

HOUSE BILL NO. 785

INTRODUCED BY T. FALK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO CONSIDERATION OF MANUFACTURED HOMES AS IMPROVEMENTS TO REAL PROPERTY; PROVIDING AN ALTERNATE PROCESS TO BE CONSIDERED AS IMPROVEMENTS TO REAL PROPERTY FOR CERTAIN MANUFACTURED HOMES WITH MISSING IDENTIFICATION TAGS; ~~AND~~ AMENDING SECTION 15-1-116, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 15-1-116, MCA, is amended to read:

"15-1-116. Manufactured home considered as improvement to real property -- requirements. (1)

A manufactured home must be considered an improvement to real property for tax purposes if:

(a) the running gear is removed;

(b) the manufactured home is attached to a permanent foundation so that it is no longer capable of being drawn over public highways and it is placed on land that is owned or being purchased by the owner of the manufactured home or, if the land is owned by another person, it is placed on the land with the permission of the landowner; and

(c) a statement of intent declaring the manufactured home as an improvement to real property is recorded with the county clerk and recorder on a form furnished by the department of justice.

(2) (a) To eliminate a manufacturer's certificate of origin properly assigned to an owner or a certificate of title of a manufactured home, an owner shall record the statement of intent, as provided in subsection (3).

(b) The statement of intent must include:

(i) the serial number of the manufactured home;

(ii) the legal description of the real property to which the manufactured home has been permanently attached;

- 1 (iii) a description of any security interests in the manufactured home;
- 2 (iv) approval from all lienholders of the intent to eliminate the certificate of origin or certificate of
- 3 title; and
- 4 (v) an acknowledgment of the owner's signature.
- 5 (3) (a) The owner shall record the statement of intent in the office of the county clerk and recorder
- 6 of the county in which the real property is located, and the owner shall surrender the certificate of origin or
- 7 certificate of title and a certified copy of the recorded statement of intent to the county treasurer. Within 10 days
- 8 of receipt of the fee required in 61-3-203, the county treasurer shall:
- 9 (i) enter the transfer of interest on the electronic record of title;
- 10 (ii) issue the owner a transaction summary receipt; and
- 11 (iii) forward a certified copy of the statement of intent, a copy of the receipt for the fee required in
- 12 61-3-203, and the surrendered certificate of origin or certificate of title to the department of justice.
- 13 (b) The department of justice shall provide the owner with a statement that is in a recordable form,
- 14 which the owner shall record, that the process of surrendering the certificate of origin or certificate of title has
- 15 been completed.
- 16 (c) The county treasurer may not issue a receipt for the fee referred to in subsection (3)(a) unless
- 17 all taxes, interest, and penalties on the manufactured home have been paid in full. The county treasurer shall
- 18 remit the fee to the department for deposit in the state general fund.
- 19 (4) Upon the recording of the statement of intent and the statement of title acceptance provided for
- 20 in subsection (3)(b), the manufactured home may not be physically removed without complying with the
- 21 provisions of 15-1-118.
- 22 (5) If the owner of a manufactured home cannot comply with subsections (1) through (4) due to
- 23 missing or removed factory installed identification tags on a manufactured home built prior to October 1, 2005,
- 24 a manufactured home must be considered an improvement to real property if:
- 25 (a) the running gear is removed;
- 26 (b) the manufactured home is attached to a permanent foundation so that it is no longer capable of
- 27 being drawn over public highways and it is placed on land that is owned or being purchased by the owner of the
- 28 manufactured home or, if the land is owned by another person, it is placed on the land with the permission of

(c) _____ a statement of intent declaring the manufactured home as an improvement of real property is recorded with the county clerk and recorder on a form furnished by the department of revenue with documentation from the department of revenue demonstrating that the manufactured home has been taxed as real property for a minimum of 1 year.

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