

## **CHAPTER 57-55 MOBILE HOMES TAXES**

### **57-55-01. Definition.**

For the purposes of this chapter, "mobile home" means a structure, either single or multisectional, which is built on a permanent chassis, ordinarily designed for human living quarters, either on a temporary or permanent basis, owned or used as a residence or place of business of the owner or occupant, which is either attached to utility services or is twenty-seven feet [8.23 meters] or more in length, and includes a manufactured home as defined in section 41-09-02 other than a manufactured home with respect to which the requirements of subsections 1 through 3 of section 39-05-35, as applicable, have been satisfied. For purposes of this chapter, "utility services" means services purchased by the occupant from a utility company under the jurisdiction of the public service commission, a rural electric cooperative, or a political subdivision of the state.

### **57-55-01.1. Taxation and tax permits for mobile homes.**

The owner of each mobile home is subject to taxes as determined under this chapter and shall file an application for a mobile home tax permit with the director of tax equalization in the county in which the mobile home is located within ten days after the mobile home is acquired, moved, or first brought into this state. Application must be made on forms approved by the tax commissioner and furnished by the county director of tax equalization and must contain the necessary information to carry out the provisions of this chapter. A mobile home tax permit may not be issued unless the owner pays the tax and any penalties in full to the county treasurer. Upon payment of the tax, a mobile home tax permit must be issued to the owner of the mobile home. The tax permit is valid throughout the state for the mobile home during the period for which it was issued.

### **57-55-01.2. Statements of full consideration to be filed with application for title to mobile homes - Sales ratio study - Penalty.**

Any person who has purchased a mobile home and is applying for a title under section 39-18-03 shall present, with the application, a certified statement of the full consideration paid for the mobile home. The director of the department of transportation may not issue a certificate of title to the mobile home until the certified statement is received. The director of the department of transportation shall accumulate and at least monthly forward to the state board of equalization a report containing the information filed in the director's office pursuant to this section. The state board of equalization shall prescribe the necessary forms for the statements and reports to be used in carrying out the purposes of this section, and the forms must contain a space for the explanation of special circumstances which may have contributed to the amount of the consideration. The state board of equalization shall furnish this information to the state tax commissioner who shall conduct a sales ratio study to determine the proper assessment values of mobile homes under this chapter. Any person who, in the statement provided for in this section, willfully falsifies the consideration paid for the transferred mobile home is guilty of a class B misdemeanor.

### **57-55-02. Application for taxing - Form - Contents.**

Repealed by S.L. 1995, ch. 582, § 2.

### **57-55-03. When taxes become due and delinquent - Penalty.**

1. a. The tax imposed in this chapter is due and payable on January tenth of each year or ten days after the mobile home is purchased or first moved into this state. If the tax due for the entire year is paid in full by February fifteenth, the county treasurer shall allow a five percent discount.
- b. If the tax imposed by this chapter is paid in full within thirty days after the mobile home is purchased or moved into this state, the county treasurer shall allow a five percent discount. However, if the tax is not paid within forty days it is subject to a

penalty and interest. The penalty is one percent of the tax. The interest is one-half percent of the tax for each full and fractional month of delay.

2. Except as provided in subdivision b of subsection 1, the tax imposed by this chapter may be paid in two equal installments if the amount of the tax due is forty dollars or more. The first installment is due on January tenth and becomes delinquent on March first and is then subject to a penalty of two percent, and on April first an additional penalty of two percent, and on May first an additional penalty of two percent, and on June first an additional penalty of two percent. The second installment is due June first and is delinquent on July first and is then subject to a penalty of two percent, and on August first an additional penalty of two percent, and on September first an additional penalty of two percent, and on October first an additional penalty of two percent. If any tax remains due after January first of the next year, interest is due at the monthly rate of one-half percent of the tax due for each month or fraction of a month until the tax and penalties have been paid in full.

