

SB040\_L.001

## SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee\_\_\_\_\_  
DateCommittee on Business, Labor and Technology.

After consideration on the merits, the Committee recommends the following:

SB09-040 be amended as follows:

1 Amend printed bill, page 4, line 6, strike "who desires or" and substitute  
2 "~~who desires or~~".

3 Page 5, line 8, strike "DESIRES OR WHO";

4 after line 18, insert the following:

5           "(3) (a) IN ANY CASE IN WHICH THE MANUFACTURED HOME WAS  
6 AFFIXED TO THE GROUND AFTER JULY 1, 2008, AND A CERTIFICATE OF  
7 PERMANENT LOCATION WAS FILED AND RECORDED, A PERSON WHO IS  
8 ENTITLED TO A CERTIFICATE OF TITLE TO A MANUFACTURED HOME SHALL  
9 MAKE FORMAL APPLICATION TO THE DIRECTOR UPON A FORM PROVIDED BY  
10 THE DIRECTOR. AS PART OF THE APPLICATION, IN ADDITION TO ANY  
11 INFORMATION REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION,  
12 THE APPLICANT SHALL PROVIDE A COPY OF THE RECORDED CERTIFICATE OF  
13 PERMANENT LOCATION, A CERTIFICATE OF REMOVAL, A STATEMENT THAT  
14 THE IDENTIFICATION NUMBER HAS BEEN VERIFIED PURSUANT TO SECTION  
15 38-29-122 (3) (a), AND A COPY OF ALL DEEDS RECORDED SINCE THE HOME  
16 WAS AFFIXED TO THE GROUND. THE DIRECTOR SHALL ACCEPT THESE  
17 DOCUMENTS AS SUFFICIENT EVIDENCE OF THE APPLICANT'S PROOF OF  
18 OWNERSHIP OF THE MANUFACTURED HOME.

19           (b) IN ANY CASE IN WHICH A MANUFACTURED HOME OCCUPIES  
20 REAL PROPERTY SUBJECT TO A LONG-TERM LEASE THAT HAS AN EXPRESS  
21 TERM OF AT LEAST TEN YEARS, THE MANUFACTURED HOME WAS AFFIXED  
22 TO THE GROUND AFTER JULY 1, 2008, AND A CERTIFICATE OF PERMANENT

1 LOCATION WAS FILED AND RECORDED, A PERSON WHO IS ENTITLED TO A  
2 CERTIFICATE OF TITLE TO A MANUFACTURED HOME SHALL MAKE FORMAL  
3 APPLICATION TO THE DIRECTOR UPON A FORM PROVIDED BY THE DIRECTOR.  
4 AS PART OF THE APPLICATION, IN ADDITION TO ANY INFORMATION  
5 REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE APPLICANT  
6 SHALL PROVIDE A COPY OF THE RECORDED CERTIFICATE OF PERMANENT  
7 LOCATION, A STATEMENT THAT THE IDENTIFICATION NUMBER HAS BEEN  
8 VERIFIED PURSUANT TO SECTION 38-29-122 (3) (a), AND A COPY OF THE  
9 RECORDED LONG-TERM LEASE. THE DIRECTOR SHALL ACCEPT THESE  
10 DOCUMENTS AS SUFFICIENT EVIDENCE OF THE APPLICANT'S PROOF OF  
11 OWNERSHIP OF THE MANUFACTURED HOME."

12 Page 12, strike lines 2 through 4 and substitute the following:

13 "SECTION 9. 38-29-202 (1) (b), (1) (c), (2) (i), and (2) (l),  
14 Colorado Revised Statutes, are amended, and the said 38-29-202 (2) is  
15 further amended BY THE ADDITION OF A NEW PARAGRAPH, to  
16 read:

17 **38-29-202. Certificate of permanent location.** (1) (b) If the  
18 certificate of permanent location accompanies an application for purging  
19 a manufactured home title pursuant to section 38-29-112 (1.5) or  
20 38-29-118 (2), the certificate shall be filed with the authorized agent for  
21 the county or city and county in which the manufactured home is located.  
22 FOR A MANUFACTURED HOME THAT OCCUPIES REAL PROPERTY SUBJECT TO  
23 A LONG-TERM LEASE THAT HAS AN EXPRESS TERM OF AT LEAST TEN YEARS,  
24 A COPY OF THE LEASE SHALL BE FILED ALONG WITH THE CERTIFICATE. The  
25 authorized agent, in his or her capacity as the clerk and recorder, shall file  
26 and record the certificate of permanent location AND, IF APPLICABLE, THE  
27 COPY OF THE LONG-TERM LEASE in his or her office.

28 (c) If the certificate of permanent location is received in  
29 accordance with section 38-29-114 (2) or 38-29-117 (6), the certificate  
30 shall be filed with the clerk and recorder for the county or city and county  
31 in which the manufactured home is located. FOR A MANUFACTURED HOME  
32 THAT OCCUPIES REAL PROPERTY SUBJECT TO A LONG-TERM LEASE THAT  
33 HAS AN EXPRESS TERM OF AT LEAST TEN YEARS, A COPY OF THE LEASE  
34 SHALL BE FILED ALONG WITH THE CERTIFICATE. The clerk and recorder  
35 shall file and record the certificate of permanent location, a copy of the  
36 bill of sale, and a copy of the manufacturer's certificate or statement of  
37 origin or its equivalent, AND, IF APPLICABLE, THE COPY OF THE LONG-TERM



1 LEASE in his or her office and destroy the original manufacturer's  
2 certificate or statement of origin or its equivalent.

