

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

17 §1149.3. Classification

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

33 **Except as otherwise provided in R.S. 9:1149.6, when any factory-built**  
34 **home is moved to and located upon immovable property, the factory-built home**





1 493.1.

2 §1149.5. Security devices interests

3 A. ~~Every retail installment contract, chattel mortgage, or security agreement~~  
4 ~~entered into for the purchase or the refinance of a manufactured home or its contents,~~  
5 ~~or both, shall be effective as against third persons and shall take its rank and priority~~  
6 ~~as provided in Chapter 9 of the Louisiana Commercial Laws, R.S. 10:9-101 et seq.~~

7 ~~A retail installment contract, chattel mortgage, security agreement or a financing~~  
8 ~~statement in the form approved by the commissioner is filed when received provided~~  
9 ~~the receipt is subsequently validated by the office of the commissioner. A security~~  
10 ~~interest in a factory-built home shall be effective as to third persons and shall~~  
11 ~~take its rank and priority as provided in Uniform Commercial Code - Secured~~  
12 ~~Transactions, R.S. 10:9-101 et seq.~~

13 B. ~~Validation of the receipt of the retail installment contract or chattel~~  
14 ~~mortgage, security agreement or financing statement by the commissioner shall~~  
15 ~~affect third persons wherever the manufactured home or the contents thereof are~~  
16 ~~located.~~

17 §1149.4.§1149.6. Immobilization; declaration

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

1 in the conveyance records of the parish in which the immovable to which the  
2 factory-built home is attached is located.

3 B. The declaration shall contain all of the following:

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

8 (2) A declaration that the factory-built home shall remain permanently  
9 attached to the immovable.

10 (3) The concurrence of the holder of any perfected security interest in the  
11 factory-built home.

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

24 ~~C.(1) Notwithstanding any other law to the contrary, no action to collect a tax~~  
25 ~~applicable to movables which is purported to be due or became due on any purchase~~  
26 ~~made on or after September 1, 2005, through December 31, 2006, of any~~  
27 ~~manufactured home used solely as residential housing in the following parishes~~  
28 ~~which have been severely impacted by Hurricanes Katrina and Rita shall be initiated~~  
29 ~~or continued, if the basis of such action is the date upon which the declaration of~~

1 ~~immovability provided for in Subsection A of this Section is recorded in the~~  
2 ~~conveyance or mortgage records:~~

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

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

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

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

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

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

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

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

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

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

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

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

22 ~~(3) The purchaser of a manufactured home who formerly lived at a physical~~  
23 ~~address on or after September 1, 2004, within one of the parishes as provided for in~~  
24 ~~Paragraph (1) of this Subsection, who bought a manufactured home on or after~~  
25 ~~September 1, 2005, through December 31, 2006, for use solely as residential~~  
26 ~~housing, shall also be eligible for the relief provided for in this Subsection if the~~  
27 ~~purchaser submits an Affidavit of Displacement to the Department of Revenue~~  
28 ~~attesting that the purchaser resided in one of the parishes as provided for in~~  
29 ~~Paragraph (1) of this Subsection on or after September 1, 2004.~~



1 remains intact after the immobilization. The provision states the priority that the  
 2 secured party has against those holding mortgages and other security rights in the  
 3 immovable by analogizing to the priority established in R.S. 10:9-334(d) and (e) for  
 4 properly and timely perfected purchase-money security interests in fixtures.

5 ~~§1149.6.~~ **§1149.7. Deimmobilization; declaration; detachment or removal**

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

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

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

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

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

26 **(4) A description of the declaration of immobilization, including the**  
 27 **recording information.**

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

30 C. ~~Thereafter the~~ **The** owner may apply to the commissioner for a certificate  
 31 of title according to the provisions of Chapter 4 of Title 32 of the Louisiana Revised

1 Statutes of 1950. The commissioner shall issue a certificate of title upon the  
2 furnishing of **all of the following**:

3 (a) ~~a~~ **(1) A** certificate of mortgages;

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

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

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

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

15 Revision Comments – 2024

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

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

29 §1149.7. Reference to prior law

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

33 \* \* \*

34 §3259.1. Unpaid rent; ~~mobile homes or manufactured housing~~ **factory-built homes**;

35 notification by lessor

1 A. As used in this Section, the following terms shall have the following  
2 meanings:

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

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

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

24 (4) "Mortgagor" shall mean the person executing the security device as the  
25 obligor or the transferee if the mobile home or manufactured housing **factory-built**  
26 **home** has been transferred and the obligations under the security device **have been**  
27 assumed by another person with written consent of the holder of the security device.

