

2024 Regular Session

SENATE BILL NO. 63

BY SENATOR COUSSAN (On Recommendation of the Louisiana State Law Institute)

HOUSING. Provides for the classification of factory-built homes. (8/1/24)

1 AN ACT
2 To amend and reenact R.S. 6:969.6(14)(b), (21)(b), (22), and (23)(a), 969.18(A)(6),
3 969.20(C)(1)(c), and 1083(6)(introductory paragraph), R.S. 9:374(B) and (C), Part
4 IV of Chapter 1 of Code Title I of Code Book II of Title 9 of the Louisiana Revised
5 Statutes of 1950, to be comprised of R.S. 9:1149.1 through 1149.7, R.S. 9:3259.1(A),
6 (B), (E), and (F), 3259.3, and 5363.1, R.S. 10:9-102(a)(53), R.S. 22:1485, R.S.
7 32:1(introductory paragraph) and (44), 412.1(A)(introductory paragraph) and (25),
8 702(16), and 707(A), R.S. 33:3081(A)(2), 4562.1(A), and 9053.1(C), and R.S.
9 40:1502.1(A)(2), 1502.2(A), 1502.3(A), 1502.4(A), 1502.5(A), 1502.6(A),
10 1502.7(A), 1502.8(A), 1502.9(A), 1502.10(A), 1502.11(A), 1502.12(A)(2),
11 1502.13(A)(2), 1502.15(A), and 1502.16(A), relative to factory-built homes; to
12 provide for the Factory-Built Home Property Act; to provide definitions; to provide
13 for the classification of factory-built homes; to provide for the transfer of
14 factory-built homes; to provide for security interests; to provide for immobilization;
15 to provide for deimmobilization; to provide technical corrections for the use of the
16 term "factory-built home"; and to provide for related matters.
17 Be it enacted by the Legislature of Louisiana:

1 Section 1. R.S. 6:969.6(14)(b), (21)(b), (22), and (23)(a), 969.18(A)(6),
2 969.20(C)(1)(c), and 1083(6)(introductory paragraph) are hereby amended and reenacted to
3 read as follows:

4 §969.6. Definitions

5 As used in this Chapter:

6 * * *

7 (14)

8 * * *

9 (b) The term does not include default charges; delinquency charges; charges
10 for checks returned for having nonsufficient funds; documentation fees;
11 ~~manufactured housing~~ **factory-built home** appraisal and title search fees; other fees
12 and charges permitted ~~under~~ **in accordance with** this Chapter; and any additional
13 fees and charges that the seller agrees to finance under the transaction that are not
14 considered to be a finance charge ~~under~~ **in accordance with** 12 C.F.R. **CFR** 226.4.

15 * * *

16 (21)

17 * * *

18 (b) The term does not include fees paid to a ~~non-affiliated~~ **nonaffiliated** loan
19 broker, default charges, deferral charges, delinquency charges, charges for checks
20 returned for having nonsufficient funds, ~~manufactured housing~~ **factory-built home**
21 appraisal, title search fees and closing costs, other fees and charges permitted ~~under~~
22 **in accordance with** this Chapter, and any additional fees and charges that the lender
23 agrees to finance under the transaction that are not considered to be a finance charge
24 ~~under~~ **in accordance with** 12 C.F.R. **CFR** 226.4.

25 (22) ~~"Manufactured home" means a structure, transportable in one or more~~
26 ~~sections, which, in the traveling mode, is eight body feet or more in width or forty~~
27 ~~body feet or more in length, or, when erected on site, is three hundred twenty or~~
28 ~~more square feet, and which is built on a permanent chassis and designed to be used~~
29 ~~as a dwelling with or without a permanent foundation when connected to the~~

1 ~~required utilities, and includes the plumbing, heating, air-conditioning, and electrical~~
 2 ~~systems contained therein. The term includes any structure meeting all of the~~
 3 ~~requirements of this Subsection except the size requirements and with respect to~~
 4 ~~which the manufacturer voluntarily files a certificate required by the United States~~
 5 ~~Secretary of Housing and Urban Development and complies with the standards~~
 6 ~~established under Title 42 of the United States Code. **"Factory-built home" has the**~~
 7 ~~**meaning given to that term in R.S. 9:1149.2.**~~

8 (23)(a) "Motor vehicle" means any new or used transportation device,
 9 including automobiles, motorcycles, trucks, and other vehicles that are operated over
 10 the public highways and the streets of this state, but does not include traction
 11 engines, boat trailers, road rollers, implements of husbandry, and other agricultural
 12 vehicles. A ~~manufactured~~ **factory-built** home is deemed to be a "motor vehicle" for
 13 purposes of this Chapter only if it is anticipated at the time of the transaction that the
 14 ~~manufactured~~ **factory-built** home will not be immobilized pursuant to R.S. ~~9:1149.4~~
 15 **9:1149.6.**

16 * * *

17 §969.18. Documentation and compliance fees; notary fees; transfer of equity and
 18 other fees; disclosure

19 A.

20 * * *

21 (6) The extender of credit may charge for any fees and expenses incurred for
 22 flood determination and flood zone monitoring services in connection with the
 23 financing of a ~~manufactured~~ **factory-built** home.

24 * * *

25 §969.20. Rebates upon prepayment; prepayment charges; return of lien documents
 26 upon payment in full of the balance due

27 * * *

28 C.(1) There is no requirement that prepaid finance charges be rebated upon
 29 prepayment in full of a simple interest transaction, provided that all of the following

1 conditions are satisfied:

2 * * *

3 (c) Other than in connection with a credit transaction involving a
4 ~~manufactured~~ **factory-built** home, prepaid finance charges assessed under the
5 transaction did not exceed five percent of the original amount financed or amount
6 deferred.

7 * * *

8 §1083. Definitions

9 As used in this Chapter:

10 * * *

11 (6) "Federally related mortgage loan" means an extension of credit to a
12 consumer secured by a first mortgage on residential immovable property located in
13 this state, including: a ~~mobile~~ **factory-built** home ~~which~~ **that** will be immobilized
14 pursuant to R.S. ~~9:1149.4~~ **9:1149.6** and **is** designed principally for the occupancy of
15 from one to four families; and ~~which~~ **that** is one of the following:

16 * * *

17 Section 2. R.S. 9:374(B) and (C), Part IV of Chapter 1 of Code Title I of Code Book
18 II of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:1149.1
19 through 1149.7, R.S. 9:3259.1(A), (B), (E), and (F), 3259.3, and 5363.1 are hereby amended
20 and reenacted to read as follows:

21 §374. Possession and use of family residence or community movables or
22 immovables

23 * * *

24 B. When the family residence is community property or is owned by the
25 spouses in indivision, or the spouses own community immovables or a community
26 ~~manufactured~~ **factory-built** home as defined in R.S. 9:1149.2 and occupied as a
27 residence, regardless of whether it has been immobilized, after or in conjunction with
28 the filing of a petition for divorce, either spouse may petition for, and a court may
29 award to one of the spouses, after a contradictory hearing, the use and occupancy of

1 the family residence and use of community immovables or the community
 2 ~~manufactured~~ **factory-built** home pending partition of the property or further order
 3 of the court, whichever occurs first. In these cases, the court shall inquire into the
 4 relative economic status of the spouses, including both community and separate
 5 property, and the needs of the children, if any, and shall award the use and
 6 occupancy of the family residence and the use of any community immovables or the
 7 community ~~manufactured~~ **factory-built** home to the spouse in accordance with the
 8 best interest of the family. If applicable, the court shall consider the granting of the
 9 occupancy of the family residence and the use of community immovables or the
 10 community ~~manufactured~~ **factory-built** home in awarding spousal support.

11 C. A spouse who, in accordance with the provisions of Subsection A or B of
 12 this Section, uses and occupies or is awarded by the court the use and occupancy of
 13 the family residence, a community immovable occupied as a residence, or a
 14 community ~~manufactured~~ **factory-built** home as defined in R.S. 9:1149.2 and
 15 occupied as a residence, regardless of whether it has been immobilized, shall not be
 16 liable to the other spouse for rental for the use and occupancy, except as hereafter
 17 provided.

18 * * *

19 PART IV. ~~MANUFACTURED~~ **FACTORY-BUILT** HOME PROPERTY ACT

20 §1149.1. Short title

21 This Part shall be known and may be cited as the "~~Manufactured~~
 22 **Factory-Built** Home Property Act."

23 §1149.2. Definitions

24 In this ~~Chapter~~ **Part**, the following ~~words and phrases~~ **terms** shall have the
 25 ~~meaning ascribed to them~~ **following meanings** unless the content or subject matter
 26 **context** clearly indicates otherwise:

27 (1) ~~"Person" means any individual, firm, corporation, partnership or~~
 28 ~~association.~~

29 (2) ~~"Manufactured home" means a mobile home or residential mobile home.~~

1 ~~(3) "Mobile home" means a factory assembled structure or structures~~
2 ~~transportable in one or more sections, with or without a permanent foundation, and~~
3 ~~includes the plumbing, heating, air conditioning, and electrical systems contained~~
4 ~~therein.~~

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

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

10 ~~(6) "Commissioner" means the director of public safety or his duly assigned~~
11 ~~assistants, as provided for in R.S. 40:1301, who, in addition to all other powers, shall~~
12 ~~have all powers granted and perform such duties as are imposed on the commissioner~~
13 ~~by this Chapter.~~

14 ~~(7) "Vehicle" means mobile homes and residential mobile homes.~~

15 ~~(8) "Mortgage" shall include any rights under a retail installment contract, a~~
16 ~~chattel mortgage, a security agreement under Chapter 9 of the Louisiana Commercial~~
17 ~~Laws (R.S. 10:9-101, et seq.), and mortgages upon immovable property.~~

18 ~~(9) "Certificate of title" means a vehicle certificate of title as provided for in~~
19 ~~R.S. 32:701.~~

20 ~~(10) "Residential mobile home" means a manufactured home designed to be~~
21 ~~used as a dwelling, and may include a mobile home or a residential mobile home that~~
22 ~~has been declared to be a part of the realty as provided in R.S. 9:1149.4.~~

23 ~~(11) "Retail installment contract" means an agreement entered into pursuant~~
24 ~~to Chapter 10 of Title 6 of the Louisiana Revised Statutes of 1950.~~

25 ~~(12) "Manufacturer's certificate of origin" means a certificate on a form to be~~
26 ~~prescribed by the commissioner, and furnished by the manufacturer, showing the~~
27 ~~original transfer of a new vehicle from the manufacturer to the original purchaser,~~
28 ~~and each subsequent transfer between distributor and dealer, dealer and dealer, and~~
29 ~~dealer to owner, through and including the transfer to the title applicant.~~

