sum of \$44, which shall be paid into the state treasury and credited to the general fund. Such license, unless sooner revoked, as hereinafter provided, shall, upon the furnishing of proof as in the initial application herein provided for, satisfactory to the commissioner, be renewed by the commissioner annually upon application by the dealer and upon the making of all listings, registrations, notices, and reports required by the commissioner, and upon the payment of all taxes, fees, and arrears due from such dealer.

Subd. 4. Licenses; revocation. Such license may be revoked by the commissioner upon proof satisfactory to him of either of the following:

(1) Violations of any of the provisions of this chapter or of sections 325.772 or 325.79;

(2) Violation of or refusal to comply with the requests and order of the commissioner;

(3) Failure to make or provide to the commissioner all listings, notices, and reports required by him;

(4) Failure to pay to the commissioner all taxes, fees, and arrears due from and by such dealer;

(5) Failure to duly apply for renewal of license provided for herein;

(6) Revocation of previous license, of which the records of the commissioner relating thereto shall be prima facie evidence of such previous revocation;

(7) Failure of continued occupancy of an established place of business;

(8) Sale of a new and unused current model mobile home other than the make of mobile home described in the franchise or contract filed with the original application or renewal thereof without permission from the commissioner;

(9) Sale of a new and unused current model mobile home to anyone except for consumer use, or to a dealer duly licensed to sell the same make of mobile home; or

(10) Material misstatement or misrepresentation in application for license or renewal thereof.

Subd. 5. Revocation; hearing. The commissioner, upon his own motion or upon the complaint of another, shall prepare and cause to be served upon the licensee complained of, a written notice or complaint setting forth, in substance, the violations charged, and shall require the licensee to appear at the time and place fixed therein before the commissioner or authorized deputy, and show cause why his license should not be revoked.

The commissioner shall, at the time and place fixed in the notice, proceed to hear and determine the matter on its merits. If the commissioner shall find the existence of any of the causes for revocation as set forth in subdivision 4 and determine that the licensee's license should be revoked, he shall make a written order to that effect, and a copy of such order shall be served upon such licensee in the manner provided by law for the service of summons in a civil action.

Upon such revocation, if it be a mobile home dealer, he shall immediately return to the commissioner all number plates, including any "in transit" plates, in his possession.

Subd. 6. **Appeals.** The provisions of chapter 15, shall apply to appeals from an order by the commissioner.

History: 1974 c 273 s 11; 1980 c 441 s 1; 1980 c 590 s 8,9

327.551 DEALER'S RECORDS.

Subdivision 1. **Retention.** A licensed dealer shall retain for three years copies of all listings, deposit receipts, purchase money contracts, cancelled checks, trust account records and such other documents as may reasonably be related to carrying on the business of a dealer. The retention period shall run from the date of the closing of the transaction or from the date of the listing if the transaction is not consummated.

Subd. 2. **Examination of records.** The commissioner may make examinations within or without this state of each dealer's records at such reasonable time and in such scope as is necessary to enforce the provisions of this chapter.

History: 1980 c 590 s 10

327.552 RESPONSIBILITY OF DEALERS.

Each dealer shall be held responsible for the activities of any person employed by or acting on behalf of that dealer when such activities occur in connection with the sale or attempted sale of a mobile home. Each officer of a corporation licensed as a dealer shall be held responsible for the activities of any person employed by or acting on behalf of the corporation when such activities occur in connection with the sale or attempted sale of a mobile home.

History: 1980 c 590 s 11

327.553 DUTIES.

Subdivision 1. **Disclosure required.** Prior to the consummation of the sale of any mobile home other than a new mobile home, each dealer shall disclose to all parties to the transaction all charges, payments, commissions and other fees paid or payable in connection with the transaction. This subdivision shall not require any dealer to disclose any consideration received for having acted as an insurance agent, as defined in section 60A.02, subdivision 7, in connection with the transaction, nor shall this subdivision require any dealer to disclose any consideration received in return for the dealer having agreed to any contingent liability in connection with the financing of the sale.

Subd. 2. **Trust account required.** Each dealer shall maintain a trust account; provided that a dealer who limits his business to dealing in new mobile homes shall not be required to maintain a trust account. A trust account shall not be an interest bearing account except by agreement of the parties and subject to regulations of the commissioner.

Subd. 3. **Segregation of funds.** A dealer shall deposit all trust funds received in a trust account. A dealer shall deposit only trust funds in a trust account and shall not commingle personal funds or other funds in that account, except that a dealer may deposit and maintain a sum from his personal funds not to exceed \$100 in a trust account, which sum shall be specifically identified and used to pay service charges relating to the trust account.

Subd. 4. **Trust information required.** Each dealer shall provide the financial institutions and the trust account identification numbers used by the dealer to comply with the provisions of this section at the time of application for a license or renewal of license by the dealer. The dealer shall immediately report to the commissioner any change of trust account status including changes in

financial institutions, account identification numbers, or additional accounts in the same or another financial institution. No dealer may close an existing trust account without giving ten days written notice to the commissioner.

