

Senate Bill No. 574

(By Senators Tucker, Fitzsimmons and Edgell)

[Introduced February 13, 2014; referred to the Committee on the
Judiciary.]

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; increasing the fee for title
19 cancellation; designating a portion of the fee to the clerk of
20 the county commission recording the cancellation; and
21 providing a procedure for returning a canceled title to an
22 owner or lienholder.

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

24 That §11-5-12 of the Code of West Virginia, 1931, as amended,

1 be amended and reenacted; and that §17A-3-12b of said code be
2 amended and reenacted, all to read as follows:

3 **CHAPTER 11. TAXATION.**

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

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

7 Mobile homes ~~situate~~ situated upon property owned by a person
8 other than the owner of the mobile home ~~shall be~~ are classified as
9 personal property whether or not ~~said~~ the mobile home is
10 permanently affixed to the real estate and, unless subject to
11 assessment as Class II property under section eleven of this
12 article or section two, article four of this chapter, ~~shall be~~ are
13 assessed as Class III or Class IV personal property, as may be
14 appropriate in the circumstances.

15 A mobile home permanently attached to the real estate of the
16 owner may not be classified as personal property if the owner has
17 filed a canceled certificate of title with the clerk of the county
18 commission and the clerk has recorded it in the same manner as
19 deeds are recorded and indexed.

20 **CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,
21 CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

22 **ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF
23 CERTIFICATES OF TITLE.**

1 **§17A-3-12b. Canceled certificates of title for certain mobile and**
2 **manufactured homes.**

3 The commissioner may cancel a certificate of title for a
4 mobile or manufactured home affixed to the real property of the
5 owner of the mobile or manufactured home. The person requesting the
6 cancellation shall submit to the commissioner an application for
7 cancellation together with the certificate of title. The
8 application shall be on a form prescribed by the commissioner. The
9 commissioner shall return one copy of the cancellation certificate
10 to the owner and shall send a copy of the cancellation certificate
11 to the clerk of the county commission to be recorded and indexed in
12 the ~~deed book~~ same manner as a deed, with the owner's name being
13 indexed in the grantor index. The commissioner shall charge a fee
14 of ~~\$10~~ \$20 per certificate of title canceled, and shall pay a
15 recording fee of \$10 to the clerk of the county commission. The
16 clerk shall return the recorded application to the owner, unless
17 there is a lien attached to the mobile or manufactured home, in
18 which case the recorded application shall be returned to the
19 lienholder. Upon ~~recordation~~ its recording in the county clerk's
20 office, the mobile or manufactured home shall be treated for all
21 purposes as an appurtenance to the real estate to which it is
22 affixed and be transferred only as real estate and the ownership
23 interest in the mobile or manufactured home, together with all
24 liens and encumbrances on the home, shall be transferred to and

1 shall encumber the real property to which the mobile or
2 manufactured home 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.