

2018 Regular Session

HOUSE BILL NO. 545

BY REPRESENTATIVE COUSSAN

HOUSING: Creates the Factory Built Home Property Act

1 AN ACT

2 To amend and reenact R.S. 9:1149.1, 1149.2(introductory paragraph), (2) through (5), (7),  
3 and (10), 1149.3, 1149.4(A), (B), and (D)(1), 1149.5, and 1149.6 and to enact R.S.  
4 1149.2(3.1) and (13); relative to creating the "Factory Built Home Property Act; to  
5 provide for definitions; to change the term "manufactured home" to "factory built  
6 home"; to provide for technical changes; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:1149.1, 1149.2(introductory paragraph), (2) through (4), (5), (7),  
9 and (10), 1149.3, 1149.4(A), (B), and (D)(1), 1149.5, and 1149.6 are hereby amended and  
10 reenacted and R.S. 1149.2(3.1) and (13) are hereby enacted to read as follows:

11 PART IV. ~~MANUFACTURED~~ FACTORY BUILT HOME PROPERTY ACT

12 §1149.1. Short title

13 This Part shall be known and may be cited as the "~~Manufactured~~ Factory  
14 Built Home Property Act."

15 §1149.2. Definitions

16 In this Chapter, the following words and phrases ~~shall~~ have the meaning  
17 ascribed to them unless the content or subject matter clearly indicates otherwise:

18 \* \* \*

19 (2) "Manufactured home" means a ~~mobile home or residential mobile home~~  
20 factory built home that is a residential dwelling unit constructed to standards and

1 codes, as promulgated by the United States Department of Housing and Urban  
2 Development (HUD), under the National Manufactured Construction and Safety  
3 Standards Act of 1974, 42 USC 5401, et seq., as amended. The terms "manufactured  
4 housing" and "manufactured home" have the same meaning and may be used  
5 interchangeably and apply to structures bearing the permanently affixed seal of the  
6 United States Department of Housing and Urban Development.

7 (3) "Mobile home" means a factory ~~assembled structure or structures~~  
8 ~~transportable in one or more sections, with or without a permanent foundation, built~~  
9 ~~home that is a residential dwelling unit built to voluntary standards prior to the~~  
10 ~~passage of the National Manufactured Housing Construction and Safety Standards~~  
11 ~~Act of 1974 and includes the plumbing, heating, air conditioning, and electrical~~  
12 ~~systems contained therein.~~

13 (3.1) "Modular home" means a factory built home that is residential dwelling  
14 unit built to the International Residential Code as adopted by the Louisiana State  
15 Uniform Construction Code Council, or as defined in R.S. 51:911.22.

16 (4) "Manufacturer" means any person regularly engaged in the business of  
17 assembling ~~manufactured~~ factory built homes, either within or without this state.

18 (5) "Dealer" means any person engaged in the business of buying, selling,  
19 or exchanging ~~manufactured~~ factory built homes which are subject to license under  
20 Chapter 4 of the Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.

21 \* \* \*

22 (7) "Vehicle" means ~~mobile homes and residential mobile homes~~ a factory  
23 built home.

24 \* \* \*

25 (10) ~~"Residential mobile home"~~ "Immobilized factory built home" means a  
26 ~~manufactured~~ factory built home ~~designed to be used as a dwelling, and may include~~  
27 ~~a mobile home or a residential mobile home~~ that has been declared to be a part of the  
28 ~~realty~~ immovable property as provided in R.S. 9:1149.4.

29 \* \* \*

30 (13) "Factory built home" has the same meaning as provided in R.S. 47:301.

## 1           §1149.3. Classification

2           Except as otherwise provided in R.S. 9:1149.4, when any ~~manufactured home~~  
3 ~~shall be~~ factory built home is moved to and located in or upon any immovable  
4 property, or installed therein or thereon in a manner which, under any law, might  
5 make the ~~manufactured~~ factory built home an immovable or component part thereof,  
6 the ~~manufactured~~ factory built home shall be and will remain a movable subject to  
7 the provisions of Chapter 4 of Title 32 of the Louisiana Revised Statutes of 1950  
8 governing its mortgage or sale and subject to the provisions of Chapter 9 of Title 10  
9 of the Louisiana Revised Statutes and Chapter 10 of Title 6 of the Louisiana Revised  
10 Statutes of 1950 and Code Book III, Code Title XII, Chapter 2 of Title 9 of the  
11 Louisiana Revised Statutes of 1950 governing its financing. Title to the vehicle shall  
12 not pass by the sale of the immovable property to which it has been actually or  
13 fictitiously attached, whether such sale be conventional or judicial. No sale or  
14 mortgage of or lien upon the immovable property shall in any manner affect or  
15 impair the rank or privilege of a chattel mortgage or security interest under Chapter  
16 9 of the Louisiana Commercial Laws on such ~~manufactured~~ factory built home, or  
17 the remedies of the holder thereof for its enforcement.

