

## HOUSE BILL NO. HB0166

Transfer of motor vehicle ownership-amendments.

Sponsored by: Representative(s) Johnson, W.

## A BILL

for

1 AN ACT relating to motor vehicles; providing for the  
2 delivery of vehicle certificates of title; amending time  
3 periods for applying for a new certificate of title;  
4 repealing conflicting and redundant provisions; correcting  
5 statutory citations; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9       **Section 1.**       W.S. 31-2-104(a)(intro), (c) and by  
10 creating a new subsection (h), 31-2-201(a)(ii) by creating  
11 a new subparagraph (C) and amending and renumbering (C) as  
12 (D) and 31-2-504(c) are amended to read:

13

14       **31-2-104. Transfer of ownership.**

15

16       (a) Except as otherwise provided in this section, the  
17 owner of a vehicle who sells or transfers his interest in a

1 vehicle for which a certificate of title has been issued  
2 shall endorse an assignment and warranty of title upon the  
3 certificate for the vehicle with a statement of all liens  
4 and encumbrances thereon, which assignment, warranty and  
5 statement shall be subscribed by the owner before a notary  
6 public and acknowledged thereby in the manner provided by  
7 law, to be dated and delivered to the transferee at the  
8 time of delivering the vehicle. Except as provided in  
9 subsection (b) of this section, the transferee shall  
10 present the certificate to a county clerk and apply for a  
11 new certificate of title ~~for the vehicle within:~~ within the  
12 same time periods as required by W.S. 31-2-201(a)(ii).

13

14 (c) In the event of a transfer by operation of law of  
15 any interest in a vehicle as upon an order in bankruptcy or  
16 insolvency, execution sale, repossession upon default in  
17 the performance of the terms of a lease or sales contract  
18 or otherwise than by voluntary act of the person whose  
19 title or interest is transferred, the administrator,  
20 receiver, trustee, sheriff, creditor or other  
21 representative or successor in interest of the person whose  
22 interest is transferred shall forward to the county clerk  
23 an application for a certificate of title together with a  
24 verified or certified statement of the transfer of

1 interest. The statement shall set forth the reason for the  
2 involuntary transfer, the interest transferred, the name of  
3 the transferee, the process or procedure effecting the  
4 transfer and other information requested by the county  
5 clerk. Evidence and instruments otherwise required by law  
6 to effect a transfer of legal or equitable title to or an  
7 interest in a vehicle in such cases shall be furnished with  
8 the statement. If a transfer of title to a creditor is  
9 accomplished in accordance with the provisions of this  
10 subsection, a creditor retains the right to seek any  
11 deficiency balance which may exist after sale, provided the  
12 creditor has complied with all applicable law, and the  
13 transfer by itself shall not be considered a strict  
14 foreclosure or an election to retain the collateral in  
15 satisfaction of an obligation as provided by W.S.  
16 ~~34.1-9-505(b)~~ 34.1-9-620 and does not affect the debtor's  
17 right to redeem the collateral under W.S. ~~34.1-9-506~~  
18 34.1-9-623. If from the records of the county clerk there  
19 appears to be any lien on the vehicle which was recorded  
20 prior to the lien of the creditor applying for title and  
21 which has not been released, the certificate of title shall  
22 contain a statement of the lien. The creditor repossessing  
23 and applying for title to the vehicle shall notify all  
24 persons holding liens on the vehicle by certified mail

1 return receipt requested at least fifteen (15) days prior  
2 to filing the application for title. Any proceeds from the  
3 sale, lease or other disposition of the vehicle shall be  
4 distributed in accordance with the provisions of W.S.  
5 ~~34.1-9-504(a) and (b)~~ 34.1-9-608.

6  
7 (h) The requirement under subsection (a) of this  
8 section to deliver a certificate of title to a transferee  
9 at the time the vehicle is delivered does not apply to a  
10 transferor if:

11  
12 (i) The certificate of title is being held by a  
13 bank or other financial institution on the date the vehicle  
14 is delivered. The transferor shall then deliver to the  
15 transferee a dealer's invoice or a signed, notarized bill  
16 of sale, in substantially the form specified in paragraph  
17 (ii) of this subsection, and the certificate of title shall  
18 be delivered to the transferee within thirty (30) days from  
19 the date of the sale; or

20  
21 (ii) The transferor is an auctioneer of vehicles  
22 and transfers the vehicle in the course of his business as  
23 an auctioneer of vehicles or through an auctioneer of  
24 vehicles. The transferor or auctioneer shall then deliver

