

SENATE BILL NO. 63

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

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AN ACT

To amend and reenact 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)(introductory paragraph), R.S. 9:374(B) and (C), Part IV of Chapter 1 of Code Title I of Code Book II of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:1149.1 through 1149.7, R.S. 9:3259.1(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(introductory paragraph) and (44), 412.1(A)(introductory paragraph) 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), relative to factory-built homes; to provide for the Factory-Built Home Property Act; to provide definitions; to provide for the classification of factory-built homes; to provide for the transfer of factory-built homes; to provide for security interests; to provide for immobilization; to provide for deimmobilization; to provide technical corrections for the use of the term "factory-built home"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 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)(introductory paragraph) are hereby amended and reenacted to read as follows:

§969.6. Definitions

As used in this Chapter:

* * *

(14)

* * *

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

7 * * *

8 (21)

9 * * *

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

17 (22) ~~"Manufactured home" means a structure, transportable in one or more~~
 18 ~~sections, which, in the traveling mode, is eight body feet or more in width or forty~~
 19 ~~body feet or more in length, or, when erected on site, is three hundred twenty or~~
 20 ~~more square feet, and which is built on a permanent chassis and designed to be used~~
 21 ~~as a dwelling with or without a permanent foundation when connected to the~~
 22 ~~required utilities, and includes the plumbing, heating, air-conditioning, and electrical~~
 23 ~~systems contained therein. The term includes any structure meeting all of the~~
 24 ~~requirements of this Subsection except the size requirements and with respect to~~
 25 ~~which the manufacturer voluntarily files a certificate required by the United States~~
 26 ~~Secretary of Housing and Urban Development and complies with the standards~~
 27 ~~established under Title 42 of the United States Code. **"Factory-built home" has the**~~
 28 ~~**meaning given to that term in R.S. 9:1149.2.**~~

29 (23)(a) "Motor vehicle" means any new or used transportation device,
 30 including automobiles, motorcycles, trucks, and other vehicles that are operated over

1 the public highways and the streets of this state, but does not include traction
 2 engines, boat trailers, road rollers, implements of husbandry, and other agricultural
 3 vehicles. A ~~manufactured~~ **factory-built** home is deemed to be a "motor vehicle" for
 4 purposes of this Chapter only if it is anticipated at the time of the transaction that the
 5 ~~manufactured~~ **factory-built** home will not be immobilized pursuant to R.S. ~~9:1149.4~~
 6 **9:1149.6**.

7 * * *

8 §969.18. Documentation and compliance fees; notary fees; transfer of equity and
 9 other fees; disclosure

10 A.

11 * * *

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

15 * * *

16 §969.20. Rebates upon prepayment; prepayment charges; return of lien documents
 17 upon payment in full of the balance due

18 * * *

19 C.(1) There is no requirement that prepaid finance charges be rebated upon
 20 prepayment in full of a simple interest transaction, provided that all of the following
 21 conditions are satisfied:

22 * * *

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

27 * * *

28 §1083. Definitions

29 As used in this Chapter:

30 * * *

1 this Section, uses and occupies or is awarded by the court the use and occupancy of
 2 the family residence, a community immovable occupied as a residence, or a
 3 community ~~manufactured~~ **factory-built** home as defined in R.S. 9:1149.2 and
 4 occupied as a residence, regardless of whether it has been immobilized, shall not be
 5 liable to the other spouse for rental for the use and occupancy, except as hereafter
 6 provided.

7 * * *

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

9 §1149.1. Short title

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

12 §1149.2. Definitions

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

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

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

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

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

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

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

1 by this Chapter:

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

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

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

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

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

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

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

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

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

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

29 **(5) "Manufactured home" means a residential dwelling unit that is**
30 **factory-built and is constructed to standards and codes as promulgated by the**

1 United States Department of Housing and Urban Development, or HUD, under
 2 the National Manufactured Housing Construction and Safety Standards Act of
 3 1974, 42 U.S.C. 5401 et seq., as amended, and that bears the permanently
 4 affixed seal of the United States Department of Housing and Urban
 5 Development.

