



# The Attorney General of Texas

March 22, 1978

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Honorable Chris Victor Semos  
Chairman, Committee on Business  
and Industry  
House of Representatives  
Austin, Texas

Opinion No. H-1141

Re: Application of article 5221f  
to lessors of mobile homes.

Dear Mr. Semos:

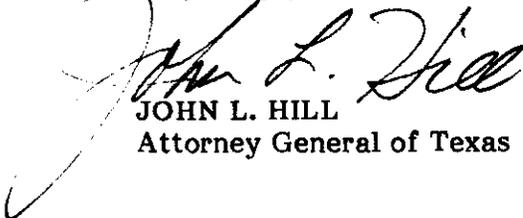
You ask whether, in light of 1977 amendments, a lessor of mobile homes is a "dealer" or "salesperson" as those terms are used in article 5221f, V.T.C.S.

Prior to its amendment by Senate Bill 305, [Acts 1977, 65th Leg., ch. 139 at 288] section 3 of article 5221f defined "dealer" to include a person who buys for resale, sells, exchanges, leases or rents mobile homes. "Salesperson" was defined as a person who sold, auctioned or rented mobile homes. Senate Bill 305 amended section 3 to define "dealer" as a person who buys for resale, sells or exchanges mobile homes or offers such for sale, exchange or lease-purchase. The definition of "salesperson" was amended to "any person who . . . sells or lease-purchases or offers to sell or lease-purchase mobile homes to consumers as an employee or agent of a dealer." The clear legislative intent was to remove mere lessors from these definitions. Accordingly, in our opinion a person who leases mobile homes is not a dealer or salesperson under article 5221f unless the lease contract includes a provision conferring on the lessee an option to purchase the mobile home. Article 5221f, § 3(n).

## S U M M A R Y

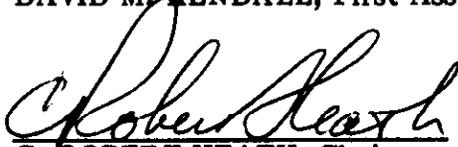
A lessor of mobile homes is not a dealer or salesperson under article 5221f unless the lease contains a provision conferring on the lessee an option to purchase the mobile home.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
DAVID M. KENDALL, First Assistant

  
C. ROBERT HEATH, Chairman  
Opinion Committee

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