

SENATE FILE NO. SF0063

Motor vehicles-security interest perfection.

Sponsored by: Senator(s) Case and Representative(s) Furphy  
and Kinner

A BILL

for

1 AN ACT relating to motor vehicles; modifying requirements  
2 for perfection of a security interest; and providing for an  
3 effective date.

4

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

6

7 **Section 1.** W.S. 31-2-801(a)(i), (ii), (b) and (f) is  
8 amended to read:

9

10 **31-2-801. Perfection of a security interest in a**  
11 **vehicle or motor vehicle.**

12

13 (a) Two (2) steps are required for perfection of a  
14 security interest in a vehicle or motor vehicle required to  
15 be licensed as hereinafter defined:

1

2 (i) A financing statement or security agreement  
3 must be ~~filed in~~ delivered to the office of the county  
4 clerk of the county in which the vehicle is located; and

5

6 (ii) A notation of the security interest must be  
7 endorsed on the certificate of title to the vehicle or  
8 motor vehicle, the endorsement to be made ~~concurrently with~~  
9 the filing as of the time of delivery of the financing  
10 statement or security agreement.

11

12 (b) Each owner of a vehicle or motor vehicle  
13 concerning which an original or substitute certificate of  
14 title has been issued who encumbers the title thereto,  
15 shall deliver the certificate to the holder of the security  
16 interest who, within five (5) days thereafter, shall  
17 deliver the certificate to the clerk of the county in which  
18 the vehicle is located, and the clerk shall then endorse on  
19 the face of the certificate appropriate notation showing  
20 the date and amount of the security interest, and the name  
21 of the secured party. If ~~such~~ the clerk issued the  
22 certificate, he shall immediately endorse the same security  
23 interest data on the certificate copy on file in his

1 office. If the certificate was issued in some other county  
2 or state, he shall promptly transmit to the state or county  
3 officer who issued the certificate the same security  
4 interest data and ~~such~~the other officer shall promptly  
5 endorse same on the certificate copy on file in his office.  
6 Every financing statement or security agreement when ~~filed~~  
7 delivered pursuant to the provisions of this subsection  
8 shall take effect and be in force from and after the time  
9 of filing the secured party delivers the financing  
10 statement or security agreement to the office of the county  
11 clerk of the county in which the vehicle is located and not  
12 before, as to all creditors, subsequent purchasers, and  
13 holders of a security interest in good faith for valuable  
14 consideration and without notice.

15

16 (f) When the certificate of title to the vehicle or  
17 motor vehicle is not available for perfection under  
18 subsection (a) of this section, a "transitional ownership  
19 document", on a form prescribed by the department of  
20 transportation, may be ~~filed~~delivered with the financing  
21 statement or security agreement and the fee as specified in  
22 W.S. 18-3-402(a)(xvi)(T) to enable a security interest to  
23 be perfected in a timely manner. The transitional ownership

1 document serves to perfect a lien upon the ~~date of filing~~  
2 time the financing statement or security agreement and the  
3 appropriate fee are delivered as to all creditors,  
4 subsequent purchasers and holders of a security interest in  
5 good faith for valuable consideration and without notice.  
6 No endorsement on the transitional ownership document is  
7 required to perfect the security interest. Within ninety  
8 (90) days from the date of the financing statement or  
9 security agreement, the certificate of title shall be filed  
10 along with a five dollar (\$5.00) fee with the county clerk.  
11 If the certificate of title is not timely filed, the  
12 transitional ownership document is invalid, without force  
13 and effect.

14

15 **Section 2.** This act is effective July 1, 2020.

16

17

(END)