

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 410

Short Title: Cancel Title to Manufactured Home. (Public)

Sponsors: Representative Jordan (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Transportation, if favorable, Judiciary Subcommittee A.

March 25, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO CANCEL A
CERTIFICATE OF TITLE TO A MANUFACTURED HOME WHEN THE PERSON
REQUESTING CANCELLATION DOES NOT HAVE THE CERTIFICATE OF TITLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-109.2 reads as rewritten:

"§ 20-109.2. Surrender of title to manufactured home.

(a) Surrender of Title. – If a certificate of title has been issued for a manufactured ~~home~~home, the owner listed on the title has the title, and the manufactured home qualifies as real property as defined in G.S. 105-273(13), the owner listed on the title shall submit an affidavit to the Division that the manufactured home meets this definition and surrender the certificate of title to the Division.

If a certificate of title has been issued for a manufactured home, no issued title is available, and the manufactured home qualifies as real property as defined in G.S. 105-273(13), the owner listed on the title shall be deemed to have surrendered the title to the Division if the owner of the real property on which the manufactured home is affixed (i) submits an affidavit to the Division that the manufactured home meets this definition and (ii) submits a tax record showing the manufactured home listed for ad valorem taxes as real property pursuant to Article 17 of Chapter 105 of the General Statutes in the name of the record owner of the real property on which the manufactured home is affixed.

(b) Affidavit. – The affidavit must be in a form approved by the Commissioner and shall include or provide for all of the following information:

- (1) The manufacturer and, if applicable, the model name of the manufactured home.
- (2) The vehicle identification number and serial number of the manufactured home.
- (3) The legal description of the real property on which the manufactured home is ~~placed, affixed,~~ stating that the owner of the manufactured home also owns the real property or that the owner of the manufactured home has entered into a lease with a primary term of at least 20 years for the real property on which the manufactured home is affixed with a copy of the lease or a memorandum thereof pursuant to G.S. 47-18 attached to the affidavit, if not previously recorded.
- (4) A description of any security interests in the manufactured home.



1 (5) A section for the Division's notation or statement that the procedure in
2 subsection (a) of this section for surrendering the title has been
3 surrendered ~~completed~~ and the title has been cancelled by the Division.

4 (6) An affirmative statement that the affiant is (i) the record owner of the real
5 property on which the manufactured home is affixed and the lease for the
6 manufactured home does not include a provision allowing the owner listed
7 on the certificate of title to dispose of the manufactured home prior to the
8 end of the primary term of the lease or (ii) is the owner of the manufactured
9 home and owns the real property on which the manufactured home is affixed
10 or has entered into a lease with a primary term of at least 20 years for the
11 real property on which the manufactured home is affixed.

12 ...

13 (e) Sanctions. – Any person who violates this section is subject to a civil penalty of up
14 to one hundred dollars (\$100.00), to be imposed in the discretion of the Commissioner. Any
15 person that provides false information in the affidavit required under subsection (b) of this
16 section shall be guilty of a Class 2 misdemeanor."

17 **SECTION 2.** This act becomes effective July 1, 2013.