

HOUSE BILL NO. 160

INTRODUCED BY GRADY, SWITZER, THOFT, J. BROWN,
CAMPBELL, MILES, MARKS, HARPER, BRANDEWIE

IN THE HOUSE

January 12, 1985	Introduced and referred to Committee on Local Government.
January 17, 1985	Fiscal Note requested.
January 21, 1985	Fiscal Note returned.
February 18, 1985	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
February 19, 1985	Bill printed and placed on members' desks.
February 20, 1985	Second reading, do pass.
February 21, 1985	Considered correctly engrossed.
February 22, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 25, 1985	Introduced and referred to Committee on State Administration.
March 27, 1985	Committee recommend bill be concurrred in as amended. Report adopted. Statement of Intent stricken.
March 29, 1985	Second reading, concurrred in.
April 1, 1985	Third reading, concurrred in. Ayes, 46; Noes, 0.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 4, 1985

Second reading, amendments
concurrent in.

April 5, 1985

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 160
 2 INTRODUCED BY Edward J. Brady Senator JTB
 3 J. Brown Congressional Clerk Mike Mark Page
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE FILING OF
 5 RECORDS OF MOBILE HOMES IN THE SAME MANNER AS THOSE OF MOTOR
 6 VEHICLES; REQUIRING FILING OF NOTICE OF INTENTION TO
 7 TRANSFER TITLE; AMENDING SECTIONS 61-3-101, 61-3-201, AND
 8 61-3-317, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Mobile home defined. "Mobile
12 home" means mobile home as defined in 15-24-201.

13 NEW SECTION. Section 2. Notice of intention to
14 transfer title to mobile home. When a mobile home is sold
15 under contract or under conditions so that title is not
16 immediately conveyed, the parties to the transaction shall
17 file immediately with the county clerk and recorder a notice
18 of intention to transfer title. The notice must indicate the
19 name of the party who is thereafter responsible for payment
20 of taxes upon the mobile home. The clerk and recorder shall
21 immediately notify the county assessor of the information in
22 the notice.

23 Section 3. Section 61-3-101, MCA, is amended to read:
24 "61-3-101. Duties of division of motor vehicles --
25 records. (1) The division of motor vehicles shall keep a

1 record as hereinafter specified of all motor vehicles,
2 trailers, and semitrailers, and mobile homes of every kind,
3 and of certificates of registration and ownership thereof,
4 and of all dealers in motor vehicles.

5 (2) In the case of motor vehicles, trailers, and
6 semitrailers, and mobile homes, the record shall show the
7 following:

- 8 (a) name of owner, residence by town and county, and
9 business address;
- 10 (b) name and address of conditional sales vendor,
11 mortgagee, or other lienholder and amount due under contract
12 or lien;
- 13 (c) manufacturer of car or mobile home;
- 14 (d) manufacturer's designation of style of car or
15 vehicle;
- 16 (e) identifying number;
- 17 (f) year of manufacture;
- 18 (g) character of motive power and shipping weight of
19 car as shown by the manufacturer;
- 20 (h) the distinctive license number assigned to the
21 vehicle;
- 22 (i) if a truck or trailer, the number of tons'
23 capacity or GVW if imprinted on manufacturer's
24 identification plate;
- 25 (j) such other information as may from time to time be



1 found desirable.

2 (3) The division shall file applications for
3 registration received by it from the county treasurers of
4 the state and register the vehicles therein described and
5 the owners thereof in suitable books or on index cards, as
6 follows:

7 (a) under the distinctive license number assigned to
8 the vehicle by the county treasurer;

9 (b) alphabetically under the name of the owner;

10 (c) numerically under make and identifying number of
11 the vehicle;

12 (d) such other index of registration as the division
13 considers expedient.

14 (4) Vehicle registration records and indexes and
15 driver's license records and indexes may be maintained by
16 electronic recording and storage media.

17 (5) In the case of dealers, the records shall show the
18 information contained in the application for dealer's
19 license as required by 61-4-101 through 61-4-105, as well as
20 the distinctive license number assigned to the dealer.

21 (6) In order to prevent an accumulation of unneeded
22 records and files, the division shall have the authority and
23 it shall be its duty to destroy all records and files which
24 have ceased to be of any value.

25 (7) The division may establish and maintain a

1 short-wave radio station in order to report motor vehicle
2 registration information to the highway patrol, to sheriffs,
3 and to the chiefs of police of each incorporated city of the
4 state who are able to communicate with such short-wave radio
5 station.

6 (8) All records shall be open to inspection during all
7 reasonable business hours, and the division shall furnish
8 any information from the records upon payment by the
9 applicant of the cost of transcribing the information
10 requested.

11 (9) Within 30 days following the end of each calendar
12 quarter, the division shall send to each county assessor and
13 to the department of revenue a list of the certificates of
14 ownership for housetrailer and mobile homes issued during
15 the preceding calendar quarter to owners within each
16 assessor's respective county. The list must contain the name
17 and address of the owner or the names and addresses of joint
18 owners and a description of the housetrailer or mobile home,
19 including the year built and the serial number."

20 Section 4. Section 61-3-201, MCA, is amended to read:

21 "61-3-201. Transfer of interest. (1) Upon a transfer
22 of any interest in a motor vehicle or mobile home registered
23 under the provisions of this chapter, the person whose
24 interest is to be transferred shall write his signature with
25 pen and ink upon the certificate of ownership issued for

1 such vehicle in the appropriate space provided upon the
2 reverse side of the certificate, and his signature shall be
3 acknowledged before a notary public.