## 18           §1149.4. Immobilization

19           A. A ~~manufactured~~ factory built home placed upon a lot or tract of land shall  
20 be an immovable when there is recorded in the appropriate conveyance or mortgage  
21 records of the parish where the said lot or tract of land is situated an authentic act or  
22 a validly executed and acknowledged sale or mortgage or sale with mortgage which  
23 contains a description of the ~~manufactured~~ factory built home as described in the  
24 certificate of title or manufacturer's certificate of origin and a description of the lot  
25 or tract of land upon which the ~~manufactured~~ factory built home is placed, and  
26 contains a declaration by the owner of the manufactured home and, when applicable,  
27 the holder of a mortgage or security interest under Chapter 9 of the Louisiana  
28 Commercial Laws on the manufactured home, that it shall remain permanently  
29 attached to the lot or tract of land described in the instrument.



1 B. Validation of the receipt of the retail installment contract or chattel  
2 mortgage, security agreement or financing statement by the commissioner shall  
3 affect third persons wherever the ~~manufactured~~ factory built home or the contents  
4 thereof are located.

5 §1149.6. Deimmobilization

6 A. The owner may deimmobilize a ~~manufactured~~ factory built home by  
7 detachment or removal. However, to affect third persons, an authentic act or sale or  
8 mortgage or sale with mortgage containing a description of the ~~manufactured~~ factory  
9 built home as described in the previous certificate of title or manufacturer's  
10 certificate of origin, a description of the lot or tract of land upon which the  
11 ~~manufactured~~ factory built home has been placed, a statement of intent by the owner  
12 that he no longer intends the ~~manufactured~~ factory built home to be an immovable  
13 and a description of the document by which the ~~manufactured~~ factory built home was  
14 immobilized, including the recording information, must be filed in the appropriate  
15 conveyance or mortgage records of the parish where the said lot or tract of land is  
16 situated.

17 B. Thereafter the owner may apply to the commissioner for a certificate of  
18 title according to the provisions of Chapter 4 of Title 32 of the Louisiana Revised  
19 Statutes of 1950. The commissioner shall issue a certificate of title upon the  
20 furnishing of all of the following:

21 ~~(a)~~ (1) A certificate of mortgages;

22 ~~(b)~~ (2) A certified copy of the act of deimmobilization as provided in R.S.  
23 9:1149.6(A); and

24 ~~(c)~~ (3) A release of all mortgages previously secured by the ~~manufactured~~  
25 factory built home ~~and/or~~ or the immovable property upon which the ~~manufactured~~  
26 factory built home was located.

27 C. Upon the issuance of a certificate of title by the commissioner, the  
28 ~~manufactured~~ factory built home shall be deemed a movable, and shall be subject to  
29 all laws concerning movable property.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 545 Original

2018 Regular Session

Coussan

**Abstract:** Changes the "Manufactured Home Property Act" to the "Factory Built Home Property Act".

Present law provides for the "Manufactured Home Property Act".

Proposed law modifies present law to provide for the "Factory Built Home Property Act".

Present law provides certain definitions. Defines "manufactured home", "mobile home", "manufacturer", "dealer", "vehicle", and "residential mobile home".

Proposed law amends the aforementioned present law definitions, except "residential mobile home". Proposed law deletes that definition.

Proposed law adds definitions for "modular home", "immobilized factory built home", and "factory built home".

Present law provides provisions for classification, immobilization, security devices, and deimmobilization relative to a manufactured home. Proposed law changes every present law "manufactured home" reference to "factory built home".

Proposed law generally otherwise retains present law.

Proposed law provides technical changes.

(Amends R.S. 9:1149.1, 1149.2(intro. para.), (2)-(4), (5), (7), and (10), 1149.3, 1149.4(A), (B), and (D)(1), 1149.5, and 1149.6; Adds R.S. 1149.2(3.1) and (13))