

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 574**

4 (By Senators Tucker, Fitzsimmons and Edgell)

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6 [Originating in the Committee on the Judiciary;
7 reported February 20, 2014.]
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10 A BILL to amend and reenact §11-5-12 of the Code of West Virginia,
11 1931, as amended; and to amend and reenact §17A-3-12b of said
12 code, all relating to cancelling certificates of title for
13 certain mobile and manufactured homes; clarifying that a
14 mobile home permanently attached to the real estate by the
15 owner may not be classified as personal property if the owner
16 has filed a canceled certificate of title with the clerk of
17 the county commission and the clerk has recorded the canceled
18 certificate of title; and providing a procedure for returning
19 a canceled title to an owner or lienholder.

20 *Be it enacted by the Legislature of West Virginia:*

21 That §11-5-12 of the Code of West Virginia, 1931, as amended,
22 be amended and reenacted; and that §17A-3-12b of said code be
23 amended and reenacted, all to read as follows:

24 **CHAPTER 11. TAXATION.**

25 **ARTICLE 5. ASSESSMENT OF PERSONAL PROPERTY.**

26 **§11-5-12. Mobile homes situate upon property owned by a person**
27 **other than owner of mobile home.**

28 Mobile homes ~~situate~~ situated upon property owned by a person

1 other than the owner of the mobile home ~~shall be~~ are classified as
2 personal property whether or not ~~said~~ the mobile home is
3 permanently affixed to the real estate and, unless subject to
4 assessment as Class II property under section eleven of this
5 article or section two, article four of this chapter, ~~shall be~~ are
6 assessed as Class III or Class IV personal property, as may be
7 appropriate in the circumstances.

8 A mobile home permanently attached to the real estate of the
9 owner may not be classified as personal property if the owner has
10 filed a canceled certificate of title with the clerk of the county
11 commission and the clerk has recorded it in the same manner as
12 deeds are recorded and indexed.

13 **CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,**

14 **CERTIFICATE OF TITLE AND ANTITHEFT PROVISIONS.**

15 **ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF**
16 **CERTIFICATES OF TITLE.**

17 **§17A-3-12b. Canceled certificates of title for certain mobile and**
18 **manufactured homes.**

19 The commissioner may cancel a certificate of title for a
20 mobile or manufactured home affixed to the real property of the
21 owner of the mobile or manufactured home. The person requesting the
22 cancellation shall submit to the commissioner an application for
23 cancellation together with the certificate of title. The
24 application shall be on a form prescribed by the commissioner. The
25 commissioner shall return one copy of the cancellation certificate
26 to the owner and shall send a copy of the cancellation certificate
27 to the clerk of the county commission to be recorded and indexed in
28 the ~~deed book~~ same manner as a deed, with the owner's name being

1 indexed in the grantor index. The commissioner shall charge a fee
2 of \$10 per certificate of title canceled. The clerk shall return
3 the recorded application to the owner, unless there is a lien
4 attached to the mobile or manufactured home, in which case the
5 recorded application shall be returned to the lienholder. Upon
6 ~~recordation~~ its recording in the county clerk's office, the mobile
7 or manufactured home shall be treated for all purposes as an
8 appurtenance to the real estate to which it is affixed and be
9 transferred only as real estate and the ownership interest in the
10 mobile or manufactured home, together with all liens and
11 encumbrances on the home, shall be transferred to and shall
12 encumber the real property to which the mobile or manufactured home
13 has become affixed.

(NOTE: This bill clarifies that a mobile home permanently attached to the real estate by the owner may not be classified as personal property if the owner has filed a canceled certificate of title with the clerk of the county commission and the clerk has recorded the canceled certificate of title. The bill increases the fee charged by the Commissioner of the Division of Motor Vehicles for cancelling a title from \$10 to \$20. The bill provides that the Commission is to forward \$10 of each \$20 collected to the clerk of the county commission where the application for cancellation is recorded. The bill also establishes a procedure for returning the recorded application for cancellation.)

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)