

RÉSUMÉ DIGEST

ACT 287 (SB 63)

2024 Regular Session

Coussan

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

New law revises prior law to provide for the Factory-Built Home Property Act.

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

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

New law (R.S. 9:1149.3) retains prior law provision that factory-built homes are classified as movable by default.

New 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.

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

New law (R.S. 9:1149.6) provides for the immobilization of factory-built homes. New law changes prior 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.

New 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.

New law (R.S. 9:1149.7) provides for the deimmobilization of factory-built homes. New law changes prior 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.

New law also clarifies that deimmobilization by removal or detachment is only possible in the absence of third-party rights. New 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.

New law makes conforming technical changes to terminology and cross-references throughout existing law.

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))