History: 1980 c 590 s 12

327.554 PROHIBITIONS.

Subdivision 1. **License required.** No person, partnership, association or corporation shall, either exclusively or in addition to any other occupation, sell, offer to sell, solicit or advertise the sale of mobile homes, new or used, without being licensed as a dealer as provided in section 327.55.

Subd. 2. **Advertising licensed.** No person, partnership, association or corporation shall advertise as a mobile home dealer, or as a lister, broker or agent for the sale of mobile homes, without being licensed as a dealer as provided in section 327.55.

Subd. 3. **Net listing prohibited.** No dealer shall use or offer to use a net listing agreement unless the agreement includes a binding promise by the dealer to purchase the mobile home on his own account at a price specified in the agreement in the event the mobile home is not otherwise sold within a specified period of time.

History: 1980 c 590 s 13

327.56 REMEDIES AND ENFORCEMENT.

In addition to the procedures provided in section 327.55, subdivisions 1 and 5, any person or dealer who is found in violation of section 327.553 or 327.554 shall be deemed in violation of section 325.79, subdivision 1, and the provisions of section 325.907 shall apply.

History: 1980 c 590 s 14

MOBILE HOME REPOSSESSION SECURITY ACT

327.61 CITATION.

Sections 327.61 to 327.67 may be cited as the mobile home repossession security act of 1975.

History: 1976 c 250 s 1

327.62 DEFINITIONS.

Subdivision 1. For the purposes of sections 327.61 to 327.67, unless the context clearly indicates otherwise, the terms defined in the uniform commercial code, as adopted in this state, and the terms defined in this section have the meanings given them.

Subd. 2. "Mobile home" means a mobile home, as defined in section 327.31, subdivision 6, which is located in this state, which is subject to a security interest or other valid encumbrance, and which is the principal residence of the mobile home's occupant.

History: 1976 c 250 s 2

327.63 APPLICABILITY.

To the extent that the procedures established by sections 327.61 to 327.67 differ from the procedures established or authorized for repossession of a mobile home under the uniform commercial code of this state, the provisions of sections 327.61 to 327.67 shall supersede the code and shall govern the repossession of the mobile home.

History: 1976 c 250 s 3

327.64 NOTICE OF DEFAULT; SERVICE AND RETURN.

Subdivision 1. When a default occurs under the terms of a security agreement covering a mobile home as collateral, and the secured party desires to repossess the mobile home, the secured party shall commence the repossession in a manner authorized by this section.

Subd. 2. A secured party may commence repossession of a mobile home by personally serving upon the occupant of the mobile home a notice or by sending a registered or certified letter to the last known address of the debtor under the security agreement, both setting forth the circumstances constituting the default under the security agreement and stating that the secured party will at the expiration of a 30 day period following receipt of the notice seek a court order removing the occupant from the mobile home and repossessing the mobile home, unless the debtor or the occupant acting on behalf of the debtor cures the default prior to that time and in the manner provided by section 327.66. If notice is mailed to a debtor in accordance with this subdivision, the secured party by affidavit shall set forth the circumstances causing the secured party to believe that the debtor could be reached at the address to which the notice was mailed. The affidavit shall state that the secured party has no reason to believe that the debtor might receive mailed notice at another address.

History: 1976 c 250 s 4

327.65 COURT ORDER.

Upon expiration of the 30 day period specified in the notices required by section 327.64, a secured party may apply to a competent court of any jurisdiction within this state for an order directing the debtor to peacefully return full possession of the mobile home to the secured party. The application shall be accompanied by a copy of the security agreement entitling the secured party to repossession of the mobile home and by the affidavit required by section 327.64 if notice is mailed to the debtor. The action shall proceed in the same manner as other actions for repossessing personal property, and the notices required by section 327.64 shall not be considered as satisfying any of the notice requirements under those procedures. If the occupant of a mobile home does not comply with a court's order of repossession within five days of its issuance, the sheriff of the county in which the mobile home is located or his deputy shall remove the occupant and his possessions from the mobile home.

History: 1976 c 250 s 5

327.66 CURE OF DEFAULT.

A debtor, or an occupant of a mobile home acting on behalf of a debtor, may within the 30 day period specified in the notices required by section 327.64, cure a default by tendering full payment of the sums then in arrears under the terms of the security agreement and by paying the reasonable costs, not to exceed the sum of \$15, incurred by the secured party to enforce the security agreement. Cure of a default in accordance with the provisions of this section shall suspend the secured party's right to seek repossession of the mobile home under the provisions of sections 327.61 to 327.67. If default arises under the security agreement because of damage to or other waste of the collateral committed or allowed by the debtor, a court may order repossession of the mobile home notwithstanding cure of the default.

History: 1976 c 250 s 6

327.67 FILING OF ORDER.

A secured party shall, in the manner provided by the uniform commercial code of this state, record a certified copy of the court order returning possession of a mobile home to the secured party to perfect title to the mobile home in the secured party, except in cases of voluntary repossession.

History: 1976 c 250 s 7