4 (2) Within 20 calendar days thereafter, the transferee
5 shall forward both the endorsed certificate of ownership and
6 the certificate of registration, together with the
7 information required under 61-3-202, to the county
8 treasurer, who shall forward them to the division. No
9 certificate of ownership or certificate of registration may
10 be issued by the division until the outstanding certificates
11 are surrendered to that office or their loss is established
12 to its reasonable satisfaction. Failure to make application
13 within the 20-day grace period subjects the transferee to a
14 penalty of \$10. The penalty is to be collected by the county
15 treasurer at the time of registration and is in addition to
16 the fees otherwise provided by law.

17 (3) In the event of a transfer by operation of law of
18 any interest in a motor vehicle or mobile home as upon
19 inheritance, devise, or bequest, order in bankruptcy or
20 insolvency, execution sale, repossession upon default in the
21 performance of the terms of a lease or executory sales
22 contract, or otherwise than by voluntary act of the person
23 whose title or interest is transferred, the executor,
24 administrator, receiver, trustee, sheriff, or other
25 representative or successor in interest of the person whose

1 interest is transferred shall forward to the division an
2 application for a certificate of ownership in the form
3 required for an original application for a certificate of
4 ownership, together with a verified or certified statement
5 of the transfer of such interest. The statement shall set
6 forth the reason for the involuntary transfer, the interest
7 so transferred, the name of the person to whom the interest
8 is to be transferred, the process of procedure effecting
9 such transfer, and other information requested by the
10 division. Evidence and instruments otherwise required by law
11 to effect a transfer of legal or equitable title to or an
12 interest in chattels as may be required in such cases shall
13 be furnished with the statement. If the division is
14 satisfied that the transfer is regular and that all
15 formalities required by law have been complied with, it
16 shall send to the owner, conditional sales vendor, lessor,
17 mortgagee, and other lienor, as shown by its records, notice
18 of the intended transfer and thereafter, but not less than 5
19 days thereafter, shall issue a new certificate of ownership
20 and certificate of registration to the person entitled
21 thereto. The notice herein required is complied with by
22 deposit in the post office in Deer Lodge, Montana, such
23 notice, postage prepaid, addressed to the person at the
24 respective address shown on its records.

25 (4) When the vehicle or mobile home certificate of

1 ownership that is involuntarily transferred is not
 2 registered in this state, the procedure set forth above must
 3 be followed in applying for a new certificate of ownership
 4 and certificate of registration but the division need not
 5 send notice of intended transfer and shall issue a new
 6 certificate of ownership and a new certificate of
 7 registration to the person entitled thereto.

8 (5) (a) In the event of the death of the owner of one
 9 or more motor vehicles, trailers, semitrailers, or
 10 housetrailers, or mobile homes registered hereunder and not
 11 exceeding a combined value of \$15,000 without leaving other
 12 property necessitating the procuring of letters of
 13 administration or letters testamentary, then the surviving
 14 spouse or other heir unless such property is by will
 15 otherwise bequeathed may secure transfer of the decedent's
 16 certificate of ownership and the certificate of registration
 17 for the vehicle.

18 (b) The person seeking transfer of the certificate of
 19 ownership shall file an affidavit with the division setting
 20 forth the fact of survivorship and the name and address of
 21 any other heirs and such other facts as are hereby made
 22 necessary to entitle the affiant to a transfer.

23 (c) The division is authorized to transfer the
 24 certificate of ownership and certificate of registration,
 25 subject to all security interests shown by its records, upon

1 receipt of an affidavit showing that the affiant is entitled
 2 to a transfer under the provisions of subsection (5)(a) of
 3 this section.

4 (6) Nothing in subsection (5) shall prevent any
 5 secured party from assigning his interest in a motor vehicle
 6 or mobile home registered under the provisions of this
 7 chapter to any other person without the consent of and
 8 without affecting the interest of the holder of the
 9 certificate of ownership and certificate of registration.
 10 Upon any assignment by a secured party of his security
 11 interest in any motor vehicle or mobile home registered
 12 under this chapter, a copy of such assignment must be filed
 13 with the division and record thereof made upon its records.

14 (7) The certificates of ownership shall remain valid
 15 until canceled by the division upon a transfer of any
 16 interest shown therein and need not be renewed annually."

17 Section 5. Section 61-3-317, MCA, is amended to read:
 18 "61-3-317. New registration required for transferred
 19 vehicle or mobile home -- grace period -- penalty -- display
 20 of proof of purchase. Except as otherwise provided herein,
 21 the new owner of a transferred motor vehicle or mobile home
 22 shall have a grace period of 20 calendar days from the date
 23 of purchase to make application and pay the taxes, or fees,
 24 or both provided by part 5 of this chapter or Title 15,
 25 chapter 24, unless the tax or fee has been paid for the

1 year, as if the vehicle were being registered for the first
 2 time in that registration year. If the motor vehicle was not
 3 purchased from a duly licensed motor vehicle dealer as
 4 provided in this chapter, it is not a violation of this
 5 chapter or any other law for the purchaser to operate the
 6 vehicle upon the streets and highways of this state without
 7 a certificate of registration during the 20-day period,
 8 provided that at all times during that period a bill of sale
 9 or other proof of purchase reciting the date of purchase is
 10 clearly displayed in the rear window of the motor vehicle.
 11 Registration and license fees collected under 61-3-321 are
 12 not required to be paid when a license plate is transferred
 13 under this section and 61-3-335. Failure to make application
 14 within the time provided herein subjects the purchaser to a
 15 penalty of \$10. The penalty shall be collected by the county
 16 treasurer at the time of registration and shall be in
 17 addition to the fees otherwise provided by law."

