SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1474

94TH GENERAL ASSEMBLY

Reported from the Special Committee on Financial Institutions March 6, 2008 with recommendation that House Committee Substitute for House Bill No. 1474 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 27, 2008 with recommendation that House Committee Substitute for House Bill No. 1474 Do Pass, with no time limit for debate on Perfection.

Taken up for Perfection April 16, 2008. House Committee Substitute for House Bill No. 1474 ordered Perfected and printed

D. ADAM CRUMBLISS, Chief Clerk

3708L.02P

AN ACT

To repeal sections 137.115, 144.044, 301.650, 362.105, 365.020, 365.200, 369.229, 370.300, 408.015, 408.250, 436.350, 441.005, 442.010, 443.803, 513.010, 700.010, 700.111, 700.320, 700.350, 700.360, 700.375, 700.525, 700.600, 700.630, and 700.650, RSMo, and to enact in lieu thereof twenty-six new sections relating to manufactured homes, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 137.115, 144.044, 301.650, 362.105, 365.020, 365.200, 369.229, 370.300, 408.015, 408.250, 436.350, 441.005, 442.010, 443.803, 513.010, 700.010, 700.111, 700.320, 700.350, 700.360, 700.375, 700.525, 700.600, 700.630, and 700.650, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 137.115, 144.044, 301.650, 362.105, 365.020, 365.200, 369.229, 370.300, 408.015, 408.250, 436.350, 441.005, 442.010, 442.015, 443.803, 513.010, 700.010, 700.111, 700.320, 700.350, 700.360, 700.375, 700.525, 700.600, 700.630, and 700.650, to read as follows:

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district.

EXPLANATION — Matter enclosed in bold-faced brackets **[**thus**]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this **[**paragraph**] subdivision**, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section **[**700.010**] 400.9-102**, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. **For purposes of this section,** a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. **For purposes of this section,** a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home **[**has been converted to real property in compliance with section 700.111**] is real estate as defined in subsection 7 of section 442.015**, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home **[**has been converted to real property in compliance with section 700.111**] is real estate as defined in subsection 7 of section 442.015**, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to

new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a "drive-by inspection" or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by this act, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by this act, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly,

second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by this act, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

144.044. 1. As used in this section, the following terms mean:

(1) "Sale of a modular unit", a transfer of a modular unit as defined in section 700.010, RSMo;

(2) "Sale of a new manufactured home", a transfer of a manufactured home, as defined in section **[**700.010**] 400.9-102**, RSMo, which involves the delivery of the document known as the manufacturer's statement of origin to a person other than a manufactured home dealer, as dealer is defined in section 700.010, RSMo, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state.

2. In the event of the sale of a new manufactured home, forty percent of the purchase price, as defined in section 700.320, RSMo, shall be considered the sale of a service and not the sale of tangible personal property. In addition to the exemptions granted under the provisions of section 144.030, the sale of services as defined in this section shall be specifically exempted from the provisions of sections 238.235 and 238.410, RSMo, the local sales tax law as defined in section 32.085, RSMo, sections 144.010 to 144.525 and 144.600 to 144.745, and from the computation of the tax levied, assessed or payable under sections 238.235 and 238.410, RSMo, the local sales tax law as defined in section 32.085, RSMo, sections 144.010 to 144.525 and 144.600 to 144.745, and section 238.235, RSMo.

3. In the event of the sale of a new modular unit, forty percent of the retail sale of the unit or forty percent of the manufacturer's sales price of the unit if the manufacturer makes a sale to a consumer that is not a retail sale, plus any carrier charge and freight charges shall be considered the sale of a service and sixty percent shall be the retail sale of tangible personal property. In addition to the exemptions granted under the provisions of section 144.030, the sale of services

as defined in this section shall be specifically exempted from the provisions of sections 238.235 and 238.410, RSMo, the local sales tax law as defined in section 32.085, RSMo, sections 144.010 to 144.525 and 144.600 to 144.745, and from the computation of the tax levied, assessed, or payable under sections 238.235 and 238.410, RSMo, the local sales tax law as defined in section 32.085, RSMo, sections 144.010 to 144.525 and 144.600 to 144.745, and section 238.235, RSMo.

301.650. 1. Sections 301.600 to 301.660 do not apply to or affect:

(1) A lien given by statute or rule of law to a supplier of services or materials for the motor vehicle or trailer;

(2) A lien given by statute to the United States, this state or any political subdivision of this state;

(3) A lien or encumbrance on a motor vehicle or trailer created by a manufacturer or dealer who holds the motor vehicle or trailer for sale;

(4) A lien or encumbrance on any manufactured home, as defined in section **[**700.010**]** **400.9-102**, RSMo;

(5) A lien for delinquent child support or spousal support given by section 454.516, RSMo.

2. The method provided in sections 301.600 to 301.660 of perfecting and giving notice of liens or encumbrances subject to sections 301.600 to 301.660 is exclusive.

362.105. 1. Every bank and trust company created under the laws of this state may for a fee or other consideration, directly or through a subsidiary company, and upon complying with any applicable licensing statute:

(1) Conduct the business of receiving money on deposit and allowing interest thereon not exceeding the legal rate or without allowing interest thereon, and of buying and selling exchange, gold, silver, coin of all kinds, uncurrent money, of loaning money upon real estate or personal property, and upon collateral of personal security at a rate of interest not exceeding that allowed by law, and also of buying, investing in, selling and discounting negotiable and nonnegotiable paper of all kinds, including bonds as well as all kinds of commercial paper; and for all loans and discounts made, the corporation may receive and retain the interest in advance;

(2) Accept for payment, at a future date, drafts drawn upon it by its customers and to issue letters of credit authorizing the holders thereof to draw drafts upon it or upon its correspondents at sight or on time not exceeding one year; provided, that no bank or trust company shall incur liabilities under this subdivision to an amount equal at any time in the aggregate to more than its paid-up and unimpaired capital stock and surplus fund, except with the approval of the director under such general regulations as to amount of acceptances as the director may prescribe;

(3) Purchase and hold, for the purpose of becoming a member of a Federal Reserve Bank, so much of the capital stock thereof as will qualify it for membership in the reserve bank pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal Reserve Act" and any amendments thereto; to become a member of the Federal Reserve Bank, and to have and exercise all powers, not in conflict with the laws of this state, which are conferred upon any member by the Federal Reserve Act and any amendments thereto. The member bank or trust company and its directors, officers and stockholders shall continue to be subject, however, to all liabilities and duties imposed upon them by any law of this state and to all the provisions of this chapter relating to banks or trust companies;

(4) Subscribe for and purchase such stock in the Federal Deposit Insurance Corporation and to make such payments to and to make such deposits with the Federal Deposit Insurance Corporation and to pay such assessments made by such corporation as will enable the bank or trust company to obtain the benefits of the insurance of deposits under the act of Congress known as "The Banking Act of 1933" and any amendments thereto;

(5) Invest in a bank service corporation as defined by the act of Congress known as the "Bank Service Corporation Act", Public Law 87-856, as approved October 23, 1962, to the same extent as provided by that act or any amendment thereto;

(6) Hold a noncontrolling equity interest in any business entity that conducts only activities that are financial in nature or incidental to financial activity or that is established pursuant to subdivision (16) of this subsection where the majority of the stock or other interest is held by Missouri banks, Missouri trust companies, national banks located in Missouri, or any foreign bank with a branch or branches in Missouri, or any combination of these financial institutions; provided that if the entity is defined pursuant to Missouri law as any type of financial institution subsidiary or other type of entity subject to special conditions or regulations, those conditions and regulations shall remain applicable, and provided that such business entity may be formed as any type of business entity, in which each investor's liability is limited to the investment in and loans to the business entity as otherwise provided by law;

(7) Receive upon deposit for safekeeping personal property of every description, and to own or control a safety vault and rent the boxes therein;

(8) Purchase and hold the stock of one safe deposit company organized and existing under the laws of the state of Missouri and doing a safe deposit business on premises owned or leased by the bank or trust company at the main banking house and any branch operated by the bank or trust company; provided, that the purchasing and holding of the stock is first duly authorized by resolution of the board of directors of the bank or trust company and by the written approval of the director, and that all of the shares of the safe deposit company shall be purchased

and held, and shall not be sold or transferred except as a whole and not be pledged at all, all sales or transfers or pledges in violation hereof to be void;

(9) Act as the fiscal or transfer agent of the United States, of any state, municipality, body politic or corporation and in such capacity to receive and disburse money, to transfer, register and countersign certificates of stock, bonds and other evidences of indebtedness;

(10) Acquire or convey real property for the following purposes:

(a) Real property conveyed to it in satisfaction or part satisfaction of debts previously contracted in the course of its business; and

(b) Real property purchased at sales under judgment, decrees or liens held by it;

(11) Purchase, hold and become the owner and lessor of personal property acquired upon the specific request of and for use of a customer; and, in addition, leases that neither anticipate full purchase price repayment on the leased asset, nor require the lease to cover the physical life of the asset, other than those for motor vehicles which will not be used by bank or trust company personnel, and may incur such additional obligations as may be incident to becoming an owner and lessor of the property, subject to the following limitations:

(a) Lease transactions do not result in loans for the purpose of section 362.170, but the total amount disbursed under leasing obligations or rentals by any bank to any person, partnership, association, or corporation shall at no time exceed the legal loan limit permitted by statute except upon the written approval of the director of finance;

(b) Lease payments are in the nature of rent rather than interest, and the provisions of chapter 408, RSMo, are not applicable;

(12) Contract with another bank or trust company, bank service corporation or other partnership, corporation, association or person, within or without the state, to render or receive services such as check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, financial counseling, or similar services, or the storage, transmitting or processing of any information or data; except that, the contract shall provide, to the satisfaction of the director of finance, that the party providing such services to a bank or trust company will be subject to regulation and examination to the same extent as if the services were being performed by the bank or trust company on its own premises. This subdivision shall not be deemed to authorize a bank or trust company to provide any customer services through any system of electronic funds transfer at places other than bank premises;

(13) Purchase and hold stock in a corporation whose only purpose is to purchase, lease, hold or convey real property of a character which the bank or trust company holding stock in the corporation could itself purchase, lease, hold or convey pursuant to the provisions of paragraph

(a) of subdivision (10) of this subsection; provided, the purchase and holding of the stock is first duly authorized by resolution of the board of directors of the bank or trust company and by the written approval of the director, and that all of the shares of the corporation shall be purchased and held by the bank or trust company and shall not be sold or transferred except as a whole;

(14) Purchase and sell investment securities, without recourse, solely upon order and for the account of customers; and establish and maintain one or more mutual funds and offer to the public shares or participations therein. Any bank which engages in such activity shall comply with all provisions of chapter 409, RSMo, regarding the licensing and registration of sales personnel for mutual funds so offered, provided that such banks shall register as a broker-dealer with the office of the commissioner of securities and shall consent to supervision and inspection by that office and shall be subject to the continuing jurisdiction of that office;

(15) Make debt or equity investments in corporations or projects, whether for profit or not for profit, designed to promote the development of the community and its welfare, provided that the aggregate investment in all such corporations and in all such projects does not exceed five percent of the unimpaired capital of the bank, and provided that this limitation shall not apply to loans made under the authority of other provisions of law, and other provisions of law shall not limit this subdivision;

(16) Offer through one or more subsidiaries any products and services which a national bank may offer through its financial subsidiaries, subject to the limitations that are applicable to national bank financial subsidiaries, and provided such bank or trust company meets the division of finance safety and soundness considerations. This subdivision is enacted to provide in part competitive equality with national banks' powers under the Gramm-Leach-Bliley Act of 1999, Public Law 106-102.