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

9 (7) "Manufacturer's certificate of origin" means a certificate on a form
 10 to be prescribed by the commissioner, and furnished by the manufacturer,
 11 showing the original transfer of a factory-built home from the manufacturer to
 12 the original purchaser, and each subsequent transfer through and including the
 13 transfer to the title applicant.

14 (8) "Mobile home" means a residential dwelling unit that is factory-built
 15 and is constructed to voluntary standards or constructed prior to the passage
 16 of the National Manufactured Housing Construction and Safety Standards Act
 17 of 1974.

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

21 Revision Comments – 2024

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

26 (b) The terms "manufactured home", "mobile home", and "modular home"
 27 refer to any home that is built in a factory even if the factory-built components of
 28 that home will be assembled on the land where the factory-built home will be
 29 located.

30 (c) A factory-built addition, such as an individual room, incorporated into a
 31 building may be a component part of that building pursuant to Civil Code Article
 32 466.

33 §1149.3. Classification

34 ~~Except as otherwise provided in R.S. 9:1149.4, when any manufactured home~~
 35 ~~shall be moved to and located in or upon any immovable property, or installed~~

1 ~~§1149.4.~~**§1149.6. Immobilization; declaration**

2 A. ~~A manufactured home placed upon a lot or tract of land shall be an~~
 3 ~~immovable when there is recorded in the appropriate conveyance or mortgage~~
 4 ~~records of the parish where the said lot or tract of land is situated an authentic act or~~
 5 ~~a validly executed and acknowledged sale or mortgage or sale with mortgage which~~
 6 ~~contains a description of the manufactured home as described in the certificate of~~
 7 ~~title or manufacturer's certificate of origin and a description of the lot or tract of land~~
 8 ~~upon which the manufactured home is placed, and contains a declaration by the~~
 9 ~~owner of the manufactured home and, when applicable, the holder of a mortgage or~~
 10 ~~security interest under Chapter 9 of the Louisiana Commercial Laws on the~~
 11 ~~manufactured home, that it shall remain permanently attached to the lot or tract of~~
 12 ~~land described in the instrument.~~ **A factory-built home shall be immovable when**
 13 **there is a declaration by the owner of the factory-built home filed for registry**
 14 **in the conveyance records of the parish in which the immovable to which the**
 15 **factory-built home is attached is located.**

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

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

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

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

25 C. Upon recordation of the act described above **the filing of the declaration,**
 26 the manufactured **factory-built** home shall cease to be subject to the application of
 27 Chapter 4 of Title 32 of the Louisiana Revised Statutes of 1950 and the taxes
 28 applicable to movables and shall thereafter be subject to all laws concerning
 29 immovable property; ~~however, nothing herein.~~ **Nothing in this Section** shall be
 30 construed to affect the rights of the holder of a ~~validly recorded chattel mortgage or~~

1 previously perfected security interest under Chapter 9 of the Louisiana Commercial
 2 Laws duly noted on the certificate of title in the factory-built home. A previously
 3 perfected security interest in the factory-built home at the time of
 4 immobilization has the same priority over existing and subsequent mortgages
 5 and other encumbrances on the immovable as would a properly and timely
 6 perfected purchase-money security interest in fixtures.

7 C.(1) ~~Notwithstanding any other law to the contrary, no action to collect a tax~~
 8 ~~applicable to movables which is purported to be due or became due on any purchase~~
 9 ~~made on or after September 1, 2005, through December 31, 2006, of any~~
 10 ~~manufactured home used solely as residential housing in the following parishes~~
 11 ~~which have been severely impacted by Hurricanes Katrina and Rita shall be initiated~~
 12 ~~or continued, if the basis of such action is the date upon which the declaration of~~
 13 ~~immovability provided for in Subsection A of this Section is recorded in the~~
 14 ~~conveyance or mortgage records:~~

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

16 (b) ~~The parish of West Feliciana:~~

17 (c) ~~The parish of St. James:~~

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

19 (e) ~~The parishes of Allen, Assumption, and Sabine:~~

20 (f) ~~The parish of Plaquemines:~~

21 (g) ~~The parishes of Beauregard, Evangeline, Iberville, and Jefferson Davis:~~

