

2023 South Dakota Legislature

House Bill 1108**AMENDMENT 1108A
FOR THE INTRODUCED BILL**

1 **An Act to revise provisions related to abandoned mobile or manufactured homes.**

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

3 **Section 1. That § 21-54-15 be AMENDED:**

4 **21-54-15.** If a mobile home or manufactured home as defined in chapter 32-7A
5 has been abandoned and left on leased real property, the owner of real property may sell
6 or dispose of the mobile home or manufactured home under the provisions of this chapter.
7 A mobile home or manufactured home is considered abandoned if the owner of the ~~mobile~~
8 ~~home or manufactured~~ home has not removed the home from the real property owner's
9 land within thirty days of the court issuing a writ of possession as provided in chapter 21-
10 16. Upon issuance of the writ of possession by the court, the owner of real property shall
11 ~~give~~ send the owner of the mobile home or manufactured home and any lienholder with
12 a lien properly noted pursuant to chapter 32-3, written notice of intent to sell or dispose
13 of the home pursuant to this chapter if the home is not removed from the real property
14 owner's property within thirty days. The notice ~~shall~~ must be sent to the last known
15 address of the owner of the mobile home or manufactured home ~~at the owner's last known~~
16 ~~address~~. The Department of Revenue shall promulgate rules pursuant to chapter 1-26 to
17 prescribe a form for the written notice. Any written notice shall be sent by certified mail.
18 ~~The~~ Any sale is subject to any taxes owed on the home and unpaid lot rent but such unpaid
19 lot rent lien may not exceed two month's lot rent at the price previously agreed to by the
20 owner of real property and owner of the mobile home or manufactured home.

21 **Section 2. That § 21-54-16 be AMENDED:**

22 **21-54-16.** After the owner of the abandoned mobile home or manufactured home
23 has been provided thirty days' written notice, and before the owner of real property
24 proceeds with the sale or disposal of the abandoned mobile home or manufactured home,
25 the owner of the real property shall provide written notice of intent to sell or dispose of

1 the abandoned property to the county treasurer where the home is located. The
2 Department of Revenue shall promulgate rules pursuant to chapter 1-26 to prescribe a
3 form for the written notice. If the treasurer has not issued a distress warrant and informed
4 the owner and any lien holder of real property of such issuance within thirty days of the
5 notice required by this section, or the mobile home or manufactured home has not been
6 removed by its owner or any lien holder within thirty days of the notice provided by § 21-
7 54-15, the owner of real property may proceed with the sale or disposal pursuant to this
8 chapter.

9 **Section 3. That § 21-54-17 be AMENDED:**

10 ~~21-54-17. If an abandoned mobile home or manufactured home fails to sell at a sale held~~
11 ~~pursuant to this chapter, 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, may 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.~~
15 ~~However, if the owner of the real property intends any use of the abandoned mobile home or~~
16 ~~manufactured home other than disposal, the owner of the real property may obtain an~~
17 ~~abandoned title after paying any taxes owed on the home. The department shall promulgate~~
18 ~~rules pursuant to chapter 1-26 to prescribe a form that shall must be used to apply for the~~
19 ~~abandoned title.~~

20 **Section 3. That chapter 21-54 be amended with a NEW SECTION:**

21 If the owner of the real property intends to dispose of the mobile home or
22 manufactured home in lieu of sale, the owner of the real property must first obtain an
23 abandoned title after paying any taxes owed on the home.

24 **Section 4. That § 21-54-18 be AMENDED:**

25 **21-54-18.** If an owner of the real property obtains a title to a mobile home or
26 manufactured home pursuant to § 21-54-17, the owner of the real property shall obtain
27 a permit pursuant to § 32-5-16.3 to move the abandoned mobile home or manufactured
28 home. If the owner of the real property files an affidavit with the county treasurer stating
29 that the owner is going to move the abandoned mobile home or manufactured home for
30 the sole purpose of disposal, If the owner of the real property obtains a title to a mobile
31 home or manufactured home pursuant to section 4 of this Act, the county treasurer shall

1 issue the permit provided by § 32-5-16.3 ~~without receiving payment of the current year's~~
2 ~~taxes~~. The Department of Revenue shall promulgate rules pursuant to chapter 1-26 to
3 prescribe a form for the affidavit.

AMENDMENT