18 NEW SECTION. Section 6. Extension of authority. Any
 19 existing authority of the motor vehicle division of the
 20 department of justice to make rules on the subject of the
 21 provisions of this act is extended to the provisions of this
 22 act.

23 NEW SECTION. Section 7. Coordination. If this act and
 24 Bill No. [LC 142] are both passed and approved,
 25 including the provisions of both bills amending 61-3-201,

1 then Section 61-3-201, MCA, is amended to read:

2 "61-3-201. Transfer of interest. (1) Upon a transfer
 3 of any interest in a motor vehicle or mobile home registered
 4 under the provisions of this chapter, the person whose
 5 interest is to be transferred shall write his signature with
 6 pen and ink upon the certificate of ownership issued for
 7 such vehicle in the appropriate space provided upon the
 8 reverse side of the certificate, and his signature shall be
 9 acknowledged before a notary public.

10 (2) Within 20 calendar days thereafter, the transferee
 11 shall forward both the endorsed certificate of ownership and
 12 the certificate of registration of a motor vehicle, together
 13 with the information required under 61-3-202, to the county
 14 ~~treasurer, who shall forward them to the~~ division. When a
 15 mobile home is transferred, the certificates shall be
 16 transferred to the county treasurer. The treasurer shall
 17 forward the certificates to the division after the purchaser
 18 provides the treasurer with proof of payment of taxes on the
 19 mobile home. No certificate of ownership or certificate of
 20 registration may be issued by the division until the
 21 outstanding certificates are surrendered to that office or
 22 their loss is established to its reasonable satisfaction.
 23 Failure to make application within the 20-day grace period
 24 subjects the transferee to a penalty of \$10. The penalty is
 25 to be collected by the county treasurer at the time of

1 registration and is in addition to the fees otherwise
2 provided by law.

3 (3) In the event of a transfer by operation of law of
4 any interest in a motor vehicle or mobile home as upon
5 inheritance, devise, or bequest, order in bankruptcy or
6 insolvency, execution sale, repossession upon default in the
7 performance of the terms of a lease or executory sales
8 contract, or otherwise than by voluntary act of the person
9 whose title or interest is transferred, the executor,
10 administrator, receiver, trustee, sheriff, or other
11 representative or successor in interest of the person whose
12 interest is transferred shall forward to the division an
13 application for a certificate of ownership in the form
14 required for an original application for a certificate of
15 ownership, together with a verified or certified statement
16 of the transfer of such interest. The statement shall set
17 forth the reason for the involuntary transfer, the interest
18 so transferred, the name of the person to whom the interest
19 is to be transferred, the process of procedure effecting
20 such transfer, and other information requested by the
21 division. Evidence and instruments otherwise required by law
22 to effect a transfer of legal or equitable title to or an
23 interest in chattels as may be required in such cases shall
24 be furnished with the statement. If the division is
25 satisfied that the transfer is regular and that all

1 formalities required by law have been complied with, it
2 shall send to the owner, conditional sales vendor, lessor,
3 mortgagee, and other lienor, as shown by its records, notice
4 of the intended transfer and thereafter, but not less than 5
5 days thereafter, shall issue a new certificate of ownership
6 and certificate of registration to the person entitled
7 thereto. The notice herein required is complied with by
8 deposit in the post office in Deer Lodge, Montana, such
9 notice, postage prepaid, addressed to the person at the
0 respective address shown on its records.

11 (4) When the vehicle or mobile home certificate of
12 ownership that is involuntarily transferred is not
13 registered in this state, the procedure set forth above must
14 be followed in applying for a new certificate of ownership
15 and certificate of registration but the division need not
16 send notice of intended transfer and shall issue a new
17 certificate of ownership and a new certificate of
18 registration to the person entitled thereto.

19 (5) (a) In the event of the death of the owner of one
20 or more motor vehicles, trailers, semitrailers, or
21 housetrailers, or mobile homes registered hereunder and not
22 exceeding a combined value of \$15,000 without leaving other
23 property necessitating the procuring of letters of
24 administration or letters testamentary, then the surviving
25 spouse or other heir unless such property is by will

1 otherwise bequeathed may secure transfer of the decedent's
2 certificate of ownership and the certificate of registration
3 for the vehicle.

4 (b) The person seeking transfer of the certificate of
5 ownership shall file an affidavit with the division setting
6 forth the fact of survivorship and the name and address of
7 any other heirs and such other facts as are hereby made
8 necessary to entitle the affiant to a transfer.

9 (c) The division is authorized to transfer the
10 certificate of ownership and certificate of registration,
11 subject to all security interests shown ~~by its records~~, upon
12 receipt of an affidavit showing that the affiant is entitled
13 to a transfer under the provisions of subsection (5)(a) of
14 this section.

