

39:10-2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 39:10-2, 39:10-11.1

(Manufactured home — provide for issuance of certificates of ownership)

LAWS OF: 1983

CHAPTER: 387

Bill No: A3602

Sponsor(s): Riley and others

Date Introduced: June 13, 1983

Committee:

Assembly: -----

Senate: Labor, Industry and Professions

Amended during passage:

NO

Date of Passage:

Assembly: June 27, 1983

Senate: September 15, 1983

Date of Approval: November 16, 1983

Following statements are attached if available:

Sponsor statement:

YES

Committee statement:

Assembly

NO

Senate

YES

Fiscal Note:

NO

Veto Message:

NO

Message on Signing:

yes

Following were printed:

Reports:

NO

Hearings:

NO

cbc

ASSEMBLY, No. 3602

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1983

By Assemblymen RILEY, WOLF, DOYLE, MARSELLA, KARCHER,
HENDRICKSON, ROD and Assemblywoman COOPER

AN ACT concerning the issuance of certificates of ownership for certain manufactured homes, amending R. S. 39:10-2 and supplementing Title 39 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 39:10-2 is amended to read as follows:

2 39:10-2. As used in this chapter unless other meaning is clearly
3 apparent from the language or context, or unless inconsistent with
4 the manifest intention of the Legislature:

5 "New motor vehicle" means only a newly manufactured motor
6 vehicle, except a nonconventional type motor vehicle, and includes
7 all such vehicles propelled otherwise than by muscular power, and
8 motorcycles, motorized bicycles, trailers and tractors, *and manu-*
9 *factured homes not subject to real property taxation pursuant to*
10 *P. L. , c. . . . (now pending before the Legislature as Assembly*
11 *Bill No. 3600 of 1983), excepting such vehicles as run only upon*
12 *rails or tracks and manufactured homes subject to real property*
13 *taxation.*

14 "Used motor vehicle" means every motor vehicle and motorized
15 bicycle except a nonconventional type motor vehicle, title to, or
16 possession of, which has been transferred from the person who
17 first acquired it from the manufacturer or dealer, and so used as to
18 become what is commonly known as "secondhand" within the
19 ordinary meaning thereof, and includes every motor vehicle and
20 motorized bicycle other than a "new motor vehicle," [or] a "non-

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.
Matter printed in italics *thus* is new matter.

21 conventional type motor vehicle'' or a *manufactured home* subject
22 to real property taxation.

22A "Any motor vehicle," "every motor vehicle," or similar term,
22B means both new and used motor vehicles, except a "nonconventional
22C type motor vehicle."

23 "Nonconventional type motor vehicle" means every vehicle not
24 designed or used primarily for the transportation of persons or
25 property and only incidentally operated or moved over a highway,
26 including, but not limited to ditch-digging apparatus, well-boring
27 apparatus, road and general purpose construction and maintenance
28 machinery, asphalt spreaders, bituminous mixers, bucket loaders,
29 ditchers, leveling graders, finishing machines, motor graders, road
30 rollers, scarifiers, earth-moving carryalls, scrapers, power shovels,
31 drag lines, self-propelled cranes, earth-moving equipment, trailers
32 and semitrailers which weigh less than 2,500 pounds, except that
33 no mobile or *manufactured* home or travel trailer shall be classified
34 as a nonconventional type motor vehicle, motorized wheel chairs,
35 motorized lawn mowers, bogies, farm equipment having a factory
36 shipping weight of less than 1,500 pounds, whether or not motor-
37 ized, including farm tractors within said weight limitation, indus-
38 trial tractors, scooters, go-carts, gas buggies and golf carts. The
39 Director of the Division of Motor Vehicles shall have power to
40 make, amend and repeal regulations, not inconsistent with the
41 provisions of this paragraph, prescribing what further vehicles or
42 types of vehicles, not specified in this paragraph, shall be included
43 in the category of nonconventional type motor vehicles.