1 **(1) "Certificate of title" means a vehicle certificate of title as provided**
2 **for in R.S. 32:701 et seq.**

3 **(2) "Commissioner" means the director of public safety or any duly**
4 **assigned assistants, as provided for in R.S. 40:1301 et seq., who, in addition to**
5 **all other powers, shall have all powers granted and perform the duties imposed**
6 **on the commissioner by this Part.**

7 **(3) "Dealer" means any person engaged in the business of buying, selling,**
8 **or exchanging factory-built homes that are subject to license in accordance with**
9 **Chapter 4 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.**

10 **(4) "Factory-built home" means a manufactured home, mobile home, or**
11 **modular home as defined in this Part.**

12 **(5) "Manufactured home" means a residential dwelling unit that is**
13 **factory-built and is constructed to standards and codes as promulgated by the**
14 **United States Department of Housing and Urban Development (HUD), under**
15 **the National Manufactured Housing Construction and Safety Standards Act of**
16 **1974, 42 U.S.C. 5401 et seq., as amended, and that bears the permanently**
17 **affixed seal of the United States Department of Housing and Urban**
18 **Development.**

19 **(6) "Manufacturer" means any person regularly engaged in the business**
20 **of building or constructing factory-built homes, whether in or outside of this**
21 **state.**

22 **(7) "Manufacturer's certificate of origin" means a certificate on a form**
23 **to be prescribed by the commissioner, and furnished by the manufacturer,**
24 **showing the original transfer of a factory-built home from the manufacturer to**
25 **the original purchaser, and each subsequent transfer through and including the**
26 **transfer to the title applicant.**

27 **(8) "Mobile home" means a residential dwelling unit that is factory-built**
28 **and is constructed to voluntary standards or constructed prior to the passage**
29 **of the National Manufactured Housing Construction and Safety Standards Act**

1 **of 1974.**

2 **(9) "Modular home" means a residential dwelling unit that is**
3 **factory-built and is constructed to the International Residential Code standards**
4 **as adopted by the Louisiana State Uniform Construction Code Council.**

5 Revision Comments – 2024

6 (a) This Section does not change the law but clarifies that the Factory-Built
7 Home Property Act applies to all forms of factory-built homes, while aligning the
8 definitions of factory-built homes with the Uniform Standards Code for
9 Manufactured and Modular Housing, R.S. 51:911.21 et seq.

10 (b) The terms "manufactured home", "mobile home", and "modular home"
11 refer to any home that is built in a factory even if the factory-built components of
12 that home will be assembled on the land where the factory-built home will be
13 located.
14

15 (c) A factory-built addition, such as an individual room, incorporated into a
16 building may be a component part of that building pursuant to Civil Code Article
17 466.
18

19 §1149.3. Classification

20 ~~Except as otherwise provided in R.S. 9:1149.4, when any manufactured home~~
21 ~~shall be moved to and located in or upon any immovable property, or installed~~
22 ~~therein or thereon in a manner which, under any law, might make the manufactured~~
23 ~~home an immovable or component part thereof, the manufactured home shall be and~~
24 ~~will remain a movable subject to the provisions of Chapter 4 of Title 32 of the~~
25 ~~Louisiana Revised Statutes of 1950 governing its mortgage or sale and subject to the~~
26 ~~provisions of Chapter 9 of Title 10 of the Louisiana Revised Statutes and Chapter 10~~
27 ~~of Title 6 of the Louisiana Revised Statutes of 1950 and Code Book III, Code Title~~
28 ~~XII, Chapter 2 of Title 9 of the Louisiana Revised Statutes of 1950 governing its~~
29 ~~financing. Title to the vehicle shall not pass by the sale of the immovable property~~
30 ~~to which it has been actually or fictitiously attached, whether such sale be~~
31 ~~conventional or judicial. No sale or mortgage of or lien upon the immovable property~~
32 ~~shall in any manner affect or impair the rank or privilege of a chattel mortgage or~~
33 ~~security interest under Chapter 9 of the Louisiana Commercial Laws on such~~
34 ~~manufactured home, or the remedies of the holder thereof for its enforcement.~~

35 **Except as otherwise provided in R.S. 9:1149.6, when any factory-built**

1 **home is moved to and located upon immovable property, the factory-built home**
2 **shall remain movable.**

3 Revision Comments – 2024

4 (a) This provision does not change the law. Before the passage of the
5 Manufactured Home Property Act in 1982, a factory-built home was considered a
6 building under general provisions in the Civil Code and accordingly was classified
7 as immovable. See Civil Code Articles 463 and 464; *Ellis v. Dillon*, 345 So. 2d 1241,
8 1243 (La. App. 1 Cir. 1977). The Manufactured Home Property Act altered the
9 default classification of manufactured homes to movable. This provision retains the
10 classification of manufactured homes as movables and clarifies that all factory-built
11 homes, including modular homes and mobile homes, are classified as movables.
12

13 (b) This provision maintains the classification of a factory-built home placed
14 on land or another foundational structure, such as a concrete slab, as a movable.
15 Nevertheless, this provision does not alter the classification provided in the Civil
16 Code for factory-built components incorporated into an existing building. Such
17 components may be component parts of that building pursuant to Civil Code Article
18 466.
19

20 (c) As a movable, a factory-built home is subject to all provisions of law
21 relating to movable property, such as provisions pertaining to sales, security
22 interests, and taxes. Accordingly, ownership of the factory-built home does not
23 automatically transfer by the sale of the immovable on which the factory-built home
24 is located. Similarly, a sale or mortgage of the immovable on which the factory-built
25 home is located does not affect any security interest attached to the factory-built
26 home.

27 §1149.4. **Presumption of grant of interest**

28 **It shall be presumed that any transfer of an immovable on which a**
29 **nonimmobilized factory-built home is located includes all of the transferor's**
30 **interest in the factory-built home, subject to the rights of third persons in the**
31 **factory-built home.**

32 Revision Comments – 2024

33 (a) This provision is new. It is modeled after R.S. 9:2971 and 2981, which
34 provide that the transfer of land presumptively includes any interest the transferor
35 has in any water bodies or roads contiguous to the land. The presumption in this
36 Section, like the presumptions in those statutes, applies only to the transferor's
37 interest in the factory-built home.
38

39 (b) The presumption in this provision applies subject to the rights of third
40 persons in the factory-built home. See Civil Code Article 3343, defining third
41 persons. When a third person, such as a lender, has an interest in a factory-built
42 home, and the land on which the factory-built home is transferred, the presumption
43 that the transferor's interest in the factory-built home has also been transferred
44 applies, but any rights the transferee acquires in that factory-built home remain
45 subject to the rights of the third person.
46

47 (c) The law of acquisitive prescription of movables applies to factory-built
48 homes, given their classification as movables. See Civil Code Articles 3489, 3490,

1 and 3491. The presumption provided in this Section does not alter the classification
2 of the factory-built home as movable.

3
4 (d) The presumption provided in this Section applies only to nonimmobilized
5 homes. Immobilized homes that have become component parts of an immovable
6 transfer with the immovable pursuant to general provisions of the Civil Code. For
7 that reason, no presumption of transfer is required. See Civil Code Articles 469 and
8 493.1.

9 §1149.5. Security ~~devices~~ **interests**

10 ~~A. Every retail installment contract, chattel mortgage, or security agreement~~
11 ~~entered into for the purchase or the refinance of a manufactured home or its contents,~~
12 ~~or both, shall be effective as against third persons and shall take its rank and priority~~
13 ~~as provided in Chapter 9 of the Louisiana Commercial Laws, R.S. 10:9-101 et seq.~~
14 ~~A retail installment contract, chattel mortgage, security agreement or a financing~~
15 ~~statement in the form approved by the commissioner is filed when received provided~~
16 ~~the receipt is subsequently validated by the office of the commissioner. A security~~
17 ~~interest in a factory-built home shall be effective as to third persons and shall~~
18 ~~take its rank and priority as provided in Uniform Commercial Code - Secured~~
19 ~~Transactions, R.S. 10:9-101 et seq.~~

20 ~~B. Validation of the receipt of the retail installment contract or chattel~~
21 ~~mortgage, security agreement or financing statement by the commissioner shall~~
22 ~~affect third persons wherever the manufactured home or the contents thereof are~~
23 ~~located.~~

24 ~~§1149.4.~~ **§1149.6. Immobilization; declaration**

25 ~~A. A manufactured home placed upon a lot or tract of land shall be an~~
26 ~~immovable when there is recorded in the appropriate conveyance or mortgage~~
27 ~~records of the parish where the said lot or tract of land is situated an authentic act or~~
28 ~~a validly executed and acknowledged sale or mortgage or sale with mortgage which~~
29 ~~contains a description of the manufactured home as described in the certificate of~~
30 ~~title or manufacturer's certificate of origin and a description of the lot or tract of land~~
31 ~~upon which the manufactured home is placed, and contains a declaration by the~~
32 ~~owner of the manufactured home and, when applicable, the holder of a mortgage or~~
33 ~~security interest under Chapter 9 of the Louisiana Commercial Laws on the~~

1 ~~manufactured home, that it shall remain permanently attached to the lot or tract of~~
2 ~~land described in the instrument.~~ **A factory-built home shall be immovable when**
3 **there is a declaration by the owner of the factory-built home filed for registry**
4 **in the conveyance records of the parish in which the immovable to which the**
5 **factory-built home is attached is located.**

6 B. **The declaration shall contain all of the following:**

7 **(1) A description of the factory-built home as described in the certificate**
8 **of title or manufacturer's certificate of origin and a description of the**
9 **immovable upon which the factory-built home is located, including the name of**
10 **a record owner of the immovable.**

11 **(2) A declaration that the factory-built home shall remain permanently**
12 **attached to the immovable.**

13 **(3) The concurrence of the holder of any perfected security interest in the**
14 **factory-built home.**

15 C. ~~Upon recordation of the act described above~~ **the filing of the declaration,**
16 the ~~manufactured~~ **factory-built** home shall cease to be subject to the application of
17 Chapter 4 of Title 32 of the Louisiana Revised Statutes of 1950 and the taxes
18 applicable to movables and shall thereafter be subject to all laws concerning
19 immovable property; ~~however, nothing herein.~~ **Nothing in this Section** shall be
20 construed to affect the rights of the holder of a ~~validly recorded chattel mortgage or~~
21 previously perfected security interest ~~under Chapter 9 of the Louisiana Commercial~~
22 Laws ~~duly noted on the certificate of title~~ **in the factory-built home.** **A previously**
23 **perfected security interest in the factory-built home at the time of**
24 **immobilization has the same priority over existing and subsequent mortgages**
25 **and other encumbrances on the immovable as would a properly and timely**
26 **perfected purchase-money security interest in fixtures.**

