

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 591  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Conversion” and substitute “Affixation”; in lines 4, 5, 7, and 14, in each instance, strike “conversion” and substitute “affixation”; in line 6, after “contain” insert “or be accompanied by”; in the same line, after “information” insert “, documentation,”; in line 7, after “circumstances;” insert “providing that an affidavit of affixation is not necessary to convey or encumber a manufactured home; providing that the property tax status of a manufactured home shall be governed by certain provisions of law; providing that a manufactured home shall be converted to real property under certain circumstances;”; in lines 7 and 8, strike beginning with “a” in line 7 down through “circumstances” in line 8 and substitute “the recordation of an affidavit of affixation does not represent a sale or transfer of real property for certain purposes; requiring the owner of certain property to send a certified copy of an affidavit of affixation and any attachments to the Motor Vehicle Administration at a certain time; requiring the Administration to record the affidavit and attachments in its records; requiring the Administration to make certain records available to certain individuals”; in line 9, strike “or will” and substitute “to”; in line 12, after “circumstances;” insert “requiring the Administration to accept a certain copy of a certain affidavit of severance for filing and issue a certain certificate of title in a certain manner; requiring a custodian to disclose personal information in the public records of the Administration to certain individuals; requiring the Administration to develop a certain model affidavit; providing for the application of certain provisions of this Act;”; and after line 14, insert:

“BY repealing and reenacting, without amendments,

Article - Commercial Law

Section 9-102(a)(54)

Annotated Code of Maryland

(2002 Replacement Volume and 2011 Supplement)”;

(Over)

and after line 20, insert:

“BY repealing and reenacting, with amendments,  
Article - State Government  
Section 10-616(p)(5)(xiv) and (xv)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

BY adding to  
Article - State Government  
Section 10-616(p)(5)(xvi)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,  
Article - Transportation  
Section 13-101  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 22, insert:

“Article – Commercial Law

9–102.

(a) In this title:

(54) “Manufactured home” means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40

body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

AMENDMENT NO. 3

On page 2, after line 7, insert:

**“(C) “CERTIFICATE OF ORIGIN” HAS THE MEANING STATED IN § 13-101 OF THE TRANSPORTATION ARTICLE.**

**“(D) “CERTIFICATE OF TITLE” MEANS A TITLE ISSUED BY THE MOTOR VEHICLE ADMINISTRATION FOR A MANUFACTURED HOME UNDER TITLE 13 OF THE TRANSPORTATION ARTICLE.”;**

strike in their entirety lines 8 through 10, inclusive; in lines 11 and 15, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; strike beginning with “REAL” in line 13 down through “PROPERTY” in line 14 and substitute “A PARCEL OF REAL PROPERTY AND TREATED AS AN INTEGRAL PART OF THE PARCEL”; in line 15, strike “(1)”; and strike beginning with “MEANS” in line 15 down through “VEHICLE” in line 28 and substitute “HAS THE MEANING STATED IN § 9-102 (A) OF THE COMMERCIAL LAW ARTICLE”.

On page 3, in lines 1 and 3, strike “(F)” and “(G)”, respectively, and substitute “(G)” and “(H)”, respectively; strike beginning with “REMOVE” in line 3 down through “ATTACHED” in line 4 and substitute “SEPARATE A MANUFACTURED HOME THAT

(Over)

HAS BEEN CONVERTED TO REAL PROPERTY FROM THE PARCEL OF REAL PROPERTY TO WHICH IT HAS BEEN AFFIXED"; in line 14, after "PROPERTY" insert "AS TO THE PARCEL OF REAL PROPERTY TO WHICH THE MANUFACTURED HOME HAS BEEN AFFIXED"; in line 23, strike "EXCEPT AS PROVIDED UNDER SUBTITLE 2 OF THIS TITLE, AN" and substitute "AN"; and in line 24, strike "CONVERSION" and substitute "AFFIXATION".

On page 4 in lines 6 and 9, on page 5 in lines 4 and 20, and on page 6 in line 3, in each instance, strike "CONVERSION" and substitute "AFFIXATION".

AMENDMENT NO. 4

On page 3, after line 25, insert:

"8B-104.

THE PROPERTY TAX STATUS OF A MANUFACTURED HOME SHALL BE GOVERNED BY THE TAX - PROPERTY ARTICLE.".

AMENDMENT NO. 5

On page 3, in line 29, after "WHEN" insert "ALL OF".

On page 4, in lines 1 and 4, in each instance, strike "OR WILL BE"; in line 7, after "RECORDED" insert "WITH THE CLERK OF THE COURT OF THE COUNTY IN WHICH THE PARCEL OF REAL PROPERTY TO WHICH THE MANUFACTURED HOME IS AFFIXED IS LOCATED"; strike beginning with "A" in line 17 down through "THE" in line 21 and substitute "THE"; in lines 22 and 26, in each instance, before "REAL" insert "PARCEL OF"; in line 23, strike "AND"; in line 24, strike "(4)" and substitute "(3)"; in the same line, strike "UNDER OATH FROM THE OWNER"; in lines 24 and 25, strike ": (I) THE" and substitute "THE"; in line 27, after "IDENTICAL" insert "OR WILL".

