

House Bill 506

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

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

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

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

16 style="text-align:center">"Part 4

17 style="text-align:center">Subpart 1

18 8-2-180.

19 As used in this part, the term:

20 (1) 'Home' means a manufactured home or mobile home.

21 (2) 'Manufactured home' has the meaning specified in Code Section 8-2-160.

22 (3) 'Mobile home' has the meaning specified in Code Section 8-2-160.

1 8-2-181.

2 (a) A manufactured home or mobile home shall constitute personal property and shall be
3 subject to the 'Motor Vehicle Certificate of Title Act,' Chapter 3 of Title 40, until such time
4 as the home is converted to real property as provided for in this part.

5 (b) A manufactured home or mobile home shall become real property if:

6 (1) The home is or is to be permanently affixed on real property and one or more persons
7 with an ownership interest in the home also has an ownership interest in such real
8 property; and

9 (2) The owner of the home and the holders of all security interests therein execute and
10 file a Certificate of Permanent Location:

11 (A) With the commissioner of motor vehicle safety; and

12 (B) In the real estate records of the county where the real property is located.

13 (c) The Certificate of Permanent Location shall be in a form prescribed by the
14 commissioner of motor vehicle safety and shall include:

15 (1) The name and address of the owner;

16 (2) The names and addresses of the holders of any security interest and of any lien;

17 (3) The title number assigned to the home;

18 (4) A description of the real estate on which the home is or is to be located, including the
19 name of the owner and a reference by deed book and page number to the chain of title of
20 such real property; and

21 (5) Any other data the commissioner of motor vehicle safety prescribes.

22 8-2-182.

23 (a) Upon receipt of a properly executed Certificate of Permanent Location, the
24 commissioner of motor vehicle safety shall file and retain a copy of such certificate
25 together all other prior title records related to the home. When a properly executed
26 certificate has once been filed, the commissioner of motor vehicle safety shall accept no
27 further filings with respect to that home, except as may be necessary to correct any errors
28 in the department's records and except as provided in Subparts 2 and 3 of this part.

29 (b) When a Certificate of Permanent Location is so filed, the commissioner of motor
30 vehicle safety shall issue to the filing party the original of the certificate containing thereon
31 verification by the commissioner of motor vehicle safety that the certificate has been so
32 filed.

33 8-2-183.

34 (a) The clerk of superior court shall not accept a Certificate of Permanent Location for
35 filing unless the certificate contains thereon the verification by the commissioner of motor

1 vehicle safety that the certificate has been filed with the commissioner of motor vehicle
2 safety.

3 (b) When a Certificate of Permanent Location is properly filed with the clerk of superior
4 court, the clerk shall record such certificate in the same manner as other instruments
5 affecting the real property described in the certificate and shall charge and collect the fees
6 usually charged for recording affidavits relating to real estate. Such certificate shall be
7 indexed under the name of the current owner of the real property in both the grantor and
8 grantee indexes.

9 8-2-184.

10 (a) When a Certificate of Permanent Location has been properly filed and the certificate
11 of title is surrendered, the home shall become for all legal purposes a part of the real
12 property on which it is located. Without limiting the generality of the foregoing, the home
13 shall be subject to transfer by the owner of the real property, subject to any security
14 interest in the real property, and subject to foreclosure of any such interest in the same
15 manner as and together with the underlying real property.

16 (b) When a home has become a part of the real property as provided in this part, it shall
17 be unlawful for any person to remove such home from the real property except with the
18 written consent of the owner of the real property and the holders of all security interests in
19 the real property and in strict compliance with the requirements of Subpart 2 of this part.
20 Any person who violates this subsection shall be guilty of a misdemeanor of a high and
21 aggravated nature.

22 Subpart 2

23 8-2-185.

24 (a) A home which has previously become real property shall become personal property if:

25 (1) The manufactured home or mobile home is or is to be removed from the real property
26 with the written consent of the owner of the real property and the holders of all security
27 interests therein; and

28 (2) The owner of the real property and the holders of all security interests therein execute
29 and file a Certificate of Removal from Permanent Location:

30 (A) With the commissioner of motor vehicle safety; and

31 (B) In the real estate records of the county where the real property is located.