27 C.(1) ~~Notwithstanding any other law to the contrary, no action to collect a tax~~
28 ~~applicable to movables which is purported to be due or became due on any purchase~~
29 ~~made on or after September 1, 2005, through December 31, 2006, of any~~

1 ~~manufactured home used solely as residential housing in the following parishes~~
2 ~~which have been severely impacted by Hurricanes Katrina and Rita shall be initiated~~
3 ~~or continued, if the basis of such action is the date upon which the declaration of~~
4 ~~immovability provided for in Subsection A of this Section is recorded in the~~
5 ~~conveyance or mortgage records:~~

6 (a) ~~The parishes of St. Helena and Cameron.~~

7 (b) ~~The parish of West Feliciana.~~

8 (c) ~~The parish of St. James.~~

9 (d) ~~The parishes of East Feliciana, Point Coupee, and West Baton Rouge.~~

10 (e) ~~The parishes of Allen, Assumption, and Sabine.~~

11 (f) ~~The parish of Plaquemines.~~

12 (g) ~~The parishes of Beauregard, Evangeline, Iberville, and Jefferson Davis.~~

13 (h) ~~The parishes of Acadia, Ascension, Iberia, Lafourche, Livingston, St.~~
14 ~~Bernard, St. Charles, St. John the Baptist, St. Landry, St. Martin, St. Mary,~~
15 ~~Vermilion, Vernon, and Washington.~~

16 (i) ~~The parishes of Tangipahoa and Terrebonne.~~

17 (j) ~~The parishes of Calcasieu, Lafayette, and St. Tammany.~~

18 (k) ~~The parishes of East Baton Rouge, Jefferson, and Orleans.~~

19 (2) ~~With respect to actions to collect a tax applicable to movables which is~~
20 ~~purported to be due or became due on those manufactured homes specified in~~
21 ~~Paragraph (1) of this Subsection, if the basis of such action is the date upon which~~
22 ~~the declaration of immovability was filed, then the date of immobilization shall relate~~
23 ~~back to the twentieth day of the month following the month of the delivery of the~~
24 ~~manufactured home.~~

25 (3) ~~The purchaser of a manufactured home who formerly lived at a physical~~
26 ~~address on or after September 1, 2004, within one of the parishes as provided for in~~
27 ~~Paragraph (1) of this Subsection, who bought a manufactured home on or after~~
28 ~~September 1, 2005, through December 31, 2006, for use solely as residential~~
29 ~~housing, shall also be eligible for the relief provided for in this Subsection if the~~

1 ~~purchaser submits an Affidavit of Displacement to the Department of Revenue~~
 2 ~~attesting that the purchaser resided in one of the parishes as provided for in~~
 3 ~~Paragraph (1) of this Subsection on or after September 1, 2004.~~

4 D.(1) Upon ~~recordation of the act of immobilization~~ **the filing of the**
 5 **declaration** provided by this Section, the owner of the ~~manufactured~~ **factory-built**
 6 home or his agent shall file with the secretary of the Department of Public Safety and
 7 Corrections a certified copy of the ~~act~~ **declaration**. The secretary of the Department
 8 of Public Safety and Corrections shall create an ~~Internet~~ **internet** accessible
 9 searchable database providing a public record of each ~~such~~ filing, indicating the
 10 name of the owner of the ~~manufactured~~ **factory-built** home, the date of ~~recording of~~
 11 ~~the act of immobilization~~ **filing of the declaration** in accordance with Subsection
 12 A of this Section, the parish where the ~~act~~ **declaration** is ~~recorded~~ **filed**, the year of
 13 manufacture, the name of the manufacturer, the dimensions and the vehicle
 14 identification number or numbers of the ~~manufactured~~ **factory-built** home, and the
 15 date of the secretary's filing of a copy of the ~~act~~ **declaration** of immobilization.

16 (2) ~~E.~~ **E.** The secretary shall return to the owner or his agent an acknowledgment
 17 that the ~~act~~ **declaration** has been received and the public record **has been** created.
 18 This acknowledgment shall contain information sufficient to allow the location of
 19 the public record to be ascertained. For creating this public record, the secretary of
 20 the Department of Public Safety and Corrections is authorized to charge and collect
 21 the fee provided in R.S. 32:412.1(A)(3)(y) **32:412.1(A)(25)**. The failure of the owner
 22 or his agent to file a certified copy of the ~~declaration of~~ **declaration of** immobilization as provided
 23 in this Subsection **D of this Section** shall not impair the validity or enforceability of
 24 the ~~act of immobilization~~ **declaration** as provided by this Section.

25 Revision Comments – 2024

26 (a) This provision changes the law in that it does not require a declaration of
 27 immobilization to be in the form of an authentic act. In requiring that the owner file
 28 a declaration of immobilization for the factory-built home in the conveyance records,
 29 this provision follows general provisions on immobilization. See Civil Code Article
 30 467.

31 (b) This provision changes the law in that it requires the declaration of
 32 immobilization to be filed in the conveyance records, rather than either the
 33

1 conveyance records or the mortgage records. A declaration filed only in the
2 mortgage records would be ineffective to immobilize the factory-built home.

3
4 (c) This provision maintains current law by providing that if a secured party
5 has a perfected security interest in a factory-built home at the time a declaration of
6 immobilization is filed, the secured party does not lose its security interest in the
7 factory-built home upon immobilization. The secured party must concur in the
8 immobilization, but the secured party's security interest in the factory-built home
9 remains intact after the immobilization. The provision states the priority that the
10 secured party has against those holding mortgages and other security rights in the
11 immovable by analogizing to the priority established in R.S. 10:9-334(d) and (e) for
12 properly and timely perfected purchase-money security interests in fixtures.

13 ~~§1149.6.~~ **§1149.7. Deimmobilization; declaration; detachment or removal**

14 A. ~~The owner may deimmobilize a manufactured home by detachment or~~
15 ~~removal. However, to affect third persons, an authentic act or sale or mortgage or~~
16 ~~sale with mortgage containing a description of the manufactured home as described~~
17 ~~in the previous certificate of title or manufacturer's certificate of origin, a description~~
18 ~~of the lot or tract of land upon which the manufactured home has been placed, a~~
19 ~~statement of intent by the owner that he no longer intends the manufactured home~~
20 ~~to be an immovable and a description of the document by which the manufactured~~
21 ~~home was immobilized, including the recording information, must be filed in the~~
22 ~~appropriate conveyance or mortgage records of the parish where the said lot or tract~~
23 ~~of land is situated.~~ **The owner of the immovable upon which a factory-built home**
24 **is immobilized may deimmobilize the factory-built home by filing a declaration**
25 **of deimmobilization in the conveyance records of the parish in which the**
26 **immovable is located.**

27 B. **The declaration shall contain all of the following:**

28 **(1) A description of the factory-built home as described in the previous**
29 **certificate of title or manufacturer's certificate of origin.**

30 **(2) A description of the immovable upon which the factory-built home**
31 **has been located.**

32 **(3) A statement that the owner no longer desires for the factory-built**
33 **home to be immovable.**

34 **(4) A description of the declaration of immobilization, including the**
35 **recording information.**

1 **(5) The concurrence of the holder of any perfected security interest,**
2 **recorded mortgages, or other real security encumbering the factory-built home.**

3 ~~C.~~ **The** owner may apply to the commissioner for a certificate
4 of title according to the provisions of Chapter 4 of Title 32 of the Louisiana Revised
5 Statutes of 1950. The commissioner shall issue a certificate of title upon the
6 furnishing of **all of the following**:

7 (a) a **(1) A** certificate of mortgages;

8 (b) a **(2) A** certified copy of the ~~act~~ **declaration** of deimmobilization as
9 provided in R.S. 9:1149.6(A); and **Subsections A and B of this Section.**

10 ~~(c)~~ a **(3) A** release **or cancellation** of all mortgages previously ~~secured by~~
11 **encumbering** the ~~manufactured home and/or~~ **factory-built home or** the immovable
12 property upon which the ~~manufactured~~ **factory-built** home was located.

13 ~~C.~~ **D.** Upon the issuance of a certificate of title by the commissioner, the
14 ~~manufactured~~ **factory-built** home shall be deemed a movable, and shall be subject
15 to all laws concerning movable property.

16 **E. In the absence of rights of a third person in the factory-built home, the**
17 **owner of an immovable upon which a factory-built home is located may**
18 **deimmobilize the factory-built home by detachment or removal.**

19 Revision Comments – 2024

20 (a) Subsection E of this provision clarifies that deimmobilization by
21 detachment or removal can occur only in the absence of the rights of third persons.
22 It is modeled after the general rules on deimmobilization. See Civil Code Article
23 468. While deimmobilization by detachment or removal alone is allowed in the
24 absence of any third-party rights in the immobilized factory-built home, for clarity
25 of title, the owner of an immobilized factory-built home who deimmobilizes it
26 through detachment or removal would be wise also to file a declaration of
27 deimmobilization.

28
29 (b) If a third person has a security interest, mortgage, or other real security
30 encumbering the immobilized factory-built home, the owner of the immovable on
31 which the factory-built home is located must file a declaration of deimmobilization
32 that includes the concurrence of the third person in order to deimmobilize the
33 factory-built home.

34 §1149.7. Reference to prior law

35 ~~The provisions of this Part shall replace the provisions of R.S. 32:710(N) and~~
36 ~~whenever any reference is made in any law to R.S. 32:710(N), said law or laws shall~~

1 be deemed to refer to the provisions of this Part.

2 * * *

3 §3259.1. Unpaid rent; ~~mobile homes or manufactured housing~~ **factory-built homes**;
4 notification by lessor

5 A. As used in this Section, the following terms shall have the following
6 meanings:

7 (1) ~~"Lessor" shall mean the owner of the unsubdivided immovable property~~
8 ~~on which three or more lots are available for rent for locating a mobile home or~~
9 ~~manufactured housing.~~ **"Factory-built home" shall have the meaning given to**
10 **that term in R.S. 9:1149.2.**

11 (2) "Lessee" shall mean the person leasing the immovable property on which
12 a ~~mobile home or manufactured housing~~ **factory-built home** is located.