15 (6) Nothing in subsection (5) shall prevent any
16 secured party from assigning his interest in a motor vehicle
17 or mobile home registered under the provisions of this
18 chapter to any other person without the consent of and
19 without affecting the interest of the ~~holder--of--the~~
20 ~~certificate--of--ownership--and--certificate--of--registration~~
21 owner. Upon Prior to any assignment by a secured party of
22 his security interest in any motor vehicle or mobile home
23 registered under this chapter, ~~a--copy--of~~ such assignment
24 must be filed with sent to the division and record thereof
25 made upon ~~its--records~~ the certificate, as provided in

1 61-3-103.

2 (7) The certificates of ownership shall remain valid
3 until canceled by the division upon a transfer of any
4 interest shown therein and need not be renewed annually."

5 NEW SECTION. Section 8. Codification instruction.
6 Sections 1 and 2 are intended to be codified as an integral
7 part of Title 61, and the provisions of Title 61 apply to
8 sections 1 and 2.

-End-

FISCAL NOTE

In compliance with a written request received January 17, 19 85, there is hereby submitted a Fiscal Note for House Bill 160 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring the filing of records of mobile homes in the same manner as those of motor vehicles; requiring filing of notice of intention to transfer title.

ASSUMPTIONS:

1. It is assumed that the bill is directing the Department of Justice to register and license mobile homes. And, only one license plate will be used per mobile home.
2. It is assumed that 40,000 mobile homes will be registered and licensed in FY 1986 and 1987.
3. Taxes are paid at the time of registration causing an appraisal effort by the Department of Revenue.
4. Since the status of the bill noted in section 7 is unknown, it is assumed that MCA 61-3-201, will be amended according to section 4 of this bill.

FISCAL IMPACT:

	<u>FY 1986</u>	<u>FY 1987</u>
Department of Justice		
Special Revenue Fund:		
Revenue	\$ 80,000	\$ 80,000
Expenditures	53,700	53,700
Department of Revenue		
General Fund		
Expenditures	\$ 26,000	\$ 26,000

David L. Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Jan 21, 1985

APPROVED BY COMM.
ON LOCAL GOVERNMENT

1 STATEMENT OF INTENT

2 HOUSE BILL 160

3 House Local Government Committee

4

5 A statement of intent is required because the division
6 of motor vehicles is given rulemaking authority relating to
7 the registration and keeping of records of mobile homes in
8 section 6 of the bill.

9 It is contemplated that the rules will govern the basic
10 procedures and forms necessary to carry out such
11 registration procedures. The rules should be formulated
12 keeping in mind that the purpose of the bill is primarily to
13 provide a way to ascertain mobile home ownership for the
14 purposes of taxation.

1 HOUSE BILL NO. 160

2 INTRODUCED BY GRADY, SWITZER,
3 THOFT, J. BROWN, CAMPBELL, MILES,
4 MARKS, HARPER, BRANDEWIE
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE FILING OF
7 RECORDS OF MOBILE HOMES IN THE--SAME A SIMILAR MANNER AS
8 THOSE OF MOTOR VEHICLES; REQUIRING FILING OF NOTICE OF
9 INTENTION TO TRANSFER TITLE; AMENDING SECTIONS--61-3-101,
10 61-3-201, AND 61-3-317 SECTION 15-24-207, MCA."
11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 (Refer to Introduced Bill)

14 Strike everything after the enacting clause and insert:

15 NEW SECTION. Section 1. Records of mobile homes --
16 duties of division of motor vehicles. (1) The department of
17 justice, division of motor vehicles, shall keep a record as
18 hereinafter specified of all mobile homes and of
19 certificates of registration and ownership thereof.

20 (2) The record shall show the following:

21 (a) name of owner, residence by town and county, and
22 business address;

23 (b) name and address of conditional sales vendor,
24 mortgagee, or other lienholder and amount due under contract
25 or lien;

1 (c) manufacturer of the mobile home;

2 (d) identifying number;

3 (e) year of manufacture; and

4 (f) such other information as may from time to time be
5 found desirable.

6 (3) The division shall file applications for
7 registration received by it from the county treasurers of
8 the state and register the mobile homes therein described
9 and the owners thereof as the division considers suitable.

10 (4) All records shall be open to inspection during all
11 reasonable business hours, and the division shall furnish
12 any information from the records upon payment by the
13 applicant of the cost of transcribing the information
14 requested.

15 (5) Within 30 days following the end of each calendar
16 quarter, the division shall send to each county assessor and
17 to the department of revenue a list of the certificates of
18 ownership for mobile homes issued during the preceding
19 calendar quarter to owners within each assessor's respective
20 county. The list must contain the name and address of the
21 owner or the names and addresses of joint owners and a
22 description of the mobile home, including the year built,
23 the title number, and the serial number.

24 NEW SECTION. Section 2. Transfer of interest of
25 mobile home. (1) Upon a transfer of any interest in a mobile

1 home registered under the provisions of [sections 1 through
2 5], the person whose interest is to be transferred shall
3 write his signature with pen and ink upon the certificate of
4 ownership issued for such mobile home in the appropriate
5 space provided upon the reverse side of the certificate, and
6 his signature must be acknowledged before a notary public.

7 (2) Within 20 calendar days thereafter, the transferee
8 shall forward both the endorsed certificate of ownership and
9 the certificate of registration, together with the
10 information required under [section 3], to the county
11 treasurer, who shall forward them to the division. No
12 certificate of ownership or certificate of registration may
13 be issued by the division until the outstanding certificates
14 are surrendered to that office or their loss is established
15 to its reasonable satisfaction. Failure to make application
16 within the 20-day grace period subjects the transferee to a
17 penalty of \$10. The penalty is to be collected by the county
18 treasurer at the time of registration and is in addition to
19 the fees otherwise provided by law.

