

Senate Bill 85

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber for Department of Consumer and Business Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires manufactured structure dealer to retain earnest money or other deposit of retail customer for manufactured structure in trust until dealer delivers manufactured structure to retail customer. Limits access to dealer's surety bond by persons other than retail customers of dealer.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to manufactured structure dealers; creating new provisions; amending ORS 446.661, 446.691,
3 446.696, 446.706, 446.726, 696.534 and 696.535; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. ORS 446.661 and sections 2 and 3 of this 2011 Act are added to and made a**
6 **part of ORS 446.666 to 446.756.**

7 **SECTION 2. (1) As used in this section, "transaction" means a contract between a man-**
8 **ufactured structure dealer and a retail customer for the sale or lease with an option to buy**
9 **of a manufactured structure.**

10 **(2)(a) Except as provided in paragraph (b) of this subsection, a manufactured structure**
11 **dealer shall:**

12 **(A) Maintain in this state one or more separate accounts that shall be designated a**
13 **clients' trust account in an insured institution.**

14 **(B) File with the Department of Consumer and Business Services for each account, on**
15 **a form approved by the department, a statement:**

16 **(i) Identifying the name of the insured institution, the account number and the name of**
17 **the account; and**

18 **(ii) Authorizing the examination of any clients' trust account by a duly authorized rep-**
19 **resentative of the department at a time directed by the department.**

20 **(C) Retain on deposit in the clients' trust account earnest money or other deposit paid**
21 **based on a transaction until the dealer delivers the manufactured structure to the retail**
22 **customer or until the transaction is terminated.**

23 **(b) Pursuant to written agreement of all parties having an interest in the earnest money**
24 **or other deposit, a manufactured structure dealer may place earnest money or other deposit**
25 **in an escrow account with an escrow agent licensed under ORS 696.505 to 696.590.**

26 **(3) Subject to rules of the Director of the Department of Consumer and Business Ser-**
27 **vices, with prior written approval of all parties with an interest in earnest money or other**
28 **deposit in the clients' trust account, a dealer may deposit client moneys held in trust in a**
29 **federally insured interest-bearing account.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (4) A manufactured structure dealer may not commingle any other moneys with deposits
2 in the clients' trust account. Notwithstanding the limitation on commingling moneys, the
3 dealer may deposit a nominal amount of the dealer's moneys in the clients' trust account for
4 payment of fees or other incidental expenses charged to the clients' trust account by the
5 insured institution. For purposes of this subsection, it is an irrebuttable presumption that
6 \$50 or less is a nominal amount of moneys.

7 (5) A manufactured structure dealer is not entitled to any part of the earnest money or
8 other deposit as compensation in connection with a transaction until the dealer has delivered
9 the manufactured structure to the retail customer or until the transaction has been termi-
10 nated. The question of the disposition of forfeited earnest money or other deposit must be
11 negotiated between the dealer and the retail customer when entering into the transaction,
12 and the dealer or the retail customer must document the result of the negotiations on the
13 agreement form. If the disposition of forfeited earnest money or other deposit does not ap-
14 pear immediately above the signature line on the agreement form, the retail customer must
15 separately initial the disposition provision in the agreement.

16 (6) If a retail customer does not have a good-faith intention to complete the transaction,
17 the manufactured structure dealer may retain earnest money when the transaction is ter-
18 minated.

19 (7) Earnest money or other deposit in a clients' trust account, or in an escrow account,
20 is not subject to execution or attachment on any claim against the manufactured structure
21 dealer.

22 (8) The director may adopt rules for the administration of this section, including pro-
23 visions relating to the retention and maintenance of related records and provisions regulat-
24 ing the manner and timing in which clients' trust funds are deposited, held and disbursed.

25 **SECTION 3.** (1) When a manufactured structure dealer opens a clients' trust account
26 under section 2 of this 2011 Act, the dealer shall provide the insured institution in which the
27 account is opened with a notice in substantially the following form:

28 _____

29
30 **NOTICE OF CLIENTS' TRUST ACCOUNT**

31
32 **To: (name of insured institution) _____**

33 **I, _____, am the (owner, president, managing general partner or other position**
34 **description) _____ of (name of manufactured structure dealer) _____ and**
35 **am authorized to act on behalf of (name of manufactured structure dealer)**
36 **_____.**

37 **Pursuant to section 2 of this 2011 Act, I am required to maintain in Oregon a clients'**
38 **trust account, or an escrow account, for the purpose of holding funds belonging to others.**