13 (3) ~~"Mobile home" and "manufactured housing" means a structure,~~
14 ~~transportable in one or more sections, which, in the traveling mode, is eight body feet~~
15 ~~or more in width or forty body feet or more in length or, when erected on site, is~~
16 ~~three hundred twenty or more square feet and which, is built on a permanent chassis~~
17 ~~and designed to be used as a dwelling with or without a permanent foundation when~~
18 ~~connected to the required utilities and includes the plumbing, heating, and air~~
19 ~~conditioning, and electrical systems contained therein; except that such term shall~~
20 ~~include any structure which meets all the requirements of this Paragraph except the~~
21 ~~size requirements and with respect to which the manufacturer voluntarily files a~~
22 ~~certification required by the fire marshal and complies with the standards established~~
23 ~~by this Part. The terms "mobile home" and "manufactured housing" shall include a~~
24 ~~manufactured home, a modular home, and a residential mobile home that is no~~
25 ~~longer declared to be a part of the realty pursuant to R.S. 9:1149.6.~~ **"Lessor" shall**
26 **mean the owner of the unsubdivided immovable property on which three or**
27 **more lots are available for rent for locating a factory-built home.**

28 (4) "Mortgagor" shall mean the person executing the security device as the
29 obligor or the transferee if the ~~mobile home or manufactured housing~~ **factory-built**

1 home has been transferred and the obligations under the security device have been
2 assumed by another person with written consent of the holder of the security device.

3 (5) "Secured party" shall mean the holder of a security interest under ~~Chapter~~
4 ~~9 of the Louisiana Commercial Laws (R.S. 10:9-101, et seq.)~~ Uniform Commercial
5 Code - Secured Transactions, R.S. 10:9-101 et seq., or a chattel mortgage, the
6 pledgee or assignee of a chattel mortgage or security agreement, or the agent of the
7 holder, assignee, or pledgee of a chattel mortgage or security agreement, or the
8 holder of a promissory note executed for the sale of a mobile home or
9 manufactured housing factory-built home if that note is sold with recourse against
10 the holder of the note, or the vendor of a retail installment contract as defined in R.S.
11 ~~6:95+~~ 6:969.6 when ~~such~~ the retail installment contract is sold with recourse against
12 the vendor.

13 (6) "Security device" means a security interest under ~~Chapter 9 of the~~
14 ~~Louisiana Commercial Laws (R.S. 10:9-101, et seq.)~~ Uniform Commercial Code
15 - Secured Transactions, R.S. 10:9-101 et seq., a chattel mortgage, or a promissory
16 note executed for the sale of a ~~mobile home or for manufactured housing~~
17 factory-built home or a retail installment contract entered into pursuant to Chapter
18 ~~10-B~~ of Title 6 of the Louisiana Revised Statutes of 1950 for the sale of a ~~mobile~~
19 ~~home or for manufactured housing~~ factory-built home.

20 B. When the rental payments for immovable property on which a ~~mobile~~
21 ~~home or manufactured housing~~ factory-built home is located are sixty days past the
22 due date for the payment, the lessor shall notify the secured parties and the
23 mortgagor, if the mortgagor is not the lessee or occupant of the ~~mobile home or~~
24 ~~manufactured housing~~ factory-built home, in writing by mail that the rental
25 payments are sixty days past the due date. The notice shall include the following
26 information if known or readily available to the lessor or if available from the office
27 of motor vehicles of the Department of Public Safety and Corrections:

28 (1) The lessor's name.

29 (2) The lessee's name.

1 (3) The mortgagor's name.

2 (4) The location of the ~~mobile home or manufactured housing~~ **factory-built**
3 **home**.

4 (5) The number of days that the rental payments are overdue, the monthly
5 rental payment, and the total amount past due.

6 (6) The vehicle identification number of the ~~mobile home or manufactured~~
7 ~~housing~~ **factory-built home**.

8 (7) A description of the ~~mobile home or manufactured housing~~ **factory-built**
9 **home** including the make, model, year, dimensions, and any identification numbers
10 or marks.

11 * * *

12 E. The lessor shall be entitled to collect a fee of twenty-five dollars from the
13 secured parties in addition to all rental or storage payments due at the time the
14 ~~mobile home or manufactured housing~~ **factory-built home** is repossessed when such
15 notification is made and the secured party subsequently obtains possession of the
16 ~~mobile home or manufactured housing~~ **factory-built home**.

17 F. The office of motor vehicles in the Department of Public Safety and
18 Corrections shall maintain a record of ~~all mobile homes and manufactured housing~~
19 **each factory-built home** for which a vehicle certificate of title has been issued
20 pursuant to Chapter 4 of Title 32 of the Louisiana Revised Statutes of 1950 and
21 which is subject to a security device for a period of ten years or for the period stated
22 for the termination of the security device. The record shall include, if available:

23 (1) The name and address of the mortgagor or vendee of the ~~mobile home or~~
24 ~~manufactured housing~~ **factory-built home**.

25 (2) The names and addresses of the primary secured party and any secondary
26 secured party on any security device.

27 (3) The vehicle identification number of the ~~mobile home or manufactured~~
28 ~~housing~~ **factory-built home**.

29 (4) A description of the ~~mobile home or manufactured housing~~ **factory-built**

1 home including the make, model, year, dimensions, and any identification numbers.

2 * * *

3 §3259.3. Privilege for unpaid lease payments; abandoned ~~manufactured~~
4 **factory-built** homes and abandoned movable property; enforcement
5 of privilege by owner of immovable property; definitions

6 A. As used in this Section, the following terms shall have the following
7 meanings:

8 (1) "Abandoned ~~manufactured~~ **factory-built** home" means a ~~manufactured~~
9 **factory-built** home that has a current fair market value not exceeding five thousand
10 dollars that is not encumbered by a mortgage, lien, privilege, or security interest, that
11 is placed upon immovable property of another subject to a lease agreement, when the
12 lessee has notified the owner of the immovable property that the lessee no longer
13 intends to remain in the ~~manufactured~~ **factory-built** home and intends to abandon
14 the remaining movable property, or when a reasonable person would conclude from
15 all appearances that the lessee no longer intends to occupy the ~~manufactured~~
16 **factory-built** home or claim ownership to any of the remaining movable property.

17 (2) "Abandoned movable property" means contents, personal items, or other
18 movable property as defined by Civil Code Article 475 of the lessee left in the
19 abandoned ~~manufactured~~ **factory-built** home.

20 (3) ~~"Manufactured home" means a mobile home or residential mobile home~~
21 ~~as defined by~~ **"Factory-built home" shall have the meaning given to that term**
22 **in** R.S. 9:1149.2.

23 B.(1) The owner of immovable property to secure the payment of rent and
24 other obligations arising under the lease shall have a privilege on any abandoned
25 ~~manufactured~~ **factory-built** home that is not encumbered by a mortgage, lien,
26 privilege, or security interest, and on any abandoned movable property that is placed
27 upon the immovable property pursuant to a lease agreement.

28 (2) Notwithstanding any other provision to the contrary, the provisions of this
29 Section shall not apply to any ~~manufactured~~ **factory-built** home or abandoned

1 ~~manufactured~~ **factory-built** home that is encumbered by a mortgage, lien, privilege,
2 or security interest.

3 C. In the event of default by the lessee and abandonment of the ~~manufactured~~
4 **factory-built** home and after compliance with the provisions of R.S. 9:3259.1, if
5 applicable, the owner of the immovable property may enforce judicially all ~~of his~~
6 rights under the lease agreement, and to enforce ~~his~~ **the** privilege for the debt due
7 him, as follows:

8 (1) The owner of the immovable property shall be authorized to remove any
9 lock on the abandoned ~~manufactured~~ **factory-built** home located on the immovable
10 property ~~in order~~ to compile a brief and general description of the abandoned
11 ~~manufactured~~ **factory-built** home and abandoned movable property, including the
12 serial number and vehicle identification number of the ~~manufactured~~ **factory-built**
13 home, if available, upon which a privilege is claimed and shall be entitled to place
14 his own lock upon ~~such manufactured~~ **the factory-built** home until ~~his~~ **the** privilege
15 is satisfied.

16 (2) The lessee shall be notified of the owner's intention to enforce ~~his~~ **the**
17 privilege.

18 (3) The notice shall be delivered in person to the lessee or sent by certified
19 mail to the last known address of the lessee.

20 (4) The notice shall include:

21 (a) A copy of any written lease agreement between the owner and defaulting
22 lessee, or, if the lease agreement is verbal, a summary of its terms and conditions.

23 (b) An itemized statement of the owner's claim, showing the sum due at the
24 time of the notice and the date ~~when~~ the sum became due.

25 (c) The name of the owner of the abandoned ~~manufactured~~ **factory-built**
26 home, if known, and a brief and general description of the abandoned ~~manufactured~~
27 **factory-built** home and abandoned movable property, including the serial and
28 vehicle identification numbers of the abandoned ~~manufactured~~ **factory-built** home,
29 if known, upon which a privilege is claimed. The description shall be reasonably

1 adequate to permit the person notified to identify it, except that any container,
2 including but not limited to a trunk, valise, or box that is locked, fastened, sealed, or
3 tied in a manner ~~which~~ **that** deters immediate access to its contents, may be
4 described ~~as such~~ without describing its contents.

5 (d) Notification that the lessee has been or shall be denied access to the
6 abandoned ~~manufactured~~ **factory-built** home and abandoned movable property, if
7 ~~such~~ denial is permitted under the terms of the lease agreement, with the name, street
8 address, and telephone number of the owner or his designated agent whom the lessee
9 may contact to respond to the notice.

10 (e) A demand for payment within a specified time not less than fifteen days
11 after the date of mailing or delivery of the notice.

12 (f) A statement that the abandoned ~~manufactured~~ **factory-built** home, its
13 contents, and any other abandoned movable property on the immovable property are
14 subject to the owner's privilege, and that, unless the claim is paid within the time
15 stated in the notice, the abandoned ~~manufactured~~ **factory-built** home and abandoned
16 movable property are to be advertised for sale or other disposition and to be sold or
17 otherwise disposed of to satisfy the owner's privilege for lease payments due and
18 other charges at a specified time and place.

19 (5) Actual receipt of the notice made pursuant to this Section shall not be
20 required. Within fourteen days after mailing of the notice, an advertisement of the
21 sale or other disposition of movable property subject to the privilege shall be
22 published on at least one occasion in a newspaper of general circulation where the
23 abandoned ~~manufactured~~ **factory-built** home is located. The advertisement shall
24 include:

25 (a) The name of the owner of the abandoned ~~manufactured~~ **factory-built**
26 home, if known, and a brief and general description of the abandoned ~~manufactured~~
27 **factory-built** home and abandoned movable property, including the serial and
28 vehicle identification numbers of the abandoned ~~manufactured~~ **factory-built** home,
29 if known, reasonably adequate to permit its identification as provided by

1 Subparagraph (4)(c) of this Subsection.

2 (b) The address of the immovable property upon which the abandoned
3 ~~manufactured~~ **factory-built** home is located and the name of the lessee.