20 (3) In the event of a transfer by operation of law of
21 any interest in a mobile home, as upon inheritance, devise,
22 or bequest, order in bankruptcy or insolvency, execution
23 sale, repossession upon default in the performance of the
24 terms of a lease or executory sales contract, or otherwise
25 than by voluntary act of the person whose title or interest

1 is transferred, the executor, administrator, receiver,
2 trustee, sheriff, or other representative or successor in
3 interest of the person whose interest is transferred shall
4 forward to the division an application for a certificate of
5 ownership in the form required for an original application
6 for a certificate of ownership, together with a verified or
7 certified statement of the transfer of such interest. The
8 statement shall set forth the reason for the involuntary
9 transfer, the interest so transferred, the name of the
10 person to whom the interest is to be transferred, the
11 process of procedure effecting such transfer, and other
12 information requested by the division. Evidence and
13 instruments otherwise required by law to effect a transfer
14 of legal or equitable title to or an interest in chattels as
15 may be required in such cases shall be furnished with the
16 statement. If the division is satisfied that the transfer is
17 regular and that all formalities required by law have been
18 complied with, it shall send to the owner, conditional sales
19 vendor, lessor, mortgagee, and other lienor, as shown by its
20 records, notice of the intended transfer and thereafter, but
21 not less than 5 days thereafter, shall issue a new
22 certificate of ownership and certificate of registration to
23 the person entitled thereto. The notice herein required is
24 complied with by deposit in the post office in Deer Lodge,
25 Montana, with postage prepaid and addressed to the person at

1 the respective address shown on the division's records.

2 (4) When the mobile home certificate of ownership that
3 is involuntarily transferred is not registered in this
4 state, the procedure set forth above must be followed in
5 applying for a new certificate of ownership and certificate
6 of registration but the division need not send notice of
7 intended transfer and shall issue a new certificate of
8 ownership and a new certificate of registration to the
9 person entitled thereto.

10 (5) (a) In the event of the death of the owner of one
11 or more mobile homes registered hereunder and not exceeding
12 a combined value of \$15,000 without leaving other property
13 necessitating the procuring of letters of administration or
14 letters testamentary, then the surviving spouse or other
15 heir, unless such property is by will otherwise bequeathed,
16 may secure transfer of the decedent's certificate of
17 ownership and the certificate of registration for the mobile
18 home.

19 (b) The person seeking transfer of the certificate of
20 ownership shall file an affidavit with the division setting
21 forth the fact of survivorship and the name and address of
22 any other heirs and such other facts as are hereby made
23 necessary to entitle the affiant to a transfer.

24 (c) The division is authorized to transfer the
25 certificate of ownership and certificate of registration,

1 subject to all security interests shown by its records, upon
2 receipt of an affidavit showing that the affiant is entitled
3 to a transfer under the provisions of subsection (5)(a) of
4 this section.

5 (6) Nothing in subsection (5) shall prevent any
6 secured party from assigning his interest in a mobile home
7 registered under the provisions of [sections 1 through 5] to
8 any other person without the consent of and without
9 affecting the interest of the holder of the certificate of
10 ownership and certificate of registration. Upon any
11 assignment by a secured party of his security interest in
12 any mobile home registered under [sections 1 through 5], a
13 copy of such assignment must be filed with the division and
14 record thereof made upon its records.

15 (7) The certificates of ownership shall remain valid
16 until canceled by the division upon a transfer of any
17 interest shown therein and need not be renewed annually.

18 NEW SECTION. Section 3. Certificate of ownership --
19 issuance -- contents -- joint ownership. (1) Upon completion
20 of the application for certificate of ownership on forms
21 furnished by the division, the county treasurer shall
22 forward one copy of the application to the division, which
23 shall enter the information contained in the application
24 upon the corresponding records of its office and shall
25 furnish the applicant a certificate of ownership.

1 (2) The certificate of ownership shall contain upon
2 the face thereof:

3 (a) the date issued;

4 (b) the name and complete address of the owner or the
5 names and addresses of joint owners;

6 (c) the name and complete address of any holder of a
7 perfected security interest in the registered mobile home;

8 (d) a description of the registered mobile home,
9 including the year built and serial number;

10 (e) the filing date of any lien against such mobile
11 home; and

12 (f) such other statement of facts as may be determined
13 by the division.

14 (3) When the names and addresses of more than one
15 owner who are members of the same immediate family are
16 listed on the certificate of ownership, joint ownership with
17 right of survivorship, and not as tenants in common, is
18 presumed.

19 (4) Upon receipt of the application, the division
20 shall recheck the application. If there is any error in the
21 application, it may be returned to the county treasurer to
22 effectively secure the correction of such error, who shall
23 return the same to the division.

24 (5) The certificate of ownership shall contain a
25 notice to the division of a transfer of interest of the

1 owner and such other statements as may be determined by the
2 division.

3 NEW SECTION. Section 4. Registrant as prima facie
4 owner of mobile home. For the purpose of [sections 1 through
5 5], the person appearing on the public records as the
6 registrant of any mobile home shall prima facie be deemed
7 the owner thereof.

