

HOUSE BILL NO. HB0056

Mobile homes-title status upon permanent foundation.

Sponsored by: Representative(s) Lindholm, Kirkbride, Laursen and Zwonitzer, Dn. and Senator(s) Boner and Driskill

A BILL

for

1 AN ACT relating to mobile homes; specifying procedures to  
2 surrender and cancel the title of a mobile home that has  
3 been installed on a permanent foundation; and providing for  
4 effective dates.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 31-2-502(b) is amended to read:

9

10 **31-2-502. Exclusions.**

11

12 (b) If a mobile home is installed on a permanent  
13 foundation and is taxable as real property:

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1           (i) The certificate of title or manufacturer's  
2 certificate of origin, if any, shall be surrendered to and  
3 cancelled by the county clerk of the county in which the  
4 mobile home is located except that no title shall be  
5 cancelled under this subsection unless all liens on the  
6 home have been released. The county clerk may require the  
7 person surrendering the title for cancellation to disclose  
8 information necessary to determine whether cancellation is  
9 proper under law. The county clerk shall issue a document  
10 certifying the cancellation of the certificate of title for  
11 recording in the real estate records of the county clerk of  
12 the county in which the mobile home is located;

13  
14           (ii) If the certificate of title or  
15 manufacturer's certificate of origin is unavailable then  
16 upon sworn affidavit filed with the county clerk the clerk  
17 shall issue a title for the purpose of immediate surrender  
18 to and cancellation by the county clerk. The affidavit  
19 required under this paragraph shall be on a form prescribed  
20 by the department. The affiant shall attest to the  
21 unavailability of the certificate of title, manufacturer's  
22 certificate of origin or other relevant documentation and  
23 to the mobile home's permanent affixation to the real

1 property. The surrendered title and affidavit shall be  
2 recorded in the real estate records of the county clerk of  
3 the county in which the mobile home is located upon payment  
4 of the title fee under W.S. 31-3-102(a)(vii) and recording  
5 fees under W.S. 18-3-402(a)(xvi)(A). The affidavit form  
6 shall:

7  
8 (A) Include a complete description of the  
9 mobile home including its physical address and any data  
10 plate, tags, labels or other relevant identifying  
11 documentation;

12  
13 (B) Include a statement that the mobile  
14 home is installed on a permanent foundation and is intended  
15 by all parties to constitute, be and remain in perpetuity a  
16 fixture to the real property;

17  
18 (C) Include a statement that the mobile  
19 home is taxable as real property and not as personal  
20 property;

21  
22 (D) Contain a recital of facts and  
23 circumstances by which the affiant acquired the ownership

1 and possession of the mobile home including why the affiant  
2 is unable to provide the clerk with the certificate of  
3 title, manufacturer's certificate of origin or other  
4 relevant documentation;

5  
6 (E) Include a disclosure of any and all  
7 security interests, liens or encumbrances that are known to  
8 the affiant and that are outstanding against the mobile  
9 home;

10  
11 (F) Contain a statement that the applicant  
12 is the true and lawful owner of the mobile home.

13  
14 **Section 2.** The department shall develop forms  
15 necessary to implement this act by July 1, 2017.

16  
17 **Section 3.**

18  
19 (a) Section 2 of this act is effective immediately  
20 upon completion of all acts necessary for a bill to become  
21 law as provided by Article 4, Section 8 of the Wyoming  
22 Constitution.

23

1           (b) Except as provided in subsection (a) of this  
2 section, this act is effective July 1, 2017.

3

4

(END)