28 (5) "Secured party" shall mean the holder of a security interest under Chapter  
29 9 of the Louisiana Commercial Laws (R.S. 10:9-101, et seq.) **Uniform Commercial**



1            **Code - Secured Transactions, R.S. 10:9-101 et seq.**, or a chattel mortgage, the  
 2            pledgee or assignee of a chattel mortgage or security agreement, ~~or~~ the agent of the  
 3            holder, assignee, or pledgee of a chattel mortgage or security agreement, ~~or~~ the  
 4            holder of a promissory note executed for the sale of a **factory-built home** if that note  
 5            is sold with recourse against the holder of the note, or the vendor of a retail  
 6            installment contract as defined in R.S. ~~6:951~~ **6:969.6** when ~~such~~ **the** retail installment  
 7            contract is sold with recourse against the vendor.

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

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

23           (1) The lessor's name.

24           (2) The lessee's name.

25           (3) The mortgagor's name.

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

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

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

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

6 \* \* \*

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

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

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

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

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

24 (4) A description of the ~~mobile home or manufactured housing~~ **factory-built**  
25 **home** including the make, model, year, dimensions, and any identification numbers.

26 \* \* \*

27 §3259.3. Privilege for unpaid lease payments; abandoned ~~manufactured~~  
28 **factory-built** homes and abandoned movable property; enforcement  
29 of privilege by owner of immovable property; definitions

1           A. As used in this Section, the following terms shall have the following  
2 meanings:

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

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

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

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

23           (2) Notwithstanding any other provision to the contrary, the provisions of this  
24 Section shall not apply to any ~~manufactured~~ **factory-built** home or abandoned  
25 ~~manufactured~~ **factory-built** home that is encumbered by a mortgage, lien, privilege,  
26 or security interest.

27           C. In the event of default by the lessee and abandonment of the ~~manufactured~~  
28 **factory-built** home and after compliance with the provisions of R.S. 9:3259.1, if  
29 applicable, the owner of the immovable property may enforce judicially all ~~of his~~

1 rights under the lease agreement, and to enforce ~~his~~ the privilege for the debt due  
2 ~~him~~, as follows:

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

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

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

15 (4) The notice shall include:

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

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

20 (c) The name of the owner of the abandoned ~~manufactured~~ factory-built  
21 home, if known, and a brief and general description of the abandoned ~~manufactured~~  
22 factory-built home and abandoned movable property, including the serial and  
23 vehicle identification numbers of the abandoned ~~manufactured~~ factory-built home,  
24 if known, upon which a privilege is claimed. The description shall be reasonably  
25 adequate to permit the person notified to identify it, except that any container,  
26 including but not limited to a trunk, valise, or box that is locked, fastened, sealed, or  
27 tied in a manner ~~which~~ that deters immediate access to its contents, may be  
28 described ~~as such~~ without describing its contents.

29 (d) Notification that the lessee has been or shall be denied access to the

1 abandoned ~~manufactured~~ **factory-built** home and abandoned movable property, if  
2 ~~such~~ denial is permitted under the terms of the lease agreement, with the name, street  
3 address, and telephone number of the owner or his designated agent whom the lessee  
4 may contact to respond to the notice.

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

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

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

20 (a) The name of the owner of the abandoned ~~manufactured~~ **factory-built**  
21 home, if known, and a brief and general description of the abandoned ~~manufactured~~  
22 **factory-built** home and abandoned movable property, including the serial and  
23 vehicle identification numbers of the abandoned ~~manufactured~~ **factory-built** home,  
24 if known, reasonably adequate to permit its identification as provided by  
25 Subparagraph (4)(c) of this Subsection.

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

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

29 (6) The sale or other disposition of the abandoned ~~manufactured~~

1        **factory-built** home and abandoned movable property shall take place not sooner  
2 than thirty days following publication as required by this Section.

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

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

23            (3) Upon finding that the owner of the immovable property has satisfied the  
24 requirements of this Section, the court shall authorize the sale of the abandoned  
25 ~~manufactured~~ **factory-built** home and abandoned movable property by the  
26 petitioner.

