

House Bill 506

House Bill 506 (AS PASSED HOUSE AND SENATE)

By: Representatives Lunsford of the 85th, Post 2, Boggs of the 145th, Sims of the 130th, Keen of the 146th, Skipper of the 116th, and others

A BILL TO BE ENTITLED AN ACT

To amend Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to factory built structures, so as to provide for record ownership of manufactured homes and mobile homes and their status as personal or real property; to provide how such homes may be converted from personal property to real property and vice versa; to provide for filings with the commissioner of motor vehicle safety and the clerk of superior court and the practice and procedure in connection with such filings; to provide for the crime of unauthorized removal of a home which has been converted to real property and prescribe a penalty; to provide for the destruction of homes; to provide for related matters; to repeal Code Section 40-3-31.1 of the Official Code of Georgia Annotated, relating to replacement certificates of title for mobile homes; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA: SECTION 1.

Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to factory built structures, is amended by adding a new Part 4 to read as follows:

Part 4 Subpart 1

8-2-180.

As used in this part, the term:

- (1) 'Clerk of superior court' means the clerk of the superior court of the county in which the property to which the home is or is to be affixed is located.
- (2) 'Commissioner of motor vehicle safety' includes any county tax commissioner when so authorized by the commissioner of motor vehicle safety to act on his or her behalf in carrying out the responsibilities of this part.
- (3) 'Home' means a manufactured home or mobile home.
- (4) 'Manufactured home' has the meaning specified in paragraph (4) of Code Section 8-2-160.
- (5) 'Mobile home' has the meaning specified in paragraph (6) of Code Section 8-2-160.

8-2-181.

- (a) A manufactured home or mobile home shall constitute personal property and shall be subject to the 'Motor Vehicle Certificate of Title Act,' Chapter 3 of Title 40, until such time as the home is converted to real property as provided for in this part.
- (b) A manufactured home or mobile home shall become real property if:
 - (1) The home is or is to be permanently affixed on real property and one or more persons with an ownership interest in the home also has an ownership interest in such real property; and
 - (2) The owner of the home and the holders of all security interests therein execute and file a Certificate of Permanent Location:
 - (A) In the real estate records of the county where the real property is located; and
 - (B) With the commissioner of motor vehicle safety.
- (c) The Certificate of Permanent Location shall be in a form prescribed by the commissioner of motor vehicle safety and shall include:
 - (1) The name and address of the owner of the home;
 - (2) The names and addresses of the holders of any security interest in and of any lien upon the home;
 - (3) The title number assigned to the home;
 - (4) A description of the real estate on which the home is or is to be located, including the name of the owner and a reference by deed book and page number to the chain of title of such real property; and
 - (5) Any other data the commissioner of motor vehicle safety prescribes.

8-2-182.

- (a) When a Certificate of Permanent Location is properly filed with the clerk of superior court, the clerk shall record such certificate in the same manner as other instruments affecting the real property described in the certificate and shall charge and collect the fees usually charged for recording deeds and other instruments relating to real estate. Such certificate shall be indexed under the name of the current owner of the real property in both the grantor and grantee indexes. The clerk shall provide the owner with a certified copy of the certificate, reflecting its filing, and shall charge and collect the fees usually charged for the provision of certified copies of documents relating to real estate.
- (b) Upon receipt of a certified copy of a properly executed Certificate of Permanent Location, along with the certificate of title, the commissioner of motor vehicle safety shall file and retain a copy of such certificate together with all other prior title records related to the home. When a properly executed certificate has once been filed, the commissioner of motor vehicle safety shall accept no further title filings with respect to that home, except as may be necessary to correct any errors in the department's records and except as provided in Subparts 2 and 3 of this part.
- (c) When a Certificate of Permanent Location is so filed, the commissioner of motor vehicle safety shall issue to the clerk of the superior court with whom the original Certificate of Permanent Location was filed confirmation by the commissioner of motor vehicle safety that the certificate has been so filed and the certificate of title has been surrendered.
- (d) Upon receipt of confirmation of the filing of the Certificate of Permanent Location from the commissioner of motor vehicle safety, the clerk of superior court shall provide a copy of the Certificate of Permanent Location to the appropriate board of tax assessors or such other local official as is responsible for the valuation of real property.

8-2-183.

- (a) When a Certificate of Permanent Location has been properly filed with the clerk of superior court, a certified copy thereof properly filed with the commissioner of motor vehicle safety, and the certificate of title is surrendered, the home shall become for all legal purposes a part of the real property on which it is located. Without limiting the generality of the foregoing, the home shall be subject to transfer by the owner of the real property, subject to any security interest in the real property and subject to foreclosure of any such interest, in the same manner as and together with the underlying real property.
- (b) When a home has become a part of the real property as provided in this part, it shall be unlawful for any person to remove such home from the real property except with the written consent of the owner of the real property and the holders of all security interests in the real property and in strict compliance with the requirements of Subpart 2 of this part. Any person who violates this subsection shall be guilty of a misdemeanor of a high and aggravated nature.

Subpart 2

8-2-184.

- (a) A home which has previously become real property shall become personal property if:
 - (1) The manufactured home or mobile home is or is to be removed from the real property with the written consent of the owner of the real property and the holders of all security interests therein; and
 - (2) The owner of the real property and the holders of all security interests therein execute and file a Certificate of Removal from Permanent Location:
 - (A) With the commissioner of motor vehicle safety; and
 - (B) In the real estate records of the county where the real property is located.
- (b) The Certificate of Removal from Permanent Location shall be in a form prescribed by the commissioner of motor vehicle safety and shall include:
 - (1) The name and address of the owner;
 - (2) The names and addresses of the holders of any security interest and of any lien;
 - (3) The title number formerly assigned to the home;
 - (4) A description of the real estate on which the home was previously located, including the name of the owner and a reference by deed book and page number to the recording of the former certificate of permanent location; and
 - (5) Any other data the commissioner of motor vehicle safety prescribes.

8-2-185.

- (a) Upon receipt of a properly executed Certificate of Removal from Permanent Location, the commissioner of motor vehicle safety shall file and retain a copy of such certificate together with all other prior title records related to the home and may thereafter issue a new certificate of title for the home. The commissioner of motor vehicle safety shall charge and collect the fee otherwise prescribed by law for the issuance of a certificate of title.
- (b) When a Certificate of Removal from Permanent Location is so filed, the commissioner of motor vehicle safety shall return to the filing party the original of the certificate containing thereon confirmation by the commissioner of motor vehicle safety that the certificate has been so filed.