

Senate Bill 253

By: Senators Smith of the 52nd, Weber of the 40th, Carter of the 13th, Meyer von Bremen of the 12th and Hamrick of the 30th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 4 of Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia  
2 Annotated, relating to manufactured or mobile homes, so as to change certain provisions  
3 relating to requirements for Certificate of Permanent Location; to change certain provisions  
4 relating to recording documents in connection with a Certificate of Permanent Location; to  
5 provide alternative methods for obtaining a Certificate of Permanent Location; to provide for  
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 4 of Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating  
10 to manufactured or mobile homes, is amended by striking Part 4 and inserting in lieu thereof  
11 the following:

12 **"Part 4**  
13 **Subpart 1**

14 8-2-180.

15 As used in this part, the term:

16 (1) 'Clerk of superior court' means the clerk of the superior court of the county in which  
17 the property to which the home is or is to be affixed is located.

18 (2) 'Commissioner of motor vehicle safety' includes any county tax commissioner when  
19 so authorized by the commissioner of motor vehicle safety to act on his or her behalf in  
20 carrying out the responsibilities of this part.

21 (3) 'Home' means a manufactured home ~~or mobile home~~.

22 (4) 'Manufactured home' has the meaning specified in paragraph (4) of Code Section  
23 8-2-160.

24 ~~(5) 'Mobile home' has the meaning specified in paragraph (6) of Code Section 8-2-160.~~

1 8-2-181.

2 (a) ~~▲~~ Except as provided in subsection (a.1) of this Code section, a manufactured home  
3 ~~or mobile home~~ shall constitute personal property and shall be subject to the 'Motor  
4 Vehicle Certificate of Title Act,' Chapter 3 of Title 40, until such time as the home is  
5 converted to real property as provided for in this part.

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

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

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

12 (A) In the real estate records of the county where the real property is located; and

13 (B) With the commissioner of motor vehicle safety, provided the owner of the home  
14 has been issued a certificate of title.

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

17 (1) The name and address of the owner of the home;

18 (2) The names and addresses of the holders of any security interest in and of any lien  
19 upon the home;

20 (3) The title number assigned to the home or the manufacturer's certificate of origin;

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

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

25 8-2-182.

26 (a) When a Certificate of Permanent Location is properly filed with the clerk of superior  
27 court, the clerk shall record such certificate in the same manner as other instruments  
28 affecting the real property described in the certificate and shall charge and collect the fees  
29 usually charged for recording deeds and other instruments relating to real estate. Such  
30 certificate shall be indexed under the name of the current owner of the real property in both  
31 the grantor and grantee indexes. The clerk shall provide the owner with a certified copy of  
32 the ~~certificate~~ Certificate of Permanent Location, reflecting its filing, and shall charge and  
33 collect the fees usually charged for the provision of certified copies of documents relating  
34 to real estate.

35 (b) Upon receipt of a certified copy of a properly executed Certificate of Permanent  
36 Location, along with the certificate of title, if applicable, the commissioner of motor

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

7 (c) When a Certificate of Permanent Location is so filed, the commissioner of motor  
8 vehicle safety shall issue to the clerk of the superior court with whom the original  
9 Certificate of Permanent Location was filed confirmation by the commissioner of motor  
10 vehicle safety that the ~~certificate~~ Certificate of Permanent Location has been so filed and  
11 the certificate of title has been surrendered.

12 (d) Upon receipt of confirmation of the filing of the Certificate of Permanent Location  
13 from the commissioner of motor vehicle safety or upon receipt of the manufacturer's  
14 certificate of origin as provided in subsection (a.1) of Code Section 8-2-181, the clerk of  
15 superior court shall provide a copy of the Certificate of Permanent Location to the  
16 appropriate board of tax assessors or such other local official as is responsible for the  
17 valuation of real property.

18 8-2-183.

19 (a) When a Certificate of Permanent Location has been properly filed with the clerk of  
20 superior court, a certified copy thereof properly filed with the commissioner of motor  
21 vehicle safety if applicable, and the certificate of title, if any, is surrendered, the home shall  
22 become for all legal purposes a part of the real property on which it is located. Without  
23 limiting the generality of the foregoing, the home shall be subject to transfer by the owner  
24 of the real property, subject to any security interest in the real property and subject to  
25 foreclosure of any such interest, in the same manner as and together with the underlying  
26 real property.

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

## Subpart 2

1  
2 8-2-184.

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

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

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

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

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

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

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

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

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

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

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

20 8-2-185.

21 (a) Upon receipt of a properly executed Certificate of Removal from Permanent Location,  
22 the commissioner of motor vehicle safety shall file and retain a copy of such certificate  
23 together with all other prior title records related to the home and may thereafter issue a new  
24 certificate of title for the home. The commissioner of motor vehicle safety shall charge and  
25 collect the fee otherwise prescribed by law for the issuance of a certificate of title.

26 (b) When a Certificate of Removal from Permanent Location is so filed, the commissioner  
27 of motor vehicle safety shall return to the filing party the original of the certificate  
28 containing thereon confirmation by the commissioner of motor vehicle safety that the  
29 certificate has been so filed.

30 8-2-186.

31 (a) The clerk of superior court shall not accept a Certificate of Removal from Permanent  
32 Location for filing unless the certificate contains thereon the confirmation by the  
33 commissioner of motor vehicle safety that the certificate has been filed with the  
34 commissioner of motor vehicle safety.

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

7 Subpart 3

8 8-2-187.

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

12 (1) With the commissioner of motor vehicle safety; and

13 (2) In the real estate records of the county where the real property is located.

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

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

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

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

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

22 (5) Verification of the destruction by a law enforcement officer; and

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

24 8-2-188.

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

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

1 8-2-189.

2 (a) The clerk of superior court shall not accept a Certificate of Destruction for filing unless  
3 the certificate contains thereon the confirmation by the commissioner of motor vehicle  
4 safety that the certificate has been filed with the commissioner of motor vehicle safety.

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

11 **Subpart 4**

12 8-2-190.

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

16 8-2-191.

17 The commissioner of motor vehicle safety shall charge a fee of \$18.00 for any filing under  
18 this part.

19 **SECTION 2.**

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