BE IDENTICAL AFTER FILING THE AFFIDAVIT OF AFFIXATION IN THE LAND RECORDS"; and strike in their entirety lines 28 and 29 and substitute:

“(4) A STATEMENT THAT THE MANUFACTURED HOME IS OR WILL BE ATTACHED TO THE REAL PROPERTY DESCRIBED AT THE TIME OF THE FILING OF THE AFFIDAVIT OF AFFIXATION IN THE LAND RECORDS.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN AFFIDAVIT OF AFFIXATION SHALL BE ACCOMPANIED BY:

(I) AN ORIGINAL CERTIFICATE OF TITLE ISSUED BY THE MOTOR VEHICLE ADMINISTRATION FOR THE MANUFACTURED HOME THAT:

1. HAS THE WORD “SURRENDERED” CLEARLY WRITTEN ON ITS FACE; AND

2. IF THE CERTIFICATE OF TITLE INDICATES THAT THERE IS A LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME, IS ACCOMPANIED BY A RELEASE FROM EACH PARTY THAT HAS A SECURITY INTEREST IN THE MANUFACTURED HOME; OR

(II) A MANUFACTURER’S CERTIFICATE OF ORIGIN FOR THE MANUFACTURED HOME THAT:

1. HAS THE WORD “SURRENDERED” CLEARLY WRITTEN ON ITS FACE; AND

2. IF THE MANUFACTURER’S CERTIFICATE OF ORIGIN INDICATES THAT THERE IS A LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME, IS ACCOMPANIED BY A RELEASE

(Over)

FROM EACH PARTY THAT HAS A SECURITY INTEREST IN THE MANUFACTURED HOME.

(2) IF THE OWNER IS UNABLE TO LOCATE AN ORIGINAL CERTIFICATE OF TITLE OR A MANUFACTURER'S CERTIFICATE OF ORIGIN, THE AFFIDAVIT OF AFFIXATION SHALL BE ACCOMPANIED BY A REPORT PREPARED AND ACKNOWLEDGED BY AN ATTORNEY LICENSED TO PRACTICE IN THE STATE OR A TITLE INSURANCE PRODUCER LICENSED TO DO BUSINESS IN THE STATE THAT:

(I) IDENTIFIES THE PARTY PREPARING THE REPORT;

(II) STATES THAT A SEARCH HAS BEEN CONDUCTED OF:

1. THE LAND RECORDS OF THE COUNTY IN WHICH THE PARCEL OF REAL PROPERTY TO WHICH THE MANUFACTURED HOME IS OR WILL BE AFFIXED IS LOCATED; AND

2. THE RECORDS MAINTAINED BY THE MOTOR VEHICLE ADMINISTRATION; AND

(III) STATES THAT NO LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST HAS BEEN FOUND FOR THE MANUFACTURED HOME.

(C) (1) IF AN AFFIDAVIT OF AFFIXATION IS ACCOMPANIED BY AN ORIGINAL CERTIFICATE OF TITLE, THE AFFIDAVIT SHALL BE ACCOMPANIED BY:

(I) A STATEMENT THAT IT IS THE INTENT OF THE OWNER TO SURRENDER THE CERTIFICATE OF TITLE; AND

**(II) A STATEMENT THAT:**

**1. THERE IS NO LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME; OR**

**2. ANY LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME HAS BEEN SATISFIED AND THE APPROPRIATE RELEASES ARE ATTACHED AND MADE A PART OF THE AFFIDAVIT OF AFFIXATION.**

**(2) IF AN AFFIDAVIT OF AFFIXATION IS ACCOMPANIED BY A MANUFACTURER'S CERTIFICATE OF ORIGIN, THE AFFIDAVIT SHALL BE ACCOMPANIED BY:**

**(I) A STATEMENT THAT A CERTIFICATE OF TITLE HAS NOT BEEN ISSUED FOR THE MANUFACTURED HOME;**

**(II) A STATEMENT THAT IT IS THE INTENT OF THE OWNER TO SURRENDER THE MANUFACTURER'S CERTIFICATE OF ORIGIN; AND**

**(III) A STATEMENT THAT:**

**1. THERE IS NO LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME; OR**

**2. ANY LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME HAS BEEN SATISFIED AND THE APPROPRIATE RELEASES ARE ATTACHED AND MADE A PART OF THE AFFIDAVIT OF AFFIXATION.**

**(3) IF AN AFFIDAVIT OF AFFIXATION IS ACCOMPANIED BY A STATEMENT FROM AN ATTORNEY OR TITLE INSURANCE PRODUCER, THE AFFIDAVIT ALSO SHALL BE ACCOMPANIED BY:**

**(I) A STATEMENT THAT THE OWNER IS UNABLE TO LOCATE A CERTIFICATE OF TITLE OR A MANUFACTURER'S CERTIFICATE OF ORIGIN FOR THE MANUFACTURED HOME; AND**

