

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 2696

"TO ALLOW MOBILE HOME PARK OWNERS TO OBTAIN LIENS FOR RENT DUE; TO
CHANGE THE REQUIREMENTS FOR REPORTING MOBILE HOME OWNERS TO THE
COUNTY TAX ASSESSOR; AND TO REPEAL MOBILE HOME DECAL REQUIREMENTS."

Amendment No. 1 to House Bill No. 2696.

Amend House Bill No. 2696 as originally introduced:

Page 1, delete line 14, and substitute the following:

"REQUIRE THE PURCHASER OF A MOBILE HOME TO REPORT THE PURCHASE"

AND

Page 1, line 15, delete "MOBILE HOMES"

AND

Page 1, delete line 22, and substitute the following:

"REQUIREMENTS FOR REPORTING THE PURCHASE OF A MOBILE HOME"

AND

Page 1, line 23, delete "OWNERS"

AND

Delete SECTION 1 in its entirety and substitute the following:

"SECTION 1. Arkansas Code Title 18, Chapter 16 is amended to add a new section to read as follows:

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

(a) As used in this section:

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

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

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

(b)(1) When a manufactured home or mobile home on a leased site is



unoccupied and the lease or rental payment for the site on which the mobile home or manufactured home is located is sixty (60) days or more past due, the lessor shall notify the lessee and the lienholder, if the lienholder is not the lessee or occupant of the manufactured home or mobile home, that the manufactured home or mobile home is unoccupied and that the lease or rental payment is past due.

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

(A) The lessor's name and mailing address;
(B) The lessee's name and last known mailing address;
(C) The lienholder's name and mailing address;
(D) The street address or physical location of the manufactured home or mobile home;
(E) The monthly lease payment amount;
(F) The serial number of the manufactured home or mobile home; and

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

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

(c)(1) Unless the lienholder is prevented by law from removing the manufactured home or mobile home, the lienholder has thirty (30) days to remove the manufactured home or mobile home before the lienholder will be held responsible for lease or rental payments accruing from the date the lienholder received the notice.

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

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

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

AND

Delete SECTION 2 in its entirety and substitute the following:

"SECTION 2. Arkansas Code § 26-26-1105 is amended to read as follows:
26-26-1105. Report of manufactured home and mobile home sales purchases.

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

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

The Amendment was read _____
By: Representative Mack
MMC/BKA - 03-24-2005 11:00
MMC217 _____
Chief Clerk