



March 21, 2003

ENGROSSED HOUSE BILL No. 1748

DIGEST OF HB 1748 (Updated March 19, 2003 4:47 PM - DI 87)

Citations Affected: IC 9-13; IC 9-17; IC 9-29; IC 36-2.

Synopsis: Manufactured homes attached to real estate. Allows a person who holds title to a manufactured home (home) that is attached to a permanent foundation to apply for an affidavit of transfer to real estate (affidavit) with the bureau of motor vehicles. Makes the failure to apply for an affidavit a Class C infraction. Provides that upon filing of the affidavit and the certificate of title with the appropriate county recorder, the filing is deemed a conversion of the home to an improvement upon the real estate upon which it is located. Makes conforming amendments.

Effective: July 1, 2003.

Fry, Neese

(SENATE SPONSORS — MEEKS R, BRODEN, RIEGSECKER, ZAKAS)

January 21, 2003, read first time and referred to Committee on Roads and Transportation.
February 10, 2003, reported — Do Pass.
February 13, 2003, read second time, ordered engrossed. Engrossed.
February 17, 2003, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 24, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
March 20, 2003, amended, reported favorably — Do Pass.

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EH 1748—LS 7313/DI 96+



March 21, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1748

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-96 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 96. **(a)** "Manufactured
3 home" means, **except as provided in subsection (b)**, a structure that:
4 (1) is assembled in a factory;
5 (2) bears a seal certifying that it was built in compliance with the
6 federal manufactured housing construction and safety standards
7 law (42 U.S.C. 5401 et seq.);
8 (3) is designed to be transported from the factory to another site
9 in one (1) or more units;
10 (4) is suitable for use as a dwelling in any season; and
11 (5) is more than thirty-five (35) feet long.
12 **(b) "Manufactured home", for purposes of IC 9-17-6, means a**
13 **structure having the meaning set forth in the federal manufactured**
14 **Housing Construction and Safety Standards Law of 1974 (42**
15 **U.S.C. 5401 et seq.).**
16 SECTION 2. IC 9-17-6-15.1 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

EH 1748—LS 7313/DI 96+



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1, 2003]: **Sec. 15.1. (a)** A person who holds a certificate of title or a certificate of origin for a manufactured home that is attached to real estate by a permanent foundation may apply for an affidavit of transfer to real estate with the bureau.

(b) An application for an affidavit of transfer to real estate must contain the following:

(1) A full description of the manufactured home, including the legal description of the real estate to which the manufactured home is attached.

(2) The:

(A) certificate of title for the manufactured home, including a notation of any lien or encumbrance on the manufactured home; or

(B) manufacturer's certificate of origin for the manufactured home, if a certificate of title has not been issued for the manufactured home, along with:

(i) an application for a certificate of title under section 2 of this chapter; and

(ii) any appropriate fee under IC 9-29-4 and any appropriate service charge under IC 9-29-3.

(3) An attestation by the owner of the manufactured home that the manufactured home has been permanently attached to the real estate upon which it is located.

(4) The following printed statement:

"I swear or affirm that the information that I have entered on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury."

(5) The signature of the person applying for the affidavit directly under the statement set forth in subdivision (4).

(6) Any other information required by the bureau.

(c) The bureau shall certify information regarding the title of the manufactured home on the affidavit of transfer to real estate.

SECTION 3. IC 9-17-6-15.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 15.3.** Upon receipt from the person filing the affidavit of transfer to real estate with the accompanying certificate of title, the recorder of the county in which the manufactured home is located shall record the affidavit in the manner required by IC 36-2-11-8, provided that the auditor of the county has performed the endorsement required by IC 36-2-9-18.

SECTION 4. IC 9-17-6-15.5 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 2 1, 2003]: **Sec. 15.5. The filing in the appropriate county recorder's**
 3 **office of the affidavit of transfer to real estate with the certificate**
 4 **of title is deemed a conversion of the manufactured home that is**
 5 **attached to real estate by a permanent foundation to an**
 6 **improvement upon the real estate upon which it is located.**

7 SECTION 5. IC 9-29-4-5.5 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2003]: **Sec. 5.5. The fee for an affidavit of transfer to real estate**
 10 **furnished by the bureau under IC 9-17-6-15.1 is ten dollars (\$10).**

11 SECTION 6. IC 9-29-4-7 IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) Except as provided in
 13 subsection (b), fees for titles collected **or documents furnished** under
 14 this chapter shall be paid into the state general fund for credit to the
 15 motor vehicle highway account.

16 (b) Fees from dealers for titles collected under this chapter shall be
 17 credited to the motor vehicle odometer fund and allocated under
 18 IC 9-29-1-5.

19 SECTION 7. IC 36-2-11-14 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) The recorder
 21 may record:

22 (1) a deed of partition; ~~or~~

23 (2) a conveyance of land; ~~or~~

24 (3) **an affidavit of transfer to interest in land;**

25 only if it has been endorsed by the auditor of the proper county as "duly
 26 entered for taxation subject to final acceptance for transfer", "not
 27 taxable", or "duly entered for taxation" as provided by IC 36-2-9-18.

28 (b) A recorder who violates this section shall forfeit the sum of five
 29 dollars (\$5), to be recovered by an action in the name of the county, for
 30 the benefit of the common school fund.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1748, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

RESKE, Chair

Committee Vote: yeas 13, nays 0.

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SENATE MOTION

Mr. President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1748.

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SENATE MOTION

Mr. President: I move that Senator Riegsecker be added as cosponsor of Engrossed House Bill 1748.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred House Bill No. 1748, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 3, delete "shall" and insert "**may**".

Page 2, line 7, delete "home." and insert "**home, including the legal description of the real estate to which the manufactured home is attached.**".

Page 2, line 14, delete "home." and insert "**home, along with:**

(i) an application for a certificate of title under section 2 of this chapter; and

(ii) any appropriate fee under IC 9-29-4 and any appropriate service charge under IC 9-29-3.".

Page 2, line 22, after "perjury."" insert ".".

Page 2, line 31, delete "title" and insert "**title**".

Page 2, line 32, delete "or manufacturer's certificate of origin under section 15.1 of this".

Page 2, line 33, delete "chapter".

Page 2, line 41, delete "or manufacturer's certificate of origin under section 15.1 of".

Page 2, line 42, delete "this chapter".

Page 3, line 6, delete "five" and insert "**ten**".

Page 3, line 6, delete "\$5)." and insert "**(\$10)**".

and when so amended that said bill do pass.

(Reference is to HB 1748 as printed February 11, 2003.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 11, Nays 0.

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