

REFERENCE TITLE: mobile homes inspections; title transfers

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2825

Introduced by
Representative Chávez

AN ACT

AMENDING SECTIONS 28-2060 AND 41-4010, ARIZONA REVISED STATUTES; RELATING TO VEHICLE TITLE AND REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-2060, Arizona Revised Statutes, is amended to
3 read:

4 28-2060. Transfer of ownership by operation of law; mobile
5 homes; fund

6 A. Except as provided in subsection F of this section, when the
7 title or interest of an owner of a registered vehicle passes to another
8 other than by voluntary transfer, the transferee shall obtain a transfer
9 of registration within thirty days after the passing of the title or
10 interest.

11 B. Within thirty days after passing of the title or interest of an
12 owner of a registered or unregistered vehicle, the transferee of the
13 vehicle shall obtain a new certificate of title on proper application and
14 presentation of the last certificate of title, if available, and such
15 instruments or documents of authority or certified copies of the
16 instruments or documents that are sufficient or required by law to
17 evidence or effect a transfer of title or interest in or to chattels that
18 pass to another other than by voluntary transfer.

19 C. If a motor vehicle has been forfeited to the federal government
20 and is sold at public auction pursuant to federal law, the purchaser at
21 the sale takes title free of any liens or encumbrances if federal law so
22 provides. If a motor vehicle has been forfeited to any local or state
23 government entity, agency or political subdivision or to any federal law
24 enforcement agency after the disposition of all claims under the laws of
25 this state, the order of the court forfeiting the vehicle shall transfer
26 good and sufficient title to the transferee and to any subsequent
27 purchaser or transferee. The purchaser or transferee shall register the
28 motor vehicle within thirty days after the sale or transfer, and the
29 department shall issue a certificate of title to the purchaser or
30 transferee on presentation of the evidence of title without any reference
31 to liens or encumbrances.

32 D. The transferee of a vehicle required to have a certificate of
33 title and be registered under section 28-2153 or a mobile home required to
34 have a certificate of title under section 28-2063 may obtain a transfer of
35 registration to the transferee and a new certificate of title if both of
36 the following occur:

37 1. The title or interest of the owner of the vehicle passes to
38 another either:

39 (a) Through notice and sale under the conditions contained in any
40 security agreement, chattel mortgage, conditional sale or other evidence
41 of lien or under the authority given by statute in cases arising under
42 sections 33-1021 and 33-1022 or under section 33-1704.

43 (b) For a mobile home the lien on which is also a lien on real
44 property, through a contract for conveyance of real property, deed of
45 trust or mortgage.

1 2. Satisfactory evidence is presented to the director that the sale
2 of the vehicle was fairly and lawfully conducted in conformity with all
3 requirements of law after due notice to the former owner. In cases
4 arising under section 33-1704, a declaration that is signed by both the
5 seller and the buyer and that sets forth compliance with section 33-1704
6 constitutes satisfactory evidence, and the director may rely on that
7 declaration.

8 E. Any administrator, executor, trustee or other representative of
9 the owner, a peace officer or a person repossessing a vehicle under the
10 terms of any conditional sales contract, lease, chattel mortgage or other
11 security agreement or a purchaser at a sale foreclosing a lien, or the
12 assignee or legal representative of any such person, may operate a vehicle
13 from the place of repossession or place where it was formerly kept to a
14 garage or place of storage in the county or state where the contract was
15 recorded or where the person repossessing the vehicle resides or to any
16 other garage or place of storage that is not more than seventy-five miles
17 from the place of repossession or place where the vehicle was formerly
18 kept by the owner if either of the following conditions exists:

19 1. The license plates assigned to the vehicle are displayed on the
20 vehicle.

21 2. If license plates are not displayed, a written permit has been
22 obtained from the department or the local authorities having jurisdiction
23 over the highways and a placard that bears the name and address of the
24 person authorizing the movement and that is legible from a distance of one
25 hundred feet during daylight is displayed in plain sight on the vehicle.

26 F. If ownership of a motor vehicle for which a certificate of title
27 has been issued in this state or another state reverts through operation
28 of state law to a lienholder of record through repossession pursuant to
29 the terms of a security agreement or through another similar instrument
30 that is valid in such state, an affidavit by the lienholder of record
31 stating that the vehicle was repossessed on default of the terms stated in
32 the security agreement or similar instrument is proof of ownership, right
33 of possession and right of transfer. If the lienholder of record is a
34 financial institution as defined in section 28-4301, the lienholder of
35 record shall electronically submit the repossession affidavit to the
36 department. The director shall prescribe the form and content of the
37 affidavit. This state and its agencies, employees and agents are not
38 liable for relying in good faith on the content of the affidavit.