2. In addition to the power and authorities granted in subsection 1 of this section, and notwithstanding any limitations therein, a bank or trust company may:

(1) Purchase or lease, in an amount not exceeding its legal loan limit, real property and improvements thereto suitable for the convenient conduct of its functions. The bank may derive income from renting or leasing such real property or improvements or both. If the purchase or lease of such real property or improvements exceeds the legal loan limit or is from an officer, director, employee, affiliate, principal shareholder or a related interest of such person, prior approval shall be obtained from the director of finance; and

(2) Loan money on real estate **as defined in section 442.010, RSMo,** and handle escrows, settlements and closings on real estate for the benefit of the bank's customers, as a core part of the banking business, notwithstanding any other provision of law to the contrary.

3. In addition to the powers and authorities granted in subsection 1 of this section, every trust company created under the laws of this state shall be authorized and empowered to:

(1) Receive money in trust and to accumulate the same at such rate of interest as may be obtained or agreed upon, or to allow such interest thereon as may be prescribed or agreed;

(2) Accept and execute all such trusts and perform such duties of every description as may be committed to it by any person or persons whatsoever, or any corporation, and act as assignee, receiver, trustee and depositary, and to accept and execute all such trusts and perform such duties of every description as may be committed or transferred to it by order, judgment or decree of any courts of record of this state or other states, or of the United States;

(3) Take, accept and hold, by the order, judgment or decree of any court of this state, or of any other state, or of the United States, or by gift, grant, assignment, transfer, devise or bequest of any person or corporation, any real or personal property in trust, and to execute and perform any and all the legal and lawful trusts in regard to the same upon the terms, conditions, limitations and restrictions which may be declared, imposed, established or agreed upon in and by the order, judgment, decree, gift, grant, assignment, transfer, devise or bequest;

(4) Buy, invest in and sell all kinds of stocks or other investment securities;

(5) Execute, as principal or surety, any bond or bonds required by law to be given in any proceeding, in law or equity, in any of the courts of this state or other states, or of the United States;

(6) Act as trustee, personal representative, or conservator or in any other like fiduciary capacity;

(7) Act as attorney-in-fact or agent of any person or corporation, foreign or domestic, in the management and control of real or personal property, the sale or conveyance of same, the investment of money, and for any other lawful purpose.

4. (1) In addition to the powers and authorities granted in this section, the director of finance may, from time to time, with the approval of the state banking board, issue orders granting such other powers and authorities as have been granted to financial institutions subject to the supervision of the federal government to:

(a) State-chartered banks and trust companies which are necessary to enable such banks and trust companies to compete;

(b) State-chartered banks and trust companies to establish branches to the same extent that federal law permits national banks to establish branches;

(c) Subsidiaries of state-chartered banks and trust companies to the same extent powers are granted to national bank subsidiaries to enable such banks and trust companies to compete;

(d) State-chartered banks and trust companies to establish trust representative offices to the same extent national banks are permitted such offices.

(2) The orders shall be promulgated as provided in section 361.105, RSMo, and shall not be inconsistent with the constitution and the laws of this state.

5. As used in this section, the term "subsidiary" shall include one or more business entities of which the bank or trust company is the owner, provided the owner's liability is limited by the investment in and loans to the subsidiary as otherwise provided for by law.

6. A bank or trust company to which authority is granted by regulation in subsection 4 of this section, based on the population of the political subdivision, may continue to exercise such authority for up to five years after the appropriate decennial census indicates that the population of the town in which such bank or trust company is located has exceeded the limits provided for by regulation pursuant to subsection 4 of this section.

365.020. Unless otherwise clearly indicated by the context, the following words and phrases have the meanings indicated:

(1) "Cash sale price", the price stated in a retail installment contract for which the seller would have sold to the buyer, and the buyer would have bought from the seller, the motor vehicle which is the subject matter of the retail installment contract, if the sale had been a sale for cash or at a cash price instead of a retail installment transaction at a time sale price. The cash sale price may include any taxes, registration, certificate of title, license and other fees and charges for accessories and their installment and for delivery, servicing, repairing or improving the motor vehicle;

(2) "Director", the office of the director of the division of finance;

(3) "Holder" of a retail installment contract, the retail seller of the motor vehicle under the contract or, if the contract is purchased by a sales finance company or other assignee, the sales finance company or other assignee;

(4) "Insurance company", any form of lawfully authorized insurer in this state;

(5) "Motor vehicle", any new or used automobile, mobile home, **manufactured home as defined in section 400.9-102, RSMo, excluding a manufactured home with respect to which the requirements of subsections 1 to 3 of section 700.111, RSMo, as applicable, have been satisfied,** motorcycle, all-terrain vehicle, motorized bicycle, moped, motortricycle, truck, trailer, semitrailer, truck tractor, or bus primarily designed or used to transport persons or property on a public highway, road or street;

(6) "Official fees", the fees prescribed by law for filing, recording or otherwise perfecting and releasing or satisfying any title or lien retained or taken by a seller in connection with a retail installment transaction;

(7) "Person", an individual, partnership, corporation, association, and any other group however organized;

(8) "Principal balance", the cash sale price of the motor vehicle which is the subject matter of the retail installment transaction plus the amounts, if any, included in the sale, if a separate identified charge is made therefor and stated in the contract, for insurance and other

benefits, including any amounts paid or to be paid by the seller pursuant to an agreement with the buyer to discharge a security interest, lien, or lease interest on property traded in and official fees, minus the amount of the buyer's down payment in money or goods. Notwithstanding any law to the contrary, any amount actually paid by the seller pursuant to an agreement with the buyer to discharge a security interest, lien or lease on property traded in which was included in a contract prior to August 28, 1999, is valid and legal;

(9) "Retail buyer" or "buyer", a person who buys a motor vehicle from a retail seller in a retail installment transaction under a retail installment contract;

(10) "Retail installment contract" or "contract", an agreement evidencing a retail installment transaction entered into in this state pursuant to which the title to or a lien upon the motor vehicle, which is the subject matter of the retail installment transaction is retained or taken by the seller from the buyer as security for the buyer's obligation. The term includes a chattel mortgage or a conditional sales contract;

(11) "Retail installment transaction", a sale of a motor vehicle by a retail seller to a retail buyer on time under a retail installment contract for a time sale price payable in one or more deferred installments;

(12) "Retail seller" or "seller", a person who sells a motor vehicle, not principally for resale, to a retail buyer under a retail installment contract;

(13) "Sales finance company", a person engaged, in whole or in part, in the business of purchasing retail installment contracts from one or more sellers. The term includes but is not limited to a bank, trust company, loan and investment company, savings and loan association, financing institution, or registrant pursuant to sections 367.100 to 367.200, RSMo, if so engaged. The term shall not include a person who makes only isolated purchases of retail installment contracts, which purchases are not being made in the course of repeated or successive purchases of retail installment contracts from the same seller;

(14) "Time price differential", the amount, however denominated or expressed, as limited by section 365.120, in addition to the principal balance to be paid by the buyer for the privilege of purchasing the motor vehicle on time to be paid for by the buyer in one or more deferred installments;

(15) "Time sale price", the total of the cash sale price of the motor vehicle and the amount, if any, included for insurance and other benefits if a separate identified charge is made therefor and the amounts of the official fees and time price differential.

365.200. 1. For any motor vehicle which is not subject to the Missouri motor vehicle time sales law as provided in sections 365.010 to 365.160, a seller is permitted to include in the contractual time sale of a motor vehicle the outstanding balance of a prior loan or lease of a motor vehicle used as a trade-in. For the purposes of this section, a "time sale contract" is a

contract evidencing an installment transaction entered into in this state pursuant to which the title to or a lien upon the motor vehicle which is the subject of the installment transaction is retained or taken by the seller from the buyer as security for the buyer's obligation. The term includes a security agreement or a contract for the bailment or leasing of the motor vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of a motor vehicle upon satisfying the contract. "Motor vehicle" is any new or used automobile, mobile home, **manufactured home as defined in section 400.9-102, RSMo, excluding a manufactured home with respect to which the requirements of subsections 1 to 3 of section 700.111, RSMo, as applicable, have been satisfied,** motorcycle, truck, trailer, semitrailer, truck tractor or bus.

2. Any seller as provided in this section shall first qualify as a retail seller pursuant to sections 365.010 to 365.160.

369.229. 1. Every association may:

(1) Make loans secured by its accounts to the extent of the withdrawal value thereof and unsecured loans to any account owner but not exceeding such amount individually or in the aggregate as may be established by the director of the division of finance by regulation;

(2) Make loans of any type or kind, approved by the director of the division of finance, secured by mortgage or deed of trust constituting a first lien on real estate **as defined in section 442.010, RSMo,** or a leasehold interest therein and having an unexpired term of at least five years or some term in excess of five years as may be fixed by regulation of the director of the division of finance;

(3) Make additional real estate loans secured by liens immediately subsequent to its own first lien upon the same property and with or without additional security;

(4) Purchase real estate loans of the same character as that upon which the association may make an original loan and lend money on the security of such loans;

(5) Participate in loans with other lenders on real estate of any type that the association could originate;

(6) Sell with or without recourse any real estate loan it holds or any participating interest therein.

2. Every association may, subject to such regulations as the director of the division of finance may prescribe:

(1) Make loans secured by the cash surrender value of any life insurance or annuity policy;

(2) Make loans for the purpose of repair, improvement, rehabilitation, furnishing or equipping real estate **as defined in section 442.010, RSMo**;

(3) Make loans, and purchase obligations representing loans, for the purpose of mobile home financing, including development, holding and leasing of mobile home parks or sites; **provided that, for purposes of this section mobile home includes a manufactured home as defined in section 400.9-102, RSMo;**

(4) Make loans for the payment of educational expenses;

(5) Make loans to homeowners with or without security for any purpose, but the aggregate of the unpaid balances of all such loans to any one borrower shall not exceed at any time the sum of five thousand dollars or such greater sum as the director of the division of finance may allow by regulation;

(6) Make loans to its directors, officers, and employees; and

(7) Make such other loans secured or unsecured as the director of the division of finance by regulation may permit.