22 (h) ~~The parishes of Acadia, Ascension, Iberia, Lafourche, Livingston, St.~~
 23 ~~Bernard, St. Charles, St. John the Baptist, St. Landry, St. Martin, St. Mary,~~
 24 ~~Vermilion, Vernon, and Washington:~~

25 (i) ~~The parishes of Tangipahoa and Terrebonne:~~

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

27 (k) ~~The parishes of East Baton Rouge, Jefferson, and Orleans:~~

28 (2) ~~With respect to actions to collect a tax applicable to movables which is~~
 29 ~~purported to be due or became due on those manufactured homes specified in~~
 30 ~~Paragraph (1) of this Subsection, if the basis of such action is the date upon which~~

1 the declaration of immovability was filed, then the date of immobilization shall relate
 2 back to the twentieth day of the month following the month of the delivery of the
 3 manufactured home.

4 ~~(3) The purchaser of a manufactured home who formerly lived at a physical~~
 5 ~~address on or after September 1, 2004, within one of the parishes as provided for in~~
 6 ~~Paragraph (1) of this Subsection, who bought a manufactured home on or after~~
 7 ~~September 1, 2005, through December 31, 2006, for use solely as residential~~
 8 ~~housing, shall also be eligible for the relief provided for in this Subsection if the~~
 9 ~~purchaser submits an Affidavit of Displacement to the Department of Revenue~~
 10 ~~attesting that the purchaser resided in one of the parishes as provided for in~~
 11 ~~Paragraph (1) of this Subsection on or after September 1, 2004.~~

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

24 ~~(2)E.~~ The secretary shall return to the owner or his agent an acknowledgment
 25 that the act **declaration** has been received and the public record **has been** created.
 26 This acknowledgment shall contain information sufficient to allow the location of
 27 the public record to be ascertained. For creating this public record, the secretary of
 28 the Department of Public Safety and Corrections is authorized to charge and collect
 29 the fee provided in R.S. ~~32:412.1(A)(3)(y)~~ **32:412.1(A)(25)**. The failure of the owner
 30 or his agent to file a certified copy of the **declaration of** immobilization as provided

1 in this Subsection **D of this Section** shall not impair the validity or enforceability of
 2 the act of immobilization **declaration** as provided by this Section.

3 Revision Comments – 2024

4 (a) This provision changes the law in that it does not require a declaration of
 5 immobilization to be in the form of an authentic act. In requiring that the owner file
 6 a declaration of immobilization for the factory-built home in the conveyance records,
 7 this provision follows general provisions on immobilization. See Civil Code Article
 8 467.

9 (b) This provision changes the law in that it requires the declaration of
 10 immobilization to be filed in the conveyance records, rather than either the
 11 conveyance records or the mortgage records. A declaration filed only in the
 12 mortgage records would be ineffective to immobilize the factory-built home.

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

22 ~~§1149.6.~~ **§1149.7. Deimmobilization; declaration; detachment or removal**

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

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

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

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

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

5 (4) A description of the declaration of immobilization, including the
6 recording information.

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

9 C. ~~Thereafter the~~ The owner may apply to the commissioner for a certificate
10 of title according to the provisions of Chapter 4 of Title 32 of the Louisiana Revised
11 Statutes of 1950. The commissioner shall issue a certificate of title upon the
12 furnishing of all of the following:

13 (a) ~~a~~ (1) A certificate of mortgages;

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

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

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

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

25 Revision Comments – 2024

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

34 (b) If a third person has a security interest, mortgage, or other real security

1 encumbering the immobilized factory-built home, the owner of the immovable on
2 which the factory-built home is located must file a declaration of deimmobilization
3 that includes the concurrence of the third person in order to deimmobilize the
4 factory-built home.

