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

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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))