

4781-11-19 **Prohibited activities.**

(A) Except as provided in division (E) of this rule, no person shall do any of the following:

(1) Engage in the business of displaying or selling at retail manufactured homes or mobile homes or assume to engage in that business, unless the person is licensed as a manufactured housing dealer under Chapter 4781. of the Revised Code, or is a salesperson licensed under Chapter 4781. of the Revised Code and employed by a licensed manufactured housing dealer;

(2) Make more than five casual sales of manufactured homes or mobile homes in a twelve-month period without obtaining a license as a manufactured housing dealer under Chapter 4781. of the Revised Code;

(3) Purchase a manufactured home directly from the manufacturer without obtaining a license as a manufactured housing dealer under Chapter 4781. of the Revised Code;

(4) Engage in the business of brokering manufactured homes unless that person is licensed as a manufactured housing broker under Chapter 4781. of the Revised Code or licensed as a real estate broker or salesperson pursuant to Chapter 4735. of the Revised Code.

(B) Except as provided in this division, no manufactured housing dealer shall sell, display, offer for sale, or deal in manufactured homes or mobile homes at any place except an established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in manufactured homes or mobile homes.

(C) No manufactured housing broker shall engage in the business of brokering manufactured or mobile homes at any place except an established place of business that is used exclusively for the purpose of brokering manufactured and mobile homes.

(D) A place of business used for the brokering or sale of manufactured homes or mobile homes is considered to be used exclusively for brokering, selling, displaying, offering for sale, or dealing in manufactured or mobile homes, even though industrialized units, as defined by section 3781.06 of the Revised Code, are brokered, sold, displayed, offered for sale, or dealt at the same place of business.

(E) If the licensed manufactured housing dealer is a manufactured home park operator, then all of the following apply:

(1) An established place of business that is located in the operator's manufactured home park and that is used for selling, leasing, and renting manufactured homes and mobile homes in that manufactured home park is considered to be used exclusively for that purpose, even though rent and other activities related

to the operation of the manufactured home park take place at the same location or office.

- (2) The dealer's established place of business in the manufactured home park shall be staffed by someone licensed and regulated under this chapter who could reasonably assist any retail customer with or without an appointment, but such established place of business need not satisfy office size, display lot size, and physical barrier requirements applicable to other used motor vehicle dealers.
- (3) The manufactured and mobile homes being offered for sale, lease, or rental by the dealer may be located on individual rental lots inside the operator's manufactured home park.
- (F) Nothing in this rule shall be construed as prohibiting the sale of a new or used manufactured or mobile home located in a manufactured home park by a licensed manufactured housing dealer.
- (G) Nothing in this rule shall be construed to prohibit persons licensed under this Chapter 4781. of the Revised Code from making sales calls.
- (H) This chapter does not apply to mortgagees selling at retail only those manufactured homes or mobile homes that have come into their possession by a default in the terms of a mortgage contract.
- (I) When a partnership licensed under Chapter 4781. of the Revised Code is dissolved by death, the surviving partners may operate under the manufactured housing dealer license for a period of sixty days, and the heirs or representatives of the deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the license of the person succeeded in possession by that heir, representative, receiver, or trustee in bankruptcy.

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CERTIFIED ELECTRONICALLY

Certification

11/20/2012

Date

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