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## SENATE BILL NO. 356

Offered January 8, 2014

Prefiled January 7, 2014

A *BILL to amend and reenact §§ 46.2-632 and 46.2-653 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-653.1, relating to titling of manufactured homes.*

\_\_\_\_\_  
Patron—Cosgrove

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Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-632 and 46.2-653 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-653.1 as follows:**

**§ 46.2-632. Transfer when certificate of title lost.**

A. Whenever the applicant for the registration of a motor vehicle, *manufactured home*, trailer, or semitrailer or a new certificate of title is unable to present a certificate of title because the certificate has been lost or unlawfully detained by one in possession of it or whenever the certificate of title is otherwise not available, the Department may receive the application and investigate the circumstances of the case and may require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to the title, it may register the motor vehicle, *manufactured home*, trailer, or semitrailer and issue a new registration card, license plate, or plates and certificate of title to the person entitled to it.

B. Whenever the insurance company or its agent makes application for a certificate of title to a vehicle that is not a salvage vehicle as defined in § 46.2-1600 and is unable to present a certificate of title, the Department may receive the application along with an affidavit indicating that the vehicle was acquired as the result of the claims process and describing the efforts made by the insurance company or its agent to obtain the certificate of title from the previous owner. When the Department is satisfied that the applicant is entitled to the title, it may issue a certificate of title to the person entitled to it. The Commissioner may charge a fee of \$25 for the expense of processing an application under this subsection that is accompanied by an affidavit. Such fee shall be in addition to any other fees and taxes required. All fees collected under the provisions of this subsection shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

**§ 46.2-653. Temporary registration or permit for transportation of manufactured homes exceeding the size permitted by law.**

The Commissioner may grant a temporary registration or permit for the transportation of manufactured homes, which exceed the size permitted by law, on the highways in the Commonwealth from one point to another within the Commonwealth, or from the Commonwealth to a point or points outside the Commonwealth, or from outside the Commonwealth to a point or points within the Commonwealth. Such temporary registration or permit shall show the registration or permit number, the date of issue, the date of expiration, and the route to be traveled or other restrictions and shall be displayed in a prominent place on the vehicle. The owner of every manufactured home of this sort purchased in the Commonwealth for use within the Commonwealth or brought into the Commonwealth for use within the Commonwealth shall apply within 30 days to the Department for title in the name of the owner. This requirement shall not apply to inventory held by licensed Virginia dealers for the purpose of resale. After a manufactured home has been titled in the Commonwealth and at such time as the wheels and other equipment previously used for mobility have been removed and the unit has been attached to the realty, then the manufactured home shall, for purposes of this section, be deemed to be real estate and Virginia title issued for the unit may be returned to the Department for cancellation and the unit shall thereafter be transferred only as real estate is transferred. The validity of any security interest perfected pursuant to §§ 46.2-636 through 46.2-641 shall continue, notwithstanding the provisions of this section.

The Commissioner shall have prepared a list of all titles cancelled pursuant to this section and furnish it, in conjunction with the reports submitted pursuant to § 46.2-210, to the commissioner of the revenue of each county and city without cost. The Commissioner shall not make such list available to the public nor shall any commissioner of the revenue make such list available to any third party.

The authorities in cities and towns regulating the movement of traffic may prescribe the route or routes over which these manufactured homes may be transported, and no manufactured home of this sort shall be transported through any city or town except along a prescribed route or routes.

For each temporary single-trip registration or permit issued hereunder, the applicant shall pay a fee of

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SB356

59 ~~one dollar~~ \$1, in addition to any administrative fee required by the Department. In lieu of a single-trip  
60 permit, an annual multi-trip permit may be issued for a fee of \$40, in addition to any administrative fee  
61 required by the Department.

62 No permit, as provided in this section, shall be issued covering any manufactured home that is  
63 subject to a license plate.

64 **§ 46.2-653.1. Conversion of manufactured home to real property.**

65 A. After a manufactured home has been titled in the Commonwealth and at such time as the wheels  
66 and other equipment previously used for mobility have been removed and the unit has been attached to  
67 the realty owned by the manufactured home owner, the Virginia title issued for the unit may be returned  
68 to the Department for cancellation in accordance with this section, and the manufactured home shall  
69 then be deemed to be real estate and shall thereafter be transferred only as real estate is transferred,  
70 except when the home is thereafter physically severed from the realty and a new title issued in  
71 accordance with this section. The validity of any security interest perfected pursuant to §§ 46.2-636  
72 through 46.2-641 or otherwise shall continue, notwithstanding the provisions of this section.

73 B. A manufactured home owner who wishes to return the Virginia title issued for the unit to the  
74 Department shall submit a sworn affidavit of affixation to the Department that the wheels and other  
75 equipment previously used for mobility have been removed from the manufactured home and the unit  
76 has been attached to the realty owned by the manufactured home owner. The affidavit must be in a form  
77 approved by the Commissioner and shall include all of the following information:

78 1. The manufacturer and, if applicable, the model name of the manufactured home.

79 2. The vehicle identification number and serial number of the manufactured home.

80 3. The legal description of the real property on which the manufactured home is placed (including  
81 property address), stating that the owner of the manufactured home also owns the real property.

82 4. A description of any security interests in the manufactured home.

83 5. A section for the Department's notation or statement that the title has been surrendered and  
84 canceled by the Department.

85 6. Homeowner's statement that the home is intended to be a permanent fixture and improvement to  
86 the land (to the same extent as any site-built home) and assessed and taxed with the land as real estate.

87 Upon compliance by the owner with the procedure for surrender of title, the Department shall  
88 rescind and cancel the Virginia title. If a security interest has been recorded on the certificate of title  
89 and not released by the secured party, the Department may not cancel the title without written consent  
90 from all secured parties.

91 After canceling the title, the Department shall return the original of the affidavit to the owner, and to  
92 the secured party having the first recorded security interest, with the Department's notation or statement  
93 that the title has been surrendered and has been canceled by the Department. The owner and secured  
94 party shall file the affidavit returned by the Department with the circuit court of the locality where the  
95 real property is located.

96 The Commissioner shall have prepared a list of all titles canceled pursuant to this section and  
97 furnish it, in conjunction with the reports submitted pursuant to § 46.2-210, to the commissioner of the  
98 revenue of each county and city without cost. The lists shall be available to the public. The  
99 Commissioner and each commissioner of revenue shall maintain the lists indefinitely.

100 C. If the owner of a manufactured home whose certificate of title has been canceled under this  
101 section subsequently seeks to sever the manufactured home from the real property, the owner may apply  
102 for a new certificate of title. The owner must submit the following to the Department:

103 1. An affidavit in a form approved by the Commissioner that includes or provides for all of the  
104 following information:

105 a. The manufacturer and, if applicable, the model name of the manufactured home.

106 b. The vehicle identification number and serial number of the manufactured home.

107 c. The legal description of the real property on which the manufactured home is placed, stating that  
108 the owner of the manufactured home also owns the real property.

109 d. A description of any security interests in the manufactured home or the real property on which the  
110 manufactured home is placed.

111 2. Verification that the manufactured home has been severed from the real property. Confirmation of  
112 severance by the commissioner of the revenue where the realty is located shall constitute acceptable  
113 evidence that the unit has been severed from the realty.

114 3. Written consent of any affected owners of recorded mortgages, deeds of trust, or security interests  
115 in the real property where the manufactured home was placed. The Commissioner may require evidence  
116 sufficient to demonstrate that all affected owners of security interests have been notified and consent.

117 Upon receipt of this information, together with a title application and required fee, the Department is  
118 authorized to issue a new title for the manufactured home.