
HOUSE BILL 1537

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Morris, Leonard, Ogden, Valle, Brough, Vance and Pruitt

Read first time 02/01/93. Referred to Committee on Trade, Economic Development & Housing.

1 AN ACT Relating to the purchase of manufactured housing; amending
2 RCW 59.22.080 and 65.20.030; adding a new section to chapter 46.12 RCW;
3 adding a new section to chapter 65.20 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes that many
6 purchasers of new manufactured homes site these homes on land that they
7 own. The purchaser is often able to purchase both the land and the
8 manufactured home as part of a package. Although the legislature
9 established a procedure in chapter 65.20 RCW for a homeowner to
10 eliminate a manufactured home title if the homeowner owns both the
11 manufactured home and the land to which it is affixed, a title still
12 must be issued when a new manufactured home is purchased and affixed to
13 land owned by the homeowner. The homeowner must then go through the
14 process to eliminate the title. The legislature therefore finds and
15 declares that certificates of ownership shall no longer be issued when
16 new manufactured homes are purchased and affixed to land owned by the
17 homeowner.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.12 RCW
2 to read as follows:

3 A certificate of ownership is not required for any owner of a new
4 manufactured home when the manufactured home is transported and affixed
5 in accordance with RCW 65.20.020(1) to land owned by the manufactured
6 home owner. The manufactured home shall be considered real property.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 65.20 RCW
8 to read as follows:

9 A title is not required for any owner of a new manufactured home
10 when the manufactured home is transported and affixed to land owned by
11 the manufactured home owner. The manufactured home shall be considered
12 real property.

13 **Sec. 4.** RCW 59.22.080 and 1991 c 327 s 1 are each amended to read
14 as follows:

15 (1) There is hereby imposed a fee of fifteen dollars on every
16 transfer of title issued pursuant to chapter 46.12 RCW on a new or used
17 mobile home where ownership of the mobile home is changed and on each
18 application for the elimination of title under chapter 65.20 RCW. A
19 transfer of title does not include the addition or deletion of a spouse
20 co-owner or a secured interest. A transfer of title does not include
21 the purchase of a new manufactured home that will be affixed to land
22 owned by the manufactured home owner. The department of licensing or
23 its agents shall collect the fee when processing the application for
24 transfer or elimination of title. The fee collected under this section
25 shall be forwarded to the state treasurer. The state treasurer shall
26 deposit each fee collected in the mobile home affairs account created
27 by RCW 59.22.070.

28 (2) The department of licensing and the state treasurer may enact
29 any rules necessary to carry out this section.

30 **Sec. 5.** RCW 65.20.030 and 1989 c 343 s 3 are each amended to read
31 as follows:

32 When a manufactured home is sold or transferred on or after March
33 1, 1990, and when all ownership in the manufactured home is transferred
34 through the sale or other transfer of the manufactured home to new
35 owners, the manufactured home shall be real property when the new
36 owners eliminate the title pursuant to this chapter. The manufactured

1 home shall not be real property in any form, including fixture law,
2 unless the title is eliminated under this chapter, or no title is
3 issued in accordance with section 3 of this act. Where any person who
4 owned a used manufactured home on March 1, 1990, continues to own the
5 manufactured home on or after March 1, 1990, the interests and rights
6 of owners, secured parties, lienholders, and others in the manufactured
7 home shall be based on the law prior to March 1, 1990, except where the
8 owner voluntarily eliminates the title to the manufactured home by
9 complying with this chapter. If the title to the manufactured home is
10 eliminated under this chapter, or no title is issued in accordance with
11 section 3 of this act, the manufactured home shall be treated the same
12 as a site-built structure and ownership shall be based on ownership of
13 the real property through real property law. If the title to the
14 manufactured home has not been eliminated under this chapter, ownership
15 shall be based on chapter 46.12 RCW.

16 For purposes of perfecting and realizing upon security interests,
17 manufactured homes shall always be treated as follows: (1) If the
18 title has not been eliminated under this chapter, security interests in
19 the manufactured home shall be perfected only under chapter 46.12 RCW
20 and the lien shall be treated as securing personal property for
21 purposes of realizing upon the security interest. If the manufactured
22 home is attached to land owned by the homeowner and the secured party
23 seeks to remove the home pursuant to a contract, the secured party is
24 liable for damage to the land to the extent the secured party would be
25 liable if the manufactured home was a fixture under chapter 62A.9 RCW;
26 or (2) if the title has been eliminated under this chapter or no title
27 was issued in accordance with section 3 of this act, a separate
28 security interest in the manufactured home shall not exist, and the
29 manufactured home shall only be secured as part of the real property
30 through a mortgage, deed of trust, or real estate contract.

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