370.300. 1. A credit union may lend to its members at reasonable rates of interest, which shall not exceed the maximum rate in similar classes allowed all other lenders under the laws of this state; however, a minimum interest charge not exceeding one dollar per month shall be allowable in all cases.

2. A credit union may charge a borrower expenses of making a loan including title examinations on real estate **as defined in section 442.010, RSMo,** used as security for a loan, credit investigations, credit life insurance, and filing and recording fees by governmental agencies.

3. The board may at the close of a dividend period allocate a portion of receipts from interest on loans for the purpose of making an interest refund to members. The refund when made shall be made in proportion to the interest paid by members during the dividend period. The board may deny a refund to a member whose loans have been delinquent during the period. The board may limit the refund to interest from specific classes of loans and make the interest refund to members whose loans are included in such classes.

408.015. As used in sections 408.020 to 408.562:

(1) "Bank" shall mean bank, trust company, or bank and trust company;

(2) "Business loan" shall mean a loan to an individual or a group of individuals, the proceeds of which are to be used in a business or for the purpose of acquiring an interest in a business. The term shall also include a loan to a trust, estate, cooperative, association, or limited or general partnership;

(3) "Corporation" shall mean any corporation, whether for profit or not for profit, and including any urban redevelopment corporation;

(4) "Lender" shall include any bank, savings and loan association, credit union, corporation, partnership, or any other person or entity who makes loans or extends credit;

(5) "Monthly Index of Long Term United States Government Bond Yields" shall mean the monthly unweighted average yield for all outstanding United States Treasury bonds neither due nor callable in less than ten years, based on the daily closing bid prices in the over the counter market, as determined by the Board of Governors of the Federal Reserve System, published in the Federal Reserve Bulletin, and expressed in terms of percent per annum;

(6) "Residential real estate" shall mean any real estate used or intended to be used as a residence by not more than four families, one of whom is the borrower**, including a manufactured home as defined in section 400.9-102, RSMo, which is real estate as defined in subsection 7 of section 442.015, RSMo**;

(7) "Residential real estate loan" shall mean a loan made for the acquisition, construction, repair, or improvement of, or secured by, residential real estate. The term shall also include any loan made to refinance such a loan. No loan secured by residential real estate shall be considered to be a business loan unless such loan meets the requirements of subdivision (2) of this section and subdivision (2) of section 408.035.

408.250. Unless otherwise clearly indicated by the context, the following words when used in sections 408.250 to 408.370, for the purposes of sections 408.250 to 408.370, shall have the meanings respectively ascribed to them in this section:

(1) "Cash sale price" means the price stated in a retail time transaction for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of the retail time transaction, if such sale were for cash. The cash sale price may include the cost of taxes, official fees, if any, and charges for accessories and their installation and delivery, and for the servicing, repairing or improving of goods. If a retail time transaction involves the repair, modernization, alteration or rehabilitation of real property, the cash sale price may include reasonable fees and costs actually to be paid for construction permits and similar fees, the services of an attorney and any title search and title insurance relating to any mortgage, lien or other security interest taken, granted or reserved pursuant to contract;

(2) "Credit" means the right granted by a creditor to a debtor to defer payment of a debt or to incur debt and defer its payment. It includes the right to incur debt and defer its payment pursuant to the use of a card, plate, coupon book, or other credit confirmation or identification device or number or other identifying description;

(3) The term "creditor" refers only to creditors who regularly extend, or arrange for the extension of, credit whether in connection with loans, sales of property or services, or otherwise;

(4) "Goods" means all tangible chattels personal and merchandise certificates or coupons issued by a retail seller exchangeable for tangible chattels personal of such seller, but the term does not include motor vehicles, nonprocessed farm products, livestock, money, things in action,

or intangible personal property. The term includes tangible chattels personal which, at the time of the sale or subsequently, are to be so affixed to realty as to become a part thereof whether or not severable therefrom;

(5) "Holder" of a retail time contract means the retail seller of the goods or services under the contract or, if the contract is purchased or otherwise acquired, the person purchasing or otherwise acquiring the contract;

(6) "Insurance company" means any form of lawfully authorized insurer in this state;

(7) "Motor vehicle" means any new or used automobile, motor home, **manufactured home as defined in section 400.9-102, RSMo, excluding a manufactured home with respect to which the requirements of subsections 1 to 3 of section 700.111, RSMo, as applicable, have been satisfied,** motorcycle, truck, trailer, semitrailer, truck tractor, or bus, primarily designed or used to transport persons or property on a public highway, road or street, or a mobile or modular home or farm machinery or implements;

(8) "Official fees" means the fees prescribed by law for filing, recording or otherwise perfecting and releasing or satisfying any title or lien retained or taken by a seller in connection with a retail time transaction;

(9) "Person" means an individual, partnership, corporation, association, and any other group however organized;

(10) "Principal balance" means the cash sale price of the goods or services which are the subject matter of a retail time transaction plus the amount, if any, included in a retail time contract, if a separate identified charge is made therefor and stated in the contract, for insurance and other benefits and official fees, minus the amount of the buyer's down payment in money or goods;

(11) "Retail buyer" or "buyer" means a person who buys goods or obtains services to be used primarily for personal, family, or household purposes and not primarily for business, commercial, or agricultural purposes from a retail seller in a retail time transaction;

(12) "Retail charge agreement" means an agreement entered into in this state between a retail seller and a retail buyer prescribing the terms of retail time transactions to be made from time to time pursuant to such agreement, and which provides for a time charge to be computed on the buyer's total unpaid balance from time to time;

(13) "Retail seller" or "seller" means a person who regularly sells or offers to sell goods or services to a buyer primarily for the latter's personal, family, or household use and not primarily for business, commercial, or agricultural use. The term also includes a person who regularly grants credit to retail buyers for the purpose of purchasing goods or services from any person, pursuant to a retail charge agreement, but shall not apply to any person licensed or chartered and regulated to engage regularly in the business of making loans from or in this state;

(14) "Retail time contract" means an agreement evidencing one or more retail time transactions entered into in this state pursuant to which a buyer engages to pay in one or more deferred payments the time sale price of goods or services. The term includes a chattel mortgage; conditional sales contract; and a contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of their cash sale price and by which it is agreed that the bailee or lessee is bound to become, or, for no further or a merely nominal consideration has the option of becoming, the owner of the goods upon full compliance with the provisions of the contract;

(15) "Retail time transaction" means a contract to sell or furnish or the sale of or furnishing of goods or services by a retail seller to a retail buyer for which payment is to be made in one or more deferred payments under and pursuant to a retail time contract or a retail charge agreement;

(16) "Services" means work, labor and services of any kind furnished or agreed to be furnished by a retail seller but does not include professional services including, but not limited to, services performed by an accountant, physician, lawyer or the like, unless the furnishing of such professional services is the subject of a signed retail time transaction;

(17) "Time charge" means the amount, however denominated or expressed, in excess of the cash sale price under a retail charge agreement or the principal balance under a retail time contract which a retail buyer contracts to pay or pays for goods or services. It includes the extension to the buyer of the privilege of paying therefor in one or more deferred payments;

(18) "Time sale price" means the total of the cash sale price of the goods or services and the amount, if any, included for insurance and other benefits if a separate identified charge is made therefor, and the amounts of the official fees, and the time charge.

436.350. As used in sections 436.350 to 436.365, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Action", any civil lawsuit, action, or proceeding, in contract or tort, or otherwise, for damages or indemnity, brought to assert a claim, whether by petition, complaint, counterclaim, or cross-claim, for damage to, diminution in the value of, or the loss of use of real or personal property caused by an alleged construction defect. Action does not include any claim originating in small claims court, or any civil action in tort alleging personal injury or wrongful death to a person or persons resulting from an alleged construction defect;

(2) "Association":

(a) An association or unit owners' association as defined and provided for in subdivision (3) of section 448.1-103, RSMo;

(b) A homeowners' association, including but not limited to a nonprofit corporation or unincorporated association of homeowners created pursuant to a declaration to own and operate

portions of a planned community or other residential subdivision and which has the power under the declaration to assess association members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration, or tenants-in-common with respect to the ownership of common areas or amenities of a planned community or other residential subdivision; or

(c) Any cooperative form of ownership of multiunit housing;

(3) "Claimant", a homeowner or association which asserts a claim against a contractor concerning an alleged construction defect;

(4) "Construction defect", for the purposes of sections 436.350 to 436.365, a deficiency in, or a deficiency arising from, any of the following:

(a) Defective material, products, or components used in new residential construction or from a substantial remodel;

(b) Violation of the applicable codes and ordinances, including those ordinances which regulate zoning and the subdivision of land, in effect at the time of the commencement of construction of residential improvements, or as to a substantive remodel, at the commencement of such substantial remodel; provided however, that any matter that is in compliance with applicable codes and ordinances, including without limitation those ordinances which regulate zoning and the subdivision of land, in effect at the commencement of construction of residential improvements, or to a substantial remodel as the case may be, shall conclusively establish that such matter is not, nor shall it be deemed or construed to be a construction defect, unless a construction defect as to such matter is established because of defective material, products, or components used in new residential construction or in a substantial remodel;

(c) Failure to construct residential improvements in accordance with accepted trade standards for good and workmanlike construction at the time of construction. Compliance with the applicable codes and ordinances, including without limitation those ordinances which regulate zoning and the subdivision of land, in effect at the commencement of construction, or of a substantial remodeling as the case may be, shall conclusively establish construction in accordance with accepted trade standards for good and workmanlike construction, with respect to all matters specified in those codes;

(d) Failure to construct residential improvements in accordance with the agreement between the contractor and the claimant, notwithstanding anything to the contrary in this subdivision;

(5) "Contractor", any person, company, firm, partnership, corporation, association, or other entity that is engaged in the business of designing, developing, constructing, or substantially remodeling residences;

(6) "Homeowner", any person, company, firm, partnership, corporation, association, or other entity who contracts with a contractor for the construction, substantial remodel of a residence, or the sale of a residence constructed by such contractor. Homeowner also includes a subsequent purchaser of a residence from any homeowner;

(7) "Residence", a single-family house, duplex, triplex, quadraplex, or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system, and shall include common areas and common elements as defined in subdivision (4) of section 448.1-103, RSMo. Residence shall include the land and improvements to land under and around the house, unit, or structure. Residence shall not include a manufactured home as defined in section **[**700.010**] 400.9-102**, RSMo;

(8) "Serve" or "service", personal service to the person intended to be notified or mailing to the last known address of such person;

(9) "Substantial remodel", a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the residence for property tax purposes at the time the contract for the remodel work was made.