5 §1149.7. Reference to prior law

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

9 * * *

10 §3259.1. Unpaid rent; ~~mobile homes or manufactured housing~~ **factory-built homes**;
11 notification by lessor

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

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

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

20 (3) ~~"Mobile home" and "manufactured housing" means a structure,~~
21 ~~transportable in one or more sections, which, in the traveling mode, is eight body feet~~
22 ~~or more in width or forty body feet or more in length or, when erected on site, is~~
23 ~~three hundred twenty or more square feet and which, is built on a permanent chassis~~
24 ~~and designed to be used as a dwelling with or without a permanent foundation when~~
25 ~~connected to the required utilities and includes the plumbing, heating, and air~~
26 ~~conditioning, and electrical systems contained therein; except that such term shall~~
27 ~~include any structure which meets all the requirements of this Paragraph except the~~
28 ~~size requirements and with respect to which the manufacturer voluntarily files a~~
29 ~~certification required by the fire marshal and complies with the standards established~~
30 ~~by this Part. The terms "mobile home" and "manufactured housing" shall include a~~
31 ~~manufactured home, a modular home, and a residential mobile home that is no~~

1 longer declared to be a part of the realty pursuant to R.S. 9:1149.6. **"Lessor" means**
 2 **the owner of the unsubdivided immovable property on which three or more lots**
 3 **are available for rent for locating a factory-built home.**

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

9 (5) "Secured party" ~~shall mean~~ **means** the holder of a security interest ~~under~~
 10 ~~Chapter 9 of the Louisiana Commercial Laws (R.S. 10:9-101, et seq.)~~ **in accordance**
 11 **with Uniform Commercial Code - Secured Transactions, R.S. 10:9-101 et seq.,**
 12 or a chattel mortgage, the pledgee or assignee of a chattel mortgage or security
 13 agreement, ~~or~~ the agent of the holder, assignee, or pledgee of a chattel mortgage or
 14 security agreement, ~~or~~ the holder of a promissory note executed for the sale of a
 15 **factory-built home** if that note is sold with recourse against the holder of the note,
 16 or the vendor of a retail installment contract as defined in R.S. ~~6:951~~ **6:969.6** when
 17 ~~such~~ **the** retail installment contract is sold with recourse against the vendor.

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

25 B. When the rental payments for immovable property on which a ~~mobile~~
 26 ~~home or manufactured housing~~ **factory-built home** is located are sixty days past the
 27 due date for the payment, the lessor shall notify the secured parties and the
 28 mortgagor, if the mortgagor is not the lessee or occupant of the ~~mobile home or~~
 29 ~~manufactured housing~~ **factory-built home**, in writing by mail that the rental
 30 payments are sixty days past the due date. The notice shall include the following

1 information if known or readily available to the lessor or if available from the office
2 of motor vehicles of the Department of Public Safety and Corrections:

3 (1) The lessor's name.

4 (2) The lessee's name.

5 (3) The mortgagor's name.

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

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

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

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

15 * * *

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

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

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

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

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

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

5 * * *

6 §3259.3. Privilege for unpaid lease payments; abandoned ~~manufactured~~
7 **factory-built** homes and abandoned movable property; enforcement
8 of privilege by owner of immovable property; definitions

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

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

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

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

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

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

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

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

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

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

22 (4) The notice shall include:

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

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

27 (c) The name of the owner of the abandoned ~~manufactured~~ **factory-built**
28 home, if known, and a brief and general description of the abandoned ~~manufactured~~
29 **factory-built** home and abandoned movable property, including the serial and
30 vehicle identification numbers of the abandoned ~~manufactured~~ **factory-built** home,

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

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

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

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

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

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

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

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

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

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

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

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

28 (3) Upon finding that the owner of the immovable property has satisfied the
29 requirements of this Section, the court shall authorize the sale of the abandoned
30 ~~manufactured~~ **factory-built** home and abandoned movable property by the

1 petitioner.