27            E.(1) Upon obtaining approval from the court, the owner of the immovable  
28 property may proceed to sell the abandoned ~~manufactured~~ **factory-built** home and  
29 abandoned movable property. Any sale or other disposition of the abandoned

1        ~~manufactured~~ **factory-built** home and abandoned movable property shall conform  
2        to the terms of the notification as provided by this Section.

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

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

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

25               (5) In the event of a sale held pursuant to the provisions of this Section, the  
26        owner may satisfy ~~his~~ **the** privilege from the proceeds of the sale; but shall hold the  
27        balance, if any, as a credit in the name of the lessee whose property was sold. The  
28        lessee may claim the balance of the proceeds within two years of the date of sale,  
29        without any interest thereon, and if unclaimed within the two-year period, the credit

1 shall become the property of the owner, without further recourse by the lessee. If the  
 2 sale or other disposition of the abandoned ~~manufactured~~ **factory-built** home and  
 3 abandoned movable property made pursuant to the provisions of this Section does  
 4 not satisfy the owner's claim for lease payments due and other charges, the owner  
 5 may proceed by ordinary proceedings to collect the balance owed.

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

10 \* \* \*

11 §5363.1. Abandoned ~~mobile~~ **factory-built** homes; secured parties

12 A. Definitions

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

20 (2) "Abandoned" or "abandonment" shall mean that the secured party has  
 21 been notified by the mortgagor or by the owner of the immovable property on which  
 22 the ~~mobile~~ **factory-built** home is located that the mortgagor no longer intends to  
 23 remain in the ~~mobile~~ **factory-built** home, or when a reasonable person would  
 24 conclude that the ~~mobile~~ **factory-built** home is no longer being occupied and from  
 25 all appearances substantially all of the mortgagor's personal belongings have been  
 26 removed from the ~~mobile~~ **factory-built** home.

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

29 (3) "Mortgagor" shall mean the person executing the chattel mortgage or



1 security agreement ~~under Chapter 9 of the Louisiana Commercial Laws (R.S.~~  
2 ~~10:9-101 et seq.)~~ **in accordance with Uniform Commercial Code - Secured**  
3 **Transactions, R.S. 10:9-101 et seq.**, or, if the **mobile factory-built** home has been  
4 transferred and the chattel mortgage or security interest ~~under Chapter 9 of the~~  
5 ~~Louisiana Commercial Laws~~ **in accordance with Uniform Commercial Code -**  
6 **Secured Transactions has been** assumed by a new purchaser with written consent  
7 of the holder of the chattel mortgage or security agreement, the transferee.

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

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

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

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

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

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

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

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

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

21 (3) When the mortgagor has notified the secured party in writing that ~~he~~ **the**  
22 **mortgagor** no longer intends to occupy the ~~mobile~~ **factory-built** home and has  
23 requested that the secured party retake possession thereof, the judge may issue an  
24 order waiving the provisions of this Section and may issue an order directing the  
25 Department of Public Safety **and Corrections** to issue a new certificate of title to the  
26 secured party or any other person ~~that~~ **who** purchases the abandoned ~~mobile~~  
27 **factory-built** home at a private sale. When ~~such~~ an order is granted by the judge, the  
28 entire indebtedness shall be cancelled.

29 C. A secured party who has taken possession of a ~~mobile~~ **factory-built** home

1 pursuant to Subsection B of this Section shall immediately give notice to the debtor  
2 at ~~such the~~ address as specified in the chattel mortgage and at the debtor's last known  
3 address, if different, by registered or certified mail, return receipt requested.

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

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

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

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

29 (3) If the amount of the entire indebtedness due pursuant to the chattel

1 mortgage or security agreement ~~which~~ that shall be deemed accelerated at the time  
2 of the sale plus the costs of transporting and storing the ~~mobile~~ factory-built home  
3 and advertisement costs exceeds the established value of the ~~mobile~~ factory-built  
4 home, the secured party shall have the right to bid at any public sale, without paying  
5 cash, up to the amount of the total indebtedness, including the costs of transporting  
6 and storing the ~~mobile~~ factory-built home and advertisement costs, or sell the  
7 ~~mobile~~ factory-built home to itself for the amount of ~~said~~ the indebtedness.