441.005. Except as otherwise provided, when used in chapter 534, RSMo, chapter 535, RSMo, or this chapter, the following terms mean:

(1) "Lease", a written or oral agreement for the use or possession of premises;

(2) "Lessee", any person who leases premises from another, and any person residing on the premises with the lessee's permission;

(3) "Premises", land, tenements, condominium or cooperative units, air rights and all other types of real property leased under the terms of a rental agreement, including any facilities and appurtenances, to such premises, and any grounds, areas and facilities held out for the use of tenants generally or the use of which is promised to the tenant. "Premises" include structures, fixed or mobile, temporary or permanent, vessels, **manufactured home as defined in section 400.9-102, RSMo,** mobile trailer homes and vehicles which are used or intended for use primarily as a dwelling or as a place for commercial or industrial operations or storage;

(4) "Rent", a stated payment for the temporary possession or use of a house, land or other real property, made at fixed intervals by a tenant to a landlord.

442.010. When used in this chapter unless otherwise apparent from the context:

(1) The term "adult" shall be construed as meaning any person who is eighteen years of age or older;

(2) The term "minor" shall be construed as meaning any person who is less than eighteen years of age;

(3) The term "real estate" shall be construed as coextensive in meaning with lands, tenements and hereditaments, and as embracing all chattels real **and as including a**

manufactured home as defined in section 400.9-102, RSMo, which is real estate as defined in subsection 7 of section 442.015.

442.015. 1. For the purposes of this section, "manufactured home" means a manufactured home as defined in section 400.9-102, RSMo. Notwithstanding the foregoing, for the purposes of 11 U.S.C. Section 1322(b)(2), a manufactured home shall be deemed to be real property. For the purposes of this section, a manufactured home is permanently affixed if it is anchored to real estate by attachment to a permanent foundation, constructed in accordance with applicable state and local building codes and manufacturer's specifications as provided in 24 CFR Part 3285, and connected to residential utilities, such as, water, gas, electricity, or sewer or septic service.

2. To convey or voluntarily encumber a manufactured home as real estate, the following conditions shall be met:

(1) The manufactured home shall be permanently affixed to real estate;

(2) The ownership interests in the manufactured home and the real estate to which the manufactured home is or shall be permanently affixed shall be identical, provided, however, that the owner of the manufactured home, if not the owner of the real estate, is in possession of the real estate under the terms of a lease in recordable form that has a term that continues for at least twenty years after the date of execution, and the consent of the lessor of the real estate;

(3) The person or persons having an ownership interest in such manufactured home shall execute and record with the recorder of deeds of the county in which the real estate is located an affidavit of affixation as provided in subsection 3 of this section, and satisfy the other applicable requirements of this section; and

(4) Upon receipt of a certified copy of the affidavit of affixation under subsection 5 of this section, any person designated therein for filing with the director of revenue shall file the certified copy of affidavit of affixation with the director of revenue except that:

(a) In a case described in item (i) of subparagraph a. of paragraph (d) of subdivision (1) of subsection 3 of this section, the certified copy of the affidavit of affixation and the original manufacturer's certificate of origin, each as recorded in the county in which the real estate is located, shall be filed with the director of revenue under subsection 1 of section 700.111, RSMo;

(b) In a case described in item (i) of subparagraph b. of paragraph (d) of subdivision (1) of subsection 3 of this section, the certified copy of the affidavit of affixation, as recorded in the county in which the real estate is located, and the original certificate of title shall be filed with the director of revenue under subsection 2 of section 700.111, RSMo; and

(c) In a circumstance described in item (i) of subparagraph a. of paragraph (d) of subdivision (1), item (i) of subparagraph b. of paragraph (d), or paragraph (f) of subsection 3 of this section, the certified copy of the affidavit of affixation, as recorded in the county in which the real estate is located and an application for confirmation of conversion shall be filed with the director of revenue under subsection 3 of section 700.111, RSMo.

3. (1) An affidavit of affixation shall contain or be accompanied by:

(a) The name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number of the manufactured home, and whether the manufactured home is new or used;

(b) a. A statement that the party executing the affidavit is the owner of the real estate described therein or:

b. If not the owner of the real estate:

(i) A statement that the party executing the affidavit is in possession of the real estate under the terms of a lease in recordable form that has a term that continues for at least twenty years after the date of execution of the affidavit; and

(ii) The consent of the lessor of the real estate endorsed upon or attached to the affidavit and acknowledged or proved in the manner as to entitle a conveyance to be recorded;

(c) The street address and the legal description of the real estate to which the manufactured home is or shall be permanently affixed;

(d) a. If the manufactured home is not covered by a certificate of title, a statement by the owner to that effect, and either:

(i) A statement by the owner of the manufactured home that the manufactured home is covered by a manufacturer's certificate of origin, the date the manufacturer's certificate of origin was issued, the manufacturer's serial number, and a statement that annexed to the affidavit of affixation is the original manufacturer's certificate of origin for the manufactured home, duly endorsed to the owner of the manufactured home, and that the owner of the manufactured home shall surrender the manufacturer's certificate of origin to the director of revenue; or

(ii) A statement that the owner of the manufactured home, after diligent search and inquiry, is unable to produce the original manufacturer's certificate of origin for the manufactured home and that the owner of the manufactured home shall apply to the director of revenue for a confirmation of conversion of the manufactured home; or

b. If the manufactured home is covered by a certificate of title, either:

(i) A statement by the owner of the manufactured home that the manufactured home is covered by a certificate of title, the date the title was issued, the title number, and that the owner of the manufactured home shall surrender the title; or

(ii) A statement that the owner of the manufactured home, after diligent search and inquiry, is unable to produce the certificate of title for the manufactured home and that the owner of the manufactured home shall apply to the director of revenue for a confirmation of conversion of the manufactured home;

(e) A statement whether or not the manufactured home is subject to one or more security interests or liens and:

a. If the manufactured home is subject to one or more security interests or liens, the name and address of each party holding a security interest in or lien on the manufactured home, including but not limited to, each holder shown on any certificate of title issued by the director of revenue, if any, the original principal amount secured by each security interest or lien, and a statement that the security interest or lien shall be released; or

b. A statement that each security interest in or lien on the manufactured home, if any, has been released, together with due proof of each such release;

(f) If the manufactured home is covered by neither a manufacturer's certificate of origin nor a certificate of title, a statement by the owner of the manufactured home to that effect and that the owner of the manufactured home shall apply to the director of revenue for a confirmation of conversion of the manufactured home;

(g) A statement that the manufactured home is or shall be permanently affixed to the real estate; and

(h) The name and address of a person designated for filing the certified copy of the affidavit of affixation with the director of revenue, to whom the recorder of deeds shall return the certified copy of the affidavit of affixation after it has been duly recorded in the real estate records, as provided in subsection 5 of this section.

(2) An affidavit of affixation shall be duly acknowledged or proved in like manner as to entitle a conveyance to be recorded, and when so acknowledged or proved and upon payment of the lawful fees therefor, the recorder of deeds shall immediately cause the affidavit of affixation and any attachments thereto to be duly recorded and indexed under this chapter.

(3) The affidavit of affixation shall be accompanied by an applicable fee for recording and issuing a certified copy of such affidavit.

4. Neither the act of permanently affixing a manufactured home to real estate nor the recording of the affidavit of affixation shall impair the rights of any holder of a security interest in or lien on a manufactured home perfected as provided in section 700.350, RSMo,

unless and until the due filing with and acceptance by the director of revenue of an application to surrender the title as provided in subsection 1 of section 700.111, RSMo, and the release of such security interest or lien as provided in section 700.370, RSMo. Upon the filing of such a release, the security interest or lien perfected under section 700.350, RSMo, is terminated.

5. Upon payment of the fees provided by law and recordation of the affidavit of affixation, the recorder of deeds shall endorse the affidavit as recorded in records of real property conveyances, setting forth thereon the indexing information for the affidavit of affixation, and the recorder of deeds shall forthwith forward a certified copy of the affidavit of affixation and all attachments thereto to the person designated therein for filing with the director of revenue. Upon receipt of a certified copy of the affidavit of affixation by the person designated therein for filing with the director of revenue, such person shall forthwith deliver for filing to the director of revenue such certified copy of the affidavit of affixation and the other documents as provided in subdivision (4) of subsection 2 of this section.

6. A manufactured home shall be deemed to be real estate when all of the following events have occurred:

(1) The home is permanently affixed to land as provided in subsection 1 of this section;

(2) An affidavit of affixation conforming to the requirements of subsection 3 of this section has been recorded in the conveyance records in the office of the county recorder in the county where the manufactured home is permanently affixed;

(3) A certified copy of the affidavit of affixation has been delivered for filing to the director of revenue as provided in subsection 5 of this section; and

(4) The requirements of subsections 1 to 3 of section 700.111, RSMo, as applicable, have been satisfied.

7. Upon the satisfaction of the requirements of subsection 6 of this section, such manufactured home shall be deemed to be real estate; any mortgage, deed of trust, lien, or security interest which can attach to land, buildings erected thereon or fixtures affixed thereto shall attach as of the date of its recording in the same manner as if the manufactured home were built from ordinary building materials on site. Title to such manufactured home shall be transferred by deed or other form of conveyance that is effective to transfer an interest in real estate, together with the land to which such structure has been affixed. The manufactured home shall be deemed to be real estate and shall be governed by the laws applicable to real estate.

8. Except as provided in subsections 3, 5, 6 and 7 of this section, an affidavit of affixation is not necessary or effective to convey or encumber a manufactured home or to change the character of the manufactured home to real estate. Every conveyance of land upon which is located a manufactured home for which no affidavit of affixation has been recorded or for which an affidavit of severance has been recorded shall contain a recital that such conveyance does not affect the title to said manufactured home and that the transfer or encumbrance thereof can only be made under the provisions of chapter 700, RSMo. Any agreement by any party to the transaction whereby the requirements of this subsection are waived shall be void as contrary to public policy.

9. Nothing in this section shall impair any rights existing under law prior to August 28, 2008, of anyone claiming an interest in the manufactured home.

10. (1) If and when a manufactured home for which an affidavit of affixation has been recorded is detached or severed from the real estate to which it is affixed, the person or persons having an interest in the real estate shall record an affidavit of severance in the records of real property conveyances of the county in which the affidavit of affixation with respect to the manufactured home is recorded. The affidavit of severance shall contain or be accompanied by:

(a) The name, residence and mailing address of the owner of the manufactured home;

(b) A description of the manufactured home including the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number of the manufactured home and whether it is new or used;

(c) The book number, page number, and date of recordation of the affidavit of affixation;

(d) A statement:

a. Of any facts or information known to the party executing the affidavit that could affect the validity of the title of the manufactured home or the existence or nonexistence of a security interest in or lien on it; or

b. That no such facts or information are known to such party;

(e) A sworn declaration by an attorney-at-law duly admitted to practice in the courts of the state of Missouri or an agent of a title insurance company duly licensed to issue policies of title insurance in the state of Missouri that:

a. The manufactured home is free and clear of all security interests, liens and encumbrances; and

b. Any facts or information known to him or her that could affect the validity of the title of the manufactured home or the existence or nonexistence of a security interest in or lien on it; or

c. That no such facts or information are known to him or her; and

(f) The name and address of the person designated for filing the certified copy of the affidavit of severance with the director of revenue, to whom the recorder of deeds shall return the certified copy of the affidavit of severance after it has been duly recorded in the real estate records, as provided in subsection 11 of this section.