39 **With regard to the account(s) numbered _____, which is/are designated as a clients'**
40 **trust account, the account(s) is/are maintained with you as a depository for moneys belong-**
41 **ing to persons other than myself and in my fiduciary capacity as a manufactured structure**
42 **dealer established by client agreements in separate documents.**

43
44 **Dated: (insert date)**

45 _____

(signature of person authorized to act on behalf of manufactured structure dealer)

ACKNOWLEDGMENT OF RECEIPT

I, _____, a duly authorized representative of (insured institution) _____, do hereby acknowledge receipt of the above NOTICE OF CLIENTS' TRUST ACCOUNT on (date) _____.

_____ (signature)

_____ (title)

(2) The acknowledged copy of the notice described in subsection (1) of this section must be retained by the manufactured structure dealer as described in section 2 of this 2011 Act and is subject to inspection by the Director of the Department of Consumer and Business Services.

SECTION 4. ORS 696.534 is amended to read:

696.534. (1)(a) An escrow agent shall keep and maintain at all times in the licensed office of the agent, complete and suitable records of escrow transactions made by the agent and of the business of the agent including, but not limited to, books, papers and data clearly reflecting the financial condition of the business of the agent. [The records must be open for inspection by the Real Estate Commissioner or the commissioner's authorized representatives at all times.] An escrow agent shall keep escrow records for a period of six years from the date the escrow closes or is terminated.

(b) The records must be open for inspection by the Real Estate Commissioner or the commissioner's authorized representatives at all times. An escrow agent may maintain the records in any format, as determined by the commissioner by rule, that allows for inspection and copying by the commissioner or the commissioner's representatives.

(c) With respect to the records related to an escrow transaction of a manufactured structure dealer, the records must be open for inspection by the Director of the Department of Consumer and Business Services at all times.

(d) When an escrow agent acts as a subservicer for another escrow agent, the subservicer shall keep its records in the manner required for an escrow agent under this section.

(2) Notwithstanding the requirement of subsection (1) of this section that an escrow agent maintain escrow records in the agent's licensed office, an escrow agent shall keep escrow records in the office in which the transaction occurred for one year from the date the escrow closes or is terminated.

(3) Notwithstanding the requirements of subsections (1) and (2) of this section to maintain escrow records in specified locations, an escrow agent may maintain escrow records at another location satisfactory to the commissioner if the escrow agent provides the commissioner with prior written notice of the proposed location.

SECTION 5. ORS 696.535 is amended to read:

696.535. (1) The Real Estate Commissioner may suspend or revoke the license of an escrow agent, reprimand an escrow agent who is licensed, refuse to issue an escrow agent license to an applicant or refuse to renew the license of an escrow agent, if the escrow agent or applicant:

(a) Is insolvent under generally accepted accounting principles;

(b) Demonstrated untrustworthiness or incompetence to transact the business of an escrow agent;

1 (c) Failed to conduct business in accordance with law or violated any provision of ORS 696.505
 2 to 696.590 or any rule adopted under ORS 696.505 to 696.590;

3 (d) Committed fraud in connection with any transaction governed by ORS 696.505 to 696.590 or
 4 the rules adopted under ORS 696.505 to 696.590;

5 (e) Made any misrepresentations or false statement of an essential or material fact to, or con-
 6 cealed any essential or material fact from, any person in the course of the escrow business;

7 (f) Knowingly made or caused to be made to the commissioner, **or, with respect to an escrow**
 8 **transaction relating to a manufactured structure dealer, to the Director of the Department**
 9 **of Consumer and Business Services**, any false representation of a material fact, or suppressed or
 10 withheld from the commissioner, **or from the director**, any information the applicant or licensee
 11 possesses that, if submitted, would have disqualified the applicant or licensee from original or re-
 12 newed licensing under ORS 696.505 to 696.590 or rules adopted under ORS 696.505 to 696.590;

13 (g) In a real estate transaction, failed to account to the principals or persons entitled to an ac-
 14 counting of the funds, property or documents or other things of value received in the transaction;

15 (h) Failed to deliver within a reasonable time to persons entitled to receive funds, property or
 16 documents or other things of value held or agreed to be delivered by the licensee, as and when paid
 17 for and due to be delivered;

18 (i) Caused uncompensated material loss to principals by engaging in a pattern of failures to act
 19 with neutrality between principals in multiple escrows;

