

SENATE BILL No. 7

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-7; IC 9-22-1.5.

Synopsis: Abandoned mobile homes. Makes changes to the procedure in current law for the sale or salvage of an abandoned mobile home located on private property. Provides, except in the case of an abandoned mobile home offered for sale at auction, that the bureau of motor vehicles may not transfer the title to a mobile home or change the names on the title to a mobile home unless the owner holds a valid permit issued by the county treasurer. Provides that a permit to move, or transfer title to, a mobile home expires 30 days after the permit is issued.

Effective: July 1, 2015.

Steele

January 6, 2015, read first time and referred to Committee on Homeland Security & Transportation.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 7

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-7-10, AS AMENDED BY P.L.203-2013,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 10. **(a) This section does not apply to a mobile
4 home that is offered for sale at auction under IC 9-22-1.5 for the
5 transfer resulting from the auction.**

6 ~~(a)~~ **(b)** A mobile home may not be moved from one (1) location to
7 another unless the owner obtains a permit to move the mobile home
8 from the county treasurer.

9 ~~(b)~~ **(c)** The bureau of motor vehicles may not:
10 **(1) transfer the title to a mobile home; or**
11 **(2) change names in any manner on the title to a mobile home;**
12 unless the owner ~~obtains~~ **holds a valid** permit to transfer the title ~~from~~
13 **that was issued by** the county treasurer.

14 ~~(c)~~ **(d)** A county treasurer shall issue a permit which is required to
15 either move, or transfer the title to, a mobile home if the taxes due on
16 the mobile home have been paid. The permit shall state the date it is



1 issued.

2 ~~(d)~~ (e) After issuing a permit to move a mobile home under
3 subsection (c), a county treasurer shall notify the township assessor of
4 the township to which the mobile home will be moved, or the county
5 assessor if there is no township assessor for the township, that the
6 permit to move the mobile home has been issued.

7 **(f) A permit to move, or transfer title to, a mobile home that is**
8 **issued under this section expires thirty (30) days after the date the**
9 **permit is issued. The permit is invalid after the permit expires. If**
10 **the owner wishes to move, or transfer title to, the mobile home**
11 **after the permit has expired, the owner must obtain a new permit**
12 **under this section.**

13 SECTION 2. IC 6-1.1-7-10.4 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10.4. **(a) This section**
15 **does not apply to a mobile home that is offered for sale at auction**
16 **under IC 9-22-1.5 for the transfer resulting from the auction.**

17 **(b)** The owner of a mobile home who sells the mobile home to
18 another person shall provide the purchaser with the permit required by
19 section ~~10(b)~~ **10(c)** of this chapter before the sale is consummated.

20 SECTION 3. IC 9-22-1.5-3, AS AMENDED BY P.L.262-2013,
21 SECTION 108, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) A property owner shall send
23 notice of a mobile home described in section 2 of this chapter as
24 follows:

25 (1) To the owner of the mobile home at the last known address of
26 the owner as shown by:

27 **(A) the records of the bureau, if the last known address of**
28 **the owner of the mobile home is shown in the records of**
29 **the bureau; or**

30 **(B) the records of the county assessor in which the mobile**
31 **home is located, if the last known address of the owner of**
32 **the mobile home is not shown in the records of the bureau.**

33 If the property owner is unable to determine the address of the
34 mobile home owner, the property owner may serve the mobile
35 home owner by posting the notice on the mobile home.

36 (2) To:

37 (A) a lienholder with a perfected security interest in the mobile
38 home; or

39 (B) any other person known to claim an interest in the mobile
40 home;

41 as shown by the records of the bureau.

42 Notice under this subsection must include a description of the mobile



1 home, **the location of the mobile home**, and a conspicuous statement
 2 that the mobile home is on the owner's property without the owner's
 3 permission. If the owner of a mobile home changes the owner's address
 4 from that maintained in the records of the bureau, the owner shall
 5 immediately notify the property owner of the new address.

6 (b) A property owner may provide notice under subsection (a) by
 7 the following methods:

8 (1) Certified mail, return receipt requested.

9 (2) Personal delivery.

10 (3) Electronic service under IC 9-22-1-19.

11 (c) If, before the thirty (30) day period described in section 2 of this
 12 chapter expires, the mobile home owner requests by certified mail,
 13 return receipt requested, additional time to remove the mobile home,
 14 the period described in section 2 of this chapter shall be extended by
 15 an additional thirty (30) days. The mobile home owner may only
 16 request one (1) thirty (30) day extension of time.

