

ENROLLED ACT NO. 123, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to motor vehicles; revising notarization requirements for certificates of title and bills of sale for motor vehicles be notarized; specifying the manner in which interest is held in motor vehicles; modifying the form for bills of sale; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 31-2-101, 31-2-103(a)(intro), (i), (ix) and (d), 31-2-104(a), (h)(i), (ii) and by creating a new subsection (m), 31-2-112(b)(intro) and (i), 31-2-201(a)(ii)(C), 31-2-503(a)(intro), (i) and (d) and 31-2-504(a) are amended to read:

31-2-101. Required application.

(a) Except as provided by W.S. 31-2-102 and pursuant to W.S. 31-1-101(a)(xxi)(A) through (G), ~~every~~any owner of a vehicle for which no Wyoming certificate of title has been issued to the owner or the transferee upon transfer of ownership of a vehicle for which a Wyoming certificate of title is required, shall apply for a certificate of title at the office of a county clerk, or if available, electronically, within the same time periods as required by W.S. 31-2-201(a)(ii) and (iii).

(b) ~~Every~~Any owner, owner's agent or transferee upon transfer of ownership of any vehicle that has an identifying number pursuant to W.S. 31-1-101(a)(ix), including off-road recreational or multipurpose vehicles and, for the purpose of titling under this section, including snowmobiles and watercraft, shall apply for a certificate of title at the office of a county clerk.

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31-2-103. Contents of application; signature; vehicle identification number; issuance of certificate.

(a) Applications for paper certificates of title or electronic certificates of title, if available, shall ~~be under oath and~~ contain or be accompanied by:

(i) The name and address of the owner, the manner in which the ownership interest in the vehicle is to be held and the person to whom the certificate of title is to be delivered;

(ix) Such other information as required by the department or county clerk which may include ~~but not be limited to~~ a vehicle bill of sale ~~or similar document that~~ substantially conforms with the form provided in W.S. 31-2-104(h)(ii), and any other documentation necessary to verify proof of ownership including an affidavit for proof of ownership or any surety bond required by this act. Any affidavit for proof of ownership shall be prescribed pursuant to W.S. 31-1-201(d) and shall be utilized by each county of this state;

(d) Upon receipt of an application and payment of fees any county clerk shall, if satisfied that the applicant is the owner of the vehicle for which application for certificate of title is made, issue a paper certificate of title or electronic certificate of title, if available, upon a form or electronic format, approved by and provided at cost to the county clerk by the department in the name of the owner bearing the signature and seal of the county clerk's office. The county clerk shall not deliver a certificate of title issued under this section until presentation of a receipt for payment of sales or use tax pursuant to W.S. 39-15-107(b) or 39-16-107(b). If a lien is filed with respect to the vehicle,

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the county clerk shall, within three (3) business days, deliver a copy of the filed lien and a copy of the issued title to the financial institution and if available, such delivery may be made electronically. Each paper certificate of title or electronic version, shall bear a document control number with county designation and certificate of title number. The title shall be completely filled out giving a description of the vehicle including factory price in a manner prescribed by the department, indicate all encumbrances or liens on the vehicle and indicate the date of issue. Certificates of title shall contain forms for assignment of title or interest and warranty thereof by the owner with space for notation of liens and encumbrances at the time of transfer on the reverse side and contain space for the notarization of the seller's signature for a sale or transfer of title. Certificates of title are valid for the vehicle so long as the vehicle is owned or held by the person in whose name the title was issued. A certificate of title is prima facie proof of ownership of the vehicle for which the certificate was issued.

31-2-104. Transfer of ownership.

(a) Except as otherwise provided in this section, the owner of a vehicle who sells or transfers his interest in a vehicle for which a certificate of title has been issued shall endorse an assignment and warranty of title upon the certificate for the vehicle with a statement of all liens and encumbrances thereon, which assignment, warranty and statement shall be ~~subscribed~~ signed and dated by the owner before a notarial officer and acknowledged thereby in the manner provided by law, to be dated and delivered to the transferee at the time of delivering the vehicle. Except as provided in subsection (b) of this section, the transferee shall present the certificate to a county clerk and apply for

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a new certificate of title within the same time periods as required by W.S. 31-2-201(a)(ii).

