

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.

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

As Engrossed: H3/30/05

# A Bill

HOUSE BILL 2696

5 By: Representative Mack  
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## 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.

## Subtitle

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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;*

36 *(2) "Lessor" means the owner or manager of the property, site,*



1 or lot on which the manufactured home or mobile home is located; and

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

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

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

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

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

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

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

20 (E) The monthly lease payment amount;

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

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

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

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

1 lienholder received the notice.

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

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

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

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16 SECTION 2. Arkansas Code § 26-26-1105 is amended to read as follows:  
17 26-26-1105. Report of manufactured home and mobile home sales  
18 purchases.

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

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

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28 SECTION 3. Arkansas Code § 26-26-1106 is repealed.  
29 ~~26-26-1106. Mobile home decal.~~

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

34 ~~(b) The Assessment Coordination Division of the Arkansas Public~~  
35 ~~Service Commission shall promulgate rules and regulations to carry out the~~  
36 ~~provisions of subsection (a) of this section.~~

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

*/s/ Mack*