(2) The affidavit of severance shall be duly acknowledged or proved in like manner as to entitle a conveyance to be recorded, and when so acknowledged or proved and upon payment of the lawful fees therefor, such recorder of deeds shall immediately cause the affidavit and any attachments thereto to be duly recorded and indexed under this chapter.

(3) The affidavit of severance shall also be accompanied by an applicable fee for recording such affidavit.

11. Upon payment of the fees provided by law and recordation of the affidavit of severance, the recorder of deeds shall endorse the affidavit as recorded in records of real property conveyances, setting forth thereon the indexing information for the affidavit of severance, and the recorder of deeds shall forthwith forward a certified copy of the affidavit of severance to the person designated therein for filing with the director of revenue. Upon receipt of a certified copy of the affidavit of severance by the person designated therein for filing with the director of revenue, such person shall deliver for filing to the director of revenue such certified copy of the affidavit of severance and the other documents as provided in subdivision (1) of subsection 10 of this section.

443.803. 1. For the purposes of sections 443.800 to 443.893, the following terms mean:

(1) "Advertisement", the attempt by publication, dissemination or circulation to induce, directly or indirectly, any person to apply for a loan to be secured by residential real estate;

(2) "Affiliate":

(a) Any entity that directly controls, or is controlled by, the licensee and any other company that is directly affecting activities regulated by sections 443.800 to 443.893 that is controlled by the company that controls the licensee;

(b) Any entity:

a. That is controlled, directly or indirectly, by a trust or otherwise by, or for the benefit of, shareholders who beneficially, or otherwise, control, directly or indirectly, by trust or otherwise, the licensee or any company that controls the licensee; or

b. A majority of the directors or trustees of which constitute a majority of the persons holding any such office with the licensee or any company that controls the licensee;

(c) Any company, including a real estate investment trust, that is sponsored and advised on a contractual basis by the licensee or any subsidiary or affiliate of the licensee;

(3) "Annual audit", a certified audit of the licensee's books and records and systems of internal control performed by a certified public accountant in accordance with generally accepted accounting principles and generally accepted auditing standards;

(4) "Board", the residential mortgage board, created in section 443.816;

(5) "Borrower", the person or persons who use the services of a loan broker, originator or lender;

(6) "Director", the director of the division of finance within the department of economic development;

(7) "Escrow agent", a third party, individual or entity, charged with the fiduciary obligation for holding escrow funds on a residential mortgage loan pending final payout of those funds in accordance with the terms of the residential mortgage loan;

(8) "Exempt entity", the following entities:

(a) Any bank or trust company organized under the laws of this or any other state or any national bank or any foreign banking corporation licensed by the division of finance or the United States Comptroller of the Currency to transact business in this state;

(b) Any state or federal savings and loan association, savings bank or credit union or any consumer finance company licensed under sections 367.100 to 367.215, RSMo, which is actively engaged in consumer credit lending;

(c) Any insurance company authorized to transact business in this state;

(d) Any person engaged solely in commercial mortgage lending or any person making or acquiring residential or commercial construction loans with the person's own funds for the person's own investment;

(e) Any service corporation of a federally chartered or state-chartered savings and loan association, savings bank or credit union;

(f) Any first-tier subsidiary of a national or state bank that has its principal place of business in this state, provided that such first-tier subsidiary is regularly examined by the division of finance or the Comptroller of the Currency or a consumer compliance examination of it is regularly conducted by the Federal Reserve;

(g) Any person engaged solely in the business of securing loans on the secondary market provided such person does not make decisions about the extension of credit to the borrower;

(h) Any mortgage banker as defined in subdivision (19) of this subsection; or

(i) Any wholesale mortgage lender who purchases mortgage loans originated by a licensee provided such wholesale lender does not make decisions about the extension of credit to the borrower;

(j) Any person making or acquiring residential mortgage loans with the person's own funds for the person's own investment;

(k) Any person employed or contracted by a licensee to assist in the performance of the activities regulated by sections 443.800 to 443.893 who is compensated in any manner by only one licensee;

(l) Any person licensed pursuant to the real estate agents and brokers licensing law, chapter 339, RSMo, who engages in servicing or the taking of applications and credit and appraisal information to forward to a licensee or an exempt entity for transactions in which the licensee is acting as a real estate broker and who is compensated by either a licensee or an exempt entity;

(m) Any person who originates, services or brokers residential mortgagee loans and who receives no compensation for those activities, subject to the director's regulations regarding the nature and amount of compensation;

(9) "Financial institution", a savings and loan association, savings bank, credit union, mortgage banker or bank organized under the laws of Missouri or the laws of the United States with its principal place of business in Missouri;

(10) "First-tier subsidiary", as defined by administrative rule promulgated by the director;

(11) "Full-service office", office and staff in Missouri reasonably adequate to handle efficiently communications, questions and other matters relating to any application for a new, or existing, home mortgage loan which the licensee is brokering, funding, originating, purchasing or servicing. The management and operation of each full-service office must include observance of good business practices such as adequate, organized and accurate books and records, ample phone lines, hours of business, staff training and supervision and provision for a mechanism to resolve consumer inquiries, complaints and problems. The director shall promulgate regulations with regard to the requirements of this subdivision and shall include an evaluation of compliance with this subdivision in the periodic examination of the licensee;

(12) "Government-insured mortgage loan", any mortgage loan made on the security of residential real estate insured by the Department of Housing and Urban Development or Farmers Home Loan Administration, or guaranteed by the Veterans Administration;

(13) "Lender", any person who either lends money for or invests money in residential mortgage loans;

(14) "Licensee" or "residential mortgage licensee", a person who is licensed to engage in the activities regulated by sections 443.800 to 443.893;

(15) "Loan broker" or "broker", a person exempted from licensing pursuant to subdivision (8) of this subsection, who performs the activities described in subdivisions (17) and (32) of this subsection;

(16) "Loan brokerage agreement", a written agreement in which a broker agrees to do either of the following:

(a) Obtain a residential mortgage loan for the borrower or assist the borrower in obtaining a residential mortgage loan; or

(b) Consider making a residential mortgage loan to the borrower;

(17) "Loan brokering", "mortgage brokering", or "mortgage brokerage service", the act of helping to obtain for an investor or from an investor for a borrower, a loan secured by residential real estate situated in Missouri or assisting an investor or a borrower in obtaining a loan secured by residential real estate in return for consideration;

(18) "Making a residential mortgage loan" or "funding a residential mortgage loan", for compensation or gain, either, directly or indirectly, advancing funds or making a commitment to an applicant for a residential mortgage loan;

(19) "Mortgage banker", a mortgage loan company which is subject to licensing, supervision, or annual audit requirements by the Federal National Mortgage Association (FNMA), or the Federal Home Loan Mortgage Corporation (FHLMC), or the United States Veterans Administration (VA), or the United States Department of Housing and Urban Development (HUD), or a successor of any of the foregoing agencies or entities, as an approved lender, loan correspondent, seller, or servicer;

(20) "Mortgage loan" or "residential mortgage loan", a loan to, or for the benefit of, any natural person made primarily for personal, family or household use, including a reverse mortgage loan, primarily secured by either a mortgage or reverse mortgage on residential real property or certificates of stock or other evidence of ownership interests in, and proprietary leases from, corporations or partnerships formed for the purpose of cooperative ownership of residential real property;

(21) "Net worth", as provided in section 443.859;

(22) "Originating", the advertising, soliciting, taking applications, processing, closing, or issuing of commitments for, and funding of, residential mortgage loans;

(23) "Party to a residential mortgage financing transaction", a borrower, lender or loan broker in a residential mortgage financing transaction;

(24) "Payments", payment of all, or any part of, the following: principal, interest and escrow reserves for taxes, insurance and other related reserves and reimbursement for lender advances;

(25) "Person", any individual, firm, partnership, corporation, company or association and the legal successors thereof;

(26) "Personal residence address", a street address, but shall not include a post office box number;

(27) "Purchasing", the purchase of conventional or government-insured mortgage loans secured by residential real estate from either the lender or from the secondary market;

(28) "Residential mortgage board", the residential mortgage board created in section 443.816;

(29) "Residential mortgage financing transaction", the negotiation, acquisition, sale or arrangement for, or the offer to negotiate, acquire, sell or arrange for, a residential mortgage loan or residential mortgage loan commitment;

(30) "Residential mortgage loan commitment", a written conditional agreement to finance a residential mortgage loan;

(31) "Residential real property" or "residential real estate", real property located in this state improved by a one-family to four-family dwelling**, including a manufactured home as defined in section 400.9-102, RSMo, which is real estate as defined in subsection 7 of section 442.015, RSMo**;

(32) "Servicing", the collection or remittance for, or the right or obligation to collect or remit for, any lender, noteowner, noteholder or for a licensee's own account, of payments, interests, principal and trust items such as hazard insurance and taxes on a residential mortgage loan and includes loan payment follow-up, delinquency loan follow-up, loan analysis and any notifications to the borrower that are necessary to enable the borrower to keep the loan current and in good standing;

(33) "Soliciting, processing, placing or negotiating a residential mortgage loan", for compensation or gain, either, directly or indirectly, accepting or offering to accept an application for a residential mortgage loan, assisting or offering to assist in the processing of an application for a residential mortgage loan on behalf of a borrower, or negotiating or offering to negotiate the terms or conditions of a residential mortgage loan with a lender on behalf of a borrower including, but not limited to, the submission of credit packages for the approval of lenders, the preparation of residential mortgage loan closing documents, and including a closing in the name of a broker;

(34) "Ultimate equitable owner", a person who, directly or indirectly, owns or controls an ownership interest in a corporation, foreign corporation, alien business organization, trust or any other form of business organization regardless of whether the person owns or controls the ownership interest through one or more persons or one or more proxies, powers of attorney, nominees, corporations, associations, partnerships, trusts, joint stock companies or other entities or devices, or any combination thereof.

2. The director may define by rule any terms used in sections 443.800 to 443.893 for efficient and clear administration.

513.010. 1. The word "levy", as used in this chapter, shall be construed to mean the actual seizure of property by the officer charged with the execution of the writ.

2. The term "real estate", as used in this chapter shall be construed to include all estate and interest in lands, tenements and hereditaments**, including a manufactured home as defined in section 400.9-102, RSMo, which is real estate as defined in subsection 7 of section 442.015, RSMo**.

