

HOUSE BILL No. 2305

By Committee on Taxation

2-6

9 AN ACT amending the Kansas manufactured housing act; concerning
10 certain certificates of title; amending K.S.A. 58-4214 and 58-4216 and
11 repealing the existing sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) Notwithstanding the provisions of K.S.A. 58-
15 4214, and amendments thereto, if a certificate of title was issued prior to
16 January 1, 2003, for a manufactured home or mobile home and it can be
17 established that:

18 (1) The manufactured home or mobile home has been permanently
19 affixed to real property, by placement upon a permanent foundation of a
20 type not removable intact from such real property and the axles and
21 wheels have been removed;

22 (2) the manufactured home or mobile home is being taxed as real
23 property; and

24 (3) all personal property liens on the manufactured home or mobile
25 home have been paid and released, then the ownership of the manufac-
26 tured home or mobile home shall be an incident of ownership of real
27 property where it is located under governing real property law. If the
28 requirements of this section have been met, a separate security interest
29 in the manufactured home or mobile home shall not exist and the man-
30 ufactured home or mobile home shall only be subject to a lien as part of
31 the real property where it is located.

32 (b) The provisions of subsection (a) can only be established by the
33 filing of an affidavit signed by all the owners of the manufactured home
34 or mobile home and recorded in the office of the register of deeds of the
35 county in which there is located the real property on which the manu-
36 factured home or mobile home is affixed.

37 (c) If a certificate of title was issued prior to January 1, 2003, for a
38 manufactured home or mobile home and the provisions of this section
39 have not been complied with, then, in order to be treated as real property,
40 the provisions of K.S.A. 58-4214, and amendments thereto, shall be com-
41 piled with.

42 Sec. 2. K.S.A. 58-4214 is hereby amended to read as follows: 58-
43 4214. (a) *Except as provided in section 1, and amendments thereto, when-*

1 ever a manufactured home or mobile home is permanently affixed to real
2 property, by placement upon a permanent foundation of a type not re-
3 movable intact from such real property, the manufactured home or mo-
4 bile home shall be considered for all purposes an improvement to real
5 property, if the certificate of title which has been issued or is required to
6 be issued for such manufactured home or mobile home pursuant to
7 K.S.A. 58-4204, and amendments thereto, is eliminated pursuant to this
8 section. If the certificate of title has been eliminated pursuant to this
9 section, the ownership of the manufactured home or mobile home shall
10 be an incident of ownership of the real property where it is located under
11 governing real property law. If the certificate of title has been eliminated
12 pursuant to this section, a separate security interest in the manufactured
13 home or mobile home shall not exist, and the manufactured home or
14 mobile home shall only be subject to a lien as part of the real property
15 where it is located.

16 (b) To eliminate a certificate of title which has been issued or is re-
17 quired to be issued for a manufactured home or mobile home pursuant
18 to K.S.A. 58-4204, and amendments thereto, the owner of the manufac-
19 tured home or mobile home shall make application to the division, in-
20 cluding submission of the following:

21 (1) An affidavit, in the form prescribed by the division, signed by all
22 the owners of the manufactured home or mobile home, and also signed
23 by all parties having a mortgage, lien or other security interest in the
24 manufactured home or mobile home, as evidence of consent to the elim-
25 ination of the certificate of title, and containing:

26 (A) The date;

27 (B) the names of all the owners of record of the manufactured home
28 or mobile home;

29 (C) the legal description of the real property where the manufactured
30 home or mobile home is located;

31 (D) a description of the manufactured home or mobile home, in-
32 cluding model year, make, width, length and identification number;

33 (E) the names of all parties holding a security interest or otherwise
34 entitled to a lien or encumbrance in the manufactured home or mobile
35 home;

36 (F) a statement that the owner or one of the owners of the manufac-
37 tured home or mobile home owns the real property where the manufac-
38 tured home or mobile home is or will be located; and

39 (G) the name and address of an owner, lending agency or other entity
40 to which the approved application may be delivered;

41 (2) the certificate of title for the manufactured home or for the mo-
42 bile home issued pursuant to K.S.A. 58-4204, and amendments thereto,
43 or in the case of a new manufactured home, the manufacturer's statement

1 of origin;

2 (3) where one or more parties have a security interest in the manu-
3 factured home or mobile home, a release of each such secured party's
4 security interest;

5 (4) proof of payment of all applicable fees and taxes; and

6 (5) any other information the division may reasonably require pur-
7 suant to duly adopted rules and regulations.

8 (c) The division shall approve the application for elimination of the
9 title when all requirements of subsection (b) have been satisfied. After
10 the application has been approved, the division shall deliver the approved
11 application as directed by the application. The approved application shall
12 be recorded in the office of the register of deeds of the county in which
13 there is located the real property on which the manufactured home or
14 mobile home is affixed. Upon such recording, the certificate of title shall
15 be presumed to be eliminated. If a certificate of title previously has been
16 issued for the manufactured home or mobile home pursuant to K.S.A.
17 58-4204, and amendments thereto, the division also shall cancel such
18 certificate of title.

19 Sec. 3. K.S.A. 58-4216 is hereby amended to read as follows: 58-
20 4216. The provisions of K.S.A. 58-4214 through 58-4216 *and section 1*,
21 and amendments thereto, shall be a part of and supplemental to the
22 Kansas manufactured housing act.

23 Sec. 4. K.S.A. 58-4214 and 58-4216 are hereby repealed.

24 Sec. 5. This act shall take effect and be in force from and after its
25 publication in the statute book.