44 "Motor vehicles which constitute inventory held for sale" means
45 new motor vehicles and used motor vehicles held for the purpose of
46 sale by dealers and used motor vehicles held for the purpose of
47 sale by used motor vehicle dealers, and excludes motor vehicles held
48 for the purpose of lease or rental by a person engaged in the motor
49 vehicle leasing or rental business.

50 "Manufacturer's or importer's certificate of origin" means the
51 original written instrument or document required to be executed
52 and delivered by the manufacturer to his agent or a dealer, or a
53 person purchasing direct from the manufacturer, certifying the
54 origin of the vehicle.

55 "Certificate of ownership" means the document issued in con-
56 formance with this chapter, certifying ownership of a motor vehicle,
57 other than manufacturer's or importer's certificate of origin.

58 "Assignment" means the execution of a prescribed form trans-
59 ferring ownership of a motor vehicle from the person named therein
60 to the purchaser.

61 "Contract" means conditional sale agreement, bailment, lease,
62 chattel mortgage, trust receipt or any other form of security or
63 possession agreement executed prior to January 1, 1963, wherein
64 and whereby possession of a motor vehicle is delivered to the
65 buyer and title therein is to vest in the buyer at a subsequent time
66 upon the payment of part or all of the price, or upon the perfor-
67 mance of any other condition or happening of any contingency, or
68 upon the payment of a sum substantially equivalent to the value
69 of the motor vehicle, by which contract it is agreed that the buyer
70 is bound to become, or has the option of becoming, the owner of
71 the motor vehicle upon full compliance with the terms of the
72 contract.

73 "Abstract" means the duplicate copy of the original certificate of
74 ownership recording any encumbrance or upon which the existence
75 of a security interest is noted.

76 "Title papers" means any instrument or document that is evi-
77 dence of ownership of a vehicle.

78 "Director" means the Director of Motor Vehicles, his deputy or
79 duly authorized agent.

80 "Manufacturer" means the person who originally manufactured
81 the motor vehicle.

82 "Dealer" means the agent, distributor or authorized dealer of
83 the manufacturer of the new motor vehicle, and who has an
84 established place of business.

85 "Used motor vehicle dealer" means a person engaged in the
86 business of selling, buying or dealing in used motor vehicles, and
87 who has an established place of business.

88 "Person" includes natural persons, firms or copartnerships,
89 corporations, associations, or other artificial bodies, receivers,
90 trustees, common law or statutory assignees, executors, admin-
91 istrators, sheriffs, constables, marshals, or other persons in repre-
92 sentative or official capacity, and members, officers, agents, em-
93 ployees, or other representatives of those hereinbefore enumerated.

94 "Buyer" includes purchaser, debtor, lessee, bailee, transferee,
95 and any person buying, attempting to buy, or receiving a motor
96 vehicle, subject to a security interest, lease, bailment or transfer
97 agreement, and their legal successors in interest.

98 "Seller" means manufacturer, dealer, lessor, bailer, transferor
99 with or without a security interest, and any other person selling,
100 attempting to sell, or delivering a motor vehicle, and their legal
101 successors in interest.

102 The terms "sell" or "sale" or "purchase" and any form thereof
103 include absolute or voluntary sales and purchases, agreements to

104 sell and purchase, bailments, leases, security agreements whereby
 105 any motor vehicles are sold and purchased, or agreed to be sold and
 106 purchased, involuntary, statutory and judicial sales, inheritance,
 107 devise, or bequest, gift or any other form or manner of sale or
 108 agreement of sale thereof, or the giving or transferring possession
 109 of a motor vehicle to a person for a permanent use; continued
 110 possession for 60 days or more is to be construed as permanent use.

111 "Manufacturer's number" means the original manufacturer's
 112 vehicle identification number die stamped upon the body, or frame
 113 or either or both of them, of a motor vehicle or the original manu-
 114 facturer's number die stamped upon, the engine or motor of a
 115 motor vehicle.

116 "Purchaser" means a person who takes possession of a motor
 117 vehicle by transfer of ownership, either for use or resale, except
 118 a dealer when he takes possession through a certificate of origin.

119 "Debtor" means the person who owes payment or other perform-
 120 ance of the obligation secured by a security interest in a motor
 121 vehicle.