3 (2) The property";

4 after line 12 insert the following:

5 "(1) An affirmative statement of relinquishment of all rights in the  
6 manufactured home by any owner on the certificate of title of the  
7 manufactured home who is not also an owner of the real property to  
8 which the manufactured home is to be affixed or permanently located.  
9 ~~and~~ THE PROVISIONS OF THIS PARAGRAPH (1) SHALL NOT APPLY TO ANY  
10 MANUFACTURED HOME THAT OCCUPIES REAL PROPERTY SUBJECT TO A  
11 LONG-TERM LEASE THAT HAS AN EXPRESS TERM OF AT LEAST TEN YEARS.

12 (1.5) FOR ANY MANUFACTURED HOME THAT OCCUPIES REAL  
13 PROPERTY SUBJECT TO A LONG-TERM LEASE THAT HAS AN EXPRESS TERM  
14 OF AT LEAST TEN YEARS, AN AFFIRMATIVE STATEMENT THAT ALL OWNERS  
15 OF THE REAL PROPERTY AND THE MANUFACTURED HOME CONSENT TO THE  
16 AFFIXATION OF THE MANUFACTURED HOME TO THE REAL PROPERTY AND  
17 AN ACKNOWLEDGMENT THAT, UPON SUCH AFFIXATION AND UPON THE  
18 FILING AND RECORDING OF THE CERTIFICATE OF PERMANENT LOCATION,  
19 THE MANUFACTURED HOME WILL BECOME A PART OF THE REAL PROPERTY,  
20 SUBJECT TO THE REVERSION OF THE MANUFACTURED HOME TO THE  
21 OWNERS OF THE HOME UPON TERMINATION OF THE LONG-TERM LEASE;  
22 AND".

23 Page 14, strike lines 9 and 10 and substitute the following:

24 "SECTION 12. 39-1-102 (7.8), (8), and (14.3), Colorado Revised  
25 Statutes, are amended, and the said 39-1-102 is further amended BY THE  
26 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:";

27 after line 12, insert the following:

28 "(7.7) "LIVESTOCK" INCLUDES ALL ANIMALS.

29 (7.8) ~~"Livestock" includes all animals.~~ "MANUFACTURED HOME"  
30 MEANS ANY PRECONSTRUCTED BUILDING UNIT OR COMBINATION OF  
31 PRECONSTRUCTED BUILDING UNITS THAT:

1 (a) INCLUDES ELECTRICAL, MECHANICAL, OR PLUMBING SERVICES  
2 THAT ARE FABRICATED, FORMED, OR ASSEMBLED AT A LOCATION OTHER  
3 THAN THE RESIDENTIAL SITE OF THE COMPLETED HOME;

4 (b) IS DESIGNED AND USED FOR RESIDENTIAL OCCUPANCY IN  
5 EITHER TEMPORARY OR PERMANENT LOCATIONS;

6 (c) IS CONSTRUCTED IN COMPLIANCE WITH THE "NATIONAL  
7 MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT  
8 OF 1974", 42 U.S.C. SEC. 5401 ET SEQ., AS AMENDED;

9 (d) DOES NOT HAVE MOTIVE POWER;

10 (e) IS NOT LICENSED AS A VEHICLE; AND

11 (f) IS ELIGIBLE FOR A CERTIFICATE OF TITLE PURSUANT TO PART 1  
12 OF ARTICLE 29 OF TITLE 38, C.R.S.

13 (8) "Mobile home" means a manufactured home ~~as defined in~~  
14 ~~section 42-1-102 (106) (b), C.R.S.~~ BUILT PRIOR TO THE ADOPTION OF THE  
15 "NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY  
16 STANDARDS ACT OF 1974", 42 U.S.C. SEC. 5401 ET SEQ., AS AMENDED.

17 (8.3) "MODULAR HOME" MEANS ANY PRECONSTRUCTED  
18 FACTORY-BUILT BUILDING THAT:

19 (a) IS INELIGIBLE FOR A CERTIFICATE OF TITLE PURSUANT TO PART  
20 1 OF ARTICLE 29 OF TITLE 38, C.R.S.;

21 (b) IS NOT CONSTRUCTED IN COMPLIANCE WITH THE "NATIONAL  
22 MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT  
23 OF 1974", 42 U.S.C. SEC. 5401 ET SEQ., AS AMENDED; AND

24 (c) IS CONSTRUCTED IN COMPLIANCE WITH BUILDING CODES  
25 ADOPTED BY THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL  
26 AFFAIRS.";

27 line 17, strike "mobile homes and";

28 strike lines 18 through 23 and insert the following:



1 ~~"mobile homes and manufactured homes as defined in section 42-1-102~~  
2 ~~(106) (b), C.R.S.~~ A MANUFACTURED HOME AS DEFINED IN SUBSECTION  
3 (7.8) OF THIS SECTION, A MOBILE HOME AS DEFINED IN SUBSECTION (8) OF  
4 THIS SECTION, AND A MODULAR HOME AS DEFINED IN SUBSECTION (8.3) OF  
5 THIS SECTION.

6 **SECTION 13.** 39-14-101 (1.5) and (4), Colorado Revised  
7 Statutes, are".

8 Page 15, after line 2, insert the following:

9 "(4) "Manufactured home" shall have the same meaning as set  
10 forth in ~~section 38-29-102 (6), C.R.S.~~ SECTION 39-1-102 (7.8).".

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