

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2228 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/30/05 H3/31/05

A Bill

HOUSE BILL 2696

5 By: Representative Mack
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8 **For An Act To Be Entitled**

9 AN ACT TO ALLOW OWNERS OF THE LAND ON WHICH
10 MOBILE HOMES ARE LOCATED TO OBTAIN A LIEN AGAINST
11 THE MOBILE HOME FOR RENT DUE; TO REPEAL THE
12 REQUIREMENT THAT RETAIL SELLERS OF MOBILE HOMES
13 REPORT SALES TO THE COUNTY TAX ASSESSOR; TO
14 *REQUIRE THE PURCHASER OF A MOBILE HOME TO REPORT*
15 *THE PURCHASE* TO THE COUNTY TAX ASSESSOR; TO
16 REPEAL THE MOBILE HOME DECAL REQUIREMENT; AND FOR
17 OTHER PURPOSES.

18
19 **Subtitle**

20 TO ALLOW MOBILE HOME PARK OWNERS TO
21 OBTAIN LIENS FOR RENT DUE; TO CHANGE THE
22 *REQUIREMENTS FOR REPORTING THE PURCHASE*
23 *OF A MOBILE HOME* TO THE COUNTY TAX
24 ASSESSOR; AND TO REPEAL MOBILE HOME
25 DECAL REQUIREMENTS.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 *SECTION 1. Arkansas Code Title 18, Chapter 16 is amended to add a new*
31 *section to read as follows:*

32 *18-16-110. Manufactured homes and mobile homes on leased land.*

33 *(a) As used in this section:*

34 *(1) "Lessee" means the person or persons leasing the property,*
35 *site, or lot on which a manufactured home or mobile home is located;*



1 (2) "Lessor" means the owner or manager of the property, site,
2 or lot on which the manufactured home or mobile home is located; and

3 (3) "Unoccupied" means that the manufactured home or mobile home
4 has ceased to be a customary place of habitation or abode and no person is
5 living or residing in it.

6 (b)(1) When a manufactured home or mobile home on a leased site is
7 unoccupied and the lease or rental payment for the site on which the mobile
8 home or manufactured home is located is sixty (60) days or more past due, the
9 lessor shall notify the lessee and the lienholder, if the lienholder is not
10 the lessee or occupant of the manufactured home or mobile home, that the
11 manufactured home or mobile home is unoccupied and that the lease or rental
12 payment is past due.

13 (2) The notice shall be in writing and delivered by certified
14 mail and shall include the following information if known or readily
15 available to the lessor:

16 (A) The lessor's name and mailing address;

17 (B) The lessee's name and last known mailing address;

18 (C) The lienholder's name and mailing address;

19 (D) The street address or physical location of the
20 manufactured home or mobile home;

21 (E) The monthly lease payment amount;

22 (F) The serial number of the manufactured home or mobile
23 home; and

24 (G) A description of the manufactured home or mobile home,
25 including the make, model, year, dimensions, and any identification numbers
26 or marks.

27 (3) In the notice required in subdivision (b)(1) of this
28 section, the lessor shall notify the lienholder that unless the manufactured
29 home or mobile home is removed from the leased site within thirty (30) days
30 from the date the lienholder receives the notice, the manufactured home or
31 mobile home shall be subject to a lien in favor of the lessor for the payment
32 of all lease or rental payments accruing from the date the lienholder
33 received the notice.

34 (c)(1) Unless the lienholder is prevented by law from removing the
35 manufactured home or mobile home, the lienholder has thirty (30) days to
36 remove the manufactured home or mobile home before the lienholder will be

1 held responsible for lease or rental payments accruing from the date the
2 lienholder received the notice.

3 (2) If the lienholder fails to remove the manufactured home or
4 mobile home within thirty (30) days, the manufactured home or mobile home
5 shall be subject to a lien in favor of the lessor for the payment of all
6 lease or rental payments beginning on the date that the notice is received by
7 the lienholder in an amount equal to the monthly lease or rental payments
8 contained in the notice.

9 (d) Nothing in this section shall obligate the lienholder for any
10 lease or rental payments owed while the lessee occupied the manufactured home
11 or mobile home or any other lease or rental payments due prior to the
12 notification of the lienholder, as required by subsection (b) of this
13 section.

14 (e) Nothing in this section shall prevent the lessor from holding the
15 lessee responsible for any unpaid lease or rental payments.

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17 SECTION 2. Arkansas Code § 26-26-1105 is amended to read as follows:

18 26-26-1105. Report of manufactured home and mobile home sales
19 purchases.

20 (a) All persons engaged in the retail sale Purchasers of manufactured
21 homes or mobile homes shall report the sale purchase of each new or used
22 manufactured home or mobile home to the county tax assessor of the
23 appropriate county in which the manufactured home or mobile home is delivered
24 will be located.

25 (b) The report shall include the name of the purchaser, his or her
26 address, and the date on which the purchase was made, and other information
27 as may be deemed necessary by the county assessor.

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29 SECTION 3. Arkansas Code § 26-26-1106 is repealed.

30 ~~26-26-1106. Mobile home decal.~~

31 ~~(a) Every owner of a mobile home shall be given a decal or sticker~~
32 ~~from the county assessor upon assessing the mobile home for ad valorem tax~~
33 ~~purposes, and the decal or sticker shall be attached to the mobile home by~~
34 ~~the owner as evidence of assessment of it.~~

35 ~~(b) The Assessment Coordination Division of the Arkansas Public~~
36 ~~Service Commission shall promulgate rules and regulations to carry out the~~

1 ~~provisions of subsection (a) of this section.~~

2 ~~(c) Any mobile home owner who does not have a decal or sticker~~
3 ~~attached to his mobile home after the deadline for personal property~~
4 ~~assessment as is provided by law shall be guilty of a misdemeanor and, upon~~
5 ~~conviction, shall be fined not less than five dollars (\$5.00) nor more than~~
6 ~~fifty dollars (\$50.00).~~

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/s/ Mack

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APPROVED: 4/13/2005

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