

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1474**  
**94TH GENERAL ASSEMBLY**

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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).

D. ADAM CRUMBLISS, Chief Clerk

3708L.02C

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**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.

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*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513.010, 700.010, 700.111, 700.320, 700.350, 700.360, 700.375, 700.525, 700.600, 700.630, and 700.650, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 137.115, 144.044, 301.650, 362.105, 365.020, 365.200, 369.229, 370.300, 408.015,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. 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

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.

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

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

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

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

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

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

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

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

55 (2) Livestock, twelve percent;

56 (3) Farm machinery, twelve percent;

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

61 (5) Poultry, twelve percent; and

62 (6) Tools and equipment used for pollution control and tools and equipment used in  
63 retooling for the purpose of introducing new product lines or used for making improvements to  
64 existing products by any company which is located in a state enterprise zone and which is  
65 identified by any standard industrial classification number cited in subdivision (6) of section  
66 135.200, RSMo, twenty-five percent.

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

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

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

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

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

77 6. Manufactured homes, as defined in section [700.010] **400.9-102**, RSMo, which are  
78 actually used as dwelling units shall be assessed at the same percentage of true value as

79 residential real property for the purpose of taxation. The percentage of assessment of true value  
80 for such manufactured homes shall be the same as for residential real property. If the county  
81 collector cannot identify or find the manufactured home when attempting to attach the  
82 manufactured home for payment of taxes owed by the manufactured home owner, the county  
83 collector may request the county commission to have the manufactured home removed from the  
84 tax books, and such request shall be granted within thirty days after the request is made;  
85 however, the removal from the tax books does not remove the tax lien on the manufactured home  
86 if it is later identified or found. **For purposes of this section,** a manufactured home located in  
87 a manufactured home rental park, rental community or on real estate not owned by the  
88 manufactured home owner shall be considered personal property. **For purposes of this section,**  
89 a manufactured home located on real estate owned by the manufactured home owner may be  
90 considered real property.

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

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

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

110         10. Before the assessor may increase the assessed valuation of any parcel of subclass (1)  
111 real property by more than fifteen percent since the last assessment, excluding increases due to  
112 new construction or improvements, the assessor shall conduct a physical inspection of such  
113 property.

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

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

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

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

136           15. Any county or city not within a county in this state may, by an affirmative vote of  
137 the governing body of such county, opt out of the provisions of this section and sections 137.073,  
138 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general  
139 assembly, second regular session and section 137.073 as modified by this act, for the next year  
140 of the general reassessment, prior to January first of any year. No county or city not within a  
141 county shall exercise this opt-out provision after implementing the provisions of this section and  
142 sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the  
143 ninety-first general assembly, second regular session and section 137.073 as modified by this act,  
144 in a year of general reassessment. For the purposes of applying the provisions of this subsection,  
145 a political subdivision contained within two or more counties where at least one of such counties  
146 has opted out and at least one of such counties has not opted out shall calculate a single tax rate  
147 as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly,  
148 second regular session. A governing body of a city not within a county or a county that has opted  
149 out under the provisions of this subsection may choose to implement the provisions of this

150 section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150  
151 of the ninety-first general assembly, second regular session, and section 137.073 as modified by  
152 this act, for the next year of general reassessment, by an affirmative vote of the governing body  
153 prior to December thirty-first of any year.

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

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

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

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

10 2. In the event of the sale of a new manufactured home, forty percent of the purchase  
11 price, as defined in section 700.320, RSMo, shall be considered the sale of a service and not the  
12 sale of tangible personal property. In addition to the exemptions granted under the provisions  
13 of section 144.030, the sale of services as defined in this section shall be specifically exempted  
14 from the provisions of sections 238.235 and 238.410, RSMo, the local sales tax law as defined  
15 in section 32.085, RSMo, sections 144.010 to 144.525 and 144.600 to 144.745, and from the  
16 computation of the tax levied, assessed or payable under sections 238.235 and 238.410, RSMo,  
17 the local sales tax law as defined in section 32.085, RSMo, sections 144.010 to 144.525 and  
18 144.600 to 144.745, and section 238.235, RSMo.

19 3. In the event of the sale of a new modular unit, forty percent of the retail sale of the unit  
20 or forty percent of the manufacturer's sales price of the unit if the manufacturer makes a sale to  
21 a consumer that is not a retail sale, plus any carrier charge and freight charges shall be considered  
22 the sale of a service and sixty percent shall be the retail sale of tangible personal property. In  
23 addition to the exemptions granted under the provisions of section 144.030, the sale of services  
24 as defined in this section shall be specifically exempted from the provisions of sections 238.235  
25 and 238.410, RSMo, the local sales tax law as defined in section 32.085, RSMo, sections

26 144.010 to 144.525 and 144.600 to 144.745, and from the computation of the tax levied,  
27 assessed, or payable under sections 238.235 and 238.410, RSMo, the local sales tax law as  
28 defined in section 32.085, RSMo, sections 144.010 to 144.525 and 144.600 to 144.745, and  
29 section 238.235, RSMo.

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

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

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

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

8 (4) A lien or encumbrance on any manufactured home, as defined in section [700.010]  
9 **400.9-102**, RSMo;

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

12 2. The method provided in sections 301.600 to 301.660 of perfecting and giving notice  
13 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  
2 a fee or other consideration, directly or through a subsidiary company, and upon complying with  
3 any applicable licensing statute:

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

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

18 (3) Purchase and hold, for the purpose of becoming a member of a Federal Reserve  
19 Bank, so much of the capital stock thereof as will qualify it for membership in the reserve bank

20 pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal Reserve Act"  
21 and any amendments thereto; to become a member of the Federal Reserve Bank, and to have and  
22 exercise all powers, not in conflict with the laws of this state, which are conferred upon any  
23 member by the Federal Reserve Act and any amendments thereto. The member bank or trust  
24 company and its directors, officers and stockholders shall continue to be subject, however, to all  
25 liabilities and duties imposed upon them by any law of this state and to all the provisions of this  
26 chapter relating to banks or trust companies;

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

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

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

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

47 (8) Purchase and hold the stock of one safe deposit company organized and existing  
48 under the laws of the state of Missouri and doing a safe deposit business on premises owned or  
49 leased by the bank or trust company at the main banking house and any branch operated by the  
50 bank or trust company; provided, that the purchasing and holding of the stock is first duly  
51 authorized by resolution of the board of directors of the bank or trust company and by the written  
52 approval of the director, and that all of the shares of the safe deposit company shall be purchased  
53 and held, and shall not be sold or transferred except as a whole and not be pledged at all, all sales  
54 or transfers or pledges in violation hereof to be void;



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

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

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

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

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

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

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

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

86 (13) Purchase and hold stock in a corporation whose only purpose is to purchase, lease,  
87 hold or convey real property of a character which the bank or trust company holding stock in the  
88 corporation could itself purchase, lease, hold or convey pursuant to the provisions of paragraph  
89 (a) of subdivision (10) of this subsection; provided, the purchase and holding of the stock is first  
90 duly authorized by resolution of the board of directors of the bank or trust company and by the

91 written approval of the director, and that all of the shares of the corporation shall be purchased  
92 and held by the bank or trust company and shall not be sold or transferred except as a whole;

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

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

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

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

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

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

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

125 (1) Receive money in trust and to accumulate the same at such rate of interest as may be  
126 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 depository, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58 (15) "Time sale price", the total of the cash sale price of the motor vehicle and the  
59 amount, if any, included for insurance and other benefits if a separate identified charge is made  
60 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  
2 time sales law as provided in sections 365.010 to 365.160, a seller is permitted to include in the  
3 contractual time sale of a motor vehicle the outstanding balance of a prior loan or lease of a  
4 motor vehicle used as a trade-in. For the purposes of this section, a "time sale contract" is a

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

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

369.229. 1. Every association may:

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

5 (2) Make loans of any type or kind, approved by the director of the division of finance,  
6 secured by mortgage or deed of trust constituting a first lien on real estate **as defined in section**  
7 **442.010, RSMo**, or a leasehold interest therein and having an unexpired term of at least five  
8 years or some term in excess of five years as may be fixed by regulation of the director of the  
9 division of finance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

408.015. As used in sections 408.020 to 408.562:

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

79 (18) "Time sale price" means the total of the cash sale price of the goods or services and  
80 the amount, if any, included for insurance and other benefits if a separate identified charge is  
81 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  
2 otherwise, the following terms shall mean:

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

9 (2) "Association":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (3) "Premises", land, tenements, condominium or cooperative units, air rights and all  
7 other types of real property leased under the terms of a rental agreement, including any facilities  
8 and appurtenances, to such premises, and any grounds, areas and facilities held out for the use  
9 of tenants generally or the use of which is promised to the tenant. "Premises" include structures,  
10 fixed or mobile, temporary or permanent, vessels, **manufactured home as defined in section**  
11 **400.9-102, RSMo**, mobile trailer homes and vehicles which are used or intended for use  
12 primarily as a dwelling or as a place for commercial or industrial operations or storage;

13 (4) "Rent", a stated payment for the temporary possession or use of a house, land or other  
14 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:

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

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

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

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

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

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

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

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

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

22 (4) Upon receipt of a certified copy of the affidavit of affixation under subsection  
23 5 of this section, any person designated therein for filing with the director of revenue shall  
24 file the certified copy of affidavit of affixation with the director of revenue except that:

25 (a) In a case described in item (i) of subparagraph a. of paragraph (d) of  
26 subdivision (1) of subsection 3 of this section, the certified copy of the affidavit of affixation  
27 and the original manufacturer's certificate of origin, each as recorded in the county in  
28 which the real estate is located, shall be filed with the director of revenue under subsection  
29 1 of section 700.111, RSMo;

30 (b) In a case described in item (i) of subparagraph b. of paragraph (d) of  
31 subdivision (1) of subsection 3 of this section, the certified copy of the affidavit of  
32 affixation, as recorded in the county in which the real estate is located, and the original  
33 certificate of title shall be filed with the director of revenue under subsection 2 of section  
34 700.111, RSMo; and

35           (c) In a circumstance described in item (i) of subparagraph a. of paragraph (d) of  
36 subdivision (1), item (i) of subparagraph b. of paragraph (d), or paragraph (f) of subsection  
37 3 of this section, the certified copy of the affidavit of affixation, as recorded in the county  
38 in which the real estate is located and an application for confirmation of conversion shall  
39 be filed with the director of revenue under subsection 3 of section 700.111, RSMo.

40           3. (1) An affidavit of affixation shall contain or be accompanied by:

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

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

46           b. If not the owner of the real estate:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

149           **9. Nothing in this section shall impair any rights existing under law prior to August**  
150 **28, 2008, of anyone claiming an interest in the manufactured home.**

151           **10. (1) If and when a manufactured home for which an affidavit of affixation has**  
152 **been recorded is detached or severed from the real estate to which it is affixed, the person**  
153 **or persons having an interest in the real estate shall record an affidavit of severance in the**  
154 **records of real property conveyances of the county in which the affidavit of affixation with**  
155 **respect to the manufactured home is recorded. The affidavit of severance shall contain or**  
156 **be accompanied by:**

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

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

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

164           **(d) A statement:**

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

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

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

172           **a. The manufactured home is free and clear of all security interests, liens and**  
173 **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;

- 14 (c) Any company, including a real estate investment trust, that is sponsored and advised  
15 on a contractual basis by the licensee or any subsidiary or affiliate of the licensee;
- 16 (3) "Annual audit", a certified audit of the licensee's books and records and systems of  
17 internal control performed by a certified public accountant in accordance with generally accepted  
18 accounting principles and generally accepted auditing standards;
- 19 (4) "Board", the residential mortgage board, created in section 443.816;
- 20 (5) "Borrower", the person or persons who use the services of a loan broker, originator  
21 or lender;
- 22 (6) "Director", the director of the division of finance within the department of economic  
23 development;
- 24 (7) "Escrow agent", a third party, individual or entity, charged with the fiduciary  
25 obligation for holding escrow funds on a residential mortgage loan pending final payout of those  
26 funds in accordance with the terms of the residential mortgage loan;
- 27 (8) "Exempt entity", the following entities:
- 28 (a) Any bank or trust company organized under the laws of this or any other state or any  
29 national bank or any foreign banking corporation licensed by the division of finance or the  
30 United States Comptroller of the Currency to transact business in this state;
- 31 (b) Any state or federal savings and loan association, savings bank or credit union or any  
32 consumer finance company licensed under sections 367.100 to 367.215, RSMo, which is actively  
33 engaged in consumer credit lending;
- 34 (c) Any insurance company authorized to transact business in this state;
- 35 (d) Any person engaged solely in commercial mortgage lending or any person making  
36 or acquiring residential or commercial construction loans with the person's own funds for the  
37 person's own investment;
- 38 (e) Any service corporation of a federally chartered or state-chartered savings and loan  
39 association, savings bank or credit union;
- 40 (f) Any first-tier subsidiary of a national or state bank that has its principal place of  
41 business in this state, provided that such first-tier subsidiary is regularly examined by the  
42 division of finance or the Comptroller of the Currency or a consumer compliance examination  
43 of it is regularly conducted by the Federal Reserve;
- 44 (g) Any person engaged solely in the business of securing loans on the secondary market  
45 provided such person does not make decisions about the extension of credit to the borrower;
- 46 (h) Any mortgage banker as defined in subdivision (19) of this subsection; or
- 47 (i) Any wholesale mortgage lender who purchases mortgage loans originated by a  
48 licensee provided such wholesale lender does not make decisions about the extension of credit  
49 to the borrower;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 122 (27) "Purchasing", the purchase of conventional or government-insured mortgage loans  
123 secured by residential real estate from either the lender or from the secondary market;
- 124 (28) "Residential mortgage board", the residential mortgage board created in section  
125 443.816;
- 126 (29) "Residential mortgage financing transaction", the negotiation, acquisition, sale or  
127 arrangement for, or the offer to negotiate, acquire, sell or arrange for, a residential mortgage loan  
128 or residential mortgage loan commitment;
- 129 (30) "Residential mortgage loan commitment", a written conditional agreement to  
130 finance a residential mortgage loan;
- 131 (31) "Residential real property" or "residential real estate", real property located in this  
132 state improved by a one-family to four-family dwelling, **including a manufactured home as**  
133 **defined in section 400.9-102, RSMo, which is real estate as defined in subsection 7 of**  
134 **section 442.015, RSMo**;
- 135 (32) "Servicing", the collection or remittance for, or the right or obligation to collect or  
136 remit for, any lender, noteowner, noteholder or for a licensee's own account, of payments,  
137 interests, principal and trust items such as hazard insurance and taxes on a residential mortgage  
138 loan and includes loan payment follow-up, delinquency loan follow-up, loan analysis and any  
139 notifications to the borrower that are necessary to enable the borrower to keep the loan current  
140 and in good standing;
- 141 (33) "Soliciting, processing, placing or negotiating a residential mortgage loan", for  
142 compensation or gain, either, directly or indirectly, accepting or offering to accept an application  
143 for a residential mortgage loan, assisting or offering to assist in the processing of an application  
144 for a residential mortgage loan on behalf of a borrower, or negotiating or offering to negotiate  
145 the terms or conditions of a residential mortgage loan with a lender on behalf of a borrower  
146 including, but not limited to, the submission of credit packages for the approval of lenders, the  
147 preparation of residential mortgage loan closing documents, and including a closing in the name  
148 of a broker;
- 149 (34) "Ultimate equitable owner", a person who, directly or indirectly, owns or controls  
150 an ownership interest in a corporation, foreign corporation, alien business organization, trust or  
151 any other form of business organization regardless of whether the person owns or controls the  
152 ownership interest through one or more persons or one or more proxies, powers of attorney,  
153 nominees, corporations, associations, partnerships, trusts, joint stock companies or other entities  
154 or devices, or any combination thereof.
- 155 2. The director may define by rule any terms used in sections 443.800 to 443.893 for  
156 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;

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

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

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

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

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

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

43 (14) "Setup", the operations performed at the occupancy site which renders a  
44 manufactured home or modular unit fit for habitation, which operations include, but are not  
45 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  
2 to real property by:

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

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

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

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



- 19           (c) The date of purchase by the owner of the manufactured home, the name and  
20 address of the person from whom the home was acquired and the names and addresses of  
21 any security interest holders and lienholders in the order of their apparent priority;
- 22           (d) A statement signed by the owner, stating either:
- 23           a. Any facts or information known to the owner that could affect the validity of the  
24 title to the manufactured home or the existence or nonexistence of a security interest in or  
25 lien on it; or
- 26           b. That no such facts or information are known to the owner;
- 27           (e) A certified copy of the affidavit of affixation as provided in accordance with  
28 subsection 5 of section 442.015, RSMo;
- 29           (f) The original manufacturer's certificate of origin;
- 30           (g) The name and mailing address of each person wishing written acknowledgment  
31 of surrender from the director of revenue;
- 32           (h) The applicable fee for filing the application for surrender; and
- 33           (i) Any other information and documents the director of revenue reasonably  
34 requires to identify the owner of the manufactured home and to enable it to determine  
35 whether the owner satisfied the requirements of subdivisions (1) to (3) of subsection 6 of  
36 section 442.015, RSMo, and is entitled to surrender the manufacturer's certificate of origin,  
37 and the existence or nonexistence of security interests in or liens on the manufactured  
38 home.
- 39           (2) When satisfied of the genuineness and regularity of the surrender of a  
40 manufacturer's certificate of origin to a manufactured home and upon satisfaction of the  
41 requirements of subdivision (1) of this subsection, the director of revenue shall:
- 42           (a) Cancel the manufacturer's certificate of origin and update its records in  
43 accordance with the provisions of section 700.320; and
- 44           (b) Provide written acknowledgment of compliance with the provisions of this  
45 section to each person identified on the application for surrender of manufacturer's  
46 certificate of origin under paragraph (g) of subdivision (1) of this subsection.
- 47           (3) Upon satisfaction of the requirements of this subsection a manufactured home  
48 shall be conveyed and encumbered as provided in chapter 442, RSMo. If the application  
49 to surrender a manufacturer's certificate of origin is delivered to the director of revenue  
50 within thirty days of recording the related affidavit of affixation with the recorder of deeds  
51 in the county in which the real estate to which the manufactured home is or shall be affixed  
52 and the application is thereafter accepted by the director of revenue, the requirements of  
53 this subsection shall be deemed satisfied as of the date the affidavit of affixation was  
54 recorded.

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

57           2. [The conversion of a manufactured home to real property by the method provided in  
58 subsection 1 of this section shall prohibit any political subdivision of this state from declaring  
59 or treating that manufactured home as other than real property.] (1) The owner or owners of  
60 a manufactured home that is covered by a certificate of title and that is permanently  
61 affixed to real estate as defined in subsection 1 of section 442.015, RSMo, or which the  
62 owner intends to permanently affix to real estate as defined in subsection 1 of section  
63 442.015, RSMo, may surrender the certificate of title to the manufactured home to the  
64 director of revenue by filing with the director of revenue an application for surrender of  
65 title containing or accompanied by:

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

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

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

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

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

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

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

81           (f) The original certificate of title;

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

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

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

90           (2) The director of revenue shall not accept for surrender a certificate of title to a  
91   manufactured home unless and until all security interests or liens perfected under section  
92   700.350 have been released.

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

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

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

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

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

110           3. (1) The owner or owners of a manufactured home that is not covered by a  
111   manufacturer's certificate of origin or a certificate of title, and that is permanently affixed  
112   to real estate as defined in subsection 1 of section 442.015, RSMo, or which the owner  
113   intends to permanently affix to real estate as defined in subsection 1 of section 442.015,  
114   RSMo, may apply to the director of revenue by filing with the director of revenue an  
115   application for confirmation of conversion containing or accompanied by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

164 4. (1) Notwithstanding any other provision of law, where a manufactured home has  
165 been permanently affixed to real estate and an affidavit of affixation has been recorded in  
166 the real estate records in the county in which the manufactured home is located in  
167 accordance with section 442.015, RSMo, and where the manufactured home subsequently  
168 is detached or severed from the real estate, the owner or owners of the manufactured home  
169 may apply for a new certificate of title by filing with the director of revenue an application  
170 for a certificate of title to a manufactured home, containing or accompanied by:

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

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

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

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

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

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

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

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

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

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

192 (g) Any other information and documents the director of revenue reasonably  
193 requires to identify the manufactured home and to enable it to determine whether the  
194 owner is entitled to a certificate of title and the existence or nonexistence of security  
195 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

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

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

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

53 **5. The director of revenue shall not issue a certificate of title to a manufactured**  
54 **home with respect to which there has been recorded an affidavit of affixation under section**  
55 **442.015, RSMo, unless with respect to the same manufactured home there has been**  
56 **recorded an affidavit of severance under section 442.015, RSMo.**

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

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

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

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

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

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

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



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

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

102       **15. Notwithstanding any other provision of law, a certificate of title issued by the**  
103 **director of revenue to a manufactured home is prima facie evidence of the facts appearing**  
104 **on it, notwithstanding the fact that such manufactured home, at any time, shall have**  
105 **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  
2 have the same [meanings] **meaning** given it in [section 700.010 or] section 400.9-102(a)(53),  
3 RSMo.

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

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

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

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

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

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

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

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

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

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

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

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

70 6. All transactions involving liens or encumbrances on manufactured homes perfected  
71 pursuant to sections 700.350 to 700.390 after June 30, 2001, and before August 28, 2002, and  
72 the rights, duties, and interests flowing from them are and shall remain valid thereafter and may  
73 be terminated, completed, consummated, or enforced as required or permitted by section  
74 400.9-303, RSMo, or this section. Section 400.9-303, RSMo, and this section are remedial in  
75 nature and shall be given that construction.

76 7. [The repeal and reenactment of subsections 3 and 4 of this section shall become  
77 effective July 1, 2003.] **Except as otherwise provided in section 442.015, RSMo, subsections**  
78 **1 and 2 of section 700.111, subsection 2 of section 700.360, and subsection 2 of section**  
79 **700.375, after a certificate of title has been issued to a manufactured home and as long as**  
80 **the manufactured home is subject to any security interest perfected under this section, the**  
81 **department shall not file an affidavit of affixation, nor cancel the manufacturer's**  
82 **certificate of origin, nor revoke the certificate of title, and, in any event, the validity and**  
83 **priority of any security interest perfected under this section shall continue,**  
84 **notwithstanding the provision of any other law.**

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

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

9 (2) The lienholder or an authorized agent licensed pursuant to sections 301.112 to  
10 301.119, RSMo, shall deliver to the director of revenue a notice of lien as prescribed by the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17           4. (1) During the lifetime of a sole owner and during the lifetime of all multiple owners,  
18 or prior to the death of the last surviving multiple owner, the signature or consent of the  
19 beneficiary or beneficiaries shall not be required for any transaction relating to the manufactured  
20 home for which a certificate of ownership in beneficiary form has been issued.

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

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

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

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

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

38 5. (1) On proof of death of one of the owners of two or more multiple owners, or of a  
39 sole owner, surrender of the outstanding certificate of ownership, and on application and  
40 payment of the fee for an original certificate of ownership, the director of revenue shall issue a  
41 new certificate of ownership for the manufactured home to the surviving owner or owners or,  
42 if none, to the surviving beneficiary or beneficiaries, subject to any outstanding security interest;  
43 and the current valid certificate of number shall be so transferred. If the surviving beneficiary  
44 or beneficiaries makes a request of the director of revenue, the director may allow the beneficiary  
45 or beneficiaries to make one assignment of title.

46 (2) The director of revenue may rely on a death certificate or record or report that  
47 constitutes prima facie proof or evidence of death under subdivisions (1) and (2) of section  
48 472.290, RSMo.

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

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

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

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

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

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

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

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

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

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

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

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

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

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