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

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

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

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

29 (5) In the event of a sale held pursuant to the provisions of this Section, the
30 owner may satisfy ~~his~~ **the** privilege from the proceeds of the sale; but shall hold the

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

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

13 * * *

14 §5363.1. Abandoned ~~mobile~~ **factory-built** homes; secured parties

15 A. Definitions

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

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

30 **(2) "Factory-built home" shall have the meaning given to that term in**

1 **R.S. 9:1149.2.**

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

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

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

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

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

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

30 (i) Posted a bond in an amount fixed by the judge, which shall be the amount

1 stated in the suit;

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

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

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

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

30 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
30 mortgage or security agreement ~~which~~ that shall be deemed accelerated at the time

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

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

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

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

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

27 §9-102. Definitions and index of definitions

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

29 * * *

30 (53) "Manufactured home" means a ~~manufactured~~ **factory-built** home as

1 defined in R.S. 9:1149.1 et seq.

2 * * *

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

4 §1485. Homeowner's insurance; premium discounts

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

7 (1) ~~"Mobile home", "manufactured home", and "manufactured housing"~~
8 ~~means a structure, transportable in one or more sections, which, in the traveling~~
9 ~~mode, is eight body feet or more in width or forty body feet or more in length or,~~
10 ~~when erected on site, is three hundred twenty or more square feet and which is built~~
11 ~~on a permanent chassis and designed to be used as a dwelling with or without a~~
12 ~~permanent foundation when connected to the required utilities and includes the~~
13 ~~plumbing, heating and air conditioning, and electrical systems contained therein.~~
14 **"Factory-built home" has the meaning given to that term in R.S. 9:1149.2.**

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

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

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

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

27 §1. Definitions

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

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

* * *

§412.1. Handling charges

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

* * *

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

* * *

§702. Definitions

As used in this Chapter:

* * *

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

1 of ad valorem property taxation, or for any other taxes presently levied, or for the
2 purposes of insurance classification.

3 * * *

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

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

16 * * *

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

19 §3081. Mosquito abatement service charge; Avoyelles Parish; assessment and
20 collection

21 A.

22 * * *

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

29 * * *

30 §4562.1. Service charge authorized; assessment and collection; St. Mary Parish

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

* * *

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

* * *

18 C. The parish governing authority may establish, with approval of a majority
19 of the electors of the single parishwide ambulance service district voting on the
20 proposition at an election held for ~~such~~ **that** purpose, user fees to be assessed persons
21 owning each residential or commercial structure, whether occupied or unoccupied,
22 located wholly or partly within the boundaries of the single parishwide ambulance
23 service district, subject to the provisions of Subsection D of this Section. For the
24 purposes of this Section, each residential or commercial unit in a structure and each
25 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** user fees shall be established by the parish
28 governing authority and shall be used for the cost of any and all emergency medical
29 transportation and all emergency services incidental thereto.

* * *

1 Section 7. R.S. 40:1502.1(A)(2), 1502.2(A), 1502.3(A), 1502.4(A), 1502.5(A),
2 1502.6(A), 1502.7(A), 1502.8(A), 1502.9(A), 1502.10(A), 1502.11(A), 1502.12(A)(2),
3 1502.13(A)(2), 1502.15(A), and 1502.16(A) are hereby amended and reenacted to read as
4 follows:

5 §1502.1. Service charges authorized; assessment and collection

6 A.

7 * * *

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

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

1 of structure shall be framed ~~so as~~ to cover and shall be used for the costs of any or
2 all fire protection and emergency services.

3 * * *

4 §1502.2. Service charge authorized for Fire Protection District Number Three of
5 Beauregard Parish; assessment and collection

6 A. The governing authority of Fire Protection District Number Three of
7 Beauregard Parish is hereby authorized to establish, by majority vote of the members
8 of the authority, a service charge of fifty dollars for each residential or commercial
9 structure for a term not to exceed ten years to be assessed persons owning each ~~such~~
10 structure, whether occupied or unoccupied, located wholly or partly within the
11 boundaries of the fire protection district, subject to the provisions of Subsection B
12 of this Section. For purposes of this Section, each residential or commercial unit in
13 a 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 shall be used for the costs of any or all fire protection services.

16 * * *

17 §1502.3. Service charge authorized for Richland Parish; assessment and collection

18 A. The governing authority of any fire protection district situated wholly
19 within the geographical boundaries of Richland 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
30 shall be framed ~~so as~~ to cover and shall be used for the costs of any or all fire

1 protection services. The fire protection district shall provide a receipt to each
2 property owner paying the service charge. All insurers and all insurance agents shall
3 have proof of a current service charge receipt before considering any reduced rates
4 because of fire district protection.