122 "Security interest" means an interest in a motor vehicle which
 123 secures payment or other performance of an obligation.

124 "Security agreement" means an agreement which creates or pro-
 125 vides for a security interest in a motor vehicle.

126 "Secured party" means a lender, seller or other person in whose
 127 favor there is a security interest.

1 2. (New section) A person who has a certificate of ownership
 2 issued by the director for a mobile or manufactured home located
 3 in a mobile home park that shall be relocated on land which the
 4 owner of the home has an interest in or the title to, shall, at least
 5 10 days prior to that relocation, file with the director a notice of
 6 relocation in a form and with evidence as the director shall pre-
 7 scribe. If the director shall accept the notice as complete, the
 8 director shall cancel the certificate of ownership on the date of
 9 relocation.

1 3. This act shall take effect on January 1, 1984, but shall remain
 2 inoperative until such time as Assembly Bill No. 3600 of 1983, now
 3 pending before the Legislature, is enacted.

STATEMENT

This bill clarifies which manufactured homes are to be considered
 motor vehicles and, therefore, which manufactured homeowners
 are to be issued certificates of ownership by the Director of the

Division of Motor Vehicles in the Department of Law and Public Safety. Currently, all manufactured homeowners are issued certificates of ownership by the Director. However, pursuant to Assembly Bill No. 3600, now pending before the Legislature, manufactured homes not located in mobile home parks will be considered real property, and so, those homeowners will receive property titles in the same manner as other real property owners. Thus, only owners of manufactured homes not considered to be real property should be issued certificates of ownership under the motor vehicles statutes.

This bill also includes a provision establishing procedures by which a certificate of ownership may be cancelled if the manufactured home will be relocated in such manner as to subject the manufactured home to real property taxes.

104 sell and purchase, bailments, leases, security agreements whereby
 105 any motor vehicles are sold and purchased, or agreed to be sold and
 106 purchased, involuntary, statutory and judicial sales, inheritance,
 107 devise, or bequest, gift or any other form or manner of sale or
 108 agreement of sale thereof, or the giving or transferring possession
 109 of a motor vehicle to a person for a permanent use; continued
 110 possession for 60 days or more is to be construed as permanent use.

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SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3602

STATE OF NEW JERSEY

DATED: JUNE 30, 1983

This bill provides that owners of mobile or manufactured homes which are located in mobile home parks must have certificates of ownership (title) issued by the Director of the Division of Motor Vehicles. If the mobile or manufactured home is relocated to a place other than a mobile home park the certificate of ownership would be cancelled by the director. Mobile or manufactured homes not located in mobile home parks would be considered real property and, therefore, the owners would receive property titles and have no need of a certificate of ownership issued by the director.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

THURSDAY, NOVEMBER 17, 1983

Governor Thomas H. Kean has signed legislation designed to encourage the growth of more affordable housing by prohibiting discrimination against manufactured housing in land use regulations.

The Governor signed three bills, A-3601, A-3602 and A-3603, all sponsored by Assemblyman Dennis L. Riley, D-Camden.

Manufactured housing, in the form of mobile homes and more permanent modular structures, has been identified by two separate legislative commissions as a viable method of meeting the demand for affordable housing in New Jersey.

A-3601, provides that manufactured housing units not less than 22 feet wide may not be subject to municipally imposed restrictions exceeding those for conventional housing.

A-3602, clarifies the point that only mobile homes not considered to be real property would be required to have a motor vehicle certificate of ownership. Currently all manufactured homes are considered motor vehicles and require a certificate of ownership. Under A-3600, also sponsored by Riley and now pending in the Legislature, specifies that manufactured homes not located in mobile home parks would be considered real property.

A-3603, revises the definition of manufactured home as one which consists of one or more transportable units which are substantially constructed off-site, which is built on a permanent chassis, is designed to be used as a dwelling on a permanent or non-permanent foundation and is manufactured in accordance with the standards promulgated pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974 and standards promulgated by the Commissioner of Community Affairs under the State Uniform Construction Code Act.