4 (c) The time, place, and manner of the sale or other disposition.

5 (6) The sale or other disposition of the abandoned ~~manufactured~~
6 **factory-built** home and abandoned movable property shall take place not sooner
7 than thirty days following publication as required by this Section.

8 D.(1) Upon completion of the procedures required by Subsection C of this
9 Section, the owner of the immovable property may file suit for possession or
10 ownership of the abandoned ~~manufactured~~ **factory-built** home and abandoned
11 movable property pursuant to Code of Civil Procedure Article 4912.

12 (2) The owner of the immovable property shall attach to the petition evidence
13 of the lease agreement, copies of the notice and advertisement required by
14 Subsection C of this Section, and evidence that the abandoned ~~manufactured~~
15 **factory-built** home is valued at less than five thousand dollars. If the serial or
16 vehicle identification numbers are not known, the owner of the immovable property
17 shall provide certification of a physical inspection of the abandoned ~~manufactured~~
18 **factory-built** home for the purpose of vehicle identification number verification by
19 a law enforcement officer trained and certified by the Department of Public Safety
20 and Corrections to inspect motor vehicles as provided in Chapter 4 of Title 32 of the
21 Louisiana Revised Statutes of 1950. The certification shall certify that the serial or
22 vehicle identification numbers are not known. The owner of the immovable property
23 shall certify in ~~his~~ **the** petition, or attach an affidavit of the owner of the immovable
24 property attesting, that there is no mortgage, lien, privilege, or security interest
25 encumbering the abandoned ~~manufactured~~ **factory-built** home based on a search of
26 the parish mortgage records and records of the Department of Public Safety and
27 Corrections, office of motor vehicles.

28 (3) Upon finding that the owner of the immovable property has satisfied the
29 requirements of this Section, the court shall authorize the sale of the abandoned

1 ~~manufactured~~ **factory-built** home and abandoned movable property by the
2 petitioner.

3 E.(1) Upon obtaining approval from the court, the owner of the immovable
4 property may proceed to sell the abandoned ~~manufactured~~ **factory-built** home and
5 abandoned movable property. Any sale or other disposition of the abandoned
6 ~~manufactured~~ **factory-built** home and abandoned movable property shall conform
7 to the terms of the notification as provided by this Section.

8 (2) Any sale or other disposition of the abandoned ~~manufactured~~
9 **factory-built** home and abandoned movable property shall be held at the address of
10 the immovable property where the abandoned ~~manufactured~~ **factory-built** home is
11 located, as indicated in the notice required by this Section. The owner shall sell the
12 abandoned ~~manufactured~~ **factory-built** home and abandoned movable property to
13 the highest bidder, if any. If there are no bidders, the owner may purchase the
14 movable property for a price at least sufficient to satisfy ~~his~~ **the** claim for lease
15 payments due and all other charges; or ~~he~~ may donate the abandoned ~~manufactured~~
16 **factory-built** home and abandoned movable property to charity.

17 (3) Prior to any sale or other disposition of the abandoned ~~manufactured~~
18 **factory-built** home or abandoned movable property to enforce the privilege granted
19 by this Section, the lessee may pay the amount necessary to satisfy the privilege,
20 including all reasonable expenses incurred ~~under~~ **in accordance with** this Section,
21 and thereby redeem the movable property. Upon receipt of ~~such~~ payment, the owner
22 shall have no liability to any person with respect to ~~such~~ **the** movable property.

23 (4) A purchaser in good faith of the abandoned ~~manufactured~~ **factory-built**
24 home or abandoned movable property sold by an owner to enforce the privilege
25 granted by this Section takes the property free of any claims or rights of persons
26 against whom the privilege was valid, despite noncompliance by the owner with the
27 requirements of this Section, but takes subject to any mortgages, liens, privileges,
28 and security interests that encumber the abandoned ~~manufactured~~ **factory-built**
29 home at the time of the sale.

1 (5) In the event of a sale held pursuant to the provisions of this Section, the
 2 owner may satisfy ~~his~~ the privilege from the proceeds of the sale; but shall hold the
 3 balance, if any, as a credit in the name of the lessee whose property was sold. The
 4 lessee may claim the balance of the proceeds within two years of the date of sale,
 5 without any interest thereon, and if unclaimed within the two-year period, the credit
 6 shall become the property of the owner, without further recourse by the lessee. If the
 7 sale or other disposition of the abandoned ~~manufactured~~ factory-built home and
 8 abandoned movable property made pursuant to the provisions of this Section does
 9 not satisfy the owner's claim for lease payments due and other charges, the owner
 10 may proceed by ordinary proceedings to collect the balance owed.

11 (6) After conclusion of the sale, the act of sale of the abandoned
 12 ~~manufactured~~ factory-built home may be filed with the court, and a judgment
 13 recognizing the sale shall be rendered by the court and recognized by the Department
 14 of Public Safety and Corrections pursuant to Code of Civil Procedure Article 4912.

15 * * *

16 §5363.1. Abandoned ~~mobile~~ factory-built homes; secured parties

17 A. Definitions

18 (1) ~~"Mobile home" means a structure, transportable in one or more sections,~~
 19 ~~which is eight body feet or more in width and is thirty-two body feet or more in~~
 20 ~~length, designed to be used as a dwelling with or without a permanent foundation~~
 21 ~~when connected to the required utilities, and includes the plumbing, heating, air~~
 22 ~~conditioning, and electrical systems contained therein. The term "mobile home" shall~~
 23 ~~include a modular home, a mobile home, and a residential mobile home that is no~~
 24 ~~longer declared to be part of the realty pursuant to R.S. 9:1149.6.~~

25 (2) ~~"Abandoned" or "abandonment" shall mean that the secured party has~~
 26 ~~been notified by the mortgagor or by the owner of the immovable property on which~~
 27 ~~the mobile factory-built home is located that the mortgagor no longer intends to~~
 28 ~~remain in the mobile factory-built home, or when a reasonable person would~~
 29 ~~conclude that the mobile factory-built home is no longer being occupied and from~~

1 all appearances substantially all of the mortgagor's personal belongings have been
2 removed from the ~~mobile~~ **factory-built** home.

3 **(2) "Factory-built home" shall have the meaning given to that term in**
4 **R.S. 9:1149.2.**

5 (3) "Mortgagor" shall mean the person executing the chattel mortgage or
6 security agreement ~~under Chapter 9 of the Louisiana Commercial Laws (R.S.~~
7 ~~10:9-101 et seq.)~~ **in accordance with Uniform Commercial Code - Secured**
8 **Transactions, R.S. 10:9-101 et seq.,** or, if the ~~mobile~~ **factory-built** home has been
9 transferred and the chattel mortgage or security interest ~~under Chapter 9 of the~~
10 ~~Louisiana Commercial Laws~~ **in accordance with Uniform Commercial Code -**
11 **Secured Transactions has been** assumed by a new purchaser with written consent
12 of the holder of the chattel mortgage or security agreement, the transferee.

13 (4) "Secured party" shall mean the holder of the chattel mortgage or security
14 interest ~~under Chapter 9 of the Louisiana Commercial Laws~~ **in accordance with**
15 **Uniform Commercial Code - Secured Transactions,** the pledgee or assignee of the
16 chattel mortgage or security interest, or the agent of the holder, assignee, or pledgee
17 of the chattel mortgage or security interest.

18 B.(1) In addition to those remedies provided in ~~R.S. 9:5363~~ **Uniform**
19 **Commercial Code - Secured Transactions,** the holder of a chattel mortgage
20 enforceable against third parties pursuant to Chapter 4 of Title 32 of the Louisiana
21 Revised Statutes of 1950 or pursuant to this Part or the secured party under a
22 perfected security interest subject to ~~Chapter 9 of the Louisiana Commercial Laws,~~
23 **Uniform Commercial Code - Secured Transactions** shall have the right to take
24 possession of the ~~mobile~~ **factory-built** home on default if all of the following criteria
25 are met:

26 (a) The ~~mobile~~ **factory-built** home has been abandoned.

27 (b) The mortgagor has not paid a minimum of two consecutive monthly
28 payments on the date due pursuant to the terms of the chattel mortgage or security
29 agreement.

1 (c) A petition has been filed in a court of competent jurisdiction seeking an
2 ex parte order authorizing the secured party to proceed pursuant to this Section. The
3 judge shall sign the order only after the secured party has completed the following:

4 (i) Posted a bond in an amount fixed by the judge, which shall be the amount
5 stated in the suit;

6 (ii) Executed an affidavit stating that the ~~mobile~~ **factory-built** home has been
7 abandoned;

8 (iii) Presented to the court all documents necessary to prove that the secured
9 party is the holder of the first mortgage on the ~~mobile~~ **factory-built** home.

10 (2) If the above criteria are satisfied, the holder or holder's agent may take
11 possession of the ~~mobile~~ **factory-built** home only after a ten-day period following
12 the placing of written notice on the front door of the ~~mobile~~ **factory-built** home by
13 the sheriff, or his designee. The written notice shall contain the name of the debtor,
14 the fact that the secured party shall take possession of the ~~mobile~~ **factory-built** home
15 in accordance with ~~the provisions of R.S. 9:5363.1~~ **this Section**, the citation and
16 docket number of the case wherein a court authorized the secured party to proceed
17 in accordance with this Section, and the name and telephone number of the secured
18 party or his agent. In addition, the secured party shall also advertise once in the
19 official publication or newspaper in the parish in which the ~~mobile~~ **factory-built**
20 home is located at the time that the secured party takes possession. The
21 advertisement ~~only~~ need **only** state the names of the debtors, the fact that the secured
22 party shall take possession of the ~~mobile~~ **factory-built** home, and the name and
23 telephone number of the individual to contact for further information. The sheriff
24 shall be paid a fee of twenty-five dollars for the placing of the written notice as
25 provided by this Paragraph.

26 (3) When the mortgagor has notified the secured party in writing that ~~he~~ **the**
27 **mortgagor** no longer intends to occupy the ~~mobile~~ **factory-built** home and has
28 requested that the secured party retake possession thereof, the judge may issue an
29 order waiving the provisions of this Section and may issue an order directing the

1 Department of Public Safety **and Corrections** to issue a new certificate of title to the
2 secured party or any other person ~~that~~ **who** purchases the abandoned ~~mobile~~
3 **factory-built** home at a private sale. When ~~such~~ an order is granted by the judge, the
4 entire indebtedness shall be cancelled.

