

(3) **USED MANUFACTURED HOME GENERAL CONDITION DISCLOSURE.** (a) Licensees shall inform prospective retail purchasers of used manufactured homes in writing before execution of the purchase contract in the manner and on the form prescribed by the department, of all significant structural or mechanical defects and damage. If the licensee is unable to determine whether specific defects or damage exist, that fact shall also be noted on the disclosure form. Disclosure of information shall include that which the licensee discovers as a result of a careful visual inspection, which shall consist of but is not limited to a walk-around and interior inspection, under home inspection, roof inspection and an inspection of the appliances. Licensees are not required to dismantle any part of the manufactured home during the inspection process.

(b) Unless otherwise agreed to in the purchase contract, the inspection disclosures shall neither create any warranties, expressed or implied, or affect warranty coverage provided for in the purchase contract.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84; reprinted to correct error in (3) (a), Register, December, 1984, No. 348.

Trans 141.07 Facilities and records. (1) **BUSINESS FACILITIES.** Business facilities required to be provided and maintained by manufactured home retailers are as follows:

(a) A building with a business office to maintain the books, records, and files necessary to conduct business. The required business office may be established within a residence if it is accessible to an outside entrance and is used primarily for conducting the manufactured home business.

(b) If a display lot is provided, it shall be within the same block or directly across the street from the main business location.

(c) A repair shop, or a service contract with a nearby repair shop, where there are repair tools, repair equipment and personnel to perform the services provided for in a warranty applicable to a home sold by the retailer. Any service contract shall be on the form provided by the department.

(2) **ZONING.** The business premises shall comply with the local zoning, building code and permit requirements.

(3) **SIGN.** Manufactured home retailers who carry and display inventory shall provide an exterior business sign in compliance with s. 100.18 (5), Stats.

(4) **TEMPORARY SALES LOCATIONS.** Manufactured home retailers shall be permitted to display and sell homes at a temporary site other than the licensed place of business, providing that:

(a) Each retailer furnishes the department with written notification of the sale and location at least 10 days in advance; and

(b) The duration of each sale does not exceed 10 days; and

(c) The retailer does not participate in more than 6 sales during each licensing (calendar) year; and

(d) Each participating retailer furnishes each consumer a written notice of the 3-day "cooling off" rights pursuant to s. 423.203, Stats.

Register, January, 1996, No. 481

(5) **RECORDS KEPT.** The minimum of books and records required to be kept and maintained at the licensed business premises by a manufactured home retailer under ss. 218.11(3) and (7) (c) and 342.16 (2), Stats., shall include:

(a) The title for each used home owned and offered for sale and the manufacturer's statement of origin for each new home owned and offered for sale. The retailer shall also have either a factory invoice, a completed retailer reassignment form, or a purchase contract evidencing trade-in or purchase when a manufacturer or lending institution is holding the title or manufacturer's statement of origin of the manufactured home.

(b) A written selling agreement between the owner and retailer for each manufactured home owned by an individual and offered for sale or listed by the retailer.

(c) The original or a copy of all manufactured home purchase contracts, purchase orders and invoices. The records shall also include a copy of MV1 Wisconsin title and registration application forms as additional evidence of the sale as well as information regarding collection of sales tax and Wisconsin title and registration fees.

(d) A record of every manufactured home bought, sold, exchanged, consigned, or listed which shall be kept in a permanently bound book containing consecutively pre-numbered pages with horizontal line ruling. Sales information shall be entered on the same line at the time of the sale. All entries shall be consecutively entered in ink and be legible. Blank horizontal lines shall not be allowed. The information should be maintained in the following format:

Date Acquired	Acquired From Name & Address	New or Used	Year- Make-ID	Date Sold or Disposed of	Disposed of or sold to Name & Address
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(e) The record book described in par. (d) shall be maintained for 5 years, as required by s. 342.16, Stats., and all other required records shall be maintained for a period of 5 years from the date of sale, including copies of factory invoices, dealer reassignment forms, selling agreements, purchase contracts, MV1 and MV11 Wisconsin title and registration applications, regular and conforming power of attorney forms, and for motor vehicles taken in trade, prior owner odometer disclosure statements and dealer's subsequent odometer disclosure statements. The records shall be kept in the place of business during business hours and shall be open to inspection and copying by the department during reasonable business hours.

Note: Financial responsibility requirements for retailer's will be specified in another rule promulgated by the department.

History: Cr. Register, October, 1984, No. 346, eff. 11-1-84; am. (5) (e), Register, January, 1996, No. 481, eff. 2-1-96.