5 * * *

6 §1502.4. Service charge authorized for Madison Parish, Caldwell Parish, and
7 Franklin Parish

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

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

28 * * *

29 §1502.5. Service charge authorized for West Carroll Parish; assessment and
30 collection

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

5 * * *

6 §1502.7. Service charge authorized for East Carroll Parish; assessment and
7 collection

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

25 * * *

26 §1502.8. Service charge authorized for Grant Parish; assessment and collection

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

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

* * *

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

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

1 service charge. All insurers and all insurance agents shall have proof of a current
2 service charge receipt before considering any reduced rates because of fire district
3 protection.

4 * * *

5 §1502.10. Service charge authorized for Fire Protection District No. 1, Fire
6 Protection District No. 3, and Fire Protection District No. 7 of Caddo
7 Parish; assessment and collection

8 A. The governing authority of Fire Protection District No. 1, the governing
9 authority of Fire Protection District No. 3, and the governing authority of Fire
10 Protection District No. 7 of Caddo Parish are hereby authorized to establish, by
11 majority vote of the members of the authority, a service charge or rates of service
12 charges to be assessed persons owning each residential or commercial structure,
13 whether occupied or unoccupied, located wholly or partly within the boundaries of
14 the fire protection district, subject to the provisions of Subsection B of this Section.
15 For purposes of this Section, each residential or commercial unit in a structure and
16 each housing unit within a multiple dwelling structure shall be considered a separate
17 structure, and a ~~mobile~~ **factory-built** home; as defined in R.S. 9:1149.2(3), shall be
18 considered a structure. ~~Such~~ **The** service charges or rates of service charges shall be
19 established by the governing authority of ~~such~~ **the** district and shall be framed ~~so as~~
20 to cover and shall be used for the costs of any or all fire protection, emergency
21 medical transportation, and all emergency services incidental thereto.

22 * * *

23 §1502.11. Springhill Fire Protection District No. 11; fire service charge

24 A. Notwithstanding any provision of law to the contrary, the governing
25 authority of Springhill Fire Protection District No. 11 is hereby authorized to
26 establish, by majority vote of the members of the authority, a fire service charge not
27 to exceed four dollars. The person owning or occupying each residential or
28 commercial structure located wholly or partly within the boundaries of the fire
29 protection district who has made a deposit for the water service for the structure shall
30 be assessed the service charge, subject to the provisions of Subsection B of this

1 Section. ~~Such~~ The service charge shall be used for the costs of fire protection
 2 services. For purposes of this Section, each residential or commercial unit within a
 3 structure and each housing unit within a multiple dwelling structure shall be
 4 considered a separate structure, and a ~~mobile~~ factory-built home; as defined in R.S.
 5 9:1149.2(3) shall be considered a separate structure.

* * *

7 §1502.12. Tangipahoa Parish Rural Fire Protection District No. 2; assessment and
 8 collection

9 A.

* * *

11 (2) For purposes of this Section, each residential or commercial unit in a
 12 structure shall be considered a separate structure, and a ~~mobile~~ factory-built home;
 13 as defined in R.S. 9:1149.2(3); shall be considered a structure. ~~Such~~ The fire
 14 protection tax shall be equal for all structures of a given class and shall be framed so
 15 as to cover and shall be used for the costs of any or all fire protection services or
 16 emergency services.

* * *

18 §1502.13. Fire protection districts within East Feliciana Parish; assessment and
 19 collection

20 A.

* * *

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

* * *

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

A. In addition to the authority granted pursuant to R.S. 40:1502, the governing authority of DeSoto Parish Fire Protection District No. 2 and DeSoto Parish Fire Protection District No. 3 may establish 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 respective fire protection 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 framed ~~so~~ as to cover and shall be used for the costs of any or all fire protection and emergency medical transportation and

1 emergency services incidental thereto.

2 * * *

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____