

By: Representative Green

To: Ways and Means

## HOUSE BILL NO. 992

1 AN ACT TO AMEND SECTION 27-53-15, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE FEE CHARGED BY THE CHANCERY CLERK TO CLASSIFY A  
3 MANUFACTURED OR MOBILE HOME AS REAL PROPERTY; AND FOR RELATED  
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 27-53-15, Mississippi Code of 1972, is  
7 amended as follows:

8 27-53-15. The manufactured homeowner or mobile homeowner who  
9 owns the land on which the manufactured home or mobile home is  
10 located shall have the option at the time of registration of  
11 declaring whether the manufactured home or mobile home shall be  
12 classified as personal or real property. If the manufactured home  
13 or mobile home is to be classified as real property, then the  
14 wheels and axles must be removed and it must be anchored and  
15 blocked in accordance with the rules and procedures promulgated by  
16 the Commissioner of Insurance of the State of Mississippi. After  
17 the wheels and axles have been removed and the manufactured home  
18 or mobile home has been anchored and blocked in accordance with  
19 such rules and procedures, the manufactured home or mobile home  
20 shall be considered to have been affixed to a permanent  
21 foundation. The county tax assessor shall then enter the  
22 manufactured home or mobile home on the land rolls and tax it as  
23 real property on the land on which it is located from the date of  
24 registration. At such time, the county tax assessor shall issue a  
25 certificate certifying that the manufactured home or mobile home  
26 has been classified as real property. Such certificate shall  
27 contain the name of the owner of the manufactured home or mobile  
28 home, the name of the manufacturer, the model, the serial number

29 and the legal description of the real property on which the  
30 manufactured home or mobile home is located. The county tax  
31 assessor shall cause such certificate to be filed in the land  
32 records of the county in which the property is situated. After  
33 filing, the chancery clerk shall forward the certificate to the  
34 owner. For issuance of the certificate, a fee of Twenty Dollars  
35 (\$20.00) shall be collected by the county tax assessor, Ten  
36 Dollars (\$10.00) of which shall be retained by the assessor and  
37 Ten Dollars (\$10.00) of which shall be forwarded to the chancery  
38 clerk for filing the certificate. Upon the filing of the  
39 certificate in the land records, the manufactured home or mobile  
40 home shall then be considered real property for purposes of ad  
41 valorem taxation. The filing of such a certificate shall not  
42 affect the validity or priority of any existing perfected lien.  
43 If a manufactured home or mobile home is classified as real  
44 property and no certificate of title was required to be issued or  
45 issued for such property pursuant to Chapter 21, Title 63,  
46 Mississippi Code of 1972, a security interest may be obtained  
47 therein through the use of a mortgage or deed of trust describing  
48 both the manufactured home or mobile home and the land on which  
49 the manufactured home or mobile home is located. For a  
50 manufactured home or mobile home classified as personal property  
51 for which no certificate of title was required to be issued or  
52 issued pursuant to the provisions of Chapter 21, Title 63,  
53 Mississippi Code of 1972, the perfection of a security interest  
54 therein shall be governed by the provisions of Chapter 9, Title  
55 75, Mississippi Code of 1972. Regardless of whether a  
56 manufactured home or mobile home for which a certificate of title  
57 was required to be issued or issued pursuant to the provisions of  
58 Chapter 21, Title 63, Mississippi Code of 1972, is classified as  
59 real property or is classified as personal property, the  
60 perfection of a security interest therein shall be governed by the  
61 provisions of Chapter 21, Title 63, Mississippi Code of 1972. A

62 manufactured home or mobile home that has been classified as  
63 personal property may be reclassified as real property at the  
64 option of its owner if the owner obtains a certification from the  
65 tax assessor as provided in this section. Conversely, a  
66 manufactured home or mobile home that has been classified as real  
67 property may be reclassified for purposes of ad valorem taxation  
68 as personal property at the option of its owner if there is no  
69 lien against it and if the owner notifies the county tax assessor  
70 to reassess it and have the county tax collector enter it upon the  
71 manufactured home rolls. Upon a request for reclassification, if  
72 no certificate of title was required to be issued or issued for  
73 the manufactured home or mobile home, there must be no lien  
74 against it and the property owner shall present proof satisfactory  
75 to the tax assessor that there are no liens outstanding on the  
76 property. If there is a lien against the manufactured home or  
77 mobile home, the county tax assessor shall refuse to allow the  
78 county tax collector to reclassify it as personal property until  
79 the lien has been released. If a certificate of title as provided  
80 in Chapter 21, Title 63, Mississippi Code of 1972, has been  
81 issued, the manufactured home or mobile home may be reclassified  
82 for ad valorem taxation purposes regardless of whether a lien  
83 exists on the certificate of title. Upon such request, the tax  
84 assessor may issue a certificate cancelling the classification of  
85 the manufactured home or mobile home as real property and cause  
86 such certification to be filed in the land records of the county  
87 in which the property is situated. For issuance of the  
88 certificate, a fee of Twelve Dollars (\$12.00) shall be collected  
89 by the county tax assessor, Ten Dollars (\$10.00) of which shall be  
90 retained by the assessor and Two Dollars (\$2.00) of which shall be  
91 forwarded to the chancery clerk for filing the certificate.

92       **SECTION 2.** The Attorney General of the State of Mississippi  
93 shall submit this act, immediately upon approval by the Governor,  
94 or upon approval by the Legislature subsequent to a veto, to the

95 Attorney General of the United States or to the United States  
96 District Court for the District of Columbia in accordance with the  
97 provisions of the Voting Rights Act of 1965, as amended and  
98 extended.

99       **SECTION 3.** This act shall take effect and be in force from  
100 and after the date it is effectuated under Section 5 of the Voting  
101 Rights Act of 1965, as amended and extended.