5 C. A secured party who has taken possession of a ~~mobile~~ **factory-built** home
6 pursuant to Subsection B of this Section shall immediately give notice to the debtor
7 at ~~such~~ **the** address as specified in the chattel mortgage and at the debtor's last known
8 address, if different, by registered or certified mail, return receipt requested.

9 D. The debtor shall have twenty-one calendar days from the date of the
10 secured party's taking possession to reclaim any personal property contained in the
11 ~~mobile~~ **factory-built** home or to redeem the ~~mobile~~ **factory-built** home by the
12 paying to the secured party in cash the entire amount of delinquent payments, all
13 interest and late charges due pursuant to the chattel mortgage, all costs of
14 transporting and housing the ~~mobile~~ **factory-built** home, and all advertisement costs.
15 Nothing ~~herein~~ **in this Section** shall prevent the secured party from reinstating the
16 promissory note and chattel mortgage or security agreement for a lesser amount at
17 the sole option of the secured party.

18 E. After the expiration of the twenty-one calendar days from the date of
19 taking possession provided for in Subsection D of this Section:

20 (1) The secured party may sell the ~~mobile~~ **factory-built** home at public or
21 private sale and apply the proceeds to the indebtedness. If there are mortgages or
22 other security interests superior to that held by the secured party, the proceeds of the
23 sale shall be paid first to those superior security interests; then the remaining
24 balance, if any, shall be applied to the secured creditor's debt. Any funds received
25 ~~which~~ **that** are in excess of the indebtedness and superior security interests,
26 including principal, interest, costs of repossession, and costs of sale, as each is
27 provided for in the chattel mortgage or note, shall be delivered to the debtor, or if ~~he~~
28 **the debtor** cannot be found, shall be deposited with the clerk of court of the parish
29 in which the ~~mobile~~ **factory-built** home was located prior to the secured party

1 obtaining possession of the ~~mobile~~ **factory-built** home.

2 (2) The secured party shall obtain two appraisals of the ~~mobile~~ **factory-built**
3 home from two qualified appraisers, and the average of both appraisals shall be the
4 established value of the ~~mobile~~ **factory-built** home.

5 (3) If the amount of the entire indebtedness due pursuant to the chattel
6 mortgage or security agreement ~~which~~ **that** shall be deemed accelerated at the time
7 of the sale plus the costs of transporting and storing the ~~mobile~~ **factory-built** home
8 and advertisement costs exceeds the established value of the ~~mobile~~ **factory-built**
9 home, the secured party shall have the right to bid at any public sale, without paying
10 cash, up to the amount of the total indebtedness, including the costs of transporting
11 and storing the ~~mobile~~ **factory-built** home and advertisement costs, or sell the
12 ~~mobile~~ **factory-built** home to itself for the amount of ~~said~~ **the** indebtedness.

13 (4) A secured party that sells the ~~mobile~~ **factory-built** home subject to a
14 chattel mortgage entered into prior to the time Chapter 9 of the Louisiana
15 Commercial Laws ~~becomes~~ **became** effective at either public or private sale shall not
16 have the right to seek a deficiency judgment from any debtor or other person,
17 including any guarantor, liable on the promissory note or chattel mortgage. ~~Provided;~~
18 ~~that nothing herein~~ **Nothing in this Section** shall be construed to affect any
19 agreement between the mortgagee and the selling dealer.

20 F. A debtor or a third party seeking to recover for damages occasioned by a
21 reclaiming of a ~~mobile~~ **factory-built** home in violation of this Section shall be
22 entitled to recover from the seizing secured party all costs and expenses incurred in
23 the prosecution of ~~such~~ the action, including reasonable ~~attorney's~~ **attorney** fees as
24 determined by the court. If such an action for damages is dismissed by the court, the
25 court may grant reasonable ~~attorney's~~ **attorney** fees to the creditor.

26 G. After the secured party has fulfilled the requirements of this Section and
27 has taken possession of the ~~mobile~~ **factory-built** home, the court that issued the ex
28 parte order provided ~~for~~ in Subparagraph (B)(1)(c) of this Section shall order the
29 Department of Public Safety **and Corrections** to issue a new certificate of title to the

1 party that purchases the abandoned ~~mobile~~ **factory-built** home at the sale provided
2 for by this Section.

3 Section 3. R.S. 10:9-102(a)(53) is hereby amended and reenacted to read as follows:

4 §9-102. Definitions and index of definitions

5 (a) Chapter 9 definitions. In this Chapter:

6 * * *

7 (53) "Manufactured home" means a ~~manufactured~~ **factory-built** home as
8 defined in R.S. 9:1149.1 et seq.

9 * * *

10 Section 4. R.S. 22:1485 is hereby amended and reenacted to read as follows:

11 §1485. Homeowner's insurance; premium discounts

12 A. As used in this Section, the following terms shall have the following
13 meanings:

14 (1) ~~"Mobile home", "manufactured home", and "manufactured housing"~~
15 ~~means a structure, transportable in one or more sections, which, in the traveling~~
16 ~~mode, is eight body feet or more in width or forty body feet or more in length or,~~
17 ~~when erected on site, is three hundred twenty or more square feet and which is built~~
18 ~~on a permanent chassis and designed to be used as a dwelling with or without a~~
19 ~~permanent foundation when connected to the required utilities and includes the~~
20 ~~plumbing, heating and air conditioning, and electrical systems contained therein.~~

21 **"Factory-built home" has the meaning given to that term in R.S. 9:1149.2.**

22 (2) "Permanently structured home" means a structure with a permanent
23 foundation that is not considered ~~manufactured or mobile~~ **factory-built**.

24 (3) "Security system" means a monitored security device that is wired to a
25 local law enforcement or fire department.

26 B. Every insurer authorized to issue a policy of homeowner's insurance in this
27 state who offers a policy premium discount based on the installation or existence of
28 a security system in a permanently structured home shall provide the same or a
29 similar premium discount for policies of homeowner's insurance covering ~~mobile~~

1 ~~homes, manufactured homes, or manufactured housing~~ **factory-built homes**.

2 Section 5. R.S. 32:1(introductory paragraph) and (44), 412.1(A)(introductory
3 paragraph) and (25), 702(16), and 707(A) are hereby amended and reenacted to read as
4 follows:

5 §1. Definitions

6 When used in this Chapter, the following ~~words and phrases~~ **terms** have the
7 **following** meanings ~~ascribed to them in this Section~~, unless the context clearly
8 indicates ~~a different meaning~~ **otherwise**:

9 * * *

10 (44) ~~"Mobile home" means: (a) a trailer or semitrailer which is designed,~~
11 ~~constructed and equipped as a dwelling place, living abode, or sleeping place, either~~
12 ~~permanently or temporarily, and is equipped for use as a conveyance on highways;~~
13 ~~or, (b) a trailer or semitrailer whose chassis and exterior shell is designed and~~
14 ~~constructed for use as a mobile home, as defined in (a), but which is used instead~~
15 ~~permanently or temporarily for the advertising, sales, display, or promotion of~~
16 ~~merchandise or services, or for any other commercial purpose except the~~
17 ~~transportation of property for hire or the transportation of property for distribution~~
18 ~~by a private carrier. **"Factory-built home" has the meaning given to that term in**~~
19 **R.S. 9:1149.2.**

20 * * *

21 §412.1. Handling charges

22 A. Except as provided ~~for~~ in Subsection E of this Section, the office of motor
23 vehicles shall collect, in addition to any fee authorized by law, a handling charge of
24 eight dollars for vehicle titling and registration:

25 * * *

26 (25) Records created by R.S. ~~9:1149.4(D)~~ **9:1149.6.**

27 * * *

28 §702. Definitions

29 As used in this Chapter:

* * *

(16) "Vehicle" shall include those devices sometimes referred to as ~~mobile~~ **factory-built** homes as defined in R.S. 9:1149.2(3), whether or not they may be required to be registered or licensed under in accordance with other laws, and except as otherwise expressly provided herein, the provisions of this Chapter shall apply to the sale and mortgaging thereof. Neither the inclusion or exclusion of any property in or from the definition of vehicle for purposes of this Chapter, nor any other provision in this Chapter, is intended to affect in any way the status, as determined under in accordance with other laws, of ~~such~~ the property for purposes of ad valorem property taxation, or for any other taxes presently levied, or for the purposes of insurance classification.

* * *

§707. Application for certificates of title; exception; salvage title; antique vehicles; reconstructed title

A. Any purchaser of a vehicle, other than a ~~mobile~~ **factory-built** home; as defined by R.S. 9:1149.2(3), shall file an application for a new certificate of title within five days after the delivery of a previously issued certificate of title for ~~such~~ the vehicle, or within five days of the delivery of the vehicle, if a certificate of title has not been previously issued. ~~However, dealers~~ **Dealers** need not apply for certificates of title for any vehicle acquired for stock purposes, if upon reselling ~~such~~ the vehicle, the dealer complies with the requirements of R.S. 32:705. A purchaser of a ~~mobile~~ **factory-built** home; as defined by R.S. 9:1149.2(3), shall apply for a new certificate of title on or before the twentieth day of the month following the month of delivery of the **factory-built** home.

* * *

Section 6. R.S. 33:3081(A)(2), 4562.1(A), and 9053.1(C) are hereby amended and reenacted to read as follows:

§3081. Mosquito abatement service charge; Avoyelles Parish; assessment and collection

1 A.

2 * * *

3 (2) For purposes of this Section, each residential or commercial unit and each
4 housing unit within a multiple dwelling structure shall be considered a separate
5 structure, and a ~~mobile~~ **factory-built** home, as defined in R.S. 9:1149.2(3), shall be
6 considered a structure. ~~Such~~ **The** mosquito abatement service charge or rates of
7 service charges shall be equal for all structures, except that residential units shall be
8 charged not less than thirty-five percent of the service charge for commercial units.

9 * * *

10 §4562.1. Service charge authorized; assessment and collection; St. Mary Parish

11 A. The governing authority of any recreation district in the parish of St. Mary
12 is hereby authorized to establish, by majority vote of the members of the authority,
13 a service charge or rates of service charges for each residential or commercial
14 structure for a term not to exceed ten years to be assessed on persons owning each
15 ~~such~~ structure, whether occupied or unoccupied, located wholly or partly within the
16 boundaries of the recreation district, subject to the provisions of Subsection B of this
17 Section. For purposes of this Section, each residential or commercial unit in a
18 structure shall be considered a separate structure, and a ~~mobile~~ **factory-built** home;
19 as defined in R.S. 9:1149.2(3), shall be considered a structure. ~~Such~~ **The** service
20 charges or rates of service charges shall be equal for all structures and shall be
21 framed ~~so as~~ to cover, and shall be used for, the costs of constructing, acquiring,
22 maintaining, operating ~~and/or~~ **or** improving recreation services and facilities for the
23 recreation district, including property and equipment necessary for ~~such~~ **those**
24 purposes.

