

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

824N0518

SENATE BILL NO. 125

Introduced by: Senators Napoli, Gray, Greenfield, Hundstad, Koetzle, Maher, McCracken, McNenny, Olson (Ed), Peterson (Jim), and Schmidt (Dennis) and Representatives Hunt, Brunner, Dennert, Dykstra, Gillespie, Koistinen, Moore, Novstrup (Al), Rave, Weems, and Wick

1 FOR AN ACT ENTITLED, An Act to allow an abandoned mobile home or manufactured home
2 to be moved under certain conditions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. If a mobile home or manufactured home as defined in chapter 32-7A has been
5 abandoned and left on leased real property, the owner of real property may sell the mobile home
6 or manufactured home under the provisions of chapter 21-54. A mobile home or manufactured
7 home is considered abandoned if the home is unclaimed by its owner for a period of thirty days
8 after written notice of intent to sell the home is given to the owner at the owner's last known
9 address and any lienholder with a lien properly noted pursuant to chapter 32-3. The Department
10 of Revenue and Regulation shall promulgate rules pursuant to chapter 1-26 to prescribe a form
11 for the written notice. Any written notice shall be sent by certified mail. The sale is subject to
12 any taxes owed on the home and unpaid lot rent but such unpaid lot rent lien may not exceed
13 two month's lot rent at the price previously agreed to by the owner of real property and owner
14 of the mobile home or manufactured home.



1 Section 2. After the owner of the abandoned mobile home or manufactured home has been
2 provided thirty days written notice, and before the owner of real property proceeds with the sale
3 of the abandoned mobile home or manufactured home, the owner of the real property shall
4 provide written notice of intent to sell the abandoned property to the county treasurer where the
5 home is located. The Department of Revenue and Regulation shall promulgate rules pursuant
6 to chapter 1-26 to prescribe a form for the written notice. If the treasurer has not issued a distress
7 warrant within thirty days of the notice or the mobile home or manufactured home has not been
8 removed by its owner or any lien holder within thirty days of the notice pursuant to this Act, the
9 owner of real property may proceed with the sale pursuant to chapter 21-54.

10 Section 3. If an abandoned mobile home or manufactured home fails to sell at a sale held
11 pursuant to chapter 21-54, title to the mobile home or manufactured home is irrevocably vested
12 with the owner of the real property. The owner of the real property on which the mobile home
13 or manufactured home resides, shall obtain an abandoned title without payment or obligation
14 to pay any taxes owed on the home or any lien on the home at the time of acquisition. The
15 department shall promulgate rules pursuant to chapter 1-26 to prescribe a form that shall be used
16 to apply for the abandoned title.

17 Section 4. If an owner of the real property obtains a title to a mobile home or manufactured
18 home pursuant to section 3 of this Act, the owner of the real property shall obtain a permit
19 pursuant to § 32-5-16.3 to move the abandoned mobile home or manufactured home. The
20 treasurer shall issue the permit without receiving payment of the current year's taxes required
21 by § 32-5-16.3.