

39:10-19

**LEGISLATIVE HISTORY CHECKLIST**  
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(Real estate--mobile homes)

**NJSA:** 39:10-19  
**LAWS OF:** 1994 **CHAPTER:** 150  
**BILL NO:** A543  
**SPONSOR(S):** Stuhltrager  
**DATE INTRODUCED:** Pre-filed  
**COMMITTEE:** **ASSEMBLY:** Commerce  
**SENATE:** Commerce  
**AMENDED DURING PASSAGE:** No  
**DATE OF PASSAGE:** **ASSEMBLY:** March 10, 1994  
**SENATE:** October 20, 1994  
**DATE OF APPROVAL:** December 2, 1994

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes  
**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes  
**FISCAL NOTE:** No  
**VETO MESSAGE:** No  
**MESSAGE ON SIGNING:** No  
**FOLLOWING WERE PRINTED:**  
**REPORTS:** No  
**HEARINGS:** No

KBG:pp

P.L.1994, CHAPTER 150, approved December 2, 1994  
1994 Assembly No. 543

1 AN ACT permitting real estate brokers to deal in mobile or  
2 manufactured homes without a motor vehicle dealer's license,  
3 amending R.S.39:10-19 and supplementing chapter 15 of Title  
4 45 of the Revised Statutes.

5  
6 BE IT ENACTED by the Senate and General Assembly of the  
7 State of New Jersey:

8 1. R.S.39:10-19 is amended to read as follows:  
9 39:10-19. No person shall engage in the business of buying,  
10 selling or dealing in motor vehicles in this State, unless; a. he is a  
11 licensed real estate broker acting as an agent or broker in the  
12 sale of mobile homes without their own motor power other than  
13 recreation vehicles as defined in section 3 of P.L.1990, c.103  
14 (C.39:3-10.11), or manufactured homes as defined in section 3 of  
15 P.L.1983, c.400 (C.54:4-1.4); or b. he is authorized to do so under  
16 the provisions of this chapter. The director may, upon  
17 application in such form as he prescribes, license any proper  
18 person as such dealer. A licensed real estate broker shall be  
19 entitled to act as an agent or broker in the sale of a mobile or  
20 manufactured home as defined in subsection a. of this section  
21 without obtaining a license from the director. For the purposes  
22 of this chapter, a "licensed real estate broker" means a real  
23 estate broker licensed by the New Jersey Real Estate  
24 Commission pursuant to the provisions of chapter 15 of Title 45  
25 of the Revised Statutes. Any sale or transfer of a mobile or  
26 manufactured home, in which a licensed real estate broker acts  
27 as a broker or agent pursuant to this section, which sale or  
28 transfer is subject to any other requirements of R.S.39:10-1 et  
29 seq., shall comply with all of those requirements. No person who  
30 has been convicted of a crime, arising out of fraud or  
31 misrepresentation in the sale or financing of a motor vehicle,  
32 shall be eligible to receive a license and each applicant for a  
33 license shall at the time such license is issued have established  
34 and maintained, or by said application shall agree to establish and  
35 maintain, within 90 days after the issuance thereof, a place of  
36 business consisting of a permanent building not less than 1,000  
37 square feet in floor space located in the State of New Jersey to  
38 be used principally for the servicing and display of motor vehicles  
39 with such equipment installed therein as shall be requisite for the  
40 servicing of motor vehicles in such manner as to make them  
41 comply with the laws of this State and with any rules and  
42 regulations made by the director of motor vehicles governing the  
43 equipment, use and operation of motor vehicles within the State.

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

Matter underlined thus is new matter.

1 A license fee of \$100.00 shall be paid by an applicant upon his  
2 initial application for a license. The director may renew an  
3 applicant's license from year to year, upon application for  
4 renewal on a form prescribed by the director and accompanied  
5 each year by a renewal fee of \$100.00. Every license shall expire  
6 on March 31 of each year terminating the period for which it is  
7 issued. On and after February 1 of each year the director shall  
8 issue licenses for the following yearly period to expire on  
9 March 31 of the following year.

10 (cf: P.L.1963, c.34, s.5)

11 2. (New section) A real estate licensee who acts as an agent  
12 or broker in the sale of a mobile or manufactured home, as  
13 defined in subsection a. of R.S.39:10-19, in a manner which does  
14 not comply with all requirements of R.S.39:10-1 et seq.  
15 applicable to the sale of any such mobile or manufactured home,  
16 shall, pursuant to R.S.45:16-17, be subject to sanctions by the  
17 New Jersey Real Estate Commission for engaging in conduct  
18 which demonstrates incompetency.

19 3. (New section) The New Jersey Real Estate Commission,  
20 after consultation with the Director of the Division of Motor  
21 Vehicles, shall, pursuant to the provisions of the "Administrative  
22 Procedure Act," P.L.1966, c.410 (C.52:14B-1 et seq.), promulgate  
23 rules and regulations to effectuate the provisions of this act.

24 4. This act shall take effect immediately.

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29 Permits real estate brokers to sell, buy or deal in mobile or  
30 manufactured homes.

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23 rules and regulations to effectuate the provisions of this act.

