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4781-11-01 ~~General provisions and requirements for m~~ Manufactured housing dealer, manufactured housing broker, and manufactured housing salesperson licensure application for license.

- (A) ~~The commission~~ department of commerce, division of real estate and professional licensing, shall govern the issuance, ~~and maintenance, including status, revocation, and suspension~~ of licenses to manufactured housing dealers, manufactured housing brokers, and salespersons.
- (B) For purposes of division 4781:11 of the Administrative Code, the following definitions shall apply:
- (1) “Manufactured home” has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code.
 - (2) “Manufactured housing” means manufactured homes and mobile homes.
 - (3) “Mobile home” has the same meaning as in division (O) of section 4501.01 of the Revised Code.
 - (4) “Business” includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect.
 - (5) “Casual sale” means any transfer of a manufactured home or mobile home by a person other than a manufactured housing dealer, manufactured housing salesperson, or manufacturer to an ultimate consumer or a person who purchases the home for use as a residence.
 - (6) “Engaging in business” means commencing, conducting, or continuing in business, or liquidating a business when the liquidator ~~thereof~~ holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor’s assets is not engaging in business.
 - (7) “Manufactured home park operator” has the same meaning as “operator” in section 4781.01 of the Revised Code.
 - (8) “Manufactured housing broker” means any person acting as a selling agent on behalf of an owner of a manufactured home or mobile home that is subject to taxation under section 4503.06 of the Revised Code.
 - (9) “Manufactured housing dealer” means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in manufactured homes or mobile homes.
 - (10) “Manufacturer” means a person who manufactures, assembles, or imports manufactured homes or mobile homes.
 - (11) “Person” has the same meaning as in section 1.59 of the Revised Code and also includes this state, any political subdivision of this state, and any other state or local body of this state.
 - (12) “Retail sale” or “sale at retail” means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a manufactured home or mobile home to an ultimate purchaser for the use as a residence.
 - (13) “Salesperson” means any individual employed by a manufactured housing dealer or manufactured housing broker to sell, display, and offer for sale, or deal in manufactured homes or mobile homes for a commission, compensation, or other valuable consideration, but does not mean any public officer performing official duties.

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(14) "Ultimate purchaser" means, with respect to any new manufactured home, the first person, other than a manufactured housing dealer purchasing in the capacity of a manufactured housing dealer, who purchases such new manufactured home for purposes other than resale.

~~(C) Manufactured housing dealer's and manufactured housing broker's licenses; application:~~

~~(4C) Each person applying for a manufactured housing home dealer's license or manufactured housing broker's license shall complete and deliver to the manufactured homes commission division of real estate, before ~~the first day of April~~, a separate application for license for each county in which the business of selling manufactured or mobile homes is to be conducted. The application shall be in the form prescribed by the commission division and accompanied by the non-refundable fee established by ~~the commission~~ the division.~~

(1) The applicant shall sign by hand or by electronic signature, as defined by division (H) of section 1306.01 of the Revised Code and ~~swear~~ attest to the application that shall include, but not be limited to, all of the following:

- (a) Name of applicant and physical location and mailing address, if different, of principal place of business;
- (b) Name or style under which business is to be conducted and, if a corporation, the state of incorporation;
- (c) The business registration identification or other information or documentation showing that the proposed manufactured home dealership or brokerage has properly registered to do business in the state with the Ohio Secretary of State.
- (c) Name and residence address of each owner or partner and, if a corporation, the names of the officers and directors;
- (d) The county in which the business is to be conducted and the street and mailing address of each place of business therein;
- (e) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the ~~commission division~~ the reputation in business of the applicant;
- (f) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, or manufactured housing salesperson's license, and the result of the application, and whether the applicant has ever been the holder of any ~~such~~ occupational or professional license that was revoked or suspended;
- (g) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, or has been the holder of any ~~such~~ occupational or professional license that was revoked or suspended.
- (h) A photograph, as prescribed by the ~~commission~~ division, of each place of business operated, or to be operated by the applicant.