#### **57-55-04. Taxes - How determined - Disbursement.**

The director of tax equalization shall determine the tax for each mobile home by placing an evaluation on the mobile home based upon its assessed value and by adjusting the valuation of the mobile home by the percentage provided in section 57-02-27 to determine its taxable valuation under standards and guides determined by the state tax commissioner and applying that evaluation to the preceding year's total mill levies applying to property within the taxing district in which the mobile home is located. The county treasurer shall provide a tax statement for each mobile home subject to taxation under this chapter, including three columns showing, for the taxable year to which the tax statement applies and the two immediately preceding taxable years, the property tax levy in dollars against the mobile home by the county and school district and any city or township that levied taxes against the mobile home. If a mobile home is acquired or moved into this state during the calendar year and a tax permit has not been previously issued for such mobile home in this state for such year, the tax is determined by computing the remaining number of months of the current year to the nearest full month and multiplying that number by one-twelfth of the amount which would be due for the full year. The taxes collected under this chapter must be disbursed in the same year they are collected and in the same manner as real estate taxes for the preceding year are disbursed.

#### **57-55-04.1. Procedure for abatement, refund, or compromise of tax.**

Any person having any estate, right, title, or interest in or lien upon any mobile home which has been assessed for taxation purposes pursuant to this chapter may apply for abatement, refund, or compromise, as the case may be, pursuant to chapter 57-23. The application must be made in writing on the form prescribed by the tax commissioner and must be filed in triplicate with the county auditor of the county where the mobile home was assessed. The county auditor shall promptly serve the county director of tax equalization with one copy of the application. The abatement or compromise must be granted by the county commissioners if the facts upon which the application is based establish that the assessment contains error, or that the value placed upon the mobile home by the county director of tax equalization was excessive, or that the mobile home is exempt from taxation pursuant to section 57-55-10. The decision of the county commissioners may be appealed in the manner provided by law.

#### **57-55-05. Taxes in lieu of other property taxes.**

The taxes provided for in this chapter are in lieu of all property taxes upon such mobile homes for the calendar year for which the tax permit is valid. However, such taxes may in no way be construed as exempting any mobile home owner from the requirements of registering such mobile home with the director of the department of transportation or securing license plates entitling such mobile home to be hauled upon the state's highways pursuant to section 39-18-03.

**57-55-06. Tax permits - Form.**

The tax permit must be of a size and design specified by the state tax commissioner. The director of tax equalization shall order sufficient permits for the county, and the costs of such permits must be paid by the county.

**57-55-07. Failure to apply for permit - Illegal use of permit - Penalty.**

Any person who fails to make application pursuant to the provisions of this chapter, or who uses or allows to be used a tax permit of any mobile home taxed pursuant to the provisions of this chapter for any purpose other than the purpose for which it was issued, is guilty of a class B misdemeanor.

**57-55-08. Duty of mobile home park operators and licensed mobile home dealers - Penalty.**

It is the duty of the owner, operator, or manager of each mobile home park or lot, or any mobile home dealer to display in that person's office, in a conspicuous place, a notice listing the provisions and requirements of this chapter. Such notice must be subscribed by the state tax commissioner and must be furnished by the director of tax equalization of the county in which the owner, operator, or manager of the mobile home park or lot, or mobile home dealer, resides. It is the duty of the owner, operator, or manager of each mobile home park or lot to make a quarterly written report on or before the fifteenth day following the last day of each calendar quarter to the director of tax equalization of such county. Such report must list the number of mobile homes; the name of the owner of each mobile home which is located within each lot in the mobile home park; the name of the owner of each mobile home which has been moved into, out of, or within the mobile home park; the name of the owner of each mobile home which occupies more than one lot; and the lots which are vacant. In addition, the quarterly report must provide the name and date of arrival or departure of each mobile home which has been moved since the time of the last quarterly report. Any person who fails to make a report as required by this section is guilty of an infraction.

**57-55-09. Rules and regulations.**

The state tax commissioner may make any rules and regulations that are necessary to carry out the provisions of this chapter.