700.010. As used in sections 700.010 to 700.500, for the purpose of sections 700.010 to 700.500, the following terms mean:

(1) "Authorized representative", any person, firm or corporation, or employee thereof, approved or hired by the commission to perform inspection services;

(2) "Code", the standards relating to manufactured homes, or modular units as adopted by the commission. The commission, in its discretion, may incorporate, in whole or in part, the standards codes promulgated by the American National Standards Institute, the United States Department of Housing and Urban Development or other recognized agencies or organizations;

(3) "Commission", the public service commission;

(4) "Dealer", any person, other than a manufacturer, who sells or offers for sale four or more manufactured homes, or modular units in any consecutive twelve-month period;

(5) "Manufactured home", **[**a factory-built structure or structures which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, contains three hundred twenty or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner**] a manufactured home as defined in section 400.9-102 RSMo; provided that notwithstanding the foregoing, for purposes of 11 U.S.C. Section 1322(b)(2), a manufactured home shall be deemed to be real estate**;

(6) "Manufacturer", any person who manufactures manufactured homes, or modular units, including persons who engage in importing manufactured homes, or modular units for resale;

(7) "Modular unit", a transportable building unit designed to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational or industrial purposes. This definition shall not apply to structures under six hundred fifty square feet used temporarily and exclusively for construction site office purposes;

(8) "New", being sold or offered for sale to the first purchaser for purposes other than resale;

(9) "Person", an individual, partnership, corporation or other legal entity;

(10) "Premises", a lot, plot, or parcel of land including the buildings, structures, and manufactured homes thereon;

(11) "Recreational park trailer", a recreational park trailer as defined in the American National Standards Institute (ANSI) A119.5 Standard on Recreational Park Trailers. A recreational park trailer is not a recreational vehicle;

(12) "Recreational vehicle", a recreational vehicle as defined in the American National Standards Institute (ANSI) A119.2 Standard on Recreational Vehicles;

(13) "Seal", a device, label or insignia issued by the public service commission, U.S. Department of Housing and Urban Development, or its agent, to be displayed on the exterior of the manufactured home, or modular unit to evidence compliance with the code;

(14) "Setup", the operations performed at the occupancy site which renders a manufactured home or modular unit fit for habitation, which operations include, but are not limited to, moving, blocking, leveling, supporting, and assembling multiple or expandable units.

700.111. 1. **[**The owner of a manufactured home may convert the manufactured home to real property by:

(1) Attaching the manufactured home to a permanent foundation situated on real estate owned by the manufactured home owner; and

(2) The removal or modification of the transporting apparatus including but not limited to wheels, axles and hitches rendering it impractical to reconvert the real property thus created to a manufactured home.**] (1) The owner or owners of a manufactured home that is covered by a manufacturer's certificate of origin and that is permanently affixed to real estate as defined in subsection 1 of section 442.015, RSMo, or which the owner intends to permanently affix to real estate as defined in subsection 1 of section 442.015, RSMo, may surrender the manufacturer's certificate of origin to the manufactured home to the director of revenue by filing with the director of revenue an application for surrender of manufacturer's certificate of origin containing or accompanied by:**

(a) The name, residence and mailing address of the owner;

(b) A description of the manufactured home including the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number of the manufactured home and whether it is new or used and any other information the director of revenue requires;

(c) The date of purchase by the owner of the manufactured home, the name and address of the person from whom the home was acquired and the names and addresses of any security interest holders and lienholders in the order of their apparent priority;

(d) A statement signed by the owner, stating either:

a. Any facts or information known to the owner that could affect the validity of the title to the manufactured home or the existence or nonexistence of a security interest in or lien on it; or

b. That no such facts or information are known to the owner;

(e) A certified copy of the affidavit of affixation as provided in accordance with subsection 5 of section 442.015, RSMo;

(f) The original manufacturer's certificate of origin;

(g) The name and mailing address of each person wishing written acknowledgment of surrender from the director of revenue;

(h) The applicable fee for filing the application for surrender; and

(i) Any other information and documents the director of revenue reasonably requires to identify the owner of the manufactured home and to enable it to determine whether the owner satisfied the requirements of subdivisions (1) to (3) of subsection 6 of section 442.015, RSMo, and is entitled to surrender the manufacturer's certificate of origin, and the existence or nonexistence of security interests in or liens on the manufactured home.

(2) When satisfied of the genuineness and regularity of the surrender of a manufacturer's certificate of origin to a manufactured home and upon satisfaction of the requirements of subdivision (1) of this subsection, the director of revenue shall:

(a) Cancel the manufacturer's certificate of origin and update its records in accordance with the provisions of section 700.320; and

(b) Provide written acknowledgment of compliance with the provisions of this section to each person identified on the application for surrender of manufacturer's certificate of origin under paragraph (g) of subdivision (1) of this subsection.

(3) Upon satisfaction of the requirements of this subsection a manufactured home shall be conveyed and encumbered as provided in chapter 442, RSMo. If the application to surrender a manufacturer's certificate of origin is delivered to the director of revenue within thirty days of recording the related affidavit of affixation with the recorder of deeds in the county in which the real estate to which the manufactured home is or shall be affixed and the application is thereafter accepted by the director of revenue, the requirements of this subsection shall be deemed satisfied as of the date the affidavit of affixation was recorded.

(4) Upon written request, the director of revenue shall provide written acknowledgment of compliance with the provisions of this subsection.

2. **[**The conversion of a manufactured home to real property by the method provided in subsection 1 of this section shall prohibit any political subdivision of this state from declaring or treating that manufactured home as other than real property.**] (1) The owner or owners of a manufactured home that is covered by a certificate of title and that is permanently affixed to real estate as defined in subsection 1 of section 442.015, RSMo, or which the owner intends to permanently affix to real estate as defined in subsection 1 of section 442.015, RSMo, may surrender the certificate of title to the manufactured home to the director of revenue by filing with the director of revenue an application for surrender of title containing or accompanied by:**

(a) The name, residence and mailing address of the owner;

(b) A description of the manufactured home including the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number of the manufactured home and whether it is new or used and any other information the director of revenue requires;

(c) The date of purchase by the owner of the manufactured home, the name and address of the person from whom the home was acquired and the names and addresses of any security interest holders and lienholders in the order of their apparent priority;

(d) A statement signed by the owner, stating either:

a. Any facts or information known to the owner that could affect the validity of the title to the manufactured home or the existence or nonexistence of a security interest in or lien on it; or

b. That no such facts or information are known to the owner;

(e) A certified copy of the affidavit of affixation provided in accordance with subsection 5 of section 442.015, RSMo;

(f) The original certificate of title;

(g) The name and mailing address of each person wishing written acknowledgment of surrender from the director of revenue;

(h) The applicable fee for filing the application for surrender; and

(i) Any other information and documents the director of revenue reasonably requires to identify the owner of the manufactured home and to enable it to determine whether the owner satisfied the requirements of subdivisions (1) to (3) of subsection 6 of section 442.015, RSMo, and is entitled to surrender the certificate of title and the existence or nonexistence of security interests in or liens on the manufactured home.

(2) The director of revenue shall not accept for surrender a certificate of title to a manufactured home unless and until all security interests or liens perfected under section 700.350 have been released.

(3) When satisfied of the genuineness and regularity of the surrender of a certificate of title to a manufactured home and upon satisfaction of the requirements of subdivisions (1) and (2) of this subsection, the director of revenue shall:

(a) Cancel the certificate of title and update its records in accordance with the provisions of section 700.320; and

(b) Provide written acknowledgment of compliance with the provisions of this section to each person identified on the application for surrender of title under subdivision (g) of subdivision (1) of this subsection.

(4) Upon satisfaction of the requirements of this subsection a manufactured home shall be conveyed and encumbered as provided in chapter 442, RSMo. If the application to surrender a certificate of title is delivered to the director of revenue within thirty days of recording the related affidavit of affixation with the recorder of deeds in the county in which the real estate to which the manufactured home is or shall be affixed, and the application is thereafter accepted by the director of revenue, the requirements of this subsection shall be deemed satisfied as of the date the affidavit of affixation was recorded.

(5) Upon written request, the director of revenue shall provide written acknowledgment of compliance with the provisions of this subsection.

3. (1) The owner or owners of a manufactured home that is not covered by a manufacturer's certificate of origin or a certificate of title, and that is permanently affixed to real estate as defined in subsection 1 of section 442.015, RSMo, or which the owner intends to permanently affix to real estate as defined in subsection 1 of section 442.015, RSMo, may apply to the director of revenue by filing with the director of revenue an application for confirmation of conversion containing or accompanied by:

(a) The name, residence and mailing address of the owner;

(b) A description of the manufactured home including the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number of the manufactured home and whether it is new or used and any other information the director of revenue requires;

(c) The date of purchase by the owner of the manufactured home, the name and address of the person from whom the home was acquired and the names and addresses of any security interest holders and lienholders in the order of their apparent priority;

(d) A statement signed by the owner, stating either:

a. Any facts or information known to the owner that could affect the validity of the title to the manufactured home or the existence or nonexistence of a security interest in or lien on it; or

b. That no such facts or information are known to the owner;

(e) A certified copy of the affidavit of affixation as provided in accordance with subsection 5 of section 442.015, RSMo;

(f) A sworn declaration by an attorney-at-law, duly admitted to practice in the courts of the state of Missouri, or an agent of a title insurance company duly licensed to issue policies of title insurance in the state of Missouri, that the manufactured home is free and clear of all security interests, liens and encumbrances; and

a. Any facts or information known to him or her that could affect the validity of the title of the manufactured home or the existence or nonexistence of any security interest in or lien on it; or

b. That no such facts or information are known to him or her;

(g) The name and mailing address of each person wishing written acknowledgment of surrender from the director of revenue;

(h) The applicable fee for filing the application for surrender; and

(i) Any other information and documents the director of revenue reasonably requires to identify the owner of the manufactured home and to enable it to determine whether the owner satisfied the requirements of subdivisions (1) to (3) of subsection 6 of section 442.015, RSMo, and the existence or nonexistence of security interests in or liens on the manufactured home.

(2) When satisfied of the genuineness and regularity of the application for confirmation of conversion of a manufactured home and upon satisfaction of the requirements of subdivision (1) of this subsection, the director of revenue shall:

(a) Update its records in accordance with the provisions of section 700.320; and

(b) Provide written acknowledgment of compliance with the provisions of this subsection to each person identified on the application for confirmation of conversion under paragraph (g) of subdivision (1) of this subsection.

(3) Upon satisfaction of the requirements of this subsection, a manufactured home shall be conveyed and encumbered as provided in chapter 442, RSMo. If the application for confirmation of conversion of a manufactured home is delivered to the director of revenue within thirty days of recording the related affidavit of affixation with the recorder of deeds in the county in which the real estate to which the manufactured home is or shall be affixed and the application is thereafter accepted by the director of revenue, the

requirements of this subsection shall be deemed satisfied as of the date the affidavit of affixation was recorded.

(4) Upon written request, the director of revenue shall provide written acknowledgment of compliance with the provisions of this subsection.

