

AMENDED IN SENATE MAY 26, 1999

SENATE BILL

No. 476

Introduced by Senator Chesbro

February 18, 1999

An act to add Section 798.44 to the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 476, as amended, Chesbro. Mobilehomes: liquid propane butane sales.

Existing law prohibits the management of a mobilehome park from charging a fee for other than rent, utilities, and incidental reasonable charges for services actually rendered. Existing law also requires management to post in a conspicuous place the prevailing residential utilities rate schedule as published by the serving utility if management provides both master meter and submeter service of utilities to a homeowner. Existing law provides that in the absence of a rental agreement to the contrary, the park management may elect to bill a homeowner separately for utility service fees and charges assessed by the utility for services provided to or for spaces in the park, including services for liquid propane gas. These utility fees and charges are not deemed to be included in the rent for the space.

This bill would prohibit the management of a mobilehome park from charging the mobilehome owners and tenants within a park more than 110% of the actual price paid by the management of the park for liquid propane butane if the management of the park does not permit the purchase of

liquid propane butane for use in the mobilehome park from any other source other than the mobilehome park management. The management of a mobilehome park would be required to post the actual price paid by management for liquid propane butane sold by it.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares as
2 follows:

3 (a) Liquid propane butane is a source of heat for
4 mobilehome owners and tenants within a mobilehome
5 park.

6 (b) Many mobilehome park owners do not permit
7 mobilehome owners or tenants to purchase their own
8 liquid propane butane, thereby requiring mobilehome
9 owners or tenants to purchase liquid propane butane
10 from the mobilehome park owner. The park owner
11 usually monitors the mobilehome owners' or tenants' use
12 of liquid propane butane through a master meter and
13 submeter.

14 (c) Mobilehome park owners have a right to sell liquid
15 propane butane to their tenants at a price which reflects
16 a reasonable profit.

17 (d) *Nothing in Section 798.74 of the Civil Code is*
18 *intended to abrogate the right of a mobilehome park*
19 *owner to charge a homeowner any fee authorized by*
20 *Section 798.31.*

21 (e) *Section 798.74 of the Civil Code shall apply only to*
22 *mobilehome parks regulated under the Mobilehome*
23 *Residency Law. That section shall not apply to*
24 *recreational vehicle parks, as defined in Section 18215 of*
25 *the Health and Safety Code, which exclusively serve*
26 *recreational vehicles, as defined in Section 18010 of the*
27 *Health and Safety Code.*

28 SEC. 2. Section 798.44 is added to the Civil Code, to
29 read:



1 798.44. (a) The management of a park that does not
2 permit mobilehome owners or park tenants to purchase
3 liquid propane butane for use in the mobilehome park
4 from someone other than the mobilehome park
5 management shall not sell liquid propane butane to
6 mobilehome owners and tenants within the park at a cost
7 which exceeds 110 percent of the actual price paid by the
8 management of the park for liquid propane butane.

9 (b) The management of a park shall post in a visible
10 location the actual price paid by management for liquid
11 propane butane sold pursuant to subdivision (a).

