

---

---

# HOUSE BILL No. 1330

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1; IC 9-13-2; IC 9-17-6; IC 16-41-27-31; IC 36-2-11-14.5.

**Synopsis:** Taxation of mobile homes. Provides that only the owner of a mobile home may obtain the permit required to move the mobile home from one location to another. Requires the department of local government finance to develop a system for recording the property tax information for a mobile home that is not assessed as real property. Requires that the system must use an identification number that is unique to the vehicle identification number of the mobile home. Imposes recording and escrow requirements upon purchase contracts for a mobile home or manufactured home that is not assessed as real property. Provides that for assessment dates after December 31, 2013: (1) a contract buyer claiming the standard deduction with respect to a mobile home or manufactured home that is not assessed as real property while purchasing the mobile home or manufactured home under a contract must show compliance with the new requirements; and (2) an owner other than a contract buyer must attach a copy of the owner's title to the mobile home or manufactured home to the application for the deduction. Specifies that a reference to a manufactured home in the certificate of title law must be construed as a reference to a mobile home. Provides that mobile home community registers must be open to inspection by township and county assessors. Requires that the registry must include a copy of the permit authorizing the movement of the mobile home or manufactured home from one location to another or authorizing a transfer of the title to the mobile home or manufactured home. Provides that a county recorder may record a purchase contract for a mobile home or a manufactured home only if the contract seller provides a copy of the title to the mobile home or manufactured home before submitting the purchase contract for recording.

C  
o  
p  
y

**Effective:** Upon passage; July 1, 2013.

---

---

## Hamm, Saunders

---

---

January 17, 2013, read first time and referred to Committee on Ways and Means.



First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

C  
o  
p  
y

# HOUSE BILL No. 1330



A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 6-1.1-7-10 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A mobile  
3 home may not be moved from one (1) location to another unless the  
4 owner ~~or the occupier~~ obtains a permit to move the mobile home from  
5 the county treasurer.

6 (b) The bureau of motor vehicles may not transfer the title to a  
7 mobile home unless the owner obtains a permit to transfer the title from  
8 the county treasurer.

9 (c) A county treasurer shall issue a permit which is required to  
10 either move, or transfer the title to, a mobile home if the taxes due on  
11 the mobile home have been paid. The permit shall state the date it is  
12 issued.

13 SECTION 2. IC 6-1.1-7-11 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) A person  
15 who is engaged to move a mobile home may not provide that service  
16 unless the owner ~~or occupier~~ presents him with a permit to move the  
17 mobile home and the permit is dated not more than one (1) month



1 before the date of the proposed move. The mover shall retain  
2 possession of the permit while the mobile home is in transit.

3 (b) The mover shall return the permit to the owner or occupier of the  
4 mobile home when the move is completed.

5 SECTION 3. IC 6-1.1-7-16 IS ADDED TO THE INDIANA CODE  
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2013]: **Sec. 16. The department of local government finance shall  
8 develop a system for recording the property tax information for a  
9 mobile home assessed under this chapter using an identification  
10 number that is unique to the vehicle identification number of the  
11 mobile home. The department of local government finance shall  
12 implement the system before January 1, 2015.**

13 SECTION 4. IC 6-1.1-12-37, AS AMENDED BY P.L.137-2012,  
14 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2013]: Sec. 37. (a) The following definitions apply throughout  
16 this section:

17 (1) "Dwelling" means any of the following:

18 (A) Residential real property improvements that an individual  
19 uses as the individual's residence, including a house or garage.

20 (B) A mobile home that is not assessed as real property that an  
21 individual uses as the individual's residence.

22 (C) A manufactured home that is not assessed as real property  
23 that an individual uses as the individual's residence.

24 (2) "Homestead" means an individual's principal place of  
25 residence:

26 (A) that is located in Indiana;

27 (B) that:

28 (i) the individual owns;

29 (ii) the individual is buying under a contract; recorded in the  
30 county recorder's office, that provides that the individual is  
31 to pay the property taxes on the residence;

32 (iii) the individual is entitled to occupy as a  
33 tenant-stockholder (as defined in 26 U.S.C. 216) of a  
34 cooperative housing corporation (as defined in 26 U.S.C.  
35 216); or

36 (iv) is a residence described in section 17.9 of this chapter  
37 that is owned by a trust if the individual is an individual  
38 described in section 17.9 of this chapter; and

39 (C) that consists of a dwelling and the real estate, not  
40 exceeding one (1) acre, that immediately surrounds that  
41 dwelling.

42 Except as provided in subsection (k), the term does not include

C  
o  
p  
y



- 1 property owned by a corporation, partnership, limited liability  
 2 company, or other entity not described in this subdivision.
- 3 (b) Each year a homestead is eligible for a standard deduction from  
 4 the assessed value of the homestead for an assessment date. The  
 5 deduction provided by this section applies to property taxes first due  
 6 and payable for an assessment date only if an individual has an interest  
 7 in the homestead described in subsection (a)(2)(B) on:  
 8 (1) the assessment date; or  
 9 (2) any date in the same year after an assessment date that a  
 10 statement is filed under subsection (e) or section 44 of this  
 11 chapter, if the property consists of real property.
- 12 Subject to subsection (c), the auditor of the county shall record and  
 13 make the deduction for the individual or entity qualifying for the  
 14 deduction.
- 15 (c) Except as provided in section 40.5 of this chapter, the total  
 16 amount of the deduction that a person may receive under this section  
 17 for a particular year is the lesser of:  
 18 (1) sixty percent (60%) of the assessed value of the real property,  
 19 mobile home not assessed as real property, or manufactured home  
 20 not assessed as real property; or  
 21 (2) forty-five thousand dollars (\$45,000).
- 22 (d) A person who has sold real property, a mobile home not assessed  
 23 as real property, or a manufactured home not assessed as real property  
 24 to another person under a contract that provides that the contract buyer  
 25 is to pay the property taxes on the real property, mobile home, or  
 26 manufactured home may not claim the deduction provided under this  
 27 section with respect to that real property, mobile home, or  
 28 manufactured home.
- 29 (e) Except as provided in sections 17.8 and 44 of this chapter and  
 30 subject to section 45 of this chapter, an individual who desires to claim  
 31 the deduction provided by this section must file a certified statement in  
 32 duplicate, on forms prescribed by the department of local government  
 33 finance, with the auditor of the county in which the homestead is  
 34 located. The statement must include:  
 35 (1) the parcel number or key number of the property and the name  
 36 of the city, town, or township in which the property is located;  
 37 (2) the name of any other location in which the applicant or the  
 38 applicant's spouse owns, is buying, or has a beneficial interest in  
 39 residential real property;  
 40 (3) the names of:  
 41 (A) the applicant and the applicant's spouse (if any):  
 42 (i) as the names appear in the records of the United States

C  
 o  
 p  
 y



1 Social Security Administration for the purposes of the  
 2 issuance of a Social Security card and Social Security  
 3 number; or  
 4 (ii) that they use as their legal names when they sign their  
 5 names on legal documents;  
 6 if the applicant is an individual; or  
 7 (B) each individual who qualifies property as a homestead  
 8 under subsection (a)(2)(B) and the individual's spouse (if any):  
 9 (i) as the names appear in the records of the United States  
 10 Social Security Administration for the purposes of the  
 11 issuance of a Social Security card and Social Security  
 12 number; or  
 13 (ii) that they use as their legal names when they sign their  
 14 names on legal documents;  
 15 if the applicant is not an individual; and  
 16 (4) either:  
 17 (A) the last five (5) digits of the applicant's Social Security  
 18 number and the last five (5) digits of the Social Security  
 19 number of the applicant's spouse (if any); or  
 20 (B) if the applicant or the applicant's spouse (if any) do not  
 21 have a Social Security number, any of the following for that  
 22 individual:  
 23 (i) The last five (5) digits of the individual's driver's license  
 24 number.  
 25 (ii) The last five (5) digits of the individual's state  
 26 identification card number.  
 27 (iii) If the individual does not have a driver's license or a  
 28 state identification card, the last five (5) digits of a control  
 29 number that is on a document issued to the individual by the  
 30 federal government and determined by the department of  
 31 local government finance to be acceptable.  
 32 If a form or statement provided to the county auditor under this section,  
 33 IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or  
 34 part or all of the Social Security number of a party or other number  
 35 described in subdivision (4)(B) of a party, the telephone number and  
 36 the Social Security number or other number described in subdivision  
 37 (4)(B) included are confidential. The statement may be filed in person  
 38 or by mail. If the statement is mailed, the mailing must be postmarked  
 39 on or before the last day for filing. The statement applies for that first  
 40 year and any succeeding year for which the deduction is allowed. With  
 41 respect to real property, the statement must be completed and dated in  
 42 the calendar year for which the person desires to obtain the deduction

C  
O  
P  
Y



1 and filed with the county auditor on or before January 5 of the  
 2 immediately succeeding calendar year. With respect to a mobile home  
 3 that is not assessed as real property, the person must file the statement  
 4 during the twelve (12) months before March 31 of the year for which  
 5 the person desires to obtain the deduction.

6 (f) If an individual who is receiving the deduction provided by this  
 7 section or who otherwise qualifies property for a deduction under this  
 8 section:

9 (1) changes the use of the individual's property so that part or all  
 10 of the property no longer qualifies for the deduction under this  
 11 section; or

12 (2) is no longer eligible for a deduction under this section on  
 13 another parcel of property because:

14 (A) the individual would otherwise receive the benefit of more  
 15 than one (1) deduction under this chapter; or

16 (B) the individual maintains the individual's principal place of  
 17 residence with another individual who receives a deduction  
 18 under this section;

19 the individual must file a certified statement with the auditor of the  
 20 county, notifying the auditor of the change of use, not more than sixty  
 21 (60) days after the date of that change. An individual who fails to file  
 22 the statement required by this subsection is liable for any additional  
 23 taxes that would have been due on the property if the individual had  
 24 filed the statement as required by this subsection plus a civil penalty  
 25 equal to ten percent (10%) of the additional taxes due. The civil penalty  
 26 imposed under this subsection is in addition to any interest and  
 27 penalties for a delinquent payment that might otherwise be due. One  
 28 percent (1%) of the total civil penalty collected under this subsection  
 29 shall be transferred by the county to the department of local  
 30 government finance for use by the department in establishing and  
 31 maintaining the homestead property data base under subsection (i) and,  
 32 to the extent there is money remaining, for any other purposes of the  
 33 department. This amount becomes part of the property tax liability for  
 34 purposes of this article.

35 (g) The department of local government finance shall adopt rules or  
 36 guidelines concerning the application for a deduction under this  
 37 section.

38 (h) This subsection does not apply to property in the first year for  
 39 which a deduction is claimed under this section if the sole reason that  
 40 a deduction is claimed on other property is that the individual or  
 41 married couple maintained a principal residence at the other property  
 42 on March 1 in the same year in which an application for a deduction is

C  
O  
P  
Y



1 filed under this section or, if the application is for a homestead that is  
 2 assessed as personal property, on March 1 in the immediately  
 3 preceding year and the individual or married couple is moving the  
 4 individual's or married couple's principal residence to the property that  
 5 is the subject of the application. Except as provided in subsection (n),  
 6 the county auditor may not grant an individual or a married couple a  
 7 deduction under this section if:

8 (1) the individual or married couple, for the same year, claims the  
 9 deduction on two (2) or more different applications for the  
 10 deduction; and

11 (2) the applications claim the deduction for different property.

12 (i) The department of local government finance shall provide secure  
 13 access to county auditors to a homestead property data base that  
 14 includes access to the homestead owner's name and the numbers  
 15 required from the homestead owner under subsection (e)(4) for the sole  
 16 purpose of verifying whether an owner is wrongly claiming a deduction  
 17 under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or  
 18 IC 6-3.5.

19 (j) A county auditor may require an individual to provide evidence  
 20 proving that the individual's residence is the individual's principal place  
 21 of residence as claimed in the certified statement filed under subsection  
 22 (e). The county auditor may limit the evidence that an individual is  
 23 required to submit to a state income tax return, a valid driver's license,  
 24 or a valid voter registration card showing that the residence for which  
 25 the deduction is claimed is the individual's principal place of residence.  
 26 The department of local government finance shall work with county  
 27 auditors to develop procedures to determine whether a property owner  
 28 that is claiming a standard deduction or homestead credit is not eligible  
 29 for the standard deduction or homestead credit because the property  
 30 owner's principal place of residence is outside Indiana.

31 (k) As used in this section, "homestead" includes property that  
 32 satisfies each of the following requirements:

33 (1) The property is located in Indiana and consists of a dwelling  
 34 and the real estate, not exceeding one (1) acre, that immediately  
 35 surrounds that dwelling.

36 (2) The property is the principal place of residence of an  
 37 individual.

38 (3) The property is owned by an entity that is not described in  
 39 subsection (a)(2)(B).

40 (4) The individual residing on the property is a shareholder,  
 41 partner, or member of the entity that owns the property.

42 (5) The property was eligible for the standard deduction under

C  
O  
P  
Y



- 1 this section on March 1, 2009.
- 2 (l) If a county auditor terminates a deduction for property described
- 3 in subsection (k) with respect to property taxes that are:
- 4 (1) imposed for an assessment date in 2009; and
- 5 (2) first due and payable in 2010;
- 6 on the grounds that the property is not owned by an entity described in
- 7 subsection (a)(2)(B), the county auditor shall reinstate the deduction if
- 8 the taxpayer provides proof that the property is eligible for the
- 9 deduction in accordance with subsection (k) and that the individual
- 10 residing on the property is not claiming the deduction for any other
- 11 property.
- 12 (m) For ~~assessments~~ **assessment** dates after 2009, the term
- 13 "homestead" includes:
- 14 (1) a deck or patio;
- 15 (2) a gazebo; or
- 16 (3) another residential yard structure, as defined in rules adopted
- 17 by the department of local government finance (other than a
- 18 swimming pool);
- 19 that is assessed as real property and attached to the dwelling.
- 20 (n) A county auditor shall grant an individual a deduction under this
- 21 section regardless of whether the individual and the individual's spouse
- 22 claim a deduction on two (2) different applications and each
- 23 application claims a deduction for different property if the property
- 24 owned by the individual's spouse is located outside Indiana and the
- 25 individual files an affidavit with the county auditor containing the
- 26 following information:
- 27 (1) The names of the county and state in which the individual's
- 28 spouse claims a deduction substantially similar to the deduction
- 29 allowed by this section.
- 30 (2) A statement made under penalty of perjury that the following
- 31 are true:
- 32 (A) That the individual and the individual's spouse maintain
- 33 separate principal places of residence.
- 34 (B) That neither the individual nor the individual's spouse has
- 35 an ownership interest in the other's principal place of
- 36 residence.
- 37 (C) That neither the individual nor the individual's spouse has,
- 38 for that same year, claimed a standard or substantially similar
- 39 deduction for any property other than the property maintained
- 40 as a principal place of residence by the respective individuals.
- 41 A county auditor may require an individual or an individual's spouse to
- 42 provide evidence of the accuracy of the information contained in an

C  
O  
P  
Y



1 affidavit submitted under this subsection. The evidence required of the  
 2 individual or the individual's spouse may include state income tax  
 3 returns, excise tax payment information, property tax payment  
 4 information, driver license information, and voter registration  
 5 information.

6 (o) If:

7 (1) a property owner files a statement under subsection (e) to  
 8 claim the deduction provided by this section for a particular  
 9 property; and

10 (2) the county auditor receiving the filed statement determines  
 11 that the property owner's property is not eligible for the deduction;  
 12 the county auditor shall inform the property owner of the county  
 13 auditor's determination in writing. If a property owner's property is not  
 14 eligible for the deduction because the county auditor has determined  
 15 that the property is not the property owner's principal place of  
 16 residence, the property owner may appeal the county auditor's  
 17 determination to the county property tax assessment board of appeals  
 18 as provided in IC 6-1.1-15. The county auditor shall inform the  
 19 property owner of the owner's right to appeal to the county property tax  
 20 assessment board of appeals when the county auditor informs the  
 21 property owner of the county auditor's determination under this  
 22 subsection.

23 **(p) This subsection applies to an application for the deduction**  
 24 **provided by this section filed for an assessment date occurring**  
 25 **after December 31, 2013. Notwithstanding any other provision of**  
 26 **this section, an individual buying a mobile home that is not**  
 27 **assessed as real property or a manufactured home that is not**  
 28 **assessed as real property under a contract providing that the**  
 29 **individual is to pay the property taxes on the mobile home or**  
 30 **manufactured home is not entitled to the deduction provided by**  
 31 **this section unless:**

32 **(1) the parties to the contract comply with IC 9-17-6-17; and**

33 **(2) the individual provides the county auditor with the**  
 34 **information necessary for the county treasurer to receive tax**  
 35 **payments from the escrow account established under**  
 36 **IC 9-17-6-17.**

37 **(q) This subsection:**

38 **(1) applies to an application for the deduction provided by this**  
 39 **section filed for an assessment date occurring after December**  
 40 **31, 2013; and**

41 **(2) does not apply to an individual described in subsection (p).**

42 **The owner of a mobile home that is not assessed as real property**

C  
o  
p  
y



1 **or a manufactured home that is not assessed as real property must**  
 2 **attach a copy of the owner's title to the mobile home or**  
 3 **manufactured home to the application for the deduction provided**  
 4 **by this section.**

5 SECTION 5. IC 9-13-2-96 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 96. (a) "Manufactured  
 7 home" means, except as provided in subsection (b), a structure that:

- 8 (1) is assembled in a factory;  
 9 (2) bears a seal certifying that it was built in compliance with the  
 10 federal Manufactured Housing Construction and Safety Standards  
 11 Law (42 U.S.C. 5401 et seq.);  
 12 (3) is designed to be transported from the factory to another site  
 13 in one (1) or more units;  
 14 (4) is suitable for use as a dwelling in any season; and  
 15 (5) is more than thirty-five (35) feet long.

16 (b) "Manufactured home", for purposes of IC 9-17-6, means **either**  
 17 **of the following:**

18 (1) A structure having the meaning set forth in the federal  
 19 Manufactured Housing Construction and Safety Standards Law of  
 20 1974 (42 U.S.C. 5401 et seq.).

21 (2) **A mobile home.**

22 SECTION 6. IC 9-13-2-103.2 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 103.2. (a) "**Mobile**  
 24 **home"** means, except as provided in subsection (b), a structure  
 25 **that:**

- 26 (1) **is assembled in a factory;**  
 27 (2) **is designed to be transported from the factory to another**  
 28 **site in one (1) or more units;**  
 29 (3) **is suitable for use as a dwelling in any season;**  
 30 (4) **is more than thirty-five (35) feet long; and**  
 31 (5) **either:**

32 (A) **bears a seal certifying that the structure was built in**  
 33 **compliance with the federal Manufactured Housing**  
 34 **Construction and Safety Standards Law (42 U.S.C. 5401 et**  
 35 **seq.); or**

36 (B) **the structure was manufactured before the effective**  
 37 **date of the federal Manufactured Housing Construction**  
 38 **and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).**

39 (b) "Mobile home", for purposes of IC 9-22-1.5, has the meaning set  
 40 forth in IC 6-6-5-1.

41 SECTION 7. IC 9-17-6-0.5 IS ADDED TO THE INDIANA CODE  
 42 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

1, 2013]: **Sec. 0.5. For purposes of this chapter, a reference to a manufactured home must be construed to also refer to a mobile home.**

SECTION 8. IC 9-17-6-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 17. (a) As used in this section, "federally related mortgage loan" has the meaning set forth in 24 CFR 3500.2.**

**(b) A purchase contract for a manufactured home subject to section 1 of this chapter is subject to the following terms and conditions:**

- (1) The seller must provide a copy of the title to the manufactured home.**
- (2) The contract must specify whether the seller or buyer is responsible for the payment of property taxes assessed against the manufactured home under IC 6-1.1-7.**
- (3) If the contract specifies that the buyer is responsible for the payment of property taxes assessed against the manufactured home, the contract must provide for an escrow account that:**
  - (A) is established by the seller, or a person acting on behalf of the seller, for the benefit of the buyer;**
  - (B) is maintained by the seller, or a person acting on behalf of the seller, during the life of the contract;**
  - (C) is used during the life of the contract to pay property taxes assessed against the manufactured home; and**
  - (D) if the purchase contract constitutes a federally related mortgage loan, complies with the requirements for escrow accounts set forth in the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.), as amended.**
- (4) The contract must be recorded in the county recorder's office.**

SECTION 9. IC 16-41-27-31, AS AMENDED BY P.L.87-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 31. Each mobile home community operator shall maintain a register open for the inspection of by the township assessor or county assessor responsible for assessing mobile homes and manufactured homes located in the mobile home community under IC 6-1.1-7 and the state department or the state department's representatives. containing The register must contain the following information for each mobile home and manufactured home in a mobile home community:**

- (1) The names and ages of all occupants.**

C  
o  
p  
y



1 (2) The name of the owner of the mobile home or manufactured  
 2 home.  
 3 **(3) A copy of the permit issued under IC 6-1.1-7 authorizing**  
 4 **the movement of the mobile home or manufactured home**  
 5 **from one (1) location to another or authorizing a transfer of**  
 6 **the title to the mobile home or manufactured home.**  
 7 SECTION 10. IC 36-2-11-14.5 IS ADDED TO THE INDIANA  
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2013]: **Sec. 14.5. (a) As used in this section,**  
 10 **"manufactured home" has the meaning set forth in**  
 11 **IC 9-13-2-96(b).**  
 12 **(b) As used in this section, "mobile home" has the meaning set**  
 13 **forth in IC 6-1.1-7-1(b).**  
 14 **(c) The recorder may record a purchase contract for a**  
 15 **manufactured home or a mobile home only if the contract seller**  
 16 **provides a copy of the title to the manufactured home or mobile**  
 17 **home to the recorder before submitting the purchase contract for**  
 18 **recording.**  
 19 SECTION 11. An emergency is declared for this act.

C  
o  
p  
y