39 G. IN ADDITION TO THE REQUIREMENTS PRESCRIBED IN SUBSECTION D OF
40 THIS SECTION, BEFORE THE TITLE TO A MOBILE HOME THAT WAS MANUFACTURED
41 BEFORE JUNE 15, 1976 MAY BE TRANSFERRED TO ANOTHER PERSON, ALL OF THE
42 FOLLOWING MUST OCCUR:

43 1. THE MOBILE HOME MUST PASS AN INSPECTION IN A MANNER THAT IS
44 DETERMINED BY THE DIRECTOR OF THE ARIZONA DEPARTMENT OF HOUSING TO ENSURE
45 THAT THE MOBILE HOME IS SAFE FOR HUMAN HABITATION.

1 2. THE DIRECTOR OF THE ARIZONA DEPARTMENT OF HOUSING MUST ISSUE A
2 CERTIFICATE OF COMPLIANCE TO THE MOBILE HOME OWNER AFTER THE MOBILE HOME
3 PASSES THE INSPECTION AND THE MOBILE HOME OWNER MUST PRESENT THE
4 CERTIFICATE OF COMPLIANCE TO A NOTARY PUBLIC AT THE TIME OF THE TRANSFER
5 OF TITLE.

6 3. THE MOBILE HOME OWNER MUST PAY AN INSPECTION FEE TO THE DIRECTOR
7 OF THE ARIZONA DEPARTMENT OF HOUSING IN AN AMOUNT THAT IS DETERMINED BY
8 THE BOARD OF MANUFACTURED HOUSING.

9 H. THE ARIZONA DEPARTMENT OF HOUSING SHALL DEPOSIT, PURSUANT TO
10 SECTIONS 35-146 AND 35-147, ALL FEES COLLECTED PURSUANT TO SUBSECTION G OF
11 THIS SECTION IN THE MOBILE HOME REHABILITATION AND REPLACEMENT FUND THAT
12 IS ESTABLISHED BY THIS SECTION.

13 I. THE MOBILE HOME REHABILITATION AND REPLACEMENT FUND IS
14 ESTABLISHED CONSISTING OF MONIES DEPOSITED PURSUANT TO THIS SECTION. THE
15 DIRECTOR OF THE ARIZONA DEPARTMENT OF HOUSING SHALL ADMINISTER THE FUND
16 AND SHALL ALLOCATE MONIES IN THE FUND TO PERSONS WHO OWN MOBILE HOMES THAT
17 WERE MANUFACTURED BEFORE JUNE 15, 1976 AND THAT FAIL THE INSPECTION
18 PRESCRIBED IN SUBSECTION G OF THIS SECTION. THE DIRECTOR OF THE ARIZONA
19 DEPARTMENT OF HOUSING MAY LIMIT THE AMOUNT OF MONIES ALLOCATED TO A PERSON
20 DESCRIBED BY THIS SUBSECTION. MONIES IN THE FUND ARE CONTINUOUSLY
21 APPROPRIATED.

22 Sec. 2. Section 41-4010, Arizona Revised Statutes, is amended to
23 read:

24 41-4010. Powers and duties of board

25 A. The board shall:

26 1. Adopt rules imposing minimum construction requirements for
27 factory-built buildings and components thereof that are reasonably
28 consistent with nationally recognized and accepted publications or
29 generally accepted manufacturing practices pertinent to the construction
30 and safety standards for such item to be manufactured. These standards
31 shall include minimum requirements for the safety and welfare of the
32 public.

33 2. Adopt rules imposing requirements for body and frame design and
34 construction and installation of plumbing, heating and electrical systems
35 for manufactured homes that are consistent with the rules and regulations
36 for construction and safety standards adopted by the United States
37 department of housing and urban development.

38 3. Adopt rules relating to plan approvals as to requirements for
39 the design, construction, alteration, reconstruction and installation of
40 units or accessory structures as deemed necessary by the board to carry
41 out this chapter.

