

1 SB172
2 197199-1
3 By Senator Gudger
4 RFD: Governmental Affairs
5 First Read: 21-MAR-19

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8 SYNOPSIS: Under existing law, a transaction fee is
9 required for each application of certificate of
10 title.

11 Under existing law, a manufactured home not
12 more than 20 model years old, is required to make
13 application to a designated agent for a certificate
14 of title.

15 This bill clarifies that the existing
16 transaction fees shall be based on each unit of a
17 manufactured home subject to titling.

18 This bill provides that manufactured housing
19 units designated as a 2000 year model and all
20 models subsequent thereto shall be subject to
21 titling under Chapter 20 of Title 32 unless
22 otherwise exempted.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Sections 32-20-4, 32-20-20, and 32-20-21,
2 Code of Alabama 1975, relating to the certificate of title
3 transaction fees and manufactured housing certificates of
4 title; to clarify the fee disbursement for the Alabama Housing
5 Foundation; to update the year requirement on a manufactured
6 home that is required to obtain a certificate of title and
7 provide exemptions.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 32-20-4, 32-20-20, and 32-20-21,
10 Code of Alabama 1975, are amended to read as follows:

11 "§32-20-4.

12 "(a) There shall be paid to the department for
13 issuing and processing documents required by this chapter a
14 fee of fifteen dollars (\$15) for each ~~of~~ unit of a
15 manufactured home required to be titled under Section 32-20-20
16 for the following transactions:

17 "(1) Each application for certificate of title.

18 "(2) Each application for replacement or corrected
19 certificate of title.

20 "(3) Each application for certificate of title after
21 transfer.

22 "(4) Each notice of security interest.

23 "(5) Each assignment by lienholder.

24 "(6) Each application for cancellation of a
25 certificate of origin or certificate of title.

26 "(7) Each application for information as to the
27 status of the title of a manufactured home. Such information

1 shall be treated in the same manner as prescribed by state and
2 federal statutes, rules, and regulations regarding the
3 confidentiality and disclosure of motor vehicle records.

4 "(b) The designated agents shall add the sum of one
5 dollar fifty cents (\$1.50) for each transaction, as specified
6 in subsection (a), processed for which this fee is charged to
7 be retained as the agent's commission for services rendered,
8 and all other fees collected shall be remitted to the
9 department in a manner prescribed by the department.

10 "(c) If more than one transaction is involved in any
11 application on a single manufactured home and if supported by
12 all required documents, the fee charged by the department and
13 by the designated agent for processing and issuing shall be
14 considered as only one transaction for which the designated
15 agent shall receive and retain one dollar fifty cents (\$1.50)
16 and shall collect and remit to the department fifteen dollars
17 (\$15).

18 "(d) A fee of five dollars (\$5) shall be added for
19 each transaction, as specified in subdivisions (1), (3), and
20 (6) of subsection (a), for each unit of a manufactured home
21 required to be titled under Section 32-20-20, to be
22 distributed to the nonprofit 501(c)3 foundation known as the
23 Alabama Housing Foundation.

24 "(e) Every transaction shall be accompanied by the
25 fee specified in this chapter, regardless of whether the title
26 is issued electronically or not, unless specifically exempted
27 by this chapter.

1 "§32-20-20.

2 "(a) Except as provided in Section 32-20-21 or
3 subsection (b), every owner of a manufactured home ~~designated~~
4 ~~a 1990 year model and not more than 20 model years old, as~~
5 ~~determined by the department, and all models subsequent~~
6 ~~thereto~~ which is in this state and for which no certificate of
7 title has been issued by the department, shall make
8 application to a designated agent as herein defined for a
9 certificate of title to the manufactured home, or to each unit
10 thereof if the manufactured home consists of more than one
11 unit.

12 "(b) If a manufactured home ~~not more than 20 model~~
13 ~~years old, as determined by the department~~ subject to titling
14 under this section, is permanently affixed to a parcel of real
15 property and the ownership of the manufactured home and real
16 property is identical, the original retail purchaser or
17 lienholder for the original retail purchaser as recorded on
18 the certificate of origin or the titled owner or owners
19 lienholder recorded on the certificate of title may apply for
20 a cancellation of a certificate of origin or certificate of
21 title through a designated agent and obtain from the Alabama
22 Department of Revenue a certificate of cancellation of the
23 certificate of origin or cancellation of the certificate of
24 title to the manufactured home by delivering to the
25 department, all of the following:

26 "(1) The certificate of origin or certificate of
27 title to the manufactured home, or each separate certificate

1 of origin or certificate of title if the manufactured home
2 consists of more than one unit or, in lieu thereof, post a
3 bond in accordance with the provisions of subdivision (2) of
4 Section 32-20-24.

5 "(2) Lien release from lienholder as recorded on the
6 certificate of title or, in lieu thereof, post a bond in
7 accordance with the provisions of subdivision (2) of Section
8 32-20-24.

9 "(3) An affidavit executed by all who have an
10 ownership interest in the manufactured home and the realty to
11 which the manufactured home has become permanently affixed to
12 the effect that the manufactured home is permanently affixed
13 to the realty described in the deed and containing written
14 verification from the judge of probate that the manufactured
15 home has been recorded as being permanently affixed and
16 recorded as real property in that county.

17 "(c) If a manufactured home for which the
18 certificate of origin or certificate of title has been
19 cancelled as provided in this section or previously cancelled
20 under Section 32-8-30, is subsequently detached from the
21 realty to which it became permanently affixed, the current
22 owner or owners must reapply for a new certificate of title,
23 post a bond in accordance with the provisions of subdivision
24 (2) of Section 32-20-24, and pay the required fee specified in
25 Section 32-20-4, for the manufactured home, or if in more than
26 one section, for each component unit.

1 "(d) Any dealer, acting for himself, herself, or
2 another, who sells, trades, or otherwise transfers any
3 manufactured home required to be titled under this chapter who
4 does not comply with the provisions of this chapter shall be
5 guilty of a Class B misdemeanor and upon conviction shall be
6 fined in a sum not exceeding five hundred dollars (\$500).

7 "(e) The department shall maintain a record of all
8 certificates of title and manufacturer's certificate of origin
9 that are cancelled pursuant to this section:

10 "(1) Under a distinctive title number if a
11 certificate of title was issued and subsequently cancelled.

12 "(2) Under the manufactured home identification
13 number.

14 "(3) Under the name of the owner on whose behalf the
15 certificate of title or certificate of origin is cancelled.

16 "(4) In the discretion of the department, by any
17 other method the department determines.

18 "§32-20-21.

19 "No certificate of title shall be issued for any of
20 the following:

21 "(1) A manufactured home owned by the United States
22 or any agency thereof.

23 "(2) A manufactured home owned by a manufacturer or
24 licensed manufactured home dealer and held for sale.

25 "(3) A manufactured home owned by a nonresident of
26 this state and not located in this state.

1 "(4) Manufactured homes designated ~~more than 20~~
2 ~~model years old, as determined by the department, and all 1989~~
3 ~~and 1999 and~~ prior year models.

4 "(5) Modular homes.

5 "(6) A manufactured home situated in this state and
6 permanently affixed to the real property on which it is placed
7 and for which the certificate of title or the manufacturer's
8 certificate of origin has been cancelled pursuant to
9 subsection (b) of Section 32-20-20.

10 "(7) Any other manufactured homes as prescribed by
11 the department."

12 Section 2. This act shall become effective January
13 1, 2020, following its passage and approval by the Governor,
14 or upon its otherwise becoming law.