

ORIGINAL HOUSE
BILL NO. HB0044

ENROLLED ACT NO. 50, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

AN ACT relating to motor vehicles; modifying provisions related to the issuance and transfer of titles and duplicate titles; requiring a county treasurer to issue an excise tax receipt; authorizing transfer of interest in a mobile home by a single co-owner as specified; conforming a provision; and providing for an effective date.

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

Section 1. W.S. 31-2-103(d), 31-2-104(m)(intro) and (ii), 31-2-105(a), 31-2-501(b), 31-2-504 by creating a new subsection (d), 31-2-505, 39-15-107(b)(i) and 39-16-107(b)(ii) are amended to read:

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

(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) or presentation of a county treasurer receipt noting a valid exemption from paying the sales or use tax. If a lien is filed with respect to the vehicle, 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

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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.

(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:

(ii) The title states the vehicle is held by ~~eeowners~~-co-owners 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~~co-owner;

31-2-105. Duplicate titles; affidavit of vehicle ownership.

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(a) Upon loss of a certificate of title, the owner may apply to the county clerk issuing the original title for a duplicate title. For purposes of applying for a duplicate title, "owner" means any one (1) person listed as owner on the face of the title. The applicant shall file an affidavit describing the loss with the county clerk. Upon payment of fees the county clerk shall issue a duplicate certificate of title corresponding to the original certificate and containing the following notation prominently displayed in capital letters on the face of the certificate: "THIS IS A DUPLICATE CERTIFICATE OF TITLE AND MAY BE SUBJECT TO THE RIGHTS OF A PERSON OR PERSONS UNDER THE ORIGINAL CERTIFICATE".

31-2-501. Definitions; application required.

(b) Except as provided by W.S. 31-2-502, ~~every~~any owner of a mobile home located in this state for which no Wyoming certificate of title has been issued to the owner, or the transferee upon transfer of ownership of a mobile home, shall apply for a certificate of title at the office of a county clerk within forty-five (45) days of the date the mobile home became subject to this act, or upon a transfer, within forty-five (45) days of the date of transfer.

31-2-504. Transfer of ownership.

(d) If a mobile home 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 mobile home without the signature of any other owner on the title unless:

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

(ii) The title states the mobile home is held by co-owners in the conjunctive, by the use of the word "and" or other similar language, in which event transfer shall require the signature of each co-owner;

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

31-2-505. Duplicate titles.

Upon loss of a certificate of title, the owner may apply to the county clerk issuing the original title for a duplicate title. For purposes of applying for a duplicate title, "owner" means any one (1) person listed as owner on the face of the title. The applicant shall file an affidavit describing the loss with the county clerk. Upon payment of fees the county clerk shall issue a duplicate certificate of title corresponding to the original certificate and containing the following notation prominently displayed in capital letters on the face of the certificate: "THIS IS A DUPLICATE CERTIFICATE OF TITLE AND MAY BE SUBJECT TO THE RIGHTS OF A PERSON OR PERSONS UNDER THE ORIGINAL CERTIFICATE".

39-15-107. Compliance; collection procedures.

(b) Payment. The following shall apply:

(i) Except as provided by paragraph (viii) of this subsection, no vendor shall collect taxes imposed by

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this article upon the sale of motor vehicles, house trailers, trailer coaches, trailers or semitrailers. The taxes imposed shall be collected by the county treasurer prior to the first registration in Wyoming and not upon subsequent registration by the same applicant. The county treasurer shall provide the applicant a receipt specifying the amount of sales tax collected and noting any valid exemption from sales tax. The county treasurer shall collect and remit to the department the tax in effect in the county of the owner's principal residence;

39-16-107. Compliance; collection procedures.

(b) Payment. The following shall apply:

(ii) Except as provided by paragraph (iv) of this subsection, no vendor shall collect the taxes imposed by this article upon the sale of motor vehicles, house trailers, trailer coaches, trailers or semitrailers as defined by W.S. 31-1-101. The taxes imposed shall be collected by the county treasurer prior to the first registration in Wyoming and not upon subsequent registration by the same owner. The county treasurer shall provide the applicant a receipt specifying the amount of use tax collected and noting any valid exemption from use tax. The county treasurer shall collect and remit to the department the tax in effect in the county of the owner's principal residence. The tax shall not be collected if previously registered by the same nonresident owner in another state. The county treasurer may also collect the tax due and any interest, penalties or costs of collection through the use of a collection agency or by the filing of a civil action;

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Section 2. This act is effective July 1, 2022.

(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