

# Senate Bill 440

Sponsored by COMMITTEE ON BUSINESS, TRANSPORTATION AND WORKFORCE DEVELOPMENT (at the request of Oregon Association of County Assessors, Oregon Association of County Tax Collectors)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands information to be included on manufactured structure ownership documents issued on or after effective date of Act. Requires that notice of manufactured structure sale provided to county assessor be accompanied by documentation of tax payment or cancellation.

## A BILL FOR AN ACT

1  
2 Relating to documents pertaining to manufactured structure ownership; creating new provisions; and  
3 amending ORS 446.566 and 446.641.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 446.566 is amended to read:

6 446.566. The following information must be recorded on [*an*] **the** ownership document issued **for**  
7 **a manufactured structure** by the Department of Consumer and Business Services:

8 (1) All ownership interests, [*in*] **for** a manufactured structure sold in this state.

9 (2) A change in [*the*] location, [*of*] **for** a manufactured structure that has been sited in this state.

10 (3) The manufactured structure identification number as described by department rule.

11 (4) **The make and model of the manufactured structure.**

12 (5) **The identifying physical characteristics of the manufactured structure, including but**  
13 **not limited to the total square footage of the living area, type of siding, type of roof, number**  
14 **of bedrooms, number of bathrooms, types of heating and cooling, built-in items and upgraded**  
15 **features.**

16 (6) **If the ownership document is issued due to sale of the manufactured structure, the**  
17 **most recent sales price and date of sale for the manufactured structure.**

18 [(4)] (7) Any other information required by department rule.

19 **SECTION 2.** ORS 446.641 is amended to read:

20 446.641. (1) If a person sells an ownership interest in a manufactured structure for which there  
21 is an ownership document issued under ORS 466.611 or a structure described in ORS 446.621 (1) to  
22 (6), the seller shall give notice of the sale to the county assessor for the county in which the  
23 structure is sited.

24 (2) The seller's notice must be on a form approved by the Department of Consumer and Business  
25 Services. Information required by the form must include, but need not be limited to:

26 (a) The identities of the seller and the purchaser;

27 (b) Any change in the security interest in the structure resulting from the transaction; and

28 (c) For each holder of an unreleased security interest:

29 (A) A signed statement recorded on the ownership document for the manufactured structure  
30 acknowledging that the interest holder is aware of the sale; or

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (B) Documentation satisfactory to the department showing that acknowledgment by the holder  
 2 was requested but the holder has not responded.

3 (3) The seller shall submit **the following** with the notice:

4 (a) The ownership document or other document evidencing ownership of the manufactured  
 5 structure. *[and]*

6 (b) A copy of the bill of sale.

7 (c) **Documentation satisfactory to the county assessor that all taxes and special assess-  
 8 ments for the current year and all delinquent taxes and special assessments for past years  
 9 are paid or have been canceled.**

10 (4) The county assessor shall forward the information contained in the notice and the ownership  
 11 document or other document evidencing ownership to the department. The department shall update  
 12 the ownership document for the manufactured structure or, if no ownership document exists, enter  
 13 the information in the department's records and issue an ownership document for the structure.

14 (5) The department shall deliver an ownership document updated or issued under subsection (4)  
 15 of this section to the holder of the earliest perfected unreleased security interest in the manufac-  
 16 tured structure or, if none, to the owner of the structure. The department shall also send a copy of  
 17 the ownership document to the county assessor.

18 (6) A transfer of ownership of a manufactured structure by operation of law is a sale of the  
 19 manufactured structure for purposes of this section.

20 (7) Notice given to a county assessor under subsection (1) of this section is not an instrument  
 21 of conveyance.

22 (8) If a seller does not give a notice of sale to the county assessor within 30 days after closing  
 23 of the sale of a manufactured structure, a buyer may submit a notice of sale to the assessor if the  
 24 notice is accompanied by proof of sale acceptable to the department as provided by rule. Upon re-  
 25 ceipt of a notice of sale and acceptable proof of sale, the assessor shall forward the information to  
 26 the department as provided in subsection (4) of this section. Submission of a notice of sale by a  
 27 buyer does not excuse a seller from civil penalty under ORS 455.895 for a violation of subsection (1)  
 28 of this section.

29 **SECTION 3. (1) The amendments to ORS 446.566 by section 1 of this 2007 Act apply to  
 30 manufactured structure ownership documents that are issued on or after the effective date  
 31 of this 2007 Act.**

32 **(2) The amendments to ORS 446.641 by section 2 of this 2007 Act apply to sales for which  
 33 the county assessor receives a notice of sale on or after the effective date of this 2007 Act.**

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