

Fifty-seventh  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1294

Introduced by

Representatives Clark, Carlson

Senator Wardner

1 A BILL for an Act to create and enact a new section to chapter 57-55 of the North Dakota  
2 Century Code, relating to documentation of taxes paid for transfer of title to a mobile home; and  
3 to amend and reenact sections 39-18-03, 39-22-12, and subsection 2 of section 57-55-11 of the  
4 North Dakota Century Code, relating to documentation of taxes paid for transfer of title to a  
5 mobile home, an exemption from the motor vehicle dealer licensing law for house car dealers,  
6 manufacturers, and distributors, and moving permits for mobile homes.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** Section 39-18-03 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **39-18-03. Titling and licensing of mobile homes, housetrailers, and travel trailers**  
11 **- License fee.** The owner of a travel trailer, housetrailer, or mobile home, who sells or  
12 transfers the title to such vehicle shall endorse an assignment and warranty of title upon the  
13 certificate of title for such vehicle, along with a statement as to whether there are liens or  
14 encumbrances thereon. The owner shall deliver the certificate of title to the purchaser within  
15 fifteen days after such sale if title passes to the purchaser. If the legal title does not pass to the  
16 purchaser under the contract for sale of the vehicle, the legal title owner shall endorse thereon  
17 a statement that the owner holds the lien, the date thereof, and the name of the purchaser, and  
18 shall send the certificate of title to the department with an application of the purchaser for a new  
19 certificate of title showing the name of the legal owner, the registered owner, the date of the lien  
20 of the legal owner, which certificate of title when issued must be returned by the department to  
21 the legal title owner; who shall retain the same in the owner's possession until the terms of the  
22 contract are complied with by the purchaser, and thereupon, after showing that the lien has  
23 been paid and satisfied the owner shall deliver the certificate of title properly assigned to the  
24 purchaser. The purchaser or transferee shall present the endorsed and assigned certificate to

the department, within thirty days after the receipt thereof, accompanied by a transfer fee of five dollars, and shall make an application for and obtain a new certificate of title for such vehicle. The application for transfer of title must include documentation as required in section 3 of this Act or a new certificate of title may not be issued. A penalty of not more than ten dollars may be imposed by the director for failure to present the certificate of title to the department as required by this section. Except when transported by a drive-away transporter duly registered and licensed under the laws of this state, no person may haul a mobile home, housetrailer, or travel trailer unless the same is first registered with and titled by the department, a certificate of title has been issued, and it displays a number plate issued by and under such regulations as the director may prescribe. The annual fee for such licensing is twenty dollars for mobile homes and housetrailer and twenty dollars for travel trailers.

The registration required hereunder must be on a calendar-year basis.

If such mobile home, housetrailer, or travel trailer enters the state carrying the current number plate of another state, no number plates may be required by the state of North Dakota for a period of thirty days.

The annual license fee provided for in this section does not preclude the taxation of certain mobile homes pursuant to chapter 57-55.

If such mobile home, housetrailer, or travel trailer remains stationary or parked within the state of North Dakota for a period of one year, no license may be required for that year, provided that nothing in this chapter permits the use of a dealer's plate on such mobile home, housetrailer, or travel trailer after the same has been sold by the dealer to whom such plate was issued.

**SECTION 2. AMENDMENT.** Section 39-22-12 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-12. Officers to administer chapter - House car dealer, manufacturer, and distributor exemption.** The director and any duly authorized representative shall be responsible for the administration of ~~the provisions of this chapter.~~ This chapter does not apply to house car dealers, manufacturers, and distributors.

**SECTION 3.** A new section to chapter 57-55 of the North Dakota Century Code is created and enacted as follows:

1           **Documentation of taxes paid for purposes of transfer of title - Limitation on tax**  
2 **liability of bona fide new owner.** Before the title to a mobile home is sent to the motor vehicle  
3 department for transfer, the county director of tax equalization shall verify on the title that all  
4 delinquent and current taxes due on the mobile home being transferred have been paid or that  
5 the bona fide new owner does not have any unpaid tax obligation on the mobile home. This  
6 section applies to all mobile homes except mobile homes entering and being registered in this  
7 state for the first time and all mobile homes sold by a licensed mobile home dealer, provided  
8 that for a used mobile home sale the dealer signs a statement that the used mobile home was  
9 on the dealer's sales lot at the time of sale. A bona fide new owner of a mobile home for which  
10 verification of tax payment is required by this section is not liable for more than the tax levied  
11 upon the mobile home for the current year and the most recent preceding year for which the  
12 obligation accrued against a previous owner of the mobile home. For purposes of this section,  
13 "bona fide new owner" does not include a person who acquired ownership from the previous  
14 owner in a manner that shows an intent to evade a tax obligation on the mobile home.

15           **SECTION 4. AMENDMENT.** Subsection 2 of section 57-55-11 of the North Dakota  
16 Century Code is amended and reenacted as follows:

- 17           2. Before a mobile home is moved from its existing location, a moving permit must be  
18           obtained by the owner from the county director of tax equalization indicating that all  
19           taxes, penalties, and interest levied against the owner of the mobile home have  
20           been paid. A mobile home moving permit may not be denied to the bona fide new  
21           owner of a mobile home who has no unpaid tax obligation on the mobile home  
22           under section 3 of this Act. While the mobile home is being transported, the  
23           moving permit must be displayed on the rear of the mobile home. Any person who  
24           violates this provision is guilty of an infraction, for which a fine of no less than one  
25           hundred dollars and no more than five hundred dollars may be imposed.