

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/20/13

A Bill

HOUSE BILL 2043

5 By: Representative Linck
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE PROCEDURES FOR OBTAINING OR
9 CANCELING THE TITLE TO A MOBILE HOME OR MANUFACTURED
10 HOME; AND FOR OTHER PURPOSES.
11

Subtitle

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13 CONCERNING THE PROCEDURES FOR OBTAINING
14 OR CANCELING THE TITLE TO A MOBILE HOME
15 OR MANUFACTURED HOME.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 27-14-1602 is amended to read as follows:
22 27-14-1602. Registration – Fee.

23 (a) An owner of a manufactured home or a mobile home shall be
24 permitted to register the manufactured home or mobile home with the Office of
25 Motor Vehicle for the purpose of receiving a certificate of title to the home
26 or for any other purpose.

27 (b) ~~The registration~~ A certificate of title shall be issued upon the
28 payment of a registration fee of twenty-six dollars (\$26.00) and a title fee
29 of ten dollars (\$10.00).
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31 SECTION 2. Arkansas Code § 27-14-1603 is amended to read as follows:
32 27-14-1603. Cancellation of title.

33 (a) If a manufactured home or a mobile home is to be affixed to real
34 estate, the manufacturer's certificate of origin or the original document of
35 title may be surrendered to the Department of Finance and Administration for
36 cancellation.



1 (b) The Department of Finance and Administration shall cancel a
2 certificate of origin or the original document of title to a manufactured
3 home or mobile home upon receipt of:

4 (1) The original manufacturer's certificate of origin or the
5 original document of title showing an assignment of the manufactured home or
6 mobile home to the party that will affix the manufactured home or mobile home
7 to the real estate;

8 (2) An application for cancellation of the manufacturer's
9 certificate of origin or the original document of title; and

10 (3)(A) A copy of an affidavit of affixation to be recorded under
11 § 14-15-402 in the county in which the manufactured home or mobile home is to
12 be affixed.

13 (B) The affidavit of affixation shall include:

14 (i) The name of the manufacturer, the make, the
15 model name, the model year, the dimensions, and the manufacturer's serial
16 number of the manufactured home or mobile home;

17 (ii) A statement that the party executing the
18 affidavit of affixation is:

19 (a) The owner of the real estate described in
20 the affidavit of affixation; or

21 (b) Authorized by the owner of the real estate
22 described in the affidavit to execute the affidavit of affixation on the
23 owner's behalf;

24 (iii) The street address and the legal description
25 of the real estate to which the manufactured home or mobile home is or shall
26 be permanently affixed; and

27 (iv) One (1) of the following statements and
28 applicable information:

29 (a) If the manufactured home or mobile home is
30 subject to a security interest or lien:

31 (1) The name and address of each party
32 holding a security interest or lien whether shown on a certificate of title
33 issued by the department or otherwise perfected;

34 (2) The original principal amount
35 secured by each security interest or lien; and

36 (3) A statement that each security

1 interest or lien shall be released that attaches proof of the commitment to
2 release the security interest or lien executed by the holder of the security
3 interest or lien; or

4 (b) A statement that if a security interest or
5 lien on the manufactured home or mobile home previously existed, the security
6 interest or lien has been released that attaches proof of the release
7 executed by the holder of the security interest or lien.

8 (c) The department shall also cancel an existing title or
9 manufacturer's certificate of origin to any home to be affixed to real estate
10 if the owner affixing the home:

11 (1) Presents a court order directing the department to issue a
12 title for cancellation, an application for cancellation of title or
13 manufacturer's certificate of origin, and a copy of an affidavit of
14 affixation to be recorded under § 14-15-402 in the county in which the home
15 is to be affixed; or

16 (2) Follows the bonded title procedure of this state under §
17 27-14-409(c) and submits an application for cancellation of title or
18 manufacturer's certificate of origin and a copy of an affidavit of affixation
19 to be recorded under § 14-15-402 in the county in which the home is to be
20 affixed.