8 NEW SECTION. Section 5. Notice of intention to
9 transfer title to mobile home. When a mobile home is sold
10 under contract or under conditions so that title is not
11 immediately conveyed, the parties to the transaction shall
12 file immediately with the county clerk and recorder a notice
13 of intention to transfer title. The notice must indicate the
14 name of the party who is thereafter responsible for payment
15 of taxes upon the mobile home. The clerk and recorder shall
16 immediately notify the county assessor of the information in
17 the notice.

18 Section 6. Section 15-24-207, MCA, is amended to read:

19 "15-24-207. Department~~---to---make---rules~~ Rulemaking
20 authority. (1) The department of revenue may make reasonable
21 rules necessary for or as an aid to effectuation of the
22 purposes of ~~this part~~ sections 15-24-201 through 15-24-208.

23 (2) The department of justice, division of motor
24 vehicles, may make reasonable rules necessary for the
25 administration of [sections 1 through 5]."

1 NEW SECTION. Section 7. Codification instruction. The
2 provisions of this act are intended to be codified as an
3 integral part of Title 15, chapter 24, part 2, and the
4 provisions of Title 15, chapter 24, part 2, apply to this
5 act.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 160

3 House Local Government Committee

4

5 A statement of intent is required because the division
6 of motor vehicles is given rulemaking authority relating to
7 the registration and keeping of records of mobile homes in
8 section 6 of the bill.

9 It is contemplated that the rules will govern the basic
10 procedures and forms necessary to carry out such
11 registration procedures. The rules should be formulated
12 keeping in mind that the purpose of the bill is primarily to
13 provide a way to ascertain mobile home ownership for the
14 purposes of taxation.

HOUSE BILL NO. 160

INTRODUCED BY GRADY, SWITZER,
THOFT, J. BROWN, CAMPBELL, MILES,
MARKS, HARPER, BRANDEWIE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE FILING OF RECORDS OF MOBILE HOMES IN THE--SAME A SIMILAR MANNER AS THOSE OF MOTOR VEHICLES; REQUIRING FILING OF NOTICE OF INTENTION TO TRANSFER TITLE; AMENDING SECTIONS--61-3-101, 61-3-201, AND 61-3-317 SECTION 15-24-207, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. Section 1. Records of mobile homes -- duties of division of motor vehicles. (1) The department of justice, division of motor vehicles, shall keep a record as hereinafter specified of all mobile homes and of certificates of registration and ownership thereof.

(2) The record shall show the following:

- (a) name of owner, residence by town and county, and business address;
- (b) name and address of conditional sales vendor, mortgagee, or other lienholder and amount due under contract or lien;

- (c) manufacturer of the mobile home;
- (d) identifying number;
- (e) year of manufacture; and
- (f) such other information as may from time to time be found desirable.

(3) The division shall file applications for registration received by it from the county treasurers of the state and register the mobile homes therein described and the owners thereof as the division considers suitable.

(4) All records shall be open to inspection during all reasonable business hours, and the division shall furnish any information from the records upon payment by the applicant of the cost of transcribing the information requested.

(5) Within 30 days following the end of each calendar quarter, the division shall send to each county assessor and to the department of revenue a list of the certificates of ownership for mobile homes issued during the preceding calendar quarter to owners within each assessor's respective county. The list must contain the name and address of the owner or the names and addresses of joint owners and a description of the mobile home, including the year built, the title number, and the serial number.

NEW SECTION. Section 2. Transfer of interest of mobile home. (1) Upon a transfer of any interest in a mobile

1 home registered under the provisions of [sections 1 through
2 5], the person whose interest is to be transferred shall
3 write his signature with pen and ink upon the certificate of
4 ownership issued for such mobile home in the appropriate
5 space provided upon the reverse side of the certificate, and
6 his signature must be acknowledged before a notary public.

7 (2) Within 20 calendar days thereafter, the transferee
8 shall forward both the endorsed certificate of ownership and
9 the certificate of registration, together with the
10 information required under [section 3], to the county
11 treasurer, who shall forward them to the division. No
12 certificate of ownership or certificate of registration may
13 be issued by the division until the outstanding certificates
14 are surrendered to that office or their loss is established
15 to its reasonable satisfaction. Failure to make application
16 within the 20-day grace period subjects the transferee to a
17 penalty of \$10. The penalty is to be collected by the county
18 treasurer at the time of registration and is in addition to
19 the fees otherwise provided by law.

20 (3) In the event of a transfer by operation of law of
21 any interest in a mobile home, as upon inheritance, devise,
22 or bequest, order in bankruptcy or insolvency, execution
23 sale, repossession upon default in the performance of the
24 terms of a lease or executory sales contract, or otherwise
25 than by voluntary act of the person whose title or interest

1 is transferred, the executor, administrator, receiver,
2 trustee, sheriff, or other representative or successor in
3 interest of the person whose interest is transferred shall
4 forward to the division an application for a certificate of
5 ownership in the form required for an original application
6 for a certificate of ownership, together with a verified or
7 certified statement of the transfer of such interest. The
8 statement shall set forth the reason for the involuntary
9 transfer, the interest so transferred, the name of the
10 person to whom the interest is to be transferred, the
11 process of procedure effecting such transfer, and other
12 information requested by the division. Evidence and
13 instruments otherwise required by law to effect a transfer
14 of legal or equitable title to or an interest in chattels as
15 may be required in such cases shall be furnished with the
16 statement. If the division is satisfied that the transfer is
17 regular and that all formalities required by law have been
18 complied with, it shall send to the owner, conditional sales
19 vendor, lessor, mortgagee, and other lienor, as shown by its
20 records, notice of the intended transfer and thereafter, but
21 not less than 5 days thereafter, shall issue a new
22 certificate of ownership and certificate of registration to
23 the person entitled thereto. The notice herein required is
24 complied with by deposit in the post office in Deer Lodge,
25 Montana, with postage prepaid and addressed to the person at

1 the respective address shown on the division's records.