**(II) A STATEMENT THAT:**

**1. THERE IS NO LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME; OR**

**2. ANY LIEN, ENCUMBRANCE, OR OTHER SECURITY INTEREST FOR THE MANUFACTURED HOME HAS BEEN SATISFIED AND THE APPROPRIATE RELEASES ARE ATTACHED AND MADE A PART OF THE AFFIDAVIT OF AFFIXATION.**

**(D) AN AFFIDAVIT OF AFFIXATION SHALL BE SIGNED UNDER PENALTY OF PERJURY AND ACKNOWLEDGED.**

On page 5, in line 1, strike “(B)” and substitute “(E)”; in line 2, before “REAL” insert “PARCEL OF”; and strike in their entirety lines 7 through 17, inclusive, and substitute:

**(F) THE RECORDATION OF AN AFFIDAVIT OF AFFIXATION DOES NOT REPRESENT A SALE OR TRANSFER OF REAL PROPERTY FOR THE PURPOSE OF THE COLLECTION OF ANY TAX OR FEE CHARGED BY THE STATE OR ANY COUNTY OR MUNICIPALITY.**



(G) (1) IMMEDIATELY AFTER FILING AN AFFIDAVIT OF AFFIXATION WITH THE CLERK OF THE CIRCUIT COURT, THE OWNER OF THE PROPERTY TO WHICH A MANUFACTURED HOME HAS BEEN AFFIXED SHALL SEND A CERTIFIED COPY OF THE AFFIDAVIT AND ANY ATTACHMENTS TO THE MOTOR VEHICLE ADMINISTRATION.

(2) ON RECEIPT OF A CERTIFIED COPY OF AN AFFIDAVIT OF AFFIXATION AND ANY ATTACHMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE MOTOR VEHICLE ADMINISTRATION SHALL RECORD THE AFFIDAVIT AND ATTACHMENTS IN THE ADMINISTRATION'S RECORDS.

8B-203.

THE MOTOR VEHICLE ADMINISTRATION SHALL MAKE AVAILABLE RECORDS FOR MANUFACTURED HOMES TO ATTORNEYS, TITLE INSURANCE PRODUCERS, AND OTHER INDIVIDUALS AUTHORIZED TO CONDUCT A TITLE SEARCH."

AMENDMENT NO. 6

On page 5, in lines 21 and 28, in each instance, strike "OR WILL" and substitute "TO"; and in line 22, after "SHALL" insert "RECORD AND".

On page 6, in line 1, after "HOME" insert ", INCLUDING THE NAME OF THE MANUFACTURER, THE MAKE, MODEL NAME, MODEL YEAR, DIMENSIONS, MANUFACTURER'S SERIAL NUMBER, AND A STATEMENT WHETHER THE MANUFACTURED HOME IS NEW OR USED"; in lines 7 and 12, in each instance, strike "OR WILL" and substitute "TO"; and after line 16, insert:

"(D) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE MOTOR VEHICLE ADMINISTRATION, THE ADMINISTRATION SHALL:

**(1) ACCEPT A CERTIFIED COPY OF A RECORDED AFFIDAVIT OF SEVERANCE FOR FILING; AND**

**(2) ISSUE A CERTIFICATE OF TITLE FOR THE SEVERED MANUFACTURED HOME.**

Article – State Government

10-616.

(p) (5) Notwithstanding the provisions of paragraphs (3) and (4) of this subsection, a custodian shall disclose personal information:

(xiv) for use by a hospital to obtain, for hospital security purposes, information relating to ownership of vehicles parked on hospital property; [and]

(xv) for use by a procurement organization requesting information under § 4–516 of the Estates and Trusts Article for the purposes of organ, tissue, and eye donation; AND

**(XVI) FOR USE BY AN ATTORNEY, A TITLE INSURANCE PRODUCER, OR ANY OTHER INDIVIDUAL AUTHORIZED TO CONDUCT A TITLE SEARCH OF A MANUFACTURED HOME UNDER TITLE 8B OF THE REAL PROPERTY ARTICLE.**

Article – Transportation

13–101.

In this subtitle, “certificate of origin” means a certification by the manufacturer, on a form that the Administration approves, that:

(1) Certifies that the vehicle described in it has been transferred to the dealer or other person named and that the transfer is the first transfer of the vehicle in ordinary trade and commerce; and

(2) Describes the vehicle by including:

(i) Its make, model, year, vehicle identification number, type of body, number of cylinders, and engine number; and

(ii) Any other information that the Administration requires.”.

AMENDMENT NO. 7

On page 6, in line 17, after “ENACTED,” insert “That the Motor Vehicle Administration shall develop a model affidavit of affixation that meets the requirements of § 8B-202 of the Real Property Article, as enacted by Section 1 of this Act, for use in affixing a manufactured home to real property.

SECTION 3. AND BE IT FURTHER ENACTED.”.