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

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

21 G. After the secured party has fulfilled the requirements of this Section and  
22 has taken possession of the ~~mobile~~ factory-built home, the court that issued the ex  
23 parte order provided for in Subparagraph (B)(1)(c) of this Section shall order the  
24 Department of Public Safety and Corrections to issue a new certificate of title to the  
25 party that purchases the abandoned ~~mobile~~ factory-built home at the sale provided  
26 for by this Section.

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

28 §9-102. Definitions and index of definitions

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

\* \* \*

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

\* \* \*

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

§1485. Homeowner's insurance; premium discounts

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

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

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

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

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

B. Every insurer authorized to issue a policy of homeowner's insurance in this state who offers a policy premium discount based on the installation or existence of a security system in a permanently structured home shall provide the same or a similar premium discount for policies of homeowner's insurance covering ~~mobile homes, manufactured homes, or manufactured housing~~ **factory-built homes**.

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

§1. Definitions



1 apply to the sale and mortgaging thereof. Neither the inclusion or exclusion of any  
 2 property in or from the definition of vehicle for purposes of this Chapter, nor any  
 3 other provision in this Chapter, is intended to affect in any way the status, as  
 4 determined ~~under~~ in accordance with other laws, of ~~such~~ the property for purposes  
 5 of ad valorem property taxation, or for any other taxes presently levied, or for the  
 6 purposes of insurance classification.

7 \* \* \*

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

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

20 \* \* \*

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

23 §3081. Mosquito abatement service charge; Avoyelles Parish; assessment and  
 24 collection

25 A.

26 \* \* \*

27 (2) For purposes of this Section, each residential or commercial unit and each  
 28 housing unit within a multiple dwelling structure shall be considered a separate  
 29 structure, and a ~~mobile~~ factory-built home; as defined in R.S. 9:1149.2(~~3~~), shall be

1 considered a structure. ~~Such~~ **The** mosquito abatement service charge or rates of  
 2 service charges shall be equal for all structures, except that residential units shall be  
 3 charged not less than thirty-five percent of the service charge for commercial units.

4 \* \* \*

5 §4562.1. Service charge authorized; assessment and collection; St. Mary Parish

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

20 \* \* \*

21 §9053.1. Creation of parishwide ambulance service district; Bossier Parish

22 \* \* \*

23 C. The parish governing authority may establish, with approval of a majority  
 24 of the electors of the single parishwide ambulance service district voting on the  
 25 proposition at an election held for ~~such~~ **that** purpose, user fees 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 single parishwide ambulance  
 28 service district, subject to the provisions of Subsection D of this Section. For the  
 29 purposes of this Section, each residential or commercial unit in a structure and each



1 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** user fees shall be established by the parish  
 4 governing authority and shall be used for the cost of any and all emergency medical  
 5 transportation and all emergency services incidental thereto.

\* \* \*

7 Section 7. R.S. 40:1502.1(A)(2), 1502.2(A), 1502.3(A), 1502.4(A), 1502.5(A),  
 8 1502.6(A), 1502.7(A), 1502.8(A), 1502.9(A), 1502.10(A), 1502.11(A), 1502.12(A)(2),  
 9 1502.13(A)(2), 1502.15(A), and 1502.16(A) are hereby amended and reenacted to read as  
 10 follows:

11 §1502.1. Service charges authorized; assessment and collection

12 A.

\* \* \*

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

25 (b) For purposes of this Section as it relates to any fire protection district  
 26 situated wholly within the geographical boundaries of ~~either~~ St. Mary, East Baton  
 27 Rouge, Livingston, or Caddo Parish, Fire Protection District No. 2 of St. Helena  
 28 Parish, Ward One Fire Protection District No. 1 of Calcasieu Parish, and Fire  
 29 Protection District No. 1 of Tangipahoa Parish, each residential, commercial,

1 occupancy, or tenant unit in a structure shall be considered a separate structure, and  
 2 a ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2(3); shall be considered a  
 3 structure. ~~Such~~ **The** service charges or rates of service charges shall be equal for all  
 4 structures of a given class and shall be framed so as to cover and shall be used for the  
 5 costs of any or all fire protection services; however, in Ward One Fire Protection  
 6 District No. 1 of Calcasieu Parish, and in Fire Protection District No. 1 of  
 7 Tangipahoa Parish, ~~such~~ **the** service charges or rates of service charges for each class  
 8 of structure shall be framed so as to cover and shall be used for the costs of any or  
 9 all fire protection and emergency services.

