



2023 South Dakota Legislature  
**House Bill 1108**  
**ENROLLED**

AN ACT

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

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

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

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

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

**21-54-16.** After the owner of the abandoned mobile home or manufactured home has been provided thirty days' written notice, and before the owner of real property proceeds with the sale or disposal of the abandoned mobile home or manufactured home,

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

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

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

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

**21-54-18.** If an owner of the real property obtains a title to a mobile home or manufactured home pursuant to § 21-54-17, the owner of the real property shall obtain a permit pursuant to § 32-5-16.3 to move the abandoned mobile home or manufactured home. If the owner of the real property obtains a title to a mobile home or manufactured home pursuant to § 21-54-17 and files an affidavit with the county treasurer stating that the owner is going to move the abandoned mobile home or manufactured home for the sole purpose of disposal, the county treasurer shall issue the permit provided by § 32-5-16.3 without receiving payment of the current year's taxes. If the owner of the real property obtains a title to a mobile home or manufactured home pursuant to section 3 of this Act, the county treasurer shall issue the permit provided by § 32-5-16.3. The Department of Revenue shall promulgate rules pursuant to chapter 1-26 to prescribe a form for the affidavit.

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

I certify that the attached Act originated in the:  
House as Bill No. 1108

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_ for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2023

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2023 at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1108  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State