32 (b) The Certificate of Removal from Permanent Location shall be in a form prescribed by
33 the commissioner of motor vehicle safety and shall include:

34 (1) The name and address of the owner;

35 (2) The names and addresses of the holders of any security interest and of any lien;

1 (3) The title number formerly assigned to the home;

2 (4) A description of the real estate on which the home was previously located, including
3 the name of the owner and a reference by deed book and page number to the recording
4 of the former certificate of permanent location; and

5 (5) Any other data the commissioner of motor vehicle safety prescribes.

6 8-2-186.

7 (a) Upon receipt of a properly executed Certificate of Removal from Permanent Location,
8 the commissioner of motor vehicle safety shall file and retain a copy of such certificate
9 together with all other prior title records related to the home and may thereafter issue a new
10 certificate of title for the home.

11 (b) When a Certificate of Removal from Permanent Location is so filed, the commissioner
12 of motor vehicle safety shall issue to the filing party the original of the certificate
13 containing thereon verification by the commissioner of motor vehicle safety that the
14 certificate has been so filed.

15 8-2-187.

16 (a) The clerk of superior court shall not accept a Certificate of Removal from Permanent
17 Location for filing unless the certificate contains thereon the verification by the
18 commissioner of motor vehicle safety that the certificate has been filed with the
19 commissioner of motor vehicle safety.

20 (b) When a Certificate of Removal from Permanent Location is properly filed with the
21 clerk of superior court, the clerk shall record such certificate in the same manner as other
22 instruments affecting the real property described in the certificate and shall charge and
23 collect the fees usually charged for recording affidavits relating to real estate. Such
24 certificate shall be indexed under the name of the current owner of the real property in both
25 the grantor and grantee indexes.

26 Subpart 3

27 8-2-188.

28 (a) When a home which has previously become real property has been or is to be
29 destroyed, the owner of the real property and the holders of all security interests therein
30 shall execute and file a Certificate of Destruction:

31 (A) With the commissioner of motor vehicle safety; and

32 (B) In the real estate records of the county where the real property is located.

33 (b) The Certificate of Destruction shall be in a form prescribed by the commissioner of
34 motor vehicle safety and shall include:

- 1 (1) The name and address of the owner;
- 2 (2) The names and addresses of the holders of any security interest and of any lien;
- 3 (3) The title number formerly assigned to the home;
- 4 (4) A description of the real estate on which the home was previously located, including
- 5 the name of the owner and a reference by deed book and page number to the recording
- 6 of the former certificate of permanent location; and
- 7 (5) Any other data the commissioner of motor vehicle safety prescribes.

8

9 8-2-189.

10 (a) Upon receipt of a properly executed Certificate of Destruction, the commissioner of
11 motor vehicle safety shall file and retain a copy of such certificate together with all other
12 prior title records related to the home.

13 (b) When a Certificate of Destruction is so filed, the commissioner of motor vehicle safety
14 shall issue to the filing party the original of the certificate containing thereon verification
15 by the commissioner of motor vehicle safety that the certificate has been so filed.

16 8-2-190.

17 (a) The clerk of superior court shall not accept a Certificate of Destruction for filing unless
18 the certificate contains thereon the verification by the commissioner of motor vehicle safety
19 that the certificate has been filed with the commissioner of motor vehicle safety.

20 (b) When a certificate of destruction is properly filed with the clerk of superior court, the
21 clerk shall record such certificate in the same manner as other instruments affecting the real
22 property described in the certificate and shall charge and collect the fees usually charged
23 for recording affidavits relating to real estate. Such certificate shall be indexed under the
24 name of the current owner of the real property in both the grantor and grantee indexes.

25 Subpart 4

26 8-2-191.

27 A manufactured or mobile home which constitutes real property shall not be subject to
28 Article 10 of Chapter 5 of Title 48 but shall instead be taxed as real property and a part of
29 the underlying real estate.

30 8-2-192.

31 The commissioner of motor vehicle safety shall charge a fee of \$8.00 for any filing under
32 this part."

1 **SECTION 2.**

2 Code Section 40-3-31.1, relating to replacement certificates of title for mobile homes, is
3 repealed in its entirety.

4 **SECTION 3.**

5 This Act shall become effective on July 1, 2003.

6 **SECTION 4.**

7 All laws and parts of laws in conflict with this Act are repealed.