10 \* \* \*

11 §1502.2. Service charge authorized for Fire Protection District Number Three of  
 12 Beauregard Parish; assessment and collection

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

23 \* \* \*

24 §1502.3. Service charge authorized for Richland Parish; assessment and collection

25 A. The governing authority of any fire protection district situated wholly  
 26 within the geographical boundaries of Richland Parish is hereby authorized to  
 27 establish, by majority vote of the members of the authority, a service charge or rates  
 28 of service charges to be assessed persons owning each residential or commercial  
 29 structure, whether occupied or unoccupied, located wholly or partly within the

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

13 \* \* \*

14 §1502.4. Service charge authorized for Madison Parish, Caldwell Parish, and  
 15 Franklin Parish

16 A.(1) The governing authority of any fire protection district situated wholly  
 17 within the geographical boundaries of Madison Parish, the governing authority of  
 18 any fire protection district situated wholly within Caldwell Parish, and the governing  
 19 authority of any fire protection district situated wholly within Franklin Parish are  
 20 hereby authorized to establish, by majority vote of the members of the authority, a  
 21 service charge or rates of service charges to be assessed persons owning each  
 22 residential or commercial structure, whether occupied or unoccupied, located wholly  
 23 or partly within the boundaries of the fire protection district, subject to the provisions  
 24 of Subsection B of this Section. For purposes of this Section, each residential or  
 25 commercial unit and each housing unit within a multiple dwelling structure shall be  
 26 considered a separate structure, and a ~~mobile~~ **factory-built** home; as defined in R.S.  
 27 9:1149.2(3); shall be considered a structure. ~~Such~~ **The** service charges or rates of  
 28 service charges shall be equal for all structures, except that ~~mobile~~ **factory-built**  
 29 homes shall be charged eighty percent of the service charge, and shall be framed ~~so~~

1 as to cover and shall be used for the costs of any or all fire protection services. The  
2 fire protection district shall provide a receipt to each property owner paying the  
3 service charge.

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

7 \* \* \*

8 §1502.5. Service charge authorized for West Carroll Parish; assessment and  
9 collection

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

27 \* \* \*

28 §1502.6. Service charge authorized for Morehouse Parish; assessment and collection

29 A. The governing authority of any fire protection district situated wholly

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

15 \* \* \*

16 §1502.7. Service charge authorized for East Carroll Parish; assessment and  
 17 collection

18 A. The governing authority of any fire protection district situated wholly  
 19 within the geographical boundaries of East Carroll Parish is hereby authorized to  
 20 establish, by majority vote of the members of the authority, a service charge or rates  
 21 of service charges to be assessed persons owning each residential or commercial  
 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 and  
 25 each housing unit within a multiple dwelling structure shall be considered a separate  
 26 structure, and a **mobile factory-built** home; as defined in R.S. 9:1149.2(3), shall be  
 27 considered a structure. ~~Such~~ **The** service charges or rates of service charges shall be  
 28 equal for all structures, except that **mobile factory-built** homes shall be charged no  
 29 less than fifty percent and no more than eighty percent of the service charge, and

1 shall be framed ~~so as~~ to cover and shall be used for the costs of any or all fire  
 2 protection services. The fire protection district shall provide a receipt to each  
 3 property owner paying the service charge. All insurers and all insurance agents shall  
 4 have proof of a current service charge receipt before considering any reduced rates  
 5 because of fire district protection.

\* \* \*

7 §1502.8. Service charge authorized for Grant Parish; assessment and collection

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

\* \* \*

26 §1502.9. Service charge authorized for Red River Parish; assessment and collection

27 A. The governing authority of any fire protection district situated wholly  
 28 within the geographical boundaries of Red River Parish is hereby authorized to  
 29 establish, by majority vote of the members of the authority, a service charge or rates

1 of service charges to be assessed persons owning each residential structure, whether  
 2 occupied or unoccupied, located wholly or partly within the boundaries of the fire  
 3 protection district, subject to the provisions of Subsection B of this Section. For  
 4 purposes of this Section, each residential unit and a ~~mobile~~ **factory-built** home; as  
 5 defined in R.S. 9:1149.2(~~3~~), shall be considered a structure, and each multiple  
 6 dwelling structure, regardless of the number of separate housing units contained  
 7 within the structure, shall be considered as one structure and not as separate  
 8 structures. ~~Such~~ **The** service charges or rates of service charges shall be equal for all  
 9 structures, except that ~~mobile~~ **factory-built** homes shall be charged no less than fifty  
 10 percent and no more than eighty percent of the service charge, and shall be framed  
 11 ~~so as~~ to cover and shall be used for the costs of any or all fire protection services.  
 12 The fire protection district shall provide a receipt to each property owner paying the  
 13 service charge. All insurers and all insurance agents shall have proof of a current  
 14 service charge receipt before considering any reduced rates because of fire district  
 15 protection.

