

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1549

Short Title: Property Tax Collection on Mobile Homes.

(Public)

Sponsors: Representative Brubaker.

Referred to: Finance.

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND PROPERTY TAX COLLECTION ON MOBILE HOMES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-316.1 reads as rewritten:

"§ 105-316.1. Tax permit required to move or repossess mobile home.

(a) In order to protect the local taxing units of this State against the nonpayment of ad valorem taxes on mobile homes, ~~it is hereby declared to be unlawful for any~~ a person other than a mobile home manufacturer or retailer to may not remove or cause to be removed any mobile home situated at a premises in this State without first obtaining a tax permit from the tax collector of the county in which the mobile home is situated. This section also applies to a person who takes possession of a mobile home, whether by judicial or nonjudicial authority, as a holder of a lien on the mobile home and who either moves the mobile home to another location or sells the mobile home on site. The tax permit shall be conspicuously displayed near the license tag on the rear of the mobile home at all times during its transportation. Permits required by G.S. 105-316.1 through 105-316.8 may be obtained at the office of the county tax collector during normal business hours.

(b) ~~Except as provided in G.S. 105-316.4, manufacturers, retailers and licensed carriers of mobile homes shall not be required to obtain the tax permits required by this section. Persons or firms transporting mobile homes shall, however, be responsible for seeing that a proper license tag, and when required under this section, a tax permit, are properly displayed thereon at all times during their transportation.~~ This section does not apply to a mobile home manufacturer or retailer who moves a mobile home from its factory or sales lot to a premises owned or leased by the purchaser of the mobile home."

SECTION 2. G.S. 105-316.2 reads as rewritten:

"§ 105-316.2. Requirements for obtaining permit.

(a) ~~In order to obtain the permits herein provided, persons other than manufacturers and retailers of mobile homes shall be required to (i) pay all taxes due to be paid by the owner to the county or to any other taxing unit therein; or (ii) show proof~~

1 the tax collector that no taxes are due to be paid; or (iii) demonstrate to the tax collector
2 that the removal of the mobile home will not jeopardize the collection of any taxes due
3 or to become due to the county or to any taxing unit therein.

4 (b) ~~In addition to complying with the provisions of subsection (a) above, owners~~
5 ~~of mobile homes required to obtain the permits herein provided~~Before moving a mobile
6 home, the owner of a mobile home must apply for a permit as required by
7 G.S. 105-316.1, and either pay all taxes due by the owner to the county and to any other
8 taxing unit in the county or show proof to the tax collector that no taxes are due to be
9 paid. The owner shall also furnish the following information to the tax collector:

- 10 (1) The name and address of the owner,
- 11 (2) The address or location of the premises from which the mobile home is
12 to be moved,
- 13 (3) The address or location of the place to which the mobile home is to be
14 moved, and
- 15 (4) The name and address of the carrier who is to transport the mobile
16 home.

17 (b) Before taking possession of a mobile home, the holder of a lien on the mobile
18 home must apply for a permit as required by G.S. 105-316.1 and either pay all taxes due
19 on the mobile home or show proof to the tax collector that no taxes are due to be paid
20 on the mobile home. The holder of the lien must also notify the tax collector of the
21 location in North Carolina to which the mobile home is to be taken or if the mobile
22 home will be sold on site."

23 **SECTION 3.** G.S. 105-316.3 reads as rewritten:

24 "**§ 105-316.3. Issuance of permits.**

25 (a) ~~Except as otherwise provided in G.S. 105-316.2 above, no~~No permit required
26 by G.S. 105-316.1 through 105-316.8 shall be issued by the tax collector unless and
27 until all taxes due to be paid by the owner to the county or to any other taxing unit
28 therein, either the owner or the repossession agent, including any penalties or interest
29 thereon, have been paid. Any taxes which have not yet been computed but which will
30 become due during the current calendar year shall be determined as in the case of
31 prepayments.

32 (b) Upon compliance with the provisions of G.S. 105-316.1 through 105-316.8,
33 the tax collector shall issue, without charge, a permit authorizing the removal or
34 repossession of the mobile home. ~~He~~The tax collector shall also maintain a record of all
35 permits issued.

36 (c) A permit issued under this section is valid for a period of 30 days; however,
37 the 30-day period may not extend beyond December 31 of the calendar year in which
38 the permit is issued."

39 **SECTION 4.** G.S. 105-316.4 is repealed.

40 **SECTION 5.** G.S. 105-316.5 reads as rewritten:

41 "**§ 105-316.5. Form of permit.**

42 The permit shall be in substantially the following form:

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44 **TAX PERMIT**

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County of _____ Permit Number _____

State of North Carolina Date of Issuance _____

Permission is hereby granted to: _____

(Name & address of ~~owner~~ owner or
repossessing agent)

(Name & address of carrier)

to remove the following described mobile home:

(Make, model, size, serial number, etc.)

From: _____

(Address)

To: _____

(Address)

This permit is issued in accordance with the provisions of G.S. 105-316.1 through G.S. 105-316.8 of the General Statutes of North Carolina.

