

SB 574

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014

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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 574

**(SENATORS TUCKER, FITZSIMMONS AND EDGELL,
ORIGINAL SPONSORS)**

[PASSED MARCH 8, 2014; IN EFFECT FROM PASSAGE.]

**OFFICE WEST VIRGINIA
SECRETARY OF STATE**

2014 MAR 28 A 10:24

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Senate Bill No. 574

**(SENATORS TUCKER, FITZSIMMONS AND EDGELL,
original sponsors)**

[Passed March 8, 2014; in effect from passage.]

AN ACT to amend and reenact §11-5-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-3-12b of said code, all relating to cancelling certificates of title for certain mobile and manufactured homes; clarifying 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; and providing a procedure for returning a canceled title to an owner or lienholder.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 11. TAXATION.

ARTICLE 5. ASSESSMENT OF PERSONAL PROPERTY.

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

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

A mobile home permanently attached to the real estate of 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 it in the same manner as deeds are recorded and indexed.

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

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

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

The commissioner may cancel a certificate of title for a mobile or manufactured home affixed to the real property of the owner of the mobile or manufactured home. The person requesting the cancellation shall submit to the commissioner an application for cancellation together with the certificate of title. The application shall be on a form prescribed by the

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Member — Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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SECRETARY OF STATE

The within *is approved* this
the *20th* Day of *March*, 2014.

[Handwritten signature]
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 27 2011

Time 3:45p