

1 HB226  
2 197199-2  
3 By Representative Kiel  
4 RFD: State Government  
5 First Read: 20-MAR-19

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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§32-20-4.

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

"(1) Each application for certificate of title.

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

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

"(4) Each notice of security interest.

"(5) Each assignment by lienholder.

1           "(6) Each application for cancellation of a  
2 certificate of origin or certificate of title.

3           "(7) Each application for information as to the  
4 status of the title of a manufactured home. Such information  
5 shall be treated in the same manner as prescribed by state and  
6 federal statutes, rules, and regulations regarding the  
7 confidentiality and disclosure of motor vehicle records.

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

14           "(c) If more than one transaction is involved in any  
15 application on a single manufactured home and if supported by  
16 all required documents, the fee charged by the department and  
17 by the designated agent for processing and issuing shall be  
18 considered as only one transaction for which the designated  
19 agent shall receive and retain one dollar fifty cents (\$1.50)  
20 and shall collect and remit to the department fifteen dollars  
21 (\$15).

22           "(d) A fee of five dollars (\$5) shall be added for  
23 each transaction, as specified in subdivisions (1), (3), and  
24 (6) of subsection (a), for each unit of a manufactured home  
25 required to be titled under Section 32-20-20, to be

1 distributed to the nonprofit 501(c)3 foundation known as the  
2 Alabama Housing Foundation.

3 "(e) Every transaction shall be accompanied by the  
4 fee specified in this chapter, regardless of whether the title  
5 is issued electronically or not, unless specifically exempted  
6 by this chapter.

7 "§32-20-20.

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

18 "(b) If a manufactured home ~~not more than 20 model~~  
19 ~~years old, as determined by the department~~ subject to titling  
20 under this section, is permanently affixed to a parcel of real  
21 property and the ownership of the manufactured home and real  
22 property is identical, the original retail purchaser or  
23 lienholder for the original retail purchaser as recorded on  
24 the certificate of origin or the titled owner or owners  
25 lienholder recorded on the certificate of title may apply for

1 a cancellation of a certificate of origin or certificate of  
2 title through a designated agent and obtain from the Alabama  
3 Department of Revenue a certificate of cancellation of the  
4 certificate of origin or cancellation of the certificate of  
5 title to the manufactured home by delivering to the  
6 department, all of the following:

7 "(1) The certificate of origin or certificate of  
8 title to the manufactured home, or each separate certificate  
9 of origin or certificate of title if the manufactured home  
10 consists of more than one unit or, in lieu thereof, post a  
11 bond in accordance with the provisions of subdivision (2) of  
12 Section 32-20-24.

13 "(2) Lien release from lienholder as recorded on the  
14 certificate of title or, in lieu thereof, post a bond in  
15 accordance with the provisions of subdivision (2) of Section  
16 32-20-24.

17 "(3) An affidavit executed by all who have an  
18 ownership interest in the manufactured home and the realty to  
19 which the manufactured home has become permanently affixed to  
20 the effect that the manufactured home is permanently affixed  
21 to the realty described in the deed and containing written  
22 verification from the judge of probate that the manufactured  
23 home has been recorded as being permanently affixed and  
24 recorded as real property in that county.

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

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

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

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

22           "(2) Under the manufactured home identification  
23 number.

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

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

3           "§32-20-21.

4           "No certificate of title shall be issued for any of  
5 the following:

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

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

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

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

15          "(5) Modular homes.

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

21          "(7) Any other manufactured homes as prescribed by  
22 the department."

23                 Section 2. This act shall become effective January  
24 1, 2020, following its passage and approval by the Governor,  
25 or upon its otherwise becoming law.