4. (1) Notwithstanding any other provision of law, where a manufactured home has been permanently affixed to real estate and an affidavit of affixation has been recorded in the real estate records in the county in which the manufactured home is located in accordance with section 442.015, RSMo, and where the manufactured home subsequently is detached or severed from the real estate, the owner or owners of the manufactured home may apply for a new certificate of title by filing with the director of revenue an application for a certificate of title to a manufactured home, containing or accompanied by:

(a) The name, residence and mailing address of the owner;

(b) A description of the manufactured home including the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number of the manufactured home and whether it is new or used and any other information the director of revenue requires;

(c) A statement signed by the applicant, stating either:

a. Any facts or information known to the applicant that could affect the validity of the title of the manufactured home or the existence or nonexistence of any security interest in or lien on it; or

b. That no such facts or information are known to the applicant;

(d) A certified copy of the affidavit of severance provided in accordance with section 442.015, RSMo;

(e) A sworn declaration by an attorney-at-law, duly admitted to practice in the courts of the state of Missouri, or an agent of a title insurance company duly licensed to issue policies of title insurance in the state of Missouri, that the manufactured home is free and clear of all security interests, liens and encumbrances; and

a. Any facts or information known to him or her that could affect the validity of the title of the manufactured home or the existence or nonexistence of any security interest in or lien on it; or

b. That no such facts or information are known to him or her;

(f) The applicable fee for filing the application; and

(g) Any other information and documents the director of revenue reasonably requires to identify the manufactured home and to enable it to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in or liens on the manufactured home.

(2) When satisfied of the genuineness and regularity of the application for a certificate of title to a manufactured home and upon satisfaction of the requirements of subdivision (1) of this subsection, the department of revenue shall issue a new certificate of title and update its records in accordance with the provisions of section 700.320.

(3) Immediately upon satisfaction of the requirements of this subsection and thereafter, a manufactured home shall be conveyed and encumbered as personal property.

5. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

700.320. 1. **Except as provided in section 700.111,** the owner of any new or used manufactured home, as defined in section **[**700.010**] 400.9-102, RSMo**, shall make application to the director of revenue for an official certificate of title to such manufactured home in the manner prescribed by law for the acquisition of certificates of title to motor vehicles, and the rules promulgated pursuant thereto. All fees required by section 301.190, RSMo, for the titling of motor vehicles and all penalties provided by law for the failure to title motor vehicles shall apply to persons required to make application for an official certificate of title by this subsection. In case there is any duplication in serial numbers assigned any manufactured homes, or no serial number has been assigned by the manufacturer, the director shall assign the serial numbers for the manufactured homes involved.

2. At the time the owner of any new manufactured home, as defined in section **[**700.010**] 400.9-102, RSMo**, which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title for such manufactured home, he shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the manufactured home, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new manufactured home subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale

of the same under sections 144.010 to 144.510, RSMo, has been paid as provided in this section**, but except as provided in subsection 2 of section 700.111, the director of revenue shall not suspend or revoke a certificate of title to a manufactured home by reason of the fact that at any time it shall become affixed in any manner to real estate**. As used in this subsection, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the new manufactured home regardless of the medium of payment therefor. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by the director. The director of the department of revenue shall endorse upon the official certificate of title issued by him upon such application an entry showing that such sales tax has been paid or that the manufactured home represented by the certificate is exempt from sales tax and state the ground for such exemption.

3. A certificate of title for a manufactured home issued in the names of two or more persons that does not show on the face of the certificate that the persons hold their interest in the manufactured home as tenants in common, on death of one of the named persons, may be transferred to the surviving owner or owners. **Except as provided in subsection 5 of this section,** on proof of death of one of the persons in whose names the certificate was issued, surrender of the outstanding certificate of title, and on application and payment of the fee for an original certificate of title, the director of revenue shall issue a new certificate of title for the manufactured home to the surviving owner or owners; and the current valid certificate of number shall be so transferred.

4. A certificate of title for a manufactured home issued in the names of two or more persons that shows on its face that the persons hold their interest in the manufactured home as tenants in common, on death of one of the named persons, may be transferred by the director of revenue on application by the surviving owners and the personal representative or successors of the deceased owner. **Except as provided in subsection 5 of this section,** upon being presented proof of death of one of the persons in whose names the certificate of title was issued, surrender of the outstanding certificate of title, and on application and payment of the fee for an original certificate of title, the director of revenue shall issue a new certificate of title for the manufactured home to the surviving owners and personal representative or successors of the deceased owner; and the current valid certificate of number shall be so transferred.

5. The director of revenue shall not issue a certificate of title to a manufactured home with respect to which there has been recorded an affidavit of affixation under section 442.015, RSMo, unless with respect to the same manufactured home there has been recorded an affidavit of severance under section 442.015, RSMo.

6. The director of revenue shall file, upon receipt, each affidavit of affixation and affidavit of severance relating to a manufactured home that is delivered in accordance with section 442.015, RSMo, when satisfied of its genuineness and regularity.

7. The director of revenue shall maintain a record of each affidavit of affixation and each affidavit of severance filed in accordance with subsection 6 of this section. The record shall state the name of each owner of the related manufactured home, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation or affidavit of severance under section 442.015, RSMo, and any other information the director of revenue prescribes.

8. The director of revenue shall file, upon receipt, each application for surrender of the manufacturer's certificate of origin relating to a manufactured home that is delivered in accordance with subsection 1 of section 700.111, when satisfied of its genuineness and regularity.

9. The director of revenue shall file, upon receipt, each application for surrender of the certificate of title relating to a manufactured home that is delivered in accordance with subsection 2 of section 700.111, when satisfied of its genuineness and regularity.

10. The director of revenue shall file, upon receipt, each application for confirmation of conversion relating to a manufactured home that is delivered in accordance with subsection 3 of section 700.111, when satisfied of its genuineness and regularity.

11. The director of revenue shall maintain a record of each manufacturer's certificate of origin accepted for surrender as provided in subsection 1 of section 700.111. The record shall state the name of each owner of the manufactured home, the date the manufacturer's certificate of origin was accepted for surrender, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under section 442.015, RSMo, and any other information the director of revenue prescribes.

12. The director of revenue shall maintain a record of each manufactured home certificate of title accepted for surrender as provided in subsection 2 of section 700.111. The record shall state the name of each owner of the manufactured home, the date the certificate of title was accepted for surrender, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under section 442.015, RSMo, and any other information the director of revenue prescribes.

13. The director of revenue shall maintain a record of each application for confirmation of conversion accepted as provided in subsection 3 of section 700.111. The record shall state the name of each owner of the manufactured home, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under section 442.015, RSMo, and any other information the director of revenue prescribes.

14. The holder of a manufacturer's certificate of origin to a manufactured home may deliver it to any person to facilitate conveying or encumbering the manufactured home. Any person receiving any such manufacturer's certificate of origin so delivered holds it in trust for the person delivering it.

15. Notwithstanding any other provision of law, a certificate of title issued by the director of revenue to a manufactured home is prima facie evidence of the facts appearing on it, notwithstanding the fact that such manufactured home, at any time, shall have become affixed in any manner to real estate.

700.350. 1. As used in sections 700.350 to 700.390, the term "manufactured home" shall have the same **[**meanings**]** **meaning** given it in **[**section 700.010 or**]** section 400.9-102(a)(53), RSMo.

2. Unless excepted by section 700.375, a lien or encumbrance**, including a security interest under article 9 of chapter 400, RSMo,** on a manufactured home shall not be valid against subsequent transferees or lienholders of the manufactured home who took without knowledge of the lien or encumbrance unless the lien or encumbrance is perfected as provided in sections 700.350 to 700.380.

3. A lien or encumbrance on a manufactured home is perfected by the delivery to the director of revenue of a notice of lien in a format as prescribed by the director of revenue. Such lien or encumbrance shall be perfected as of the time of its creation if the delivery of the notice of lien required in this subsection to the director of revenue is completed within thirty days thereafter, otherwise such lien or encumbrance shall be perfected as of the time of the delivery**; provided, however, that a purchase money security interest in a manufactured home under article 9 of chapter 400, RSMo, is perfected against the rights of judicial lien creditors and execution creditors on and after the date such purchase money security interest attaches; and further provided that the holder of a security interest in or a lien on a manufactured home may deliver lien release documents to any person to facilitate conveying or encumbering the manufactured home. Any person receiving any such documents so delivered holds the documents in trust for the security interest holder or the lienholder**. A notice of lien shall contain the name and address of the owner of the manufactured home and the secured party, a description of the manufactured home, including any identification number

and such other information as the department of revenue shall prescribe. A notice of lien substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. Liens may secure future advances. The future advances may be evidenced by one or more notes or other documents evidencing indebtedness and shall not be required to be executed or delivered prior to the date of the future advance lien securing them. The fact that a lien may secure future advances shall be clearly stated on the security agreement and noted as "subject to future advances" in the notice of lien and noted on the certificate of ownership if the motor vehicle or trailer is subject to only one lien. To secure future advances when an existing lien on a manufactured home does not secure future advances, the lienholder shall file a notice of lien reflecting the lien to secure future advances. A lien to secure future advances is perfected in the same time and manner as any other lien, except as follows: proof of the lien for future advances is maintained by the department of revenue; however, there shall be additional proof of such lien when the notice of lien reflects such lien for future advances, is receipted by the department of revenue, and returned to the lienholder.

4. Whether a manufactured home is subject to a lien or encumbrance shall be determined by the laws of the jurisdiction where the manufactured home was when the lien or encumbrance attached, subject to the following:

(1) If the parties understood at the time the lien or encumbrances attached that the manufactured home would be kept in this state and it is brought into this state within thirty days thereafter for purposes other than transportation through this state, the validity and effect of the lien or encumbrance in this state shall be determined by the laws of this state;

(2) If the lien or encumbrance was perfected under the laws of the jurisdiction where the manufactured home was when the lien or encumbrance attached, the following rules apply:

(a) If the name of the lienholder is shown on an existing certificate of title or ownership issued by that jurisdiction, his lien or encumbrance continues perfected in this state;

(b) If the name of the lienholder is not shown on an existing certificate of title or ownership issued by the jurisdiction, the lien or encumbrance continues perfected in this state for three months after the first certificate of title of the manufactured home is issued in this state, and also thereafter if, within the three-month period, it is perfected in this state. The lien or encumbrance may also be perfected in this state after the expiration of the three-month period, in which case perfection dates from the time of perfection in this state;

(3) If the lien or encumbrance was not perfected under the laws of the jurisdiction where the manufactured home was when the lien or encumbrance attached, it may be perfected in this state, in which case perfection dates from the time of perfection in this state;

(4) A lien or encumbrance may be perfected under paragraph (b) of subdivision (2) or subdivision (3) of this subsection in the same manner as provided in subsection 3 of this section

or by the lienholder delivering to the director of revenue a notice of lien or encumbrance in the form the director prescribes and the required fee.

5. By rules and regulations, the director of revenue shall establish a security procedure for the purpose of verifying that an electronic notice of lien or notice of satisfaction of lien on a manufactured home given as permitted in this chapter is that of the lienholder, verifying that an electronic notice of confirmation of ownership and perfection of a lien given as required in this chapter is that of the director of revenue, and detecting error in the transmission or the content of such notice. A security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures or similar security devices. Comparison of a signature on a communication with an authorized specimen signature shall not by itself be a security procedure.