**57-55-10. Exemptions - Exceptions.**

1. A mobile home described in this subsection to the extent herein limited is exempt from taxation under this chapter; provided, that the mobile home shall have a tax permit as provided in section 57-55-06:
  - a. If it is owned and used as living quarters of a military person on active military duty in this state who is a resident of another state.
  - b. If it is owned and occupied by a welfare recipient, provided the mobile home is not permanently attached to the land and classified as real property. For the purposes of this subdivision, "welfare recipient" means any person who is certified to the county director of tax equalization by the human service zone as receiving the major portion of income from any state or federal public assistance program.
  - c. If it is owned and used as living quarters by a disabled veteran or unremarried surviving spouse who meets the requirements of subsection 20 of section 57-02-08 or section 57-02-08.8.
  - d. If it is owned and used as living quarters by a permanently and totally disabled person or unremarried surviving spouse who meets the requirements of subsection 20 of section 57-02-08.
  - e. If it is owned and used as the living quarters for a blind person who meets the requirements of subsection 22 of section 57-02-08.
  - f. If it is owned and used by a person who uses it as living quarters and who qualifies for the homestead credit provided in section 57-02-08.1, and the mobile

home shall be regarded for the purposes of this exemption as the homestead of the person claiming the exemption.

2. This chapter does not apply to a mobile home that:
  - a. Is used only for the temporary living quarters of the owner or other occupant while the person is engaged in recreational or vacation activities, provided the unit:
    - (1) Displays a current travel trailer license; or
    - (2) Is a park model trailer that is used only for seasonal or recreational living quarters and not as a primary residence, and which is located in a trailer park or campground, and for which the owner has paid a park model trailer fee under section 39-18-03.2. For purposes of this paragraph, "park model" trailer means a recreational vehicle not exceeding forty feet [12.19 meters] in length which is primarily designed to provide temporary living quarters for recreation, camping, or seasonal use, is built on a single chassis, is mounted on wheels, has a gross trailer area not exceeding four hundred square feet [37.16 square meters] of enclosed living space in the setup mode, and is certified by the manufacturer as complying with American national standards institute standard A119.5.
  - b. Qualifies as a farm residence as described by subsection 15 of section 57-02-08, provided such mobile home is permanently attached to a foundation.
  - c. Is permanently attached to a foundation and is assessed as real property, provided the owner of such mobile home also owns the land on which such mobile home is located or is in possession of the real property under the terms of a lease in recordable form which has a term that continues for at least twenty years after the date of execution with the consent of the lessor of the real property.
  - d. Is owned by a licensed mobile home dealer who holds such mobile home solely for the purpose of resale, and provided that such mobile home is not used as living quarters or as the place for the conducting of any business.

#### **57-55-11. Collection - Enforcement - Penalty.**

1. The director of tax equalization shall make an inspection of each mobile home park, lot, or other place in which mobile homes are located, for the purpose of determining whether the provisions of this chapter are being complied with. If the director determines that any person is not complying with the provisions of this chapter, the director shall give such person a warning that if such person fails to comply within ten days after the issuance of such warning, the director of tax equalization may begin civil action against such person. In the alternative, if the director of tax equalization determines that there are mobile homes in the director's county belonging to transients or nonresidents who have failed to comply with the provisions of this chapter, and in the director's opinion the taxes will be uncollectible if immediate action is not taken, the director shall notify the county sheriff. The county sheriff shall immediately, and in no event later than five days after receiving such notification, commence proceedings as provided by law to collect the taxes, penalties, and interest, if any, which are due.
2. Before a mobile home is moved from its existing location, a moving permit must be obtained by the owner from the county director of tax equalization indicating that all taxes, penalties, and interest levied against the mobile home have been paid. While the mobile home is being transported, the moving permit must be displayed on the rear of the mobile home. Any person who violates this provision is guilty of an infraction, for which a fine of no less than one hundred dollars and no more than five hundred dollars may be imposed.

#### **57-55-12. Refunds.**

1. The owner of any mobile home who has paid, through mistake or otherwise, a greater amount of tax or penalty and interest than was justly due may apply for an abatement or refund under chapter 57-23 and a refund of the unjust portion paid. The county

auditor and treasurer shall charge all refunds against the taxing districts to which the collection was credited.

2. If the owner of a mobile home has paid the full amount of taxes due under this chapter and thereafter during the current year such mobile home has been demolished or destroyed beyond repair by fire, windstorm, or flood, the owner is entitled to a refund under subsection 1.