2 (4) When the mobile home certificate of ownership that
3 is involuntarily transferred is not registered in this
4 state, the procedure set forth above must be followed in
5 applying for a new certificate of ownership and certificate
6 of registration but the division need not send notice of
7 intended transfer and shall issue a new certificate of
8 ownership and a new certificate of registration to the
9 person entitled thereto.

10 (5) (a) In the event of the death of the owner of one
11 or more mobile homes registered hereunder and not exceeding
12 a combined value of \$15,000 without leaving other property
13 necessitating the procuring of letters of administration or
14 letters testamentary, then the surviving spouse or other
15 heir, unless such property is by will otherwise bequeathed,
16 may secure transfer of the decedent's certificate of
17 ownership and the certificate of registration for the mobile
18 home.

19 (b) The person seeking transfer of the certificate of
20 ownership shall file an affidavit with the division setting
21 forth the fact of survivorship and the name and address of
22 any other heirs and such other facts as are hereby made
23 necessary to entitle the affiant to a transfer.

24 (c) The division is authorized to transfer the
25 certificate of ownership and certificate of registration,

1 subject to all security interests shown by its records, upon
2 receipt of an affidavit showing that the affiant is entitled
3 to a transfer under the provisions of subsection (5)(a) of
4 this section.

5 (6) Nothing in subsection (5) shall prevent any
6 secured party from assigning his interest in a mobile home
7 registered under the provisions of [sections 1 through 5] to
8 any other person without the consent of and without
9 affecting the interest of the holder of the certificate of
10 ownership and certificate of registration. Upon any
11 assignment by a secured party of his security interest in
12 any mobile home registered under [sections 1 through 5], a
13 copy of such assignment must be filed with the division and
14 record thereof made upon its records.

15 (7) The certificates of ownership shall remain valid
16 until canceled by the division upon a transfer of any
17 interest shown therein and need not be renewed annually.

18 NEW SECTION. Section 3. Certificate of ownership --
19 issuance -- contents -- joint ownership. (1) Upon completion
20 of the application for certificate of ownership on forms
21 furnished by the division, the county treasurer shall
22 forward one copy of the application to the division, which
23 shall enter the information contained in the application
24 upon the corresponding records of its office and shall
25 furnish the applicant a certificate of ownership.

1 (2) The certificate of ownership shall contain upon
2 the face thereof:

3 (a) the date issued;

4 (b) the name and complete address of the owner or the
5 names and addresses of joint owners;

6 (c) the name and complete address of any holder of a
7 perfected security interest in the registered mobile home;

8 (d) a description of the registered mobile home,
9 including the year built and serial number;

10 (e) the filing date of any lien against such mobile
11 home; and

12 (f) such other statement of facts as may be determined
13 by the division.

14 (3) When the names and addresses of more than one
15 owner who are members of the same immediate family are
16 listed on the certificate of ownership, joint ownership with
17 right of survivorship, and not as tenants in common, is
18 presumed.

19 (4) Upon receipt of the application, the division
20 shall recheck the application. If there is any error in the
21 application, it may be returned to the county treasurer to
22 effectively secure the correction of such error, who shall
23 return the same to the division.

24 (5) The certificate of ownership shall contain a
25 notice to the division of a transfer of interest of the

1 owner and such other statements as may be determined by the
2 division.

3 NEW SECTION. Section 4. Registrant as prima facie
4 owner of mobile home. For the purpose of [sections 1 through
5 5], the person appearing on the public records as the
6 registrant of any mobile home shall prima facie be deemed
7 the owner thereof.

8 NEW SECTION. Section 5. Notice of intention to
9 transfer title to mobile home. When a mobile home is sold
10 under contract or under conditions so that title is not
11 immediately conveyed, the parties to the transaction shall
12 file immediately with the county clerk and recorder a notice
13 of intention to transfer title. The notice must indicate the
14 name of the party who is thereafter responsible for payment
15 of taxes upon the mobile home. The clerk and recorder shall
16 immediately notify the county assessor of the information in
17 the notice.

18 Section 6. Section 15-24-207, MCA, is amended to read:

19 "15-24-207. Department---to---make---rules Rulemaking
20 authority. (1) The department of revenue may make reasonable
21 rules necessary for or as an aid to effectuation of the
22 purposes of this-part sections 15-24-201 through 15-24-208.

23 (2) The department of justice, division of motor
24 vehicles, may make reasonable rules necessary for the
25 administration of [sections 1 through 5]."

1 NEW SECTION. Section 7. Codification instruction. The
2 provisions of this act are intended to be codified as an
3 integral part of Title 15, chapter 24, part 2, and the
4 provisions of Title 15, chapter 24, part 2, apply to this
5 act.