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- (i) A report sent directly to the division from the state bureau of criminal identification and investigation.
- (2) Each application shall be accompanied by a check or ~~money order~~ other negotiable instrument made payable to "Treasurer, State of Ohio", "Ohio Division of Real Estate" or a credit card payment (~~convenience fee added~~) in the following amounts:
 - (a) The original licensing fee shall be two hundred fifty dollars;
 - (b) The county multiple location or dealer relocation/inspection fee shall be one hundred twenty-five dollars;
 - (c) The replacement license fee shall be ~~twenty five~~ ten dollars;
 - (d) The renewal fee shall be two hundred fifty dollars; ~~estat~~
 - (e) The late renewal fee to be paid in addition to the renewal fee shall be one hundred dollars;
 - ~~(f) The certified copy fee shall be twenty five dollars; and~~
 - ~~(g)~~(f) The business name change, license type change, and/or change in business style or type of business shall be ~~twenty five~~ ten dollars; and
 - (g) The service fee for each application for initial licensure, renewal of a license and/or addition of a business location shall be three dollars and fifty cents in addition to the appropriate transaction fee.
- ~~(3) Incomplete applications shall be held open for six months one hundred eighty days following notification of incomplete requirements by regular mail, facsimile or email. After five months one hundred fifty days, a final notice of incomplete application shall be mailed by certified mail, return receipt requested. If at the end of the six month period one hundred eighty days the application remains incomplete, it shall be considered abandoned, the fees forfeited, and the applicant shall be required to submit a new application, including any fees.~~
- ~~(D) Manufactured housing salesperson's licenses; application:~~
 - ~~(4)~~(D) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the manufactured homes commission division ~~before the first day of July~~ an application for license. The application shall be in the form prescribed by the commission division and shall be accompanied by the fee established by the commission division.
 - (1) The applicant shall sign by hand or by electronic signature, as defined by division (H) of section 1306.01 of the Revised Code and swear attest to the application that shall include, but not be limited to, all of the following:
 - (a) Name and ~~post-office~~ residence address of the applicant;
 - (b) Name, physical location and ~~post-office~~ mailing address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson;
 - (c) A statement of the applicant's previous history, record, and associations in manufactured housing, that is sufficient to establish to the satisfaction of the commission the applicant's reputation in business;
 - (d) A statement as to whether the applicant intends to engage in any occupation or business other than

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that of a manufactured housing salesperson;

- (e) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;
 - (f) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;
 - (g) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson; and
 - (h) A report sent directly to the division from the state bureau of criminal identification and investigation.
- (2) Each application shall be accompanied by a check or ~~money order~~ other negotiable instrument made payable to ~~"Treasurer, State of Ohio", "Ohio Division of Real Estate" or a credit card payment (convenience fee added)~~ in the following amounts:
- (a) The original licensing fee shall be one hundred ~~forty~~ twenty-five dollars;
 - (b) The replacement license fee shall be ~~twenty-five~~ ten dollars;
 - (c) The renewal fee shall be one hundred ~~forty~~ twenty-five dollars;
 - (d) The late renewal fee to be paid in addition to the renewal fee shall be ~~seventy-five~~ sixty-two dollars and fifty cents; ~~and~~
 - (e) The transfer license fee shall be ~~twenty-five dollars;~~ and
 - (f) The service fee for each application for initial licensure, renewal, reactivation and/or transfer of a license shall be three dollars and fifty cents in addition to the appropriate transaction fee.
- (3) ~~Incomplete applications shall be held open for six months one hundred eighty days following notification of incomplete requirements by regular mail, facsimile or email. After five months one hundred fifty days, a final notice of incomplete application shall be mailed by certified mail, return receipt requested. If at the end of the six month period one hundred eighty days the application remains incomplete, it shall be considered abandoned, the fees forfeited, and the applicant shall be required to submit a new application, including any fees. Upon written notice from the division of real estate that an application for initial licensure is incomplete or incorrect as filed, the applicant shall, within thirty days of the date of the notice, submit to the division a corrected application or the additional information requested. Failure to timely submit such a corrected application or additional information shall constitute just cause for the superintendent to impose forfeiture of the application fee and void the application. The superintendent may approve an extension of time for submission of a corrected application or additional information requested for good cause shown.~~