

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

HOUSE BILL NO. 1250
(Representatives Oban, Carlisle)
(Senators B. Stenejem, Mutzenberger)

AN ACT to amend and reenact section 47-06-04.1 of the North Dakota Century Code, relating to the maintenance responsibilities of mobile home storm shelter owners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 47-06-04.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

47-06-04.1. Mobile home storm shelters - Placement and transfer of ownership.

1. Upon approval of the mobile home park owner, the owner of a mobile home located in the park may construct a storm shelter in the mobile home park. The approval ~~shall~~ must be in writing and ~~shall set forth~~ must include the type, location, and use of the shelter, and ~~shall also include~~ an agreement between the park owner and the mobile home owner concerning ownership and maintenance of the shelter.
2. Notwithstanding section 47-06-04, the agreement between the owner of the mobile home and the park owner ~~shall~~ must provide that the owner of the mobile home is the owner of the shelter and may remove the shelter provided the land is returned to its original condition during any time that person owns the mobile home.
3. The shelter owner may ~~also~~ transfer ownership of the shelter to either a person who purchases the mobile home or to the mobile home park owner. The transfer must be in writing; must include the type, location, and use of the shelter; must include the maintenance responsibilities of the parties; and must be signed by both parties. If a mobile home owner transfers the shelter to a purchaser of the mobile home, the terms of the transfer must be the same as the terms of the agreement between the park owner and the mobile home owner required under subsection 1.
 - a. If a suitable price cannot be agreed upon with the mobile home park owner, the shelter owner is deemed to have transferred the ownership and maintenance responsibilities of the shelter to the park owner without cost, unless the shelter is removed or the shelter is transferred to a purchaser of the mobile home as provided in this section.
 - b. If the park owner is unwilling to assume ownership of the shelter, ~~he~~ the park owner may require the mobile home owner to remove the shelter and return the land to its original condition.
4. The park owner ~~shall~~ is not be liable for any injury or damages ~~which~~ that may occur to the mobile home owner as a result of the installation or use of the mobile home storm shelter.
5. All shelters must meet with the approval of local governing bodies.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1250.

House Vote: Yeas 92 Nays 0 Absent 6

Senate Vote: Yeas 47 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State