20 (j) Refused to permit the commissioner to examine the escrow agent’s books and affairs, or re-
 21 fused or failed, within a reasonable time, to furnish any information, records or files or make any
 22 report that may be required by the commissioner under the provisions of ORS 696.505 to 696.590 or
 23 rules adopted under ORS 696.505 to 696.590;

24 **(k) With respect to an escrow transaction relating to a manufactured structure dealer,**
 25 **refused to permit the Director of the Department of Consumer and Business Services to**
 26 **examine the escrow agent’s books and affairs, or refused or failed, within a reasonable time,**
 27 **to furnish any information, records or files or make any report that may be required by the**
 28 **director under the provisions of ORS 446.666 to 446.756 or rules adopted under ORS 446.666**
 29 **to 446.756;**

30 [(k)] (L) Has been convicted of a crime that is substantially related to the escrow agent’s com-
 31 petency or trustworthiness to engage in the business of an escrow agent;

32 [(L)] (m) Committed an act of fraud or engaged in dishonest conduct substantially related to the
 33 fitness of the applicant or licensee to conduct the activities of an escrow agent, without regard to
 34 whether the act or conduct occurred in the course of escrow activity; or

35 [(m)] (n) Failed to maintain a surety bond required under ORS 696.525 or other surety required
 36 under ORS 696.527.

37 (2) It is sufficient cause for refusal or revocation of a license in case of a partnership or cor-
 38 poration or any unincorporated association, if any member of a partnership or any officer or director
 39 of the corporation or association has been guilty of any act or omission which would be cause for
 40 refusing or revoking the registration of an individual **escrow** agent.

41 **SECTION 6.** ORS 446.661 is amended to read:

42 446.661. As used in ORS 446.666 to 446.756:

43 (1) **“Dealer” has the meaning given that term in ORS 446.003.**

44 (2) **“Insured institution” has the meaning given that term in ORS 706.008.**

45 [(1)] (3) **“Manufactured dwelling” has the meaning given that term in ORS 446.003. [; and]**

[2] (4) “Manufactured structure” has the meaning given that term in ORS 446.561.

SECTION 7. ORS 446.691, as amended by section 29, chapter 863, Oregon Laws 2009, is amended to read:

446.691. The Director of the Department of Consumer and Business Services shall issue a manufactured structure dealer license to an applicant if the applicant:

(1) Delivers to the director a bond or letter of credit that meets the requirements under ORS 446.726;

(2) Files with the director, on forms approved by the director, a statement identifying the insured institution or institutions, account names and account numbers for each clients’ trust account or the escrow account used to satisfy the requirements of section 2 of this 2011 Act;

(3) Authorizes the director, on a form approved by the director, to examine a clients’ trust account or escrow account used to satisfy the requirements of section 2 of this 2011 Act;

[2] (4) Provides evidence acceptable to the director that the applicant obtained a corporate surety bond as provided in ORS 86A.227 if the applicant employs or intends to employ a mortgage loan originator, as defined in ORS 86A.200, or is otherwise subject to ORS 86A.200 to 86A.239;

[3] (5) Certifies to the director in a form and manner the director specifies by rule that the applicant has independently verified that every individual the applicant or licensee hired or intends to hire as a mortgage loan originator meets the requirements set forth in ORS 86A.200 to 86A.239 and in ORS 86A.186;

[4] (6) Pays the fee specified in ORS 446.721 for issuance of a manufactured structure dealer license; and

[5] (7) Completes the application for a dealer license in a form approved by the director that includes:

(a) The name and residence address of the applicant. If the applicant is a firm or partnership, the application must include the names and residence addresses of the members of the firm or partnership. If the applicant is a corporation, the application must include the names and residence addresses of the principal officers of the corporation and the name of the state in which the corporation is incorporated.

(b) The name under which the business will be conducted.

(c) The street address, including city and county in Oregon, where the business will be conducted.

(d) A statement that indicates whether the applicant handles used manufactured structures.

(e) An affidavit from the applicant showing that the applicant will act as a manufactured structure dealer and will conduct business at the location given on the application.

(f) If the street address where the dealer will conduct the business is in a residential zone, a statement by the dealer that all manufactured structures sold or displayed at that address will meet any architectural and aesthetic standards regulating the placement of manufactured structures in that residential zone.

(g) Information the director requires to efficiently regulate manufactured structures, manufactured structure dealers and dealerships or other relevant information the director requires.