42 4. Establish a schedule of fees, payable by persons, licensees or
43 owners of units regulated by this chapter, for inspections, licenses,
44 permits, plan reviews, administrative functions and certificates so that
45 the total annual income derived from such fees will not be less than

1 ninety-five percent and not more than one hundred five percent of the
2 anticipated expenditures for the administration of the activities
3 described in this subsection.

4 5. Adopt rules relating to the inspection throughout the state by
5 the department of the installation of manufactured homes, mobile homes,
6 factory-built buildings and accessory structures included as part of a
7 sales contract for a manufactured home, mobile home or factory-built
8 building or included in an agreement to move a manufactured home, mobile
9 home or factory-built building.

10 6. Establish and maintain licensing standards and bonding
11 requirements for all manufacturers of manufactured homes and factory-built
12 buildings regulated pursuant to this chapter.

13 7. Establish and maintain licensing standards and bonding
14 requirements for all dealers and brokers of manufactured homes, mobile
15 homes and factory-built buildings ~~thereof~~ who sell or arrange the sale of
16 such products within this state.

17 8. Establish and maintain licensing standards and bonding
18 requirements for all installers of manufactured homes, mobile homes and
19 accessory structures and certified standards for all persons who repair
20 these homes and structures under warranties and who are not employees of
21 the manufacturer.

22 9. Establish and maintain licensing standards for all salespersons
23 of manufactured homes, mobile homes and factory-built buildings. These
24 standards shall not include educational requirements.

25 10. Adopt rules consistent with the United States department of
26 housing and urban development procedural and enforcement regulations and
27 enter into such contracts necessary to administer the federal manufactured
28 home regulations.

29 11. Adopt rules imposing minimum fire and life safety requirements
30 in the categories of fire detection equipment, flame spread for gas
31 furnace and water heater compartments, egress windows, electrical system
32 and gas system for mobile homes entering this state.

33 12. Adopt rules for inspections and permits for minimum fire and
34 life safety requirements and establish fees for such inspections and
35 permits for mobile homes entering this state.

36 13. Adopt such other rules as the board deems necessary for the
37 department to carry out SECTION 28-2060, SUBSECTIONS G, H AND I AND this
38 chapter and, to the extent not authorized by other provisions of this
39 section, adopt rules as necessary to interpret, clarify, administer or
40 enforce SECTION 28-2060, SUBSECTIONS G, H AND I AND this chapter.

41 14. Adopt rules relating to the installation of manufactured homes,
42 mobile homes, factory-built buildings and accessory structures included as
43 part of a sales contract for a used mobile home, new or used manufactured
44 home or new or used factory-built building or part of an agreement to move

1 a used mobile home, new or used manufactured home or new or used
2 factory-built building. This paragraph does not apply to:

3 (a) Single wide factory-built buildings that are used for
4 construction project office purposes and that are not used by the public.

5 (b) Storage buildings of less than one hundred sixty-eight square
6 feet that are not used by the public.

7 (c) Equipment buildings that are not used by the public.

8 15. Adopt rules relating to acceptable workmanship standards.

9 16. Adopt rules relating to issuing permits to licensees, owners of
10 units or other persons for the installation of manufactured homes, mobile
11 homes, factory-built buildings and accessory structures.

12 17. Adopt rules including a requirement that a permit shall be
13 obtained before the installation of a mobile or manufactured home.

14 18. Establish standards for the permanent foundation of a
15 manufactured home, mobile home or factory-built building.

16 B. In adopting rules pursuant to subsection A, paragraph 3 of this
17 section, the board shall consider for adoption any amendments to the codes
18 and standards referred to in subsection A, paragraphs 1 and 2 of this
19 section. If the board adopts the amendments to such codes and standards,
20 the department shall notify the manufacturers licensed pursuant to article
21 4 of this chapter ninety or more days before the effective date of such
22 amendments.

23 C. Chapter 6 of this title does not apply to the setting of fees
24 under subsection A, paragraph 4 of this section.

25 D. Rules adopted pursuant to subsection A, paragraph 14 of this
26 section shall be standard throughout this state and may be enforced by the
27 local enforcement agencies on installation to ensure a standard of
28 safety. The board may make an exception to the standard if, on petition
29 by a local jurisdiction participating in the installation inspection
30 program, local conditions justify the exemption or it is necessary to
31 protect the health and safety of the public. On its own motion, the board
32 may revise or repeal any exception.