17 SECTION 4. IC 9-22-1.5-4, AS AMENDED BY P.L.125-2012,
 18 SECTION 126, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2015]: Sec. 4. The property owner shall:

20 (1) request that a search be performed in the records of the bureau
 21 **or the county assessor, in accordance with section 3(a)(1) of**
 22 **this chapter**, for the name and address of the owner of the mobile
 23 home and the name and address of any person holding a lien or
 24 security interest on the mobile home;

25 (2) after receiving the results of the search required by
 26 subdivision (1), give notice by certified mail, return receipt
 27 requested, or in person, to:

28 (A) the last known address of the owner of the mobile home;

29 (B) ~~to any lien holder with a perfected security interest in the~~
 30 ~~mobile home; and to all other persons known to claim an~~
 31 ~~interest in the mobile home.~~

32 (C) **the county treasurer of the county in which the mobile**
 33 **home is located.**

34 The notice must include a description of the mobile home, **the**
 35 **location of the mobile home**, a demand that the mobile home be
 36 removed within a specified time not less than ten (10) days after
 37 receipt of the notice, and a conspicuous statement that unless the
 38 mobile home is removed within that time, the mobile home will
 39 be advertised for sale and offered for sale by auction at a specified
 40 time and place;

41 (3) advertise that the mobile home will be offered for sale at
 42 public auction. ~~in conformity with IC 26-1-7-210 and~~



1 ~~IC 26-1-2-328~~. The advertisement of sale must be published once
 2 a week for two (2) consecutive weeks in a newspaper of general
 3 circulation in the county where the mobile home has been left
 4 without permission. The advertisement must include a description
 5 of the mobile home, the name of the owner of the mobile home,
 6 if ascertainable, and the time and place of the sale. The sale must
 7 take place at least fifteen (15) days after the first publication. If
 8 there is no newspaper of general circulation where the sale is to
 9 be held, the advertisement must be posted at least ten (10) days
 10 before the sale in not less than six (6) conspicuous places in the
 11 neighborhood of the proposed sale;

12 (4) conduct an auction, not less than thirty (30) days after the
 13 return receipt is received by the property owner, on the property
 14 where the mobile home was left without permission;

15 (5) provide a reasonable time before the sale for prospective
 16 purchasers to examine the mobile home;

17 (6) sell the mobile home to the highest bidder, if any; and

18 (7) immediately after the auction, execute an affidavit of sale or
 19 disposal on a form prescribed by the bureau stating:

20 (A) that the requirements of this section have been met;

21 (B) the length of time that the mobile home was left on the
 22 property without permission;

23 (C) any expenses incurred by the property owner, including
 24 the expenses of the sale;

25 (D) the name and address of the purchaser of the mobile home
 26 at the auction, if any; and

27 (E) the amount of the winning bid, if any.

28 If the auction produces no purchaser, the property owner shall
 29 note that fact on the affidavit. The property owner shall list the
 30 property owner, or any donee, as the purchaser on the affidavit of
 31 sale or disposal.

32 SECTION 5. IC 9-22-1.5-5 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Upon payment of
 34 the bid price by the purchaser, the property owner shall provide the
 35 purchaser with the affidavit of sale or disposal described in this
 36 chapter.

37 **(b) If the auction produces a purchaser, notwithstanding**
 38 **IC 6-1.1-23, the property owner shall distribute the amount of the**
 39 **bid price received from the purchaser in the following order of**
 40 **priority:**

41 **(1) Reasonable attorney's fees incurred by the property owner**
 42 **for the sale of the mobile home.**



- 1 **(2) Court costs incurred by the property owner for the sale of**
 2 **the mobile home.**
- 3 **(3) Publication fees for the sale of the mobile home.**
- 4 **(4) Auctioneer fees for the sale of the mobile home.**
- 5 **(5) Earned but uncollected land rent attributable to the**
 6 **mobile home before the date of sale.**
- 7 **(6) Delinquent personal property taxes, penalties, interest, and**
 8 **collection expenses attributable to the mobile home as of the**
 9 **date of sale.**
- 10 **(7) Amounts owed to creditors known to have a lien or**
 11 **security interest on the mobile home, according to the**
 12 **priorities of the creditors' respective security interests.**
- 13 **If the amount of the bid price received from the purchaser exceeds**
 14 **the sum of the items described in subdivisions (1) through (7), the**
 15 **property owner may retain the remaining amount. The property**
 16 **owner holds the part of the bid price received from the purchaser**
 17 **that is to be distributed under subdivisions (1) through (7) in trust**
 18 **for each respective distributee until all the amounts to be**
 19 **distributed are paid in full to the correct distributees.**
- 20 ~~(b)~~ **(c)** If the auction produces no purchaser, the mobile home
 21 becomes the property of the property owner, and the property owner
 22 shall note that fact on the affidavit of sale or disposal.
- 23 ~~(e)~~ **(d)** If the property owner wishes to donate the mobile home to
 24 any willing donee, a property owner who has obtained ownership of a
 25 mobile home under this section may transfer ownership to a willing
 26 donee by listing the donee as the purchaser on the affidavit of sale or
 27 disposal.
- 28 ~~(d)~~ **(e)** If the auction produces no purchaser and the property owner
 29 does not intend to sell or transfer the mobile home to another person,
 30 the property owner may, without further administrative application,
 31 dismantle the unit for salvage or disposal.
- 32 ~~(e)~~ **(f)** A property owner or willing donee who obtains ownership of
 33 a mobile home under this section has the same right of ownership as a
 34 purchaser who was the highest bidder at auction.
- 35 **(g) Within thirty (30) days after the auction is held, the property**
 36 **owner shall submit the following to the county treasurer:**
- 37 **(1) A copy of the affidavit of sale or disposal.**
- 38 **(2) The amount, if any, to be distributed under subsection**
 39 **(b)(6), if the auction produced a purchaser.**