(h) If the applicant will offer for sale new manufactured structures that are recreational vehicles greater than eight and one-half feet in width, an affidavit from the applicant stating that the applicant will maintain a recreational vehicle service facility for those recreational vehicles at a street

1 address provided in the application.

2 **SECTION 8.** ORS 446.696, as amended by section 30, chapter 863, Oregon Laws 2009, is
 3 amended to read:

4 446.696. A manufactured structure dealer license is valid for three years, but the Director of the
 5 Department of Consumer and Business Services may adjust the term of an initial license for the
 6 purpose of establishing uniform expiration dates. A dealer may renew a license as provided by the
 7 director. The director may renew a license only if the dealer:

8 (1) Delivers to the director a bond or letter of credit that meets the requirements under ORS
 9 446.726.

10 (2) **Files with the director, on forms approved by the director, a statement identifying the**
 11 **insured institution or institutions, account names and account numbers for each clients'**
 12 **trust account or the escrow account used to satisfy the requirements of section 2 of this 2011**
 13 **Act.**

14 (3) **Authorizes the director, on a form approved by the director, to examine a clients'**
 15 **trust account or escrow account used to satisfy the requirements of section 2 of this 2011**
 16 **Act.**

17 [(2)] (4) Provides evidence acceptable to the director that the dealer obtained a corporate surety
 18 bond as provided in ORS 86A.227 if the dealer employs or intends to employ a mortgage loan origi-
 19 nator, as defined in ORS 86A.200, or is otherwise subject to ORS 86A.200 to 86A.239.

20 [(3)] (5) Certifies to the director in a form and manner the director specifies by rule that the
 21 dealer has independently verified that every individual the dealer hired or intends to hire as a
 22 mortgage loan originator meets the requirements set forth in ORS 86A.200 to 86A.239 and in ORS
 23 86A.186.

24 [(4)] (6) Pays the fee specified in ORS 446.721 for renewal of a manufactured structure dealer
 25 license.

26 [(5)] (7) Submits a completed application for renewal in a form approved by the director that
 27 includes:

28 (a) The name and residence address of the dealer. If the dealer is a firm or partnership, the
 29 application must include the names and addresses of the members of the firm or partnership. If the
 30 dealer is a corporation, the application must include the names and addresses of the principal offi-
 31 cers of the corporation and the name of the state in which the corporation is incorporated.

32 (b) The name under which the business will be conducted.

33 (c) The street address, including city and county in Oregon, where the business will be con-
 34 ducted.

35 (d) If the location of the dealership is being changed at the time of renewal:

36 (A) For a business that will be conducted in a residential zone, a statement by the dealer that
 37 all manufactured structures sold or displayed at that address will meet any architectural and aes-
 38 thetic standards regulating the placement of manufactured structures in that residential zone.

39 (B) For a business that will offer for sale new manufactured structures that are recreational
 40 vehicles greater than eight and one-half feet in width, a certificate from the applicant stating that
 41 the applicant will maintain a recreational vehicle service facility for those recreational vehicles at
 42 a street address provided in the application.

43 (e) Information the director requires to efficiently regulate manufactured structure dealers and
 44 dealerships or other relevant information the director requires.

45 **SECTION 9.** ORS 446.706, as amended by section 31, chapter 863, Oregon Laws 2009, is

1 amended to read:

2 446.706. (1) A person who holds a limited manufactured structure dealer license issued under
3 this section may sell during a calendar year up to 10 manufactured dwellings located at a manu-
4 factured dwelling park identified in the license. The manufactured dwellings sold under a limited
5 manufactured structure dealer license must be dwellings that:

6 (a) Have been abandoned as described in ORS 90.675 at any manufactured dwelling park. If the
7 manufactured dwelling is not subject to sale by the limited manufactured structure dealer under
8 ORS 90.675 (10), the dealer must have the certificate of title or registration for the dwelling trans-
9 ferred to the dealer prior to offering the dwelling for sale; or

10 (b) Have been purchased by the park owner from a person holding title, and at the time of
11 purchase by the park owner, were sited in the manufactured dwelling park identified in the license.

12 (2) Notwithstanding ORS 90.525, if a limited manufactured structure dealer sells a manufactured
13 dwelling that was abandoned at a manufactured dwelling park other than the park where the
14 dwelling is being sold, the sale terms for the manufactured dwelling must require that the dwelling
15 is to be sited under a rental agreement at the park where sold for at least 12 months following the
16 sale.