16 \* \* \*

17 §1502.10. Service charge authorized for Fire Protection District No. 1, Fire  
 18 Protection District No. 3, and Fire Protection District No. 7 of Caddo  
 19 Parish; assessment and collection

20 A. The governing authority of Fire Protection District No. 1, the governing  
 21 authority of Fire Protection District No. 3, and the governing authority of Fire  
 22 Protection District No. 7 of Caddo Parish are hereby authorized to establish, by  
 23 majority vote of the members of the authority, a service charge or rates of service  
 24 charges to be assessed persons owning each residential or commercial structure,  
 25 whether occupied or unoccupied, located wholly or partly within the boundaries of  
 26 the fire protection district, subject to the provisions of Subsection B of this Section.  
 27 For purposes of this Section, each residential or commercial unit in a structure and  
 28 each housing unit within a multiple dwelling structure shall be considered a separate  
 29 structure, and a ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2(~~3~~), shall be

1 considered a structure. ~~Such~~ **The** service charges or rates of service charges shall be  
 2 established by the governing authority of ~~such~~ **the** district and shall be framed ~~so~~  
 3 to cover and shall be used for the costs of any or all fire protection, emergency  
 4 medical transportation, and all emergency services incidental thereto.

\* \* \*

6 §1502.11. Springhill Fire Protection District No. 11; fire service charge

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

\* \* \*

20 §1502.12. Tangipahoa Parish Rural Fire Protection District No. 2; assessment and  
 21 collection

22 A.

\* \* \*

24 (2) For purposes of this Section, each residential or commercial unit in a  
 25 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** fire  
 27 protection tax shall be equal for all structures of a given class and shall be framed ~~so~~  
 28 ~~as~~ to cover and shall be used for the costs of any or all fire protection services or  
 29 emergency services.



\* \* \*

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

A.

\* \* \*

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

\* \* \*

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

A. The governing authority of any fire protection district located within the parish of Caddo 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 or commercial structure, whether occupied or unoccupied, located wholly or partly within the boundaries of the district, subject to the provisions of Subsection B of this Section. For purposes of this Section, each residential or commercial unit in a structure and each housing unit within a multiple dwelling structure shall be considered a separate structure, and a ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2; shall be considered a structure. ~~Such~~ **The** service charges or rates of service charges shall be established by the governing authority of ~~such~~ **the** district and shall be framed ~~so as~~ to cover and shall be used for the costs either incurred or for contracting of any or all fire protection,

1 emergency medical transportation, and all emergency services incidental thereto.

2 \* \* \*

3 §1502.16. Service charge authorized for DeSoto Parish; assessment and collection

4 A. In addition to the authority granted pursuant to R.S. 40:1502, the

5 governing authority of DeSoto Parish Fire Protection District No. 2 and DeSoto

6 Parish Fire Protection District No. 3 may establish a service charge or rates of

7 service charges to be assessed persons owning each residential or commercial

8 structure, whether occupied or unoccupied, located wholly or partly within the

9 boundaries of the respective fire protection district, subject to the provisions of

10 Subsection B of this Section. For purposes of this Section, each residential or

11 commercial unit in a structure and each housing unit within a multiple dwelling

12 structure shall be considered a separate structure, and a ~~mobile~~ **factory-built** home;

13 as defined in R.S. 9:1149.2; shall be considered a structure. ~~Such~~ **The** service

14 charges or rates of service charges shall be framed so as to cover and shall be used

15 for the costs of any or all fire protection and emergency medical transportation and

16 emergency services incidental thereto.

17 \* \* \*

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

---

The original instrument was prepared by Hanna Gettys. The following digest,  
which does not constitute a part of the legislative instrument, was prepared  
by Xavier Alexander.

---

	DIGEST	
SB 63 Engrossed	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))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Make technical changes.