

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 2061

H.P. 1457

House of Representatives, March 13, 2006

### An Act To Issue Certificates of Title for Single-unit Mobile Homes

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Reported by Representative SIMPSON of Auburn for the Secretary of State pursuant to Resolve 2005, chapter 103.

Reference to the Committee on Judiciary suggested and ordered printed under Joint Rule 218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Be it enacted by the People of the State of Maine as follows:

2  
4       **Sec. 1. 29-A MRSA §101, sub-§32-B** is enacted to read:

6       **32-B. Manufactured housing.** "Manufactured housing" means a  
8 structural unit or units designed to be used as a dwelling or  
10 dwellings and constructed in a manufacturing facility and then  
12 transported by the use of its own chassis or placement on an  
14 independent chassis to a building site. "Manufactured housing"  
includes any type of building that is constructed at a  
manufacturing facility and then transported to a building site  
where it is used for housing and that may be purchased, sold,  
offered for sale or brokered by a licensee in the interim. Three  
types of manufactured housing are included. They are:

16       A. Units constructed after June 15, 1976 that the  
18 manufacturer certifies are constructed in compliance with  
20 the code adopted by the United States Department of Housing  
22 and Urban Development and that are structures, transportable  
24 in one or more sections that, in the traveling mode, are 8  
26 body feet or more in width and 40 body feet or more in  
28 length or, when erected on site, are 320 or more square feet  
30 and are built on a permanent chassis and designed to be used  
32 as dwellings, with or without permanent foundations, when  
34 connected to the required utilities, including the plumbing,  
heating, air-conditioning and electrical systems within the  
units; except that "manufactured housing" includes any  
structure that meets all the requirements of this paragraph  
except the size requirements and with respect to which the  
manufacturer voluntarily files a certification required by  
the Secretary of the United States Department of Housing and  
Urban Development and complies with the standards  
established under the National Manufactured Housing  
Construction and Safety Standards Act of 1974, 42 United  
States Code, Section 5401 et seq.;

36       B. State-certified modular homes, which are those units  
38 that the manufacturer certifies are constructed in  
40 compliance with the State's laws and rules governing  
42 manufactured housing, meaning structures, transportable in  
44 one or more sections, that are not constructed on a  
permanent chassis and are designed to be used as dwellings  
on foundations when connected to required utilities,  
including the plumbing, heating, air-conditioning or  
electrical systems within the units; and

46       C. Units constructed prior to June 15, 1976 that are  
48 structures, transportable in one or more sections, that are  
50 8 body feet or more in width and are 32 body feet or more in  
length and are built on a permanent chassis and designed to

2 be used as dwellings, with or without permanent foundations,  
4 when connected to the required utilities, including the  
plumbing, heating, air-conditioning or electrical systems  
within the units.

6 **Sec. 2. 29-A MRSA §101, sub-§35,** as enacted by PL 1993, c.  
8 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

10 **35. Mobile home.** "Mobile home" means ~~a structure,~~  
~~transportable in one or more sections, that;~~ has the same meaning  
12 as "manufactured housing" as defined in subsection 32-B,  
paragraphs A and C.

14 ~~A. Is 8 feet or more in width and 32 feet or more in length;~~

16 ~~B. Is built on a permanent chassis;~~

18 ~~C. Is designed to be used as a dwelling, with or without a~~  
20 ~~permanent foundation, when connected to the required~~  
~~utilities, and~~

22 ~~D. Includes internal plumbing, heating or air conditioning~~  
24 ~~and electrical systems.~~

26 ~~The term "mobile home" includes a mobile home when used for the~~  
~~advertising, sale, display or promotion of merchandise or~~  
28 ~~services, for a commercial purpose, except the transportation of~~  
~~property, or as public school facilities.~~

30 **Sec. 3. 29-A MRSA §651, sub-§6** is enacted to read:

32 **6. Manufactured housing.** Beginning January 1, 2007, the  
34 Secretary of State shall issue certificates of title for new  
single-unit manufactured housing beginning with model year 2007.  
36 Beginning January 1, 2007, the Secretary of State shall issue a  
certificate of title for used manufactured housing that was  
38 previously issued a State of Maine certificate of title.

40 **Sec. 4. 29-A MRSA §652, sub-§9,** as enacted by PL 1993, c. 683,  
42 Pt. A, §2 and affected by Pt. B, §5, is repealed and the  
following enacted in its place:

44 **9. Manufactured housing.** Manufactured housing that is:

46 A. Sold before January 1, 2007;

48 B. Model year 2006 or older;

50 C. A multisection structure; or

2           D. Described in section 101, subsection 32-B, paragraph B.

4           **Sec. 5. 29-A MRSA §654, sub-§5** is enacted to read:

6           5. **Manufactured housing.** The following provisions govern applications for a certificate of title for manufactured housing.

8           A. An application for new single-unit manufactured housing must be submitted to the Secretary of State by the retail seller. If the manufactured housing is purchased new out of state, the application must be submitted by the lienholder or the owner. The application must be accompanied by the manufacturer's certificate of origin.

10           B. An application for used single-unit manufactured housing must be submitted by the retail seller. In the absence of a retail seller located in this State, the application must be submitted by the lienholder. In the absence of a retail seller and a lienholder, the application must be submitted by the owner. The application must be accompanied by the previous State of Maine certificate of title.

12           **Sec. 6. 29-A MRSA §667, sub-§7** is enacted to read:

14           7. **Exemption.** Certificates of title issued for manufactured housing are exempt from this section.

16           **Sec. 7. 29-A MRSA §705, sub-§3**, as amended by PL 2003, c. 295, §1, is further amended to read:

18           3. **Assumed release of lien.** The Except for liens on manufactured housing, the Secretary of State, at the Secretary of State's discretion, may assume that any lien with a lien date more than 66 months old has been satisfied as provided in this subsection. The Secretary of State shall provide notice to he lienholder by both regular mail and certified mail, return receipt requested, that the lien will be assumed to be satisfied unless the lienholder objects in writing within 30 days of either receipt of the notice, as evidenced by the return receipt, or 45 days of mailing by the Secretary of State in the event the lienholder refuses delivery of the notice by certified mail. The notice must identify the vehicle by year, make, model and vehicle identification number and must include the date of the lien and the name of the owner as of the date of the lien.

20           **Sec. 8. Effective date.** This Act takes effect January 1, 2007.

## SUMMARY

2  
4 This bill makes the following changes to the laws governing  
motor vehicles and certificates of title.

6  
8 1. It enacts a definition of "manufactured housing" similar  
to the one in the Maine Revised Statutes, Title 10, section 9002,  
subsection 7.

10  
12 2. It changes the definition of "mobile home" to make it  
consistent with the definition of "manufactured housing."

14  
16 3. It requires the Secretary of State to issue certificates  
of title for certain single-unit manufactured housing.

18  
20 4. It makes clear that certain manufactured housing is  
exempt from the certificate of title laws.

22  
24 5. It states who is responsible for filing a certificate of  
title application with the Secretary of State.

26  
28 6. It exempts certificates of title issued for manufactured  
housing from the salvage laws.

30  
7. It makes clear that the Secretary of State cannot assume  
a lien is released after 66 months if the certificate of title is  
issued for manufactured housing.

8. It provides an effective date of January 1, 2007.