17 (3) Except as provided in ORS 446.741, the Director of the Department of Consumer and Busi-
18 ness Services shall issue a limited manufactured structure dealer license to a person if the person:

19 (a) Owns or operates a manufactured dwelling park as defined in ORS 446.003;

20 (b) Submits a completed application for a limited manufactured structure dealer license in a form
21 approved by the director;

22 (c) Delivers to the director a bond or letter of credit that meets the requirements under ORS
23 446.726, except that the bond or letter of credit must be in the sum of \$15,000 for each year that the
24 license is valid;

25 **(d) Files with the director, on forms approved by the director, a statement identifying the**
26 **insured institution or institutions, account names and account numbers for each clients'**
27 **trust account or the escrow account used to satisfy the requirements of section 2 of this 2011**
28 **Act;**

29 **(e) Authorizes the director, on a form approved by the director, to examine a clients'**
30 **trust account or escrow account used to satisfy the requirements of section 2 of this 2011**
31 **Act;**

32 [(d)] (f) Delivers to the director a corporate surety bond that meets the requirements specified
33 in ORS 86A.227 if the person employs or intends to employ a mortgage loan originator, as defined
34 in ORS 86A.200, or is otherwise subject to ORS 86A.200 to 86A.239;

35 [(e)] (g) Certifies to the director in a form and manner the director specifies by rule that the
36 person has independently verified that every individual the person hired or intends to hire as a
37 mortgage loan originator meets the requirements set forth in ORS 86A.200 to 86A.239 and in ORS
38 86A.186[.];

39 [(f)] (h) Is 18 years of age or older or is legally emancipated; and

40 [(g)] (i) Pays the fee specified in ORS 446.721 for issuance of a limited manufactured structure
41 dealer license.

42 (4) If the person is a firm or partnership, the application for a limited manufactured structure
43 dealer license must include the names and residence addresses of the members of the firm or part-
44 nership. If the person is a corporation, the application must include the names of the principal offi-
45 cers of the corporation and residence addresses of the officers and the name of the state under

1 whose laws the corporation is organized. If the person is the owner of a manufactured dwelling park,
 2 the person may submit a joint application on behalf of the person and a named park operator em-
 3 ployed by the person. If the person is the operator of a manufactured dwelling park, the application
 4 must include the name and signature of the park owner.

5 (5) A limited manufactured structure dealer license is valid for use at a single manufactured
 6 dwelling park. The manufactured dwelling park location must be specified in the license application.
 7 A limited manufactured structure dealer may not employ a salesperson.

8 (6) A limited manufactured structure dealer license is valid for two years, but the director may
 9 adjust the term of an initial license for the purpose of establishing uniform expiration dates.

10 (7) Notwithstanding subsection (6) of this section, the limited manufactured structure dealer li-
 11 cense for the person expires immediately if the person ceases to be an operator or owner of the
 12 manufactured dwelling park at which the license may be used. The owner of a manufactured dwell-
 13 ing park shall immediately notify the director if a person licensed under this section ceases to be
 14 an owner or operator of a manufactured dwelling park at which the license may be used.

15 (8) Notwithstanding subsections (6) and (7) of this section, if a licensed person ceases to be an
 16 operator of the manufactured dwelling park, the park owner may apply to have a corrected license
 17 issued to a new operator employed by the owner. A corrected license issued under this subsection
 18 is valid for the unexpired portion of the original license term. The director shall charge the fee
 19 specified in ORS 446.721 for issuing a corrected license.

20 (9) A limited manufactured structure dealer may renew a license as provided by the director.
 21 The director shall renew a license only if the dealer:

22 (a) Submits a completed application for renewal in a form approved by the director;

23 (b) Delivers to the department a bond or letter of credit that meets the requirements described
 24 in subsection (3) of this section; and

25 (c) Pays the fee specified in ORS 446.721 for renewal of a limited manufactured structure dealer
 26 license.

27 **SECTION 10.** ORS 446.726 is amended to read:

28 446.726. (1) A bond or letter of credit required to qualify for issuance or renewal of a manufac-
 29 tured structure dealer license under ORS 446.691 or 446.696 or a temporary manufactured structure
 30 dealer license under ORS 446.701 must comply with the following requirements:

31 (a) The bond must have a corporate surety licensed to do business within this state. A letter
 32 of credit must be an irrevocable letter of credit issued by an insured institution[, *as defined in ORS*
 33 *706.008*].