21 ~~(b)(1)(d) The Director of the Department of Finance and~~
22 ~~Administration may require the filing of pertinent information for the~~
23 ~~cancellation of manufactured home titles or mobile home titles.~~

24 ~~(2) The director shall have the authority to may promulgate rules and~~
25 ~~regulations to establish a procedure for the cancellation of manufactured~~
26 ~~home titles or mobile home titles to administer this section.~~

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28 SECTION 3. Arkansas Code Title 27, Chapter 14, Subchapter 16, is
29 amended to add a new section to read as follows:

30 27-14-1604. Issuance of new title in the event of severance.

31 (a) As used in this section:

32 (1) "Lender applicant" means an individual or entity that
33 intends to sever a manufactured home or mobile home from the real estate to
34 which it is affixed and is a lender that holds a lien, security interest, or
35 encumbrance against the manufactured home or mobile home for which a title
36 has been cancelled under § 27-14-1603; and

1 (2) "Owner applicant" means an individual or entity that intends
2 to sever a manufactured home or mobile home from the real estate to which it
3 is affixed and is the owner or purchaser of the manufactured home or mobile
4 home.

5 (b) The Department of Finance and Administration shall issue a new
6 certificate of title for a manufactured home or mobile home to be severed
7 from the real estate to which it is affixed upon receipt of the following
8 from a lender applicant or an owner applicant:

9 (1) A completed application for title accompanied by payment of
10 a registration fee of twenty-six dollars (\$26.00) and a title fee of ten
11 dollars (\$10.00);

12 (2) Proof of payment of the current year's property taxes, if
13 any;

14 (3) The following information:

15 (A) A statement from:

16 (i) The owner applicant that there are no liens,
17 security interests, or encumbrances upon the manufactured home or mobile
18 home; or

19 (ii) The lender applicant that there are no liens,
20 security interests, or encumbrances upon the manufactured home or mobile home
21 other than that of the lender applicant; and

22 (B) A statement from an attorney licensed to practice law
23 in Arkansas or a title insurance agent licensed in Arkansas that the
24 manufactured home or mobile home is free and clear of, or has been released
25 from, all recorded liens, security interests, or encumbrances other than that
26 of a lender applicant;

27 (4)(A) A copy of an affidavit of severance to be recorded under
28 § 14-15-402 in the county in which the manufactured home or mobile home was
29 affixed.

30 (B) The affidavit of severance shall include the name,
31 residence, and mailing address of the applicant and a description of the
32 manufactured home or mobile home, including without limitation the name of
33 the manufacturer, make, model name, model year, dimensions, and the
34 manufacturer's serial number of the manufactured home or mobile home; and

35 (5) Relevant supporting documents and recording information
36 concerning a lien, security interest, or encumbrance upon the manufactured

1 home or mobile home if requested by the department.

2 (c) The department shall record the lien of a lender applicant on the
3 certificate of title to be issued under this section upon receipt of a copy
4 of the instrument creating and evidencing the lien as required under § 27-14-
5 802.

6 (d) The department shall also issue a new certificate of title for a
7 manufactured home or mobile home to be severed from the real estate to which
8 it is affixed if the applicant:

9 (1) Presents a court order directing the department to issue a
10 new title and submits an application for issuance of a new certificate of
11 title or manufacturer's certificate of origin and a copy of an affidavit of
12 severance to be recorded under § 14-15-402 in the county in which the
13 manufactured home or mobile home is to be affixed; or

14 (2) Follows the bonded title procedure under § 27-14-409(c), and
15 submits an application for cancellation of title or manufacturer's
16 certificate of origin and a copy of an affidavit of affixation to be recorded
17 under § 14-15-402 in the county in which the manufactured home or mobile home
18 is to be affixed.

19 (e) The Director of the Department of Finance and Administration may
20 promulgate rules to implement and administer this section.

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22 /s/Linck
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