1 the certificate of title to the transferee within thirty  
2 (30) days of the date of sale and shall deliver to the  
3 transferee at the time the vehicle is delivered a signed,  
4 notarized bill of sale in substantially the following form:

5  
6 VEHICLE BILL OF SALE

7  
8 I, (NAME OF TRANSFEROR OR AUCTIONEER), on (date), hereby  
9 sell and convey all (my interest the interest of (name of  
10 current owner)) in the following described vehicle: (COLOR,  
11 YEAR, MAKE, MODEL, VEHICLE IDENTIFICATION NUMBER) to (NAME  
12 OF TRANSFeree) in exchange for: (sales price). I hereby  
13 state that the certificate of title for the above described  
14 vehicle is held by (NAME OF TRANSFEROR-VEHICLE AUCTIONEER,  
15 BANK OR OTHER FINANCIAL INSTITUTION) and that within thirty  
16 (30) days, (NAME OF TRANSFeree) will be provided a properly  
17 executed title free of all liens for the vehicle unless  
18 otherwise specified in this bill of sale.

19 DATE:

20 \_\_\_\_\_  
21 (TRANSFEROR'S OR AUCTIONEER'S SIGNATURE)

22  
23 (BILL OF SALE MUST BE NOTARIZED)  
24

1           **31-2-201. Required applications; contents; weight**  
2 **certificate; exemptions; certificate of title as**  
3 **precondition.**

4  
5           (a) Every owner of a vehicle shall apply for  
6 registration of and license plates for the vehicle at the  
7 following times:

8  
9                   (ii) Upon transfer of ownership of a vehicle:

10  
11                               (C) Within forty-five (45) days if  
12 transferred under the provisions of W.S. 31-2-104(h).  
13 Vehicles may be operated by the transferee during this  
14 forty-five (45) day period when accompanied by a notarized  
15 bill of sale.

16  
17                               ~~(C)~~ (D) Within ten (10) days for other  
18 transfer. Vehicles may be operated by the transferee during  
19 this ten (10) day period when accompanied by a properly  
20 executed title for the vehicle transferring interest in the  
21 vehicle to the transferee or when accompanied by a  
22 notarized bill of sale under W.S. ~~31-2-104(d)~~ 31-2-104(h) .  
23 ~~if the transfer is subject to that subsection.~~

1           **31-2-504. Transfer of ownership.**

2

3           (c) In the event of a transfer by operation of law of

4 any interest in a mobile home as upon an order in

5 bankruptcy or insolvency, execution sale, repossession upon

6 default in the performance of the terms of a lease or sales

7 contract or otherwise than by voluntary act of the person

8 whose title or interest is transferred, the administrator,

9 receiver, trustee, sheriff, creditor or other

10 representative or successor in interest of the person whose

11 interest is transferred shall forward to the county clerk

12 an application for a certificate of title together with a

13 verified or certified statement of the transfer of

14 interest. The statement shall set forth the reason for the

15 involuntary transfer, the interest transferred, the name of

16 the transferee, the process or procedure effecting the

17 transfer and other information requested by the county

18 clerk. Evidence and instruments otherwise required by law

19 to effect a transfer of legal or equitable title to or an

20 interest in a mobile home in such cases shall be furnished

21 with the statement. If a transfer of title to a creditor is

22 accomplished in accordance with the provisions of this

23 subsection, a creditor retains the right to seek any

24 deficiency balance which may exist after sale, provided the

1 creditor has complied with applicable law, and the transfer  
2 by itself shall not be considered a strict foreclosure or  
3 an election to retain the collateral in satisfaction of an  
4 obligation as provided by W.S. ~~34.1-9-505(b)~~ 34.1-9-620 and  
5 does not affect the debtor's right to redeem the collateral  
6 under W.S. ~~34.1-9-506~~ 34.1-9-623. If from the records of  
7 the county clerk there appears to be any lien on the mobile  
8 home which was recorded prior to the lien of the creditor  
9 applying for title and which has not been released, the  
10 certificate of title shall contain a statement of the lien.  
11 The creditor repossessing and applying for title to the  
12 mobile home shall notify all persons holding liens on the  
13 mobile home by certified mail return receipt requested at  
14 least fifteen (15) days prior to filing the application for  
15 title. Any proceeds from the sale, lease or other  
16 disposition of the mobile home shall be distributed in  
17 accordance with the provisions of W.S. ~~34.1-9-504(a)~~ and  
18 ~~(b)~~ 34.1-9-608.

19

20 **Section 2.** W.S. 31-2-104(a)(i) through (iii) and (d)  
21 is repealed.

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