34 (b) The bond or letter of credit must:

35 (A) Be executed to the State of Oregon;

36 (B) Be in the sum of \$40,000 for each year the license is valid;

37 (C) Be in a form approved by the [*Attorney General*] **Director of the Department of Consumer**
 38 **and Business Services;**

39 (D) Be conditioned that the dealer will conduct the manufactured structure dealership without
 40 fraud or fraudulent representation and without violating any statute or rule relating to manufac-
 41 tured structure dealers, manufactured structure dealerships, transfers of interests in manufactured
 42 structures, alteration of manufactured structures or moving manufactured structures;

43 (E) Be separate from any bond or letter of credit covering business activities other than dealing
 44 in manufactured structures; and

45 (F) Be filed and held [*in the office of the Department of Consumer and Business Services*] **by the**

1 **director.**

2 (2) The surety or institution shall notify the [*department*] **director** if the bond or letter of credit
3 is canceled for any reason. The surety or institution continues to be liable under the bond or letter
4 of credit until the [*department*] **director** receives the notice required by this subsection, or until the
5 cancellation date specified in the notice, whichever is later.

6 (3) If the license of a manufactured structure dealer is not renewed or is voluntarily or invol-
7 untarily canceled, the surety on the bond and the issuer of the letter of credit are relieved from li-
8 ability that accrues after the [*department*] **director** cancels the license.

9 (4) The manufactured structure dealer shall purchase a bond or letter of credit under this sec-
10 tion annually on or before each anniversary of the issuance of the dealer's license.

11 (5) A [*person*] **retail customer** has a right of action against a manufactured structure dealer,
12 against the surety on the dealer's bond and the issuer of a letter of credit if the [*person*] **retail**
13 **customer** suffers any loss or damage by reason of the manufactured structure dealer's fraud,
14 fraudulent representations or violations of statutes relating to:

15 (a) Transfer of interests in manufactured structures;

16 (b) Moving manufactured structures;

17 (c) The alteration of manufactured structures; or

18 (d) The regulation of manufactured structure dealers and manufactured structure dealerships.

19 [*(6) Notwithstanding subsection (5) of this section, the maximum amount available under a bond*
20 *or letter of credit described in this section for the payment of claims by persons other than retail cus-*
21 *tomers of the dealer is \$20,000.]*

22 **SECTION 11.** (1) **If the Director of the Department of Consumer and Business Services**
23 **has reason to believe that a person has engaged, is engaging or is about to engage in a vio-**
24 **lation of ORS 446.666 to 446.756 or a rule adopted under ORS 446.666 to 446.756, the director**
25 **may issue an order directed to the person to cease and desist from the violation or threat-**
26 **ened violation.**

27 (2) **The director may require a manufactured structure dealer, or a person associated**
28 **with the manufactured structure dealer, to produce for the director's examination and use**
29 **books, accounts, records, files, documents or other information or evidence as the director**
30 **deems necessary to carry out the purposes of ORS 446.666 to 446.756.**

31 (3) **The director may direct, subpoena, examine, compel the attendance of, administer**
32 **oaths and affirmations to, and request production of books, accounts, records, files, docu-**
33 **ments or other information or evidence from witnesses and persons that are subject to reg-**
34 **ulation under ORS 446.666 to 446.756.**

35 (4) **The director may interview, take and preserve testimony concerning business prac-**
36 **tices and operations from the manufactured structure dealer's officers, principals, mortgage**
37 **loan originators if applicable, employees, agents and customers or independent contractors**
38 **associated with the manufactured structure dealer.**

39 **SECTION 12.** (1) **Sections 2 and 3 of this 2011 Act and the amendments to ORS 446.661,**
40 **446.691, 446.696, 446.706, 696.534 and 696.535 by sections 4 to 9 of this 2011 Act apply to**
41 **transactions between manufactured structure dealers and retail customers on or after the**
42 **effective date of this 2011 Act.**

43 (2) **The amendments to ORS 446.726 by section 10 of this 2011 Act apply to causes of**
44 **action commenced against a manufactured structure dealer by a retail customer on or after**
45 **the effective date of this 2011 Act.**

1 **(3) Section 11 of this 2011 Act applies to transactions between manufactured structure**
2 **dealers and retail customers before, on or after the effective date of this 2011 Act.**

3 **SECTION 13.** **This 2011 Act being necessary for the immediate preservation of the public**
4 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
5 **on its passage.**

6