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

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

(ii) The transferor is an auctioneer of vehicles and transfers the vehicle in the course of his business as an auctioneer of vehicles or through an auctioneer of vehicles. The transferor or auctioneer shall then deliver the certificate of title to the transferee within thirty (30) days of the date of sale and shall deliver to the transferee at the time the vehicle is delivered a signed, ~~notarized~~ bill of sale in substantially the following form:

VEHICLE BILL OF SALE

I, (PRINTED NAME OF TRANSFEROR OR AUCTIONEER), on (date), hereby sell and convey all (my interest the interest of (name of current owner)) in the following described vehicle: (COLOR, YEAR, MAKE, MODEL, VEHICLE IDENTIFICATION NUMBER) to (PRINTED NAME OF TRANSFEREE) in exchange for: (sales price). I hereby state that the certificate of title for the above described vehicle is held by (PRINTED NAME OF

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TRANSFEROR-VEHICLE AUCTIONEER, BANK OR OTHER FINANCIAL INSTITUTION) and that within thirty (30) days, (PRINTED NAME OF TRANSFEREE) will be provided a properly executed title free of all liens for the vehicle unless otherwise specified in this bill of sale. I certify (or declare) under penalty of perjury under the laws of the State of Wyoming that the contents of this document are true and correct.

DATE: _____

(TRANSFEROR'S OR AUCTIONEER'S SIGNATURE)

(TRANSFEROR'S OR AUCTIONEER'S ADDRESS, PHONE NUMBER AND DRIVER'S LICENSE, IDENTIFICATION OR DEALER NUMBER)

~~(BILL OF SALE MUST BE NOTARIZED)~~

(m) If a motor vehicle is held by two (2) or more persons, any person identified as an owner on the certificate of title shall have the right to transfer all interest in the vehicle without the signature of any other owner on the title unless:

(i) The title states the vehicle is held in joint tenancy with right of survivorship or tenancy by the entirety;

(ii) The title states the vehicle is held by coowners in the conjunctive, by the use of the word "and" or other similar language, in which event transfer shall require the signature of each coowner;

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(iii) A transfer of all interests in the vehicle by an owner without the signature of any other owner is otherwise prohibited by law.

31-2-112. Glider kit vehicle certificate of title.

(b) Applications for a glider kit vehicle certificate of title shall ~~be under oath and~~ contain or be accompanied by:

(i) The name and address of the owner, the manner in which the ownership interest in the vehicle is to be held and the person to whom the certificate of title is to be delivered;

31-2-201. Registration required; timelines.

(a) Except as provided in W.S. 31-2-224 and subsection (q) of this section, every owner, or if applicable, operator or lessee, of a vehicle which will be operated or driven upon any highway in Wyoming, shall be required to obtain registration at the following times:

(ii) Upon transfer of ownership of a vehicle:

(C) Within sixty (60) days if transferred under the provisions of W.S. 31-2-104(h). Vehicles may be operated by the transferee during this sixty (60) day period when accompanied by a ~~notarized~~-signed bill of sale that substantially conforms with the form provided in W.S. 31-2-104(h)(ii);

31-2-503. Applications; contents; effect.

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(a) Applications for certificates of title shall ~~be under oath and~~ contain or be accompanied by:

(i) The name and address of the owner, the manner in which the ownership interest in the mobile home is to be held and the person to whom the certificate of title is to be transferred;

(d) Upon receipt of an application and payment of fees any county clerk shall, if satisfied that the applicant is the owner of the mobile home for which application for certificate of title is made, issue a certificate of title, upon a form approved by and provided at cost to the county clerk by the department of transportation, in the name of the owner bearing the signature and seal of the county clerk's office. Each certificate of title shall bear a distinct serial number. The title shall be completely filled out giving a description of the mobile home in a manner prescribed by the department, indicate all encumbrances or liens on the mobile home and indicate the date of issue. Certificates of title shall contain forms for assignment of title or interest and warranty by the owner with space for notation of liens and encumbrances at the time of transfer on the reverse side and contain space for the notarization of the seller's signature for a sale or transfer of title. Certificates of title are valid for the mobile home so long as the mobile home is owned or held by the person in whose name the title was issued. A certificate of title is prima facie proof of ownership of the mobile home for which the certificate was issued.

31-2-504. Transfer of ownership.

(a) Except as otherwise provided in this section, the owner of a mobile home who sells or transfers his interest in a mobile home for which a certificate of title has been issued

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shall endorse an assignment and warranty of title upon the certificate for the mobile home with a statement of all liens and encumbrances thereon and that all taxes due thereon have been paid, which assignment, warranty and statement shall be ~~subscribed~~ signed and dated by the owner before a notarial officer and acknowledged thereby in the manner provided by law, to be dated and delivered to the transferee at the time of delivering the mobile home.

Section 2. This act applies to certificates of title and bills of sale issued on or after January 1, 2020.

Section 3. This act is effective January 1, 2020.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk