

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0331

HOUSE ENGROSSED NO. **HB 1069** - 02/06/2007

Introduced by: The Committee on Appropriations at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to increase liquidated court costs and revise how they are
2 allocated.

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

4 Section 1. That § 23-3-52 be amended to read as follows:

5 23-3-52. In addition to any other penalty, assessment, or fine provided by law, there shall
6 be levied liquidated costs in the amount of ~~thirty~~ forty dollars for partial reimbursement to state
7 government and its subdivisions for law enforcement and judicial expenses incurred in
8 providing the personnel, training, and facilities relative to the criminal justice system and to the
9 911 emergency reporting system, on each conviction for the following:

10 (1) Violation of state statutes or regulations having criminal penalties; or

11 (2) Violation of county or municipal ordinances.

12 If a fine is suspended in whole or in part, the liquidated costs for law enforcement and
13 training may not be reduced, except that the judge may waive all or any part of the payment of
14 liquidated costs which would work a hardship on the person convicted or on the person's
15 immediate family.



1 Section 2. That § 23-3-53 be amended to read as follows:

2 23-3-53. After a determination by the court of the amount due, the clerk of courts shall
3 collect the amount due and transmit such amount monthly to the state treasurer. The state
4 treasurer shall place ~~twenty~~ thirty dollars of the ~~thirty~~ forty dollar fee into the law enforcement
5 officers training fund, six dollars of the ~~thirty~~ forty dollar fee into the court appointed attorney
6 and public defender payment fund, two dollars of the ~~thirty~~ forty dollar fee into the court
7 appointed special advocates fund, one dollar of the ~~thirty~~ forty dollar fee into the 911
8 telecommunicator training fund, and one dollar of the ~~thirty~~ forty dollar fee into the abused and
9 neglected child defense fund.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

884N0576

HOUSE ENGROSSED NO. **HB 1141** - 02/15/2007

Introduced by: Representatives Buckingham, Hackl, Kirkeby, Miles, Olson (Betty), Weems, and Wick and Senators Napoli, Greenfield, Jerstad, Katus, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to create the health and safety facility equity program to
2 assist certain school districts with critical need for capital construction.

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

4 Section 1. There is hereby created within the Department of Education the health and safety
5 facility equity program to assist certain school districts with critical need for capital
6 construction. The program shall be administered by the secretary of education.

7 Section 2. As used in this Act, a school district with critical need for capital construction is
8 one which:

9 (1) Has an urgent need for a new academic building or for a replacement of an academic
10 building due to a catastrophe or due to condemnation by the state fire marshal for
11 structural or health and safety concerns; and

12 (2) Levies taxes at the maximum levels prescribed in § 13-6-7 and still does not have the
13 ability to raise local effort sufficient enough to build or acquire adequate, permanent
14 academic building space.

15 Section 3. Any school district seeking assistance through the health and safety facility equity



1 program shall apply to the secretary of education. The application shall document the district's
2 critical need and include the district's plan to add or replace the academic building.

3 Section 4. There is hereby created the Health and Safety Facility Equity Program Board
4 within the Department of Education. The board shall consist of five members appointed by the
5 Governor. The members shall serve at the pleasure of the Governor. The board shall meet at the
6 call of the secretary of education to review and act upon applications from school districts.
7 When considering whether to approve an application, the board shall take into consideration the
8 following factors:

- 9 (1) If the school district is a sparse district as defined in § 13-13-78;
- 10 (2) If the school district's board has discussed the possibility of reorganizing with the
11 school boards of adjoining school districts, but the adjoining school districts are not
12 interested in reorganization;
- 13 (3) If the plan to add or replace the academic building is adequate to meet the district's
14 needs, but not excessive based on enrollment projections; and
- 15 (4) If the district will likely continue to need the planned academic building ten to twenty
16 years into the future.

17 All applications approved by the Health and Safety Facility Equity Program Oversight Board
18 shall be forwarded to the Department of Education with recommendations.

19 Section 5. The secretary of education shall promulgate rules pursuant to chapter 1-26 to
20 establish application procedures, application timelines, and the procedures and timelines.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

645N0403

HOUSE ENGROSSED NO. **HB 1145** - 02/12/2007

Introduced by: Representatives Turbiville, Brunner, Burg, Cutler, Davis, DeVries, Faehn, Gilson, Halverson, Hargens, Heineman, Hills, Howie, Juhnke, Kirkeby, Lucas, McLaughlin, Miles, Moore, Novstrup (Al), Olson (Betty), Olson (Russell), Pederson (Gordon), Peters, Pitts, Rausch, Rhoden, Rounds, Sigdestad, Steele, Tidemann, Van Etten, Vanneman, Weems, and Willadsen and Senators Lintz, Albers, Bartling, Dempster, Duenwald, Gant, Garnos, Gray, Greenfield, Hanson (Gary), Koetzle, Maher, McCracken, McNenny, Napoli, Peterson (Jim), Schmidt (Dennis), and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning utility right-of-way
2 maintenance.

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

4 Section 1. That § 21-3-10 be amended to read as follows:

5 21-3-10. ~~For wrongful injury to timber, trees, or underwood upon the land of another, or~~
6 ~~removal thereof, the measure of damages is three times such a sum as would compensate for the~~
7 ~~actual detriment, except where the trespass was casual and involuntary, or committed under the~~
8 ~~belief that the land belonged to the trespasser, or where the wood was taken by the authority of~~
9 ~~highway officers for the purpose of a highway; in which case the damages are a sum equal to~~
10 ~~the actual detriment. The Guide for Plant Appraisal, Ninth Edition, as published by the~~
11 ~~International Society of Arboriculture as of January 1, 2007, shall be used as a guide to measure~~
12 ~~the actual damages for the wrongful injury to trees or plants.~~



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

806N0453

HOUSE TRANSPORTATION COMMITTEE
ENGROSSED NO. **HB 1189** - 02/13/2007

Introduced by: Representatives Willadsen, Cutler, Dykstra, Gilson, Glenski, Hills, Nelson, Rausch, Steele, Street, and Weems and Senators Koetzle, Albers, McCracken, Olson (Ed), Smidt (Orville), and Sutton

1 FOR AN ACT ENTITLED, An Act to require certain children to be in booster seats when in
2 motor vehicles.

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

4 Section 1. That § 32-37-1 be amended to read as follows:

5 32-37-1. Any operator of any passenger vehicle transporting a child under five years of age
6 on the streets and highways of this state shall properly secure the child in a child passenger
7 restraint system according to its manufacturer's instructions. The child passenger restraint
8 system shall meet Department of Transportation Motor Vehicle Safety Standard 213 as in effect
9 ~~January 1, 1981~~ at the time the system was manufactured and not later than January 1, 2006. The
10 requirements of this section are met if the child is under five years of age and is at least forty
11 pounds in weight by securing the child in a ~~seat belt~~ booster seat properly secured by a lap and
12 shoulder belt system. An operator who violates this section commits a petty offense.

13 Section 2. That § 32-37-1.1 be amended to read as follows:

14 32-37-1.1. Any operator of a passenger vehicle operated on a public street or highway in this



1 state transporting a passenger who is at least five and ~~under~~ less than eight years of age shall
2 assure that the passenger is seated in a booster seat properly secured by a lap and shoulder belt
3 system. If the passenger is less than eight years old and weighs at least eighty pounds or is at
4 least fifty-seven inches in height, a booster seat is not required, but the operator shall ensure that
5 the passenger is wearing a properly adjusted and fastened safety seat belt system as provided in
6 this section. Any operator of a passenger vehicle operated on a public street or highway in this
7 state transporting a passenger who is at least eight and less than eighteen years of age shall
8 assure that the passenger is wearing a properly adjusted and fastened safety seat belt system,
9 required to be installed in the passenger vehicle if manufactured pursuant to Federal Motor
10 Vehicle Safety Standard Number 208 (49 C.F.R. 571.208) as in effect January 1, ~~1989~~ 2006, at
11 all times when the vehicle is in motion. A violation of this section is a petty offense.

12 Section 3. That chapter 32-37 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 For the purposes of this chapter, the term, booster seat, means a backless child passenger
15 restraint system meeting the requirements of Federal Motor Vehicle Safety Standard Number
16 213 (49 C.F.R 571.213), as in effect at the time the system was manufactured and not later than
17 January 1, 2006, or a belt-positioning seat meeting the requirements of Federal Motor Vehicle
18 Safety Standard Number 213 (49 C.F.R 571.213), as in effect at the time the seat was
19 manufactured and not later than January 1, 2006.

20 Section 4. Any person failing to secure a child in a booster seat pursuant to this Act may
21 only be issued a warning ticket.

22 Section 5. Enforcement of booster seat violations by state or local law enforcement agencies
23 shall be accomplished as a secondary action.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

339N0533

HOUSE ENGROSSED NO. **HB 1196** - 02/05/2007

Introduced by: Representatives Rounds, Boomgarden, Buckingham, Cutler, Engels, Feinstein, Gilson, Lust, Moore, Noem, Novstrup (Al), Olson (Ryan), Peters, Weems, Wick, and Willadsen and Senators McCracken, Abdallah, Albers, Gray, Hoerth, Jerstad, Koetzle, and Schmidt (Dennis)

1 FOR AN ACT ENTITLED, An Act to provide for notice and opportunity to remedy residential
2 construction defects.

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

4 Section 1. Terms used in this Act mean:

- 5 (1) "Action," any civil lawsuit or action in contract or tort for damage or indemnity
6 brought against a construction professional to assert a claim, whether by complaint,
7 counterclaim, or cross-claim, for damage or the loss of use of real or personal
8 property caused by a construction defect. The term does not include a civil action in
9 tort alleging personal injury or wrongful death resulting from a construction defect;
- 10 (2) "Construction defect," a deficiency in or arising out of the supervision, construction,
11 or remodeling of a residence that results from any of the following:
- 12 (a) Defective materials, products, or components used in the construction or
13 remodeling of a residence;
- 14 (b) Violation of the applicable building, plumbing, or electrical codes in effect at



1 the time of the construction or remodeling of a residence; or

2 (c) Failure to construct or remodel a residence in accordance with contract
3 specifications or accepted trade standards;

4 (3) "Construction professional," a builder, contractor, or subcontractor performing or
5 furnishing the supervision of the construction or remodeling of any residence,
6 whether operating as a sole proprietor, partnership, corporation, or other business
7 entity;

8 (4) "Home owner," any person, company, firm, partnership, corporation, or association
9 who contracts with a construction professional for the remodeling, construction, or
10 construction and sale of a residence. The term includes a subsequent purchaser of a
11 residence from any home owner;

12 (5) "Residence," a single-family house or a unit in a multi-unit residential structure in
13 which title to each individual unit is transferred to the owner under a condominium
14 or cooperative system;

15 (6) "Serve" or "service," personal delivery or delivery by certified mail to the last known
16 address of the addressee.

17 Section 2. Prior to commencing an action against the construction professional for a
18 construction defect, a home owner shall:

19 (1) Serve on the construction professional a written notice describing the alleged
20 construction defect; and

21 (2) Allow the construction professional, within thirty days after service of the notice, to
22 inspect the alleged construction defect and serve on the home owner a written offer
23 to repair the construction defect or compensate the owner by monetary payment.

24 The home owner may not commence an action against the construction professional for a

1 construction defect until thirty days after the notice is served on the construction professional.
2 If the home owner commences an action against the construction professional without
3 complying with the requirements of this section, the action shall be stayed until the home owner
4 has complied with such requirements. No home owner is required to serve another written
5 notice for any additional defects discovered after the home owner has served an initial written
6 notice of a construction defect pursuant to this section. The provisions of this Act do not apply
7 to the initiation of a counterclaim or cross-claim in any action that is already properly
8 commenced.

9 Section 3. No applicable statute of limitations runs against either party during the thirty-day
10 period after written notice is served pursuant to section 2 of this Act.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

669N0700 **HOUSE APPROPRIATIONS COMMITTEE ENGROSSED**
NO. HB 1205 - 02/13/2007

Introduced by: Representatives Peters, Dennert, Halverson, Haverly, Kirkeby, Rausch,
Street, and Tidemann and Senators Gant, Napoli, and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to provide funds to the state technical institutes.

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

3 Section 1. There is hereby appropriated from the general fund the sum of one dollar (\$1),
4 or so much thereof as may be necessary, to the Department of Education for the purposes of
5 fulfilling the mission of South Dakota technical institutes.

6 Section 2. The secretary of education shall approve vouchers and the state auditor shall draw
7 warrants to pay expenditures authorized by this Act.

8 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated by
9 June 30, 2009, shall revert in accordance with § 4-8-21.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

399N0764 **HOUSE APPROPRIATIONS COMMITTEE ENGROSSED**
NO. HB 1279 - 02/13/2007

Introduced by: Representatives Haverly, Burg, Rausch, and Tidemann and Senators Smidt
(Orville), Apa, Greenfield, and Koetzle

1 FOR AN ACT ENTITLED, An Act to create a task force to study permanent funding options
2 for the state technical institutes, to provide for its composition, and to declare an emergency.

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

4 Section 1. There is hereby established the Technical Institute Funding Task Force. The task
5 force shall consist of the following twenty members:

6 (1) The speaker of the House of Representatives shall appoint four members of the
7 House of Representatives, no more than three of whom may be from one political
8 party;

9 (2) The president pro tempore of the Senate shall appoint four members of the Senate,
10 no more than three of whom may be from one political party;

11 (3) The Executive Board of the Legislative Research Council shall appoint eight private
12 employers or members of the general public representing business and industry from
13 the four technical institute regions, no more than five of whom may be from one
14 political party; and

15 (4) Each president of the four state technical institutes shall serve ex officio.



1 The initial appointments shall be made no later than May 10, 2007. If there is a vacancy on the
2 task force, the vacancy shall be filled in the same manner as the original appointment.

3 Section 2. The task force shall be under the supervision of the Executive Board of the
4 Legislative Research Council and staffed and funded as an interim legislative committee. The
5 Executive Board shall appoint the chair and the vice chair from among the legislators appointed
6 to the commission.

7 Section 3. The task force shall evaluate the current system of technical institute funding and
8 recommend alternative financing and allocation options. Based on these recommendations, the
9 task force shall submit a report and draft legislation to the Executive Board of the Legislative
10 Research Council no later than November 1, 2007.

11 Section 4. Whereas, this Act is necessary for the support of the state government and its
12 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
13 full force and effect from and after its passage and approval.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0236

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 15** - 02/02/2007

Introduced by: The Committee on Health and Human Services at the request of the
Department of Health

1 FOR AN ACT ENTITLED, An Act to require certain immunizations for students attending
2 postsecondary educational institutions.

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

4 Section 1. Terms in this Act mean:

5 (1) "Public or private postsecondary educational institution" or "institution," any entity
6 permitted to offer postsecondary education credits or degrees in South Dakota under
7 § 13-49-27.1;

8 (2) "Student," any person born after 1956 who is registering for more than one class
9 during an academic term, such as a quarter or a semester. The term includes any
10 person who meets face-to-face at least once per week to receive instruction. The term
11 does not include any person who receives non-credit-bearing or on-the-job training
12 services.

13 Section 2. Any student entering a public or private postsecondary education institution in
14 this state for the first time after July 1, 2008, shall, within forty-five days after the start of
15 classes, present to the appropriate institution certification from a licensed physician that the



1 student has received or is in the process of receiving the required two doses of immunization
2 against measles, rubella, and mumps. As an alternative to the requirement for a physicians's
3 certification, the student may present:

4 (1) Certification from a licensed physician stating the physical condition of the student
5 would be such that immunization would endanger the student's life or health;

6 (2) Certification from a licensed physician stating the student has experienced the natural
7 disease against which the immunization protects;

8 (3) Confirmation from a laboratory of the presence of adequate immunity; or

9 (4) A written statement signed by the student that the student is an adherent to a religious
10 doctrine whose teachings are opposed to such immunizations. If the student is under
11 the age of eighteen, the written statement shall be signed by one parent or guardian.

12 Section 3. The institution shall require that the documentation from the student, provided
13 for by section 2 of this Act, be submitted within forty-five days after the start of classes.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0306 **HOUSE COMMERCE COMMITTEE ENGROSSED NO.**
SB 39 - 01/29/2007

Introduced by: The Committee on Commerce at the request of the Department of Revenue
and Regulation

1 FOR AN ACT ENTITLED, An Act to provide claims information to commercial property
2 casualty insureds.

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

4 Section 1. That chapter 58-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any carrier who is or has provided commercial property casualty coverage in this state shall
7 provide, at the written request of the insured, annual reports of the claims experience of that
8 insured for the immediate past policy period and for any time frames which are not in excess
9 of three years prior to the policy period for which the request was made. A carrier is not required
10 to provide any claim information that pertains to a prior carrier's experience with that insured.
11 The claims report shall be in sufficient detail so as to provide the insured with data sufficient
12 to assess the insured's future commercial property casualty insurance needs. The director may
13 promulgate rules pursuant to chapter 1-26 regarding the content and time frames for the annual
14 reports.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

562N0414

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

SB 70 - 02/14/2007

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Gant, Garnos, and Napoli and Representatives Weems, Peters, and Wick

1 FOR AN ACT ENTITLED, An Act to revise certain fees, continuing education requirements,
2 and examination requirements for massage therapists.

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

4 Section 1. That § 36-35-12 be amended to read as follows:

5 36-35-12. The board may issue a license to engage in the practice of massage to any person
6 who submits an application form and the nonrefundable application fee as approved in § 36-35-
7 17 and who demonstrates the following qualifications:

- 8 (1) Eighteen years of age or older;
- 9 (2) Good moral character;
- 10 (3) High school diploma or equivalent;
- 11 (4) Completion of no less than five hundred hours of training or study in the practice of
12 massage with a facility or instructor recognized by the board;
- 13 (5) Absence of unprofessional conduct;
- 14 (6) ~~Malpractice~~ Professional liability insurance coverage with limits at or above an



1 amount set by the board; and

2 (7) Passing score on an examination administered by a national certification board
3 ~~accredited by the National Commission of Certifying Agencies and in good standing~~
4 ~~with the National Organization of Competency Assurance~~ approved by the board in
5 rules promulgated pursuant to chapter 1-26.

6 A license issued under this chapter is valid for a period of ~~two years~~ one year from the date
7 it was issued and automatically expires unless it is renewed. The board may refuse to grant a
8 license to any person based on failure to demonstrate the requirements of this section. An
9 applicant may appeal the denial of a license in compliance with chapter 1-26.

10 Section 2. That § 36-35-14 be amended to read as follows:

11 36-35-14. ~~For two years following July 1, 2005~~ Until July 1, 2008, the board may issue a
12 license to a person who demonstrates completion of a minimum of one hundred hours of
13 training or study in the practice of massage with a facility or instructor recognized by the board
14 or adequate experience derived from the active practice of massage for at least the three years
15 immediately preceding the date of the application. Any person applying for a license under this
16 section is not required to comply with the examination and training or study requirements of
17 § 36-35-12 but shall meet the other criteria set forth in § 36-35-12. Any person applying for a
18 license under this section shall submit an application as required by § 36-35-12 along with proof
19 of active practice for at least three years prior to the date of application.

20 Section 3. That § 36-35-17 be amended to read as follows:

21 36-35-17. Any applicant for a license under this chapter shall submit a nonrefundable
22 application fee of one hundred dollars. Any person who has a license issued or renewed by the
23 board shall submit a license fee in an amount set by the board, but not to exceed ~~three hundred~~
24 sixty-five dollars.

1 Section 4. That § 36-35-19 be amended to read as follows:

2 36-35-19. Any person licensed under this chapter shall complete eight hours of continuing
3 education relating to competence in the practice of massage on ~~an annual~~ a biennial basis ~~in an~~
4 ~~amount, of a type;~~ and from a facility or instructor approved by the board. No more than four
5 of the required continuing education hours may be obtained by electronic means. The board may
6 waive the continuing education requirement upon proof of illness or hardship.

7 Section 5. That chapter 36-35 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 The board may issue an inactive massage therapist license upon payment of the application
10 fee.

11 Section 6. That § 36-35-24 be amended to read as follows:

12 36-35-24. The board may promulgate rules pursuant to chapter 1-26 in the following areas:

- 13 (1) The form and information required for any license application;
- 14 (2) A list of recognized facilities or instructors who may provide training or instruction
15 required for licensure or continuing education requirements;
- 16 (3) The amount of license fees;
- 17 (4) The procedures for conducting disciplinary proceedings; ~~and~~
- 18 (5) The minimum limits of malpractice insurance to be carried by any person licensed
19 under this chapter; and
- 20 (6) The procedures for applying for an inactive license and the procedures to regain
21 active licensure.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

824N0518

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 125** - 02/13/2007

Introduced by: Senators Napoli, Gray, Greenfield, Hundstad, Koetzle, Maher, McCracken, McNenny, Olson (Ed), Peterson (Jim), and Schmidt (Dennis) and Representatives Hunt, Brunner, Dennert, Dykstra, Gillespie, Koistinen, Moore, Novstrup (Al), Rave, Weems, and Wick

1 FOR AN ACT ENTITLED, An Act to allow an abandoned mobile home or manufactured home
2 to be moved under certain conditions and to require property taxes to be abated on certain
3 abandoned mobile homes and manufactured homes.

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

5 Section 1. If a mobile home or manufactured home as defined in chapter 32-7A has been
6 abandoned and left on leased real property, the owner of real property may sell the mobile home
7 or manufactured home under the provisions of chapter 21-54. A mobile home or manufactured
8 home is considered abandoned if the owner of the mobile home or manufactured home has not
9 removed the home from the real property owner's land within thirty days of the court issuing a
10 writ of possession as provided in chapter 21-16. Upon issuance of the writ of possession by the
11 court, the owner of real property shall give the owner of the mobile home or manufactured home
12 and any lienholder with a lien properly noted pursuant to chapter 32-3, written notice of intent
13 to sell the home pursuant to chapter 21-54 if the home is not removed from the real property
14 owner's property within thirty days. The notice shall be sent to the owner of the mobile home



1 or manufactured home at the owner's last known address. The Department of Revenue and
2 Regulation shall promulgate rules pursuant to chapter 1-26 to prescribe a form for the written
3 notice. Any written notice shall be sent by certified mail. The sale is subject to any taxes owed
4 on the home and unpaid lot rent but such unpaid lot rent lien may not exceed two month's lot
5 rent at the price previously agreed to by the owner of real property and owner of the mobile
6 home or manufactured home.

7 Section 2. After the owner of the abandoned mobile home or manufactured home has been
8 provided thirty days written notice, and before the owner of real property proceeds with the sale
9 of the abandoned mobile home or manufactured home, the owner of the real property shall
10 provide written notice of intent to sell the abandoned property to the county treasurer where the
11 home is located. The Department of Revenue and Regulation shall promulgate rules pursuant
12 to chapter 1-26 to prescribe a form for the written notice. If the treasurer has not issued a distress
13 warrant and informed the owner of real property of such issuance within thirty days of the notice
14 required by this section or the mobile home or manufactured home has not been removed by its
15 owner or any lien holder within thirty days of the notice provided by section 1 of this Act, the
16 owner of real property may proceed with the sale pursuant to chapter 21-54.

17 Section 3. If an abandoned mobile home or manufactured home fails to sell at a sale held
18 pursuant to chapter 21-54, title to the mobile home or manufactured home is irrevocably vested
19 with the owner of the real property. The owner of the real property on which the mobile home
20 or manufactured home resides, may obtain an abandoned title without payment or obligation to
21 pay any taxes owed on the home or any lien on the home at the time of acquisition. However,
22 if the owner of the real property intends any use of the abandoned mobile home or manufactured
23 home other than disposal, the owner of the real property may obtain an abandoned title after
24 paying any taxes owed on the home. The department shall promulgate rules pursuant to chapter

1 1-26 to prescribe a form that shall be used to apply for the abandoned title.

2 Section 4. If an owner of the real property obtains a title to a mobile home or manufactured
3 home pursuant to section 3 of this Act, the owner of the real property shall obtain a permit
4 pursuant to § 32-5-16.3 to move the abandoned mobile home or manufactured home. If the
5 owner of the real property files an affidavit with the county treasurer stating that the owner is
6 going to move the abandoned mobile home or manufactured home for the sole purpose of
7 disposal, the county treasurer shall issue the permit provided by § 32-5-16.3 without receiving
8 payment of the current year's taxes. The Department of Revenue and Regulation shall
9 promulgate rules pursuant to chapter 1-26 to prescribe a form for the affidavit.

10 Section 5. The county treasurer shall deliver the affidavit filed pursuant to section 4 of this
11 Act to the board of county commissioners after issuance of the permit. Upon receipt of the
12 affidavit, the board of county commissioners shall abate any taxes owed on the mobile home
13 or manufactured home.