6. All transactions involving liens or encumbrances on manufactured homes perfected pursuant to sections 700.350 to 700.390 after June 30, 2001, and before August 28, 2002, and the rights, duties, and interests flowing from them are and shall remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by section 400.9-303, RSMo, or this section. Section 400.9-303, RSMo, and this section are remedial in nature and shall be given that construction.

7. **[**The repeal and reenactment of subsections 3 and 4 of this section shall become effective July 1, 2003.**] Except as otherwise provided in section 442.015, RSMo, subsections 1 and 2 of section 700.111, subsection 2 of section 700.360, and subsection 2 of section 700.375, after a certificate of title has been issued to a manufactured home and as long as the manufactured home is subject to any security interest perfected under this section, the department shall not file an affidavit of affixation, nor cancel the manufacturer's certificate of origin, nor revoke the certificate of title, and, in any event, the validity and priority of any security interest perfected under this section shall continue, notwithstanding the provision of any other law.**

700.360. **1. Except as provided in subsection 2 of this section,** if an owner creates a lien or encumbrance on a manufactured home:

(1) The owner shall immediately execute the application, either in the space provided therefor on the certificate of title or on a separate form the director of revenue prescribes, to name the lienholder on the certificate of title, showing the name and address of the lienholder and the date of his security agreement, and shall cause the certificate of title, the application and the required fee to be mailed or delivered to the director of revenue. Failure of the owner to do so, including naming the lienholder in such application, is a class A misdemeanor;

(2) The lienholder or an authorized agent licensed pursuant to sections 301.112 to 301.119, RSMo, shall deliver to the director of revenue a notice of lien as prescribed by the

director of revenue accompanied by all other necessary documentation to perfect a lien as provided in this section;

(3) To perfect a lien for a subordinate lienholder when a transfer of ownership occurs, the subordinate lienholder shall either mail or deliver, or cause to be mailed or delivered, a completed notice of lien to the department of revenue, accompanied by authorization from the first lienholder. The owner shall ensure the subordinate lienholder is recorded on the application for title at the time the application is made to the department of revenue. To perfect a lien for a subordinate lienholder when there is no transfer of ownership, the owner or lienholder in possession of the certificate shall either mail or deliver, or cause to be mailed or delivered, the owner's application for title, certificate, notice of lien, authorization from the first lienholder and title fee to the department of revenue. The delivery of the certificate and executing a notice of authorization to add a subordinate lien does not affect the rights of the first lienholder under the security agreement;

(4) Upon receipt of the documents and fee required in subdivision (3) of this section, the director of revenue shall issue a new certificate of ownership containing the name and address of the new lienholder, and shall mail the certificate as prescribed in section 700.355, or if a lienholder who has elected for the director of revenue to retain possession of an electronic certificate of ownership, the lienholder shall either mail or deliver to the director a notice of authorization for the director to add a subordinate lienholder to the existing certificate. Upon receipt of such authorization, a notice of lien and required documents and title fee, if applicable, from a subordinate lienholder, the director shall add the subordinate lienholder to the certificate of ownership being electronically retained by the director and provide confirmation of the addition to both lienholders.

2. With respect to a manufactured home that is or will be permanently affixed to real estate, upon recordation of an affidavit of affixation under section 442.015, RSMo, and satisfaction of the requirements of subsections 1 to 3 of section 700.111, as applicable, any perfection or termination of a security interest with respect to such permanently affixed property shall be governed by chapter 442, RSMo.

700.375. 1. Sections 700.350 to 700.380 shall not apply to or affect:

(1) A lien given by statute or rule of law to a supplier of services or materials for the manufactured home;

(2) A lien given by statute to the United States, this state or any political subdivision of this state;

(3) A lien or encumbrance on a manufactured home created by a manufacturer or dealer who holds the manufactured home for sale.

2. The method provided in sections 700.350 to 700.380 of perfecting and giving notice of liens or encumbrances subject to sections 700.350 to 700.380 is exclusive**; provided, however, that with respect to a manufactured home that is or will be permanently affixed to real estate, upon recordation of an affidavit of affixation under section 442.015, RSMo, and satisfaction of the requirements of subsections 1 to 3 of section 700.111, as applicable, any perfection or termination of a security interest with respect to such permanently affixed property shall be governed by chapter 442, RSMo**.

700.525. As used in sections 700.525 to 700.541, the following terms mean:

(1) "Abandoned", a physical absence from the property, and either:

(a) Failure by a renter of real property to pay any required rent for fifteen consecutive days, along with the discontinuation of utility service to the rented property for such period; or

(b) Indication of or notice of abandonment of real property rented from a landlord;

(2) "Manufactured home", a **[**factory-built structure**]** **manufactured home** as defined in **[**(5) or**]** **section 400.9-102, RSMo, excluding a manufactured home with respect to which the requirements of subsections 1 to 3 of section 700.111, or a modular unit as defined in subdivision** (7) of section 700.010 .

700.600. 1. As used in this section, the following terms mean:

(1) "Manufactured home", **[**the same meaning as provided in section 700.010**]** **a manufactured home as defined in section 400.9-102, RSMo**;

(2) "Manufactured or mobile home land lease community", any area, lot, parcel, or tract held in common ownership and on which individual portions of such area, lot, parcel, or tract are leased for the placement of manufactured or mobile homes as a primary residence;

(3) "Mobile home", a residential building constructed or assembled in a factory which is not certified pursuant to the federal Housing and Urban Development (HUD) Code and which conforms to the American National Standards Institute (ANSI) standards for mobile homes.

2. A landlord of a manufactured or mobile home land lease community shall provide written notice to all of the community's tenants who own their manufactured or mobile homes at least one hundred twenty days prior to requiring such tenants to vacate the property due to a change in use of the property. In cases where more than one hundred twenty days remain on a current lease, the longer time period shall apply for purposes of providing notice pursuant to this section. The landlord shall not increase the rent, except for a rent increase based solely on an increase in property taxes, for any tenant of the manufactured or mobile home land lease community during the sixty-day period prior to providing such notice or at any time after providing such notice.

3. Nothing in this section shall be construed as prohibiting a landlord from evicting a tenant with less than one hundred twenty days' notice for any reason other than a change in use of the property.

700.630. 1. A sole owner of a manufactured home, and multiple owners of a manufactured home who hold their interest as joint tenants with right of survivorship or as tenants by the entirety, on application and payment of the fee required for an original certificate of ownership, may request the director of revenue to issue a certificate of ownership for the manufactured home in beneficiary form which includes a directive to the director of revenue to transfer the certificate of ownership on death of the sole owner or on death of all multiple owners to one beneficiary or to two or more beneficiaries as joint tenants with right of survivorship or as tenants by the entirety named on the face of the certificate. The directive to the director of revenue shall also permit the beneficiary or beneficiaries to make one reassignment of the original certificate of ownership upon the death of the owner to another owner without transferring the certificate to the beneficiary or beneficiaries' name.

2. A certificate of ownership in beneficiary form may not be issued to persons who hold their interest in a manufactured home as tenants in common.

3. A certificate of ownership issued in beneficiary form shall include after the name of the owner, or after the names of multiple owners, the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary or beneficiaries.

4. (1) During the lifetime of a sole owner and during the lifetime of all multiple owners, or prior to the death of the last surviving multiple owner, the signature or consent of the beneficiary or beneficiaries shall not be required for any transaction relating to the manufactured home for which a certificate of ownership in beneficiary form has been issued.

(2) A certificate of ownership in beneficiary form may be revoked or the beneficiary or beneficiaries changed at any time before the death of a sole owner or the last surviving multiple owner only by the following methods:

(a) By a sale of the manufactured home with proper assignment and delivery of the certificate of ownership to another person; or

(b) By filing an application to reissue the certificate of ownership with no designation of a beneficiary or with the designation of a different beneficiary or beneficiaries with the director of revenue in proper form and accompanied by the payment of the fee for an original certificate of ownership.

(3) The beneficiary's or beneficiaries' interest in the manufactured home at death of the owner or surviving owner shall be subject to any contract of sale, assignment of ownership or security interest to which the owner or owners of the manufactured home were subject during their lifetime.

(4) The designation of a beneficiary or beneficiaries in a certificate of ownership issued in beneficiary form may not be changed or revoked by a will, any other instrument, or a change in circumstances, or otherwise be changed or revoked except as provided by subdivision (2) of this subsection.

5. (1) On proof of death of one of the owners of two or more multiple owners, or of a sole owner, surrender of the outstanding certificate of ownership, and on application and payment of the fee for an original certificate of ownership, the director of revenue shall issue a new certificate of ownership for the manufactured home to the surviving owner or owners or, if none, to the surviving beneficiary or beneficiaries, subject to any outstanding security interest; and the current valid certificate of number shall be so transferred. If the surviving beneficiary or beneficiaries makes a request of the director of revenue, the director may allow the beneficiary or beneficiaries to make one assignment of title.

(2) The director of revenue may rely on a death certificate or record or report that constitutes prima facie proof or evidence of death under subdivisions (1) and (2) of section 472.290, RSMo.

(3) The transfer of a manufactured home at death pursuant to this section is not to be considered as testamentary, or to be subject to the requirements of section 473.087, RSMo, or section 474.320, RSMo.

6. For the purposes of this section, a "manufactured home" is a manufactured home as defined in section 400.9-102, RSMo, excluding a manufactured home with respect to which the requirements of subsections 1 to 3 of section 700.111, as applicable, have been satisfied.

700.650. 1. Sections 700.650 to 700.692 shall be known and may be cited as the "Manufactured Home Installation Act".

2. For the purposes of sections 700.650 to 700.692, the following terms shall mean:

(1) "Applicant", a person who applies to the commission for a license or limited-use license to install manufactured homes;

(2) "Commission", the Missouri public service commission;

(3) "Dealer", any person, other than a manufacturer, who sells or offers for sale four or more manufactured homes in any consecutive twelve-month period;

(4) "Installation", work undertaken at the place of occupancy to ensure the proper initial setup of a manufactured home which shall include the joining of all sections of the home, installation of stabilization, support, and leveling systems, assembly of multiple or expanded units, and installation of applicable utility hookups and anchoring systems that render the home fit for habitation;

(5) "Installation standards", reasonable specifications for the installation of a manufactured home;

(6) "Installer", an individual who is licensed by the commission to install manufactured homes, pursuant to sections 700.650 to 700.680;

(7) "Manufactured home", a manufactured home as that term is defined in **[**subdivision (5) of**]** section **[**700.010**] 400.9-102, RSMo**;

(8) "Manufacturer", any person who manufactures manufactured homes, including persons who engage in importing manufactured homes for resale; and

(9) "Person", an individual, partnership, corporation, or other legal entity.

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