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#### 25 26 27 STATEMENT 28

29 This bill allows a licensed real estate broker to participate in  
30 the sale of a mobile or manufactured home without becoming  
31 licensed under the "motor vehicle certificate of ownership law,"  
32 R.S.39:10-1 et seq., when one is acting as an agent or broker in  
33 the sale of mobile or manufactured homes as defined by the bill.  
34 The bill requires that the sale of a mobile or manufactured home  
35 by a licensed real estate broker shall comply with any other  
36 applicable requirements of the "motor vehicle certificate of ownership  
37 law." The bill defines mobile homes as those mobile  
38 homes without their own motor power other than recreation  
39 vehicles as defined in the "New Jersey Commercial Driver  
40 License Act," R.S.54:4-1.2 et seq. Manufactured homes are  
41 defined in the "Manufactured Homes Taxation Act," R.S.54:4-1.2  
42 et seq.

43 Also, the bill provides that a real estate licensee who acts as  
44 an agent or broker in the sale of a mobile or manufactured home,  
45 as defined by the bill, in a manner which does not comply with  
46 the requirements of the "motor vehicle certificate of ownership  
47 law," shall be subject to sanctions by the New Jersey Real Estate  
48 Commission for engaging in conduct which demonstrates  
49 incompetency. Finally, the bill requires the New Jersey Real  
50 Estate Commission, in consultation with the Director of the  
51 Division of Motor Vehicles, to promulgate rules and regulations  
52 to effectuate the provisions of the bill.

53 This bill does not exclude mobile home park owners or anyone  
54 else from selling or dealing in mobile or manufactured homes

1 when acting in accordance with law. The bill merely provides  
2 that licensed real estate brokers do not need to become licensed  
3 under the "motor vehicle certificate of ownership law" when  
4 acting as an agent or broker in the sale of mobile or  
5 manufactured homes as defined by the bill.

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11 Permits real estate brokers to sell, buy or deal in mobile or  
manufactured homes.

ASSEMBLY COMMERCE AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 543

STATE OF NEW JERSEY

DATED: JANUARY 24, 1994

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly Bill No. 543.

This bill allows a licensed real estate broker to participate in the sale of a mobile or manufactured home without becoming licensed pursuant to the "motor vehicle certificate of ownership law," R.S.39:10-1 et seq. The bill allows licensed real estate brokers to sell or deal only in mobile homes without their own motor power other than recreational vehicles as defined in the "New Jersey Commercial Driver License Act," P.L.1990, c.103 (C.39:3-10.9 et seq.), or manufactured homes as defined in the "Manufactured Home Taxation Act," P.L.1983, c.400 (C.54:4-1.2 et seq.).

The bill requires the New Jersey Real Estate Commission and the Director of the Division of Motor Vehicles to establish certification requirements which shall be met by licensed real estate brokers who sell any mobile or manufactured home which is installed in or to be installed in a mobile home park.

Under current law, a mobile or manufactured home is considered a motor vehicle, and only a licensed car dealer is authorized to participate in the purchase or sale of a motor vehicle. Currently, the situation in regard to the resale of a mobile or manufactured home is rather confusing. If the mobile home is located in a mobile home park and the owner wishes to use an agent to sell the home, he must then use a licensed car dealer, as the mobile home in this situation is considered a motor vehicle. However, once a mobile home is located on property in which its owner has an interest or to which he has title, the home is no longer considered a motor vehicle and could then be sold by a licensed real estate broker. This bill will allow a real estate broker to act as the agent in the sale of a mobile or manufactured home regardless of its location.

This bill was pre-filed for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE COMMERCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 543

STATE OF NEW JERSEY

DATED: MAY 5, 1994

The Senate Commerce Committee reports favorably Assembly, No. 543.

This bill allows a licensed real estate broker to participate in the sale of a mobile or manufactured home without becoming licensed pursuant to the "motor vehicle certificate of ownership law," R.S.39:10-1 et seq. However, the bill requires that the sale of a mobile or manufactured home by a licensed real estate broker must comply with any other applicable requirements of that law. The bill allows licensed real estate brokers to sell or deal only in mobile homes without their own motor power other than recreation vehicles as defined in the "New Jersey Commercial Driver License Act," P.L.1990, c.103 (C.39:3-10.9 et seq.), or manufactured homes as defined in the "Manufactured Home Taxation Act," P.L.1983, c.400 (C.54:4-1.2 et seq.).

The bill provides that a real estate licensee who acts as an agent or broker in the sale of a mobile or manufactured home, as defined by the bill, in a manner which does not comply with the requirements of the "motor vehicle certificate of ownership law," shall be subject to sanctions by the New Jersey Real Estate Commission for engaging in conduct which demonstrates incompetency. Finally, the bill requires the New Jersey Real Estate Commission, in consultation with the Director of the Division of Motor Vehicles, to promulgate rules and regulations to effectuate the provisions of the bill.

This bill does not exclude mobile home park owners or anyone else from selling or dealing in mobile or manufactured homes when acting in accordance with law. The bill merely provides that licensed real estate brokers do not need to become licensed under the "motor vehicle certificate of ownership law" when acting as an agent or broker in the sale of mobile or manufactured homes as defined by the bill.