25 * * *

26 §9053.1. Creation of parishwide ambulance service district; Bossier Parish

27 * * *

28 C. The parish governing authority may establish, with approval of a majority
29 of the electors of the single parishwide ambulance service district voting on the

1 proposition at an election held for ~~such~~ **that** purpose, user fees to be assessed persons
 2 owning each residential or commercial structure, whether occupied or unoccupied,
 3 located wholly or partly within the boundaries of the single parishwide ambulance
 4 service district, subject to the provisions of Subsection D of this Section. For the
 5 purposes of this Section, each residential or commercial unit in a structure and each
 6 housing unit within a multiple dwelling structure shall be considered a separate
 7 structure, and a ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2(3); shall be
 8 considered a structure. ~~Such~~ **The** user fees shall be established by the parish
 9 governing authority and shall be used for the cost of any and all emergency medical
 10 transportation and all emergency services incidental thereto.

11 * * *

12 Section 7. R.S. 40:1502.1(A)(2), 1502.2(A), 1502.3(A), 1502.4(A), 1502.5(A),
 13 1502.6(A), 1502.7(A), 1502.8(A), 1502.9(A), 1502.10(A), 1502.11(A), 1502.12(A)(2),
 14 1502.13(A)(2), 1502.15(A), and 1502.16(A) are hereby amended and reenacted to read as
 15 follows:

16 §1502.1. Service charges authorized; assessment and collection

17 A.

18 * * *

19 (2)(a) For purposes of this Section as it relates to any fire protection district
 20 situated wholly within the geographical boundaries of ~~either~~ Rapides, Lincoln,
 21 Claiborne, Union, Morehouse, East Carroll, or West Carroll Parish, each residential
 22 or commercial; unit in a structure shall be considered a separate structure, and a
 23 ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2(3); shall be considered a
 24 structure. ~~Such~~ **The** service charges or rates of service charges shall be equal for all
 25 structures of a given class and shall be framed ~~so as~~ to cover and shall be used for the
 26 costs of any or all fire protection services; however, in Lincoln, Claiborne, Union,
 27 Morehouse, East Carroll, and West Carroll parishes, ~~such~~ **the** service charges or rates
 28 of service charges for each class of structure shall be framed ~~so as~~ to cover and shall
 29 be used for the costs of any or all fire protection and emergency services.

1 (b) For purposes of this Section as it relates to any fire protection district
 2 situated wholly within the geographical boundaries of ~~either~~ St. Mary, East Baton
 3 Rouge, Livingston, or Caddo Parish, Fire Protection District No. 2 of St. Helena
 4 Parish, Ward One Fire Protection District No. 1 of Calcasieu Parish, and Fire
 5 Protection District No. 1 of Tangipahoa Parish, each residential, commercial,
 6 occupancy, or tenant unit in a structure shall be considered a separate structure, and
 7 a ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2(3); shall be considered a
 8 structure. ~~Such~~ **The** service charges or rates of service charges shall be equal for all
 9 structures of a given class and shall be framed ~~so as~~ to cover and shall be used for the
 10 costs of any or all fire protection services; however, in Ward One Fire Protection
 11 District No. 1 of Calcasieu Parish, and in Fire Protection District No. 1 of
 12 Tangipahoa Parish, ~~such~~ **the** service charges or rates of service charges for each class
 13 of structure shall be framed ~~so as~~ to cover and shall be used for the costs of any or
 14 all fire protection and emergency services.

* * *

15 §1502.2. Service charge authorized for Fire Protection District Number Three of
 16
 17 Beauregard Parish; assessment and collection

18 A. The governing authority of Fire Protection District Number Three of
 19 Beauregard Parish is hereby authorized to establish, by majority vote of the members
 20 of the authority, a service charge of fifty dollars for each residential or commercial
 21 structure for a term not to exceed ten years to be assessed persons owning each ~~such~~
 22 structure, whether occupied or unoccupied, located wholly or partly within the
 23 boundaries of the fire protection district, subject to the provisions of Subsection B
 24 of this Section. For purposes of this Section, each residential or commercial unit in
 25 a structure shall be considered a separate structure, and a ~~mobile~~ **factory-built** home;
 26 as defined in R.S. 9:1149.2(3); shall be considered a structure. ~~Such~~ **The** service
 27 charges shall be used for the costs of any or all fire protection services.

* * *

28 §1502.3. Service charge authorized for Richland Parish; assessment and collection
 29

1 commercial unit and each housing unit within a multiple dwelling structure shall be
 2 considered a separate structure, and a ~~mobile~~ **factory-built** home; as defined in R.S.
 3 9:1149.2(3); shall be considered a structure. ~~Such~~ **The** service charges or rates of
 4 service charges shall be equal for all structures, except that ~~mobile~~ **factory-built**
 5 homes shall be charged eighty percent of the service charge, and shall be framed so
 6 ~~as to~~ cover and shall be used for the costs of any or all fire protection services. The
 7 fire protection district shall provide a receipt to each property owner paying the
 8 service charge.

9 (2) The requirement in Paragraph (1) of this Subsection that ~~mobile~~
 10 **factory-built** homes be charged eighty percent of the service charge is not applicable
 11 to Crowville Fire District #1.

12 * * *

13 §1502.5. Service charge authorized for West Carroll Parish; assessment and
 14 collection

15 A. The governing authority of any fire protection district situated wholly
 16 within the geographical boundaries of West Carroll Parish is hereby authorized to
 17 establish, by majority vote of the members of the authority, a service charge or rates
 18 of service charges to be assessed persons owning each residential or commercial
 19 structure, whether occupied or unoccupied, located wholly or partly within the
 20 boundaries of the fire protection district, subject to the provisions of Subsection B
 21 of this Section. For purposes of this Section, each residential or commercial unit and
 22 each housing unit within a multiple dwelling structure shall be considered a separate
 23 structure, and a ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2(3); shall be
 24 considered a structure. ~~Such~~ **The** service charges or rates of service charges shall be
 25 equal for all structures, except that ~~mobile~~ **factory-built** homes shall be charged no
 26 less than fifty percent and no more than eighty percent of the service charge, and
 27 shall be framed ~~so as~~ to cover and shall be used for the costs of any or all fire
 28 protection services. The fire protection district shall provide a receipt to each
 29 property owner paying the service charge. All insurers and all insurance agents shall

1 have proof of a current service charge receipt before considering any reduced rates
2 because of fire district protection.

3 * * *

4 §1502.6. Service charge authorized for Morehouse Parish; assessment and collection

5 A. The governing authority of any fire protection district situated wholly
6 within the geographical boundaries of Morehouse Parish is hereby authorized to
7 establish, by majority vote of the members of the authority, a service charge or rates
8 of service charges to be assessed persons owning each residential or commercial
9 structure, whether occupied or unoccupied, located wholly or partly within the
10 boundaries of the fire protection district, subject to the provisions of Subsection B
11 of this Section. For purposes of this Section, each residential or commercial unit and
12 each housing unit within a multiple dwelling structure shall be considered a separate
13 structure, and a ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2(3), shall be
14 considered a structure. ~~Such~~ **The** service charges or rates of service charges shall be
15 framed by the governing authority of ~~such~~ a the district ~~so~~ as to cover and shall be
16 used for the costs of any or all fire protection services. The fire protection district
17 shall provide a receipt to each property owner paying the service charge. All insurers
18 and all insurance agents shall have proof of a current service charge receipt before
19 considering any reduced rates because of fire district protection.

20 * * *

21 §1502.7. Service charge authorized for East Carroll Parish; assessment and
22 collection

23 A. The governing authority of any fire protection district situated wholly
24 within the geographical boundaries of East Carroll Parish is hereby authorized to
25 establish, by majority vote of the members of the authority, a service charge or rates
26 of service charges to be assessed persons owning each residential or commercial
27 structure, whether occupied or unoccupied, located wholly or partly within the
28 boundaries of the fire protection district, subject to the provisions of Subsection B
29 of this Section. For purposes of this Section, each residential or commercial unit and

1 each housing unit within a multiple dwelling structure shall be considered a separate
 2 structure, and a ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2(3); shall be
 3 considered a structure. ~~Such~~ **The** service charges or rates of service charges shall be
 4 equal for all structures, except that ~~mobile~~ **factory-built** homes shall be charged no
 5 less than fifty percent and no more than eighty percent of the service charge, and
 6 shall be framed ~~so as~~ to cover and shall be used for the costs of any or all fire
 7 protection services. The fire protection district shall provide a receipt to each
 8 property owner paying the service charge. All insurers and all insurance agents shall
 9 have proof of a current service charge receipt before considering any reduced rates
 10 because of fire district protection.

11 * * *

12 §1502.8. Service charge authorized for Grant Parish; assessment and collection

13 A. The governing authority of any fire protection district situated wholly
 14 within the geographical boundaries of Grant Parish is hereby authorized to establish,
 15 by majority vote of the members of the authority, a service charge or rates of service
 16 charges to be assessed persons owning each residential or commercial structure,
 17 whether occupied or unoccupied, located wholly or partly within the boundaries of
 18 the fire protection district, subject to the provisions of Subsection B of this Section.
 19 For purposes of this Section, each residential or commercial unit within a structure
 20 and each housing unit within a multiple dwelling structure shall be considered a
 21 separate structure, and a ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2(3);
 22 shall be considered a structure. ~~Such~~ **The** service charges or rates of service charges
 23 shall be equal for all structures, except that ~~mobile~~ **factory-built** homes shall be
 24 charged no less than fifty percent and no more than eighty percent of ~~said the~~ service
 25 charge, and shall be framed ~~so as~~ to cover and shall be used for the costs of any or
 26 all fire protection services. The fire protection district shall provide a receipt to each
 27 property owner paying the service charge. All insurers and all insurance agents shall
 28 have proof of a current service charge receipt from owners so assessed before
 29 considering any reduced rates because of fire district protection.