-End-

STANDING COMMITTEE REPORT

SENATE

Page 1 of 3

March 27 1985

Page 2 of 3

HOUSE BILL 160

March 27, 1985

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE BILL No. 160

third reading copy (blue) color

(Senator Harding)

FILING OF MOBILE HOME RECORDS IN SAME MANNER AS MOTOR VEHICLES

Respectfully report as follows: That HOUSE BILL No. 160 be amended as follows:

1. Statement of Intent, page 1, lines 1 through 14. Strike: Statement of Intent in its entirety

2. Title, line 10. Following: "SECTION" Strike: "15-24-207" Insert: "61-3-101"

3. Pages 1 through 9. Strike: everything following the enacting clause Insert: "NEW SECTION. Section 1. Mobile home or housetrailer -- transfer of interest.

(1) Upon a transfer of any interest in a mobile home or housetrailer under the provisions of this chapter, the application for the transfer shall be made through the county treasurer's office in the county in which the mobile home or housetrailer is located at the time of the transfer.

(2) When a mobile home or housetrailer is sold under contract or under such conditions that title is not immediately conveyed, the parties to the transaction shall immediately file with the county clerk and recorder a notice of intention to transfer title. The notice must indicate the name of the party who is thereafter responsible for payment of taxes upon the mobile home or housetrailer. The clerk and recorder shall immediately notify the county assessor of the information in the notice. The penalty provisions of 61-3-201(2) do not apply if the notice of intent to transfer is filed with the county clerk and recorder within 20 days after the transfer.

Section 2. Section 61-3-101, MCA, is amended to read: "61-3-101. Duties of division of motor vehicles -- records. (1) The division of motor vehicles shall keep a record as hereinafter specified of all motor vehicles, trailers, and semitrailers of every kind, and of certificates of registration and ownership thereof, and of all dealers in motor vehicles.

(2) In the case of motor vehicles, trailers, and semitrailers, the record shall show the following:

(a) name of owner, residence by town and county, and business address;

(b) name and address of conditional sales vendor, mortgagee, or other lienholder and amount due under contract or lien;

(c) manufacturer of car;

(d) manufacturer's designation of style of car or vehicle;

(e) identifying number;

(f) year of manufacture;

(g) character of motive power and shipping weight of car as shown by the manufacturer;

(h) the distinctive license number assigned to the vehicle;

(i) if a truck or trailer, the number of tons' capacity or GVW if imprinted on manufacturer's identification plate;

(j) such other information as may from time to time be found desirable.

(3) The division shall file applications for registration received by it from the county treasurers of the state and register the vehicles therein described and the owners thereof in suitable books or on index cards, as follows:

(a) under the distinctive license number assigned to the vehicle by the county treasurer;

(b) alphabetically under the name of the owner;

(c) numerically under make and identifying number of the vehicle;

(d) such other index of registration as the division considers expedient.

(4) Vehicle registration records and indexes and driver's license records and indexes may be maintained by electronic recording and storage media.

(continued)

(continued)

J.H.

Chairman.

J.H.

(5) In the case of dealers, the records shall show the information contained in the application for dealer's license as required by 61-4-101 through 61-4-105, as well as the distinctive license number assigned to the dealer.

(6) In order to prevent an accumulation of unneeded records and files, the division shall have the authority and it shall be its duty to destroy all records and files which have ceased to be of any value.

(7) The division may establish and maintain a short-wave radio station in order to report motor vehicle registration information to the highway patrol, to sheriffs, and to the chiefs of police of each incorporated city of the state who are able to communicate with such short-wave radio station.

(8) All records shall be open to inspection during all reasonable business hours, and the division shall furnish any information from the records upon payment by the applicant of the cost of transcribing the information requested.

~~(9) Within 30 days following the end of each calendar quarter, the division shall send to each county assessor and to the department of revenue a list of the certificates of ownership for house trailers and mobile homes issued during the preceding calendar quarter to owners within each assessor's respective county. The list must contain the name and address of the owner or the names and addresses of joint owners and a description of the house trailer, including the year built and the serial number."~~

NEW SECTION. Section 3. Codification instruction.
Sections 1 and 2 are intended to be codified as an integral part of Title 61, chapter 3.

KB
AND AS AMENDED

BE CONCURRED IN

Jack Haffey

1 STATEMENT OF INTENT

2 HOUSE BILL 160

3 House Local Government Committee

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REFERENCE BILL
HB 160

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2 INTRODUCED BY GRADY, SWITZER,

3 THOFT, J. BROWN, CAMPBELL, MILES,

4 MARKS, HARPER, BRANDEWIE

5
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8 THOSE OF MOTOR VEHICLES; REQUIRING FILING OF NOTICE OF
9 INTENTION TO TRANSFER TITLE; AMENDING SECTIONS--~~61-3-101,~~
10 ~~61-3-201,~~ AND ~~61-3-317~~ SECTION ~~15-24-207~~ 61-3-101, MCA."

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13 (Refer to Third Reading Bill)

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22 (2) When a mobile home or house trailer is sold under
23 contract or under such conditions that title is not
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22 or lien;

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25 vehicle;

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4 car as shown by the manufacturer;

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7 (i) if a truck or trailer, the number of tons'
8 capacity or GVW if imprinted on manufacturer's
9 identification plate;

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14 state who are able to communicate with such short-wave radio
15 station.

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17 reasonable business hours, and the division shall furnish
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22 ~~quarter, the division shall send to each county assessor and~~
23 ~~to the department of revenue a list of the certificates of~~
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-End-