(Signed) _____

Tax Collector
(or Deputy Tax Collector)

County of _____."

SECTION 6. Article 18 of Chapter 105 of the General Statutes is amended by adding a new section to read:

"§ 105-316.5A. Taxes levied on repossessed mobile homes.

Any person holding a lien on a mobile home, who repossesses the mobile home, must pay the property taxes levied on the mobile home before a new title may be issued depicting change of ownership."

SECTION 7. G.S. 105-316.6 reads as rewritten:

"§ 105-316.6. Penalties for violations.

(a) Any person required by G.S. 105-316.1 through 105-316.8 to obtain a tax permit and to pay taxes who fails to do so or who fails to properly display ~~same~~ the permit shall be guilty of a Class 3 misdemeanor. This penalty shall be in addition to any penalties imposed for failure to list property for taxation and interest for failure to pay taxes provided by the general laws of this State.

(b) Any ~~manufacturer or retailer of mobile homes~~ person who aids or abets any ~~owner~~ person covered by G.S. 105-316.1 through 105-316.8 to defeat in any manner the purpose of G.S. 105-316.1 through 105-316.8 shall be guilty of a Class 3 misdemeanor.

(c) Any person who transports a mobile home from a location in this State for an owner other than a manufacturer or retailer of mobile homes without having properly displayed thereon the tax permit required by G.S. 105-316.1 through 105-316.8 shall be guilty of a Class 3 misdemeanor.

1 (d) Any law-enforcement officer of this State who apprehends any person
2 violating the provisions of G.S. 105-316.1 through 105-316.8 shall detain such person
3 and mobile home until satisfactory arrangements have been made to meet the
4 requirements of G.S. 105-316.1 through 105-316.8."

5 **SECTION 8.** G.S. 105-355 reads as rewritten:

6 "**§ 105-355. Creation of tax lien; date as of which lien attaches.**

7 (a) Lien on Real Property. – Regardless of the time at which liability for a tax for
8 a given fiscal year may arise or the exact amount thereof be determined, the lien for
9 taxes levied on a parcel of real property shall attach to the parcel taxed on the date as of
10 which property is to be listed under G.S. 105-285, and the lien for taxes levied on
11 personal property shall attach to all real property of the taxpayer in the taxing unit on
12 the same date. All penalties, interest, and costs allowed by law shall be added to the
13 amount of the lien and shall be regarded as attaching at the same time as the lien for the
14 principal amount of the taxes. For purposes of this subsection (a):

15 (1) Taxes levied on real property listed in the name of a life tenant under
16 G.S. 105-302 (c)(8) shall be a lien on the fee as well as the life estate.

17 (2) Taxes levied on improvements on or separate rights in real property
18 owned by one other than the owner of the land, whether or not listed
19 separately from the land under G.S. 105-302 (c)(11), shall be a lien on
20 both the improvements or rights and on the land.

21 (b) Lien on Mobile Home Listed as Personal Property. – The lien for taxes levied
22 on a mobile home listed as personal property shall attach to the mobile home and to all
23 real property of the taxpayer in the taxing unit on the date as of which property is to be
24 listed under G.S. 105-285.

25 ~~(b)~~(c) Lien on Personal Property. – Taxes levied on real and personal property
26 (including penalties, interest, and costs allowed by law) shall be a lien on personal
27 property from and after levy or attachment and garnishment of the personal property
28 levied upon or attached."

29 **SECTION 9.** G.S. 105-366 is amended by adding a new subsection to read:

30 "**§ 105-366. Remedies against personal property.**

31 ...

32 (e) Remedies Against Repossessing Agents of Mobile Homes. –

33 (1) Any person who takes possession of a mobile home whether by
34 judicial or nonjudicial authority, as a holder of a lien on the mobile
35 home, is liable for the property taxes due on the mobile home and must
36 obtain a permit and pay the property taxes as required by
37 G.S. 105-316.2. This subsection does not apply to a county or city.

38 (2) Any person found in violation of this subsection is subject to the
39 penalties set out in G.S. 105-316.6. In addition, a person who fails to
40 pay property taxes on the mobile home within 30 days of the date of
41 notice of demand for payment from the tax collector shall be subject to
42 the enforced collection remedies provided in G.S. 105-367 and
43 G.S. 105-368."

1 **SECTION 10.** G.S. 143-143.15 is amended by adding a new subsection to
2 read:

3 "(c) A licensed dealer or set-up contractor must present a tax permit required
4 under G.S. 105-316.1 before a local jurisdiction may issue a permit for the setup or
5 installation of a manufactured home. This subsection also applies to a homeowner who
6 obtains a permit on behalf of a licensed dealer or set-up contractor. This subsection does
7 not apply to the initial sale and setup or installation of a new manufactured home."

8 **SECTION 11.** This act becomes effective December 1, 2005, and applies to
9 offenses occurring on or after that date. Prosecutions for offenses committed before the
10 effective date of this act are not abated or affected by this act, and the statutes that
11 would be applicable but for this act remain applicable to those prosecutions.