* * *

§1502.9. Service charge authorized for Red River Parish; assessment and collection

A. The governing authority of any fire protection district situated wholly within the geographical boundaries of Red River Parish is hereby authorized to establish, by majority vote of the members of the authority, a service charge or rates of service charges to be assessed persons owning each residential structure, whether occupied or unoccupied, located wholly or partly within the boundaries of the fire protection district, subject to the provisions of Subsection B of this Section. For purposes of this Section, each residential unit and a ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2(~~3~~), shall be considered a structure, and each multiple dwelling structure, regardless of the number of separate housing units contained within the structure, shall be considered as one structure and not as separate structures. ~~Such~~ **The** service charges or rates of service charges shall be equal for all structures, except that ~~mobile~~ **factory-built** homes shall be charged no less than fifty percent and no more than eighty percent of the service charge, and shall be framed ~~so as~~ to cover and shall be used for the costs of any or all fire protection services. The fire protection district shall provide a receipt to each property owner paying the service charge. All insurers and all insurance agents shall have proof of a current service charge receipt before considering any reduced rates because of fire district protection.

* * *

§1502.10. Service charge authorized for Fire Protection District No. 1, Fire Protection District No. 3, and Fire Protection District No. 7 of Caddo Parish; assessment and collection

A. The governing authority of Fire Protection District No. 1, the governing authority of Fire Protection District No. 3, and the governing authority of Fire Protection District No. 7 of Caddo Parish are hereby authorized to establish, by majority vote of the members of the authority, a service charge or rates of service charges to be assessed persons owning each residential or commercial structure,

1 whether occupied or unoccupied, located wholly or partly within the boundaries of
 2 the fire protection district, subject to the provisions of Subsection B of this Section.
 3 For purposes of this Section, each residential or commercial unit in a structure and
 4 each housing unit within a multiple dwelling structure shall be considered a separate
 5 structure, and a ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2(3), shall be
 6 considered a structure. ~~Such~~ **The** service charges or rates of service charges shall be
 7 established by the governing authority of ~~such~~ **the** district and shall be framed ~~so~~ as
 8 to cover and shall be used for the costs of any or all fire protection, emergency
 9 medical transportation, and all emergency services incidental thereto.

10 * * *

11 §1502.11. Springhill Fire Protection District No. 11; fire service charge

12 A. Notwithstanding any provision of law to the contrary, the governing
 13 authority of Springhill Fire Protection District No. 11 is hereby authorized to
 14 establish, by majority vote of the members of the authority, a fire service charge not
 15 to exceed four dollars. The person owning or occupying each residential or
 16 commercial structure located wholly or partly within the boundaries of the fire
 17 protection district who has made a deposit for the water service for the structure shall
 18 be assessed the service charge, subject to the provisions of Subsection B of this
 19 Section. ~~Such~~ **The** service charge shall be used for the costs of fire protection
 20 services. For purposes of this Section, each residential or commercial unit within a
 21 structure and each housing unit within a multiple dwelling structure shall be
 22 considered a separate structure, and a ~~mobile~~ **factory-built** home; as defined in R.S.
 23 9:1149.2(3) shall be considered a separate structure.

24 * * *

25 §1502.12. Tangipahoa Parish Rural Fire Protection District No. 2; assessment and
 26 collection

27 A.

28 * * *

29 (2) For purposes of this Section, each residential or commercial unit in a

1 structure shall be considered a separate structure, and a ~~mobile~~ **factory-built** home;
 2 as defined in R.S. 9:1149.2(3); shall be considered a structure. ~~Such~~ **The** fire
 3 protection tax shall be equal for all structures of a given class and shall be framed so
 4 as to cover and shall be used for the costs of any or all fire protection services or
 5 emergency services.

* * *

7 §1502.13. Fire protection districts within East Feliciana Parish; assessment and
 8 collection

9 A.

* * *

11 (2) For purposes of this Section, each residential or commercial unit and each
 12 housing unit within a multiple dwelling structure shall be considered a separate
 13 structure, and a ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2(3); shall be
 14 considered a structure. ~~Such~~ **The** fire protection tax shall be equal for all structures,
 15 except that ~~mobile~~ **factory-built** homes shall be taxed as a rate no less than fifty
 16 percent and no more ~~then~~ **than** eighty percent of the general tax rate, and shall be
 17 framed so as to cover and shall be used for the costs of any or all fire protection
 18 services and emergency services provided by the district, including the acquisition,
 19 maintenance, and operation of equipment and facilities therefor.

* * *

21 §1502.15. Service charge authorized for fire protection districts in the parish of
 22 Caddo; assessment and collection

23 A. The governing authority of any fire protection district located within the
 24 parish of Caddo is hereby authorized to establish, by majority vote of the members
 25 of the authority, a service charge or rates of service charges to be assessed persons
 26 owning each residential or commercial structure, whether occupied or unoccupied,
 27 located wholly or partly within the boundaries of the district, subject to the
 28 provisions of Subsection B of this Section. For purposes of this Section, each
 29 residential or commercial unit in a structure and each housing unit within a multiple

1 dwelling structure shall be considered a separate structure, and a ~~mobile~~
 2 factory-built home; as defined in R.S. 9:1149.2; shall be considered a structure.
 3 ~~Such~~ **The** service charges or rates of service charges shall be established by the
 4 governing authority of ~~such~~ **the** district and shall be framed ~~so as~~ to cover and shall
 5 be used for the costs either incurred or for contracting of any or all fire protection,
 6 emergency medical transportation, and all emergency services incidental thereto.

7 * * *

8 §1502.16. Service charge authorized for DeSoto Parish; assessment and collection

9 A. In addition to the authority granted pursuant to R.S. 40:1502, the
 10 governing authority of DeSoto Parish Fire Protection District No. 2 and DeSoto
 11 Parish Fire Protection District No. 3 may establish a service charge or rates of
 12 service charges to be assessed persons owning each residential or commercial
 13 structure, whether occupied or unoccupied, located wholly or partly within the
 14 boundaries of the respective fire protection district, subject to the provisions of
 15 Subsection B of this Section. For purposes of this Section, each residential or
 16 commercial unit in a structure and each housing unit within a multiple dwelling
 17 structure shall be considered a separate structure, and a ~~mobile~~ **factory-built** home;
 18 as defined in R.S. 9:1149.2; shall be considered a structure. ~~Such~~ **The** service
 19 charges or rates of service charges shall be framed ~~so as~~ to cover and shall be used
 20 for the costs of any or all fire protection and emergency medical transportation and
 21 emergency services incidental thereto.

22 * * *

23 Section 8. The Louisiana State Law Institute is hereby directed to alphabetize the
 24 definitions provided in R.S. 6:969.6 and 1083 as amended by this Act.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Hanna Gettys.

DIGEST

SB 63 Original 2024 Regular Session Coussan

Present law (R.S. 6:969.6, 969.18, and 969.20) provides for the Louisiana Motor Vehicle Sales Finance Act.

Proposed law makes conforming technical changes.

Present law (R.S. 6:1083) provides for residential mortgage brokers and lenders.

Proposed law makes conforming technical changes.

Present law (R.S. 9:374) provides for the use of community movables and immovables.

Proposed law makes conforming technical changes.

Present law (R.S. 9:1149.1-1149.7) provides for the Manufactured Home Property Act.

Proposed law revises present law to provide for the Factory-Built Home Property Act.

Proposed law (R.S. 9:1149.1) provides for a short title.

Proposed law (R.S. 9:1149.2) provides a new definition of factory-built home to encompass mobile homes, manufactured homes, and modular homes.

Proposed law (R.S. 9:1149.3) does not change present law in providing that factory-built homes are classified as movable by default.

Proposed law (R.S. 9:1149.4) creates a presumption that any transfer of an immovable upon which a nonimmobilized factory-built home is located includes all of the transferor's interest in the home, subject to rights of third parties.

Proposed law (R.S. 9:1149.5) does not change present law in providing that security interests in a factory-built home are effective against third parties and take rank and priority as provided in present law, Uniform Commercial Code - Secured Transactions, R.S. 10:9-101 et seq.

Proposed law (R.S. 9:1149.6) provides for the immobilization of factory-built homes. Proposed law changes present law in that the declaration of immobilization does not have to be an authentic act and must be filed in the conveyance records rather than the mortgage records.

Proposed law also clarifies that the security interests of third parties are not lost upon immobilization and the concurrence of third parties is required to immobilize the home.

Proposed law (R.S. 9:1149.7) provides for the deimmobilization of factory-built homes. Proposed law changes present law in that the declaration of deimmobilization does not have to be an authentic act and must be filed in the conveyance records rather than the mortgage records.

Proposed law also clarifies that deimmobilization by removal or detachment is only possible in the absence of third-party rights. Proposed law further provides that the concurrence of a third party who has an interest in the factory-built home is required to deimmobilize the home.

Present law (R.S. 9:3259.1 and 3259.3) provides for lessors' rights and privileges for unpaid rent and lease payments.

Proposed law makes conforming technical changes.

Present law (R.S. 9:5363.1) provides for definitions for abandoned mobile homes and the rights of secured parties.

Proposed law makes conforming technical changes.

Present law (R.S. 10:9-102) provides for the definitions of "manufactured home".

Proposed law makes conforming technical changes.

Present law (R.S. 22:1485) provides for the definition of "mobile home", "manufactured home", and "manufactured housing".

Proposed law makes conforming technical changes.

Present law (R.S. 32:1) provides for the definition of "mobile home".

Proposed law makes conforming technical changes.

Present law (R.S. 32:412.1) provides for the collection of fees by the office of motor vehicles.

Proposed law makes a technical correction to a cross-reference.

Present law (R.S. 32:702 and 707) provides for definitions of "vehicle" and for the application for certificates of title.

Proposed law makes conforming technical changes.

Present law (R.S. 33:3081, 4562.1, and 9053.1) provides for various service charges to be imposed on mobile homes.

Proposed law makes conforming technical changes to terminology and cross-references.

Present law (R.S. 40:1502.1-1502.13 and 1502.15-1502.16) provides for various service charges to be imposed on mobile homes.

Proposed law makes conforming technical changes to terminology and cross-references.

Effective August 1, 2024.

(Amends R.S. 6:969.6(14)(b), (21)(b), (22) and (23)(a), 969.18(A)(6), 969.20(C)(1)(c) and 1083(6)(intro. para.), R.S. 9:374(B) and (C), 1149.1-1149.7, 3259.1(A), (B), (E) and (F), 3259.3, and 5363.1, R.S. 10:9-102(a)(53), R.S. 22:1485, R.S. 32:1(intro. para.) and (44), 412.1(A)(intro. para.) and (25), 702(16) and 707(A), R.S. 33:3081(A)(2), 4562.1(A) and 9053.1(C), and R.S. 40:1502.1(A)(2), 1502.2(A), 1502.3(A), 1502.4(A), 1502.5(A), 1502.6(A), 1502.7(A), 1502.8(A), 1502.9(A), 1502.10(A), 1502.11(A), 1502.12(A)(2), 1502.13(A)(2), 1502.15(A), and 1502.16(A))