

HOUSE BILL NO. HB0262

Statewide real estate transfer tax.

Sponsored by: Representative(s) Clifford and Connolly and
Senator(s) Rothfuss

A BILL

for

1 AN ACT relating to taxation and revenue; providing for an
2 excise tax on the sale of real property as specified;
3 providing for distribution of the tax; requiring
4 rulemaking; imposing penalties; and providing for effective
5 dates.

6

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

8

9 **Section 1.** W.S. 39-24-101 through 39-24-111 are
10 created to read:

11

CHAPTER 24

12

REAL ESTATE TRANSFER SALES TAX

13

14

15 **39-24-101. Definitions.**

1

2 (a) As used in this chapter:

3

4 (i) "Consideration" means any property or thing
5 of value whether delivered in the past, present or to be
6 delivered in the future and includes like-kind exchanges of
7 property;

8

9 (ii) "Conveyance" means as defined by W.S.
10 34-1-102;

11

12 (iii) "Deed" means a written conveyance of real
13 property, signed by the grantor, whereby the interest held
14 by the grantor to real property is transferred from one (1)
15 person to another.

16

17 **39-24-102. Administration.**

18

19 The department shall enforce the provisions of this
20 chapter. The department shall promulgate rules necessary
21 for the implementation and enforcement of this chapter.

22

23 **39-24-103. Imposition.**

1

2 (a) Taxable event. There is levied a tax for the
3 privilege of recording a deed upon the transfer of legal
4 title to or beneficial interest in real property in
5 Wyoming. The recoding of any deed purporting to transfer
6 legal title to or beneficial interest in real property
7 shall be presumed taxable under this chapter unless it
8 clearly appears on the face of the deed that the instrument
9 is exempt under W.S. 39-24-105.

10

11 (b) Basis of tax. The tax shall be collected based
12 on the full actual consideration paid for the legal title
13 or beneficial interest conveyed by the deed including any
14 lien assumed. For a gift or any deed transferred with
15 nominal consideration or without stated consideration, the
16 tax shall be collected based on the most recent assessed
17 value of the real property by the county assessor in the
18 county where the property that is transferred is located.

19

20 (c) Taxpayer. The grantor and the grantee may agree
21 on the party responsible for payment of the tax under this
22 chapter. In the absence of an agreement the grantee shall
23 pay the tax under this chapter.

1

2 **39-24-104. Taxation rate.**

3

4 (a) Except as provided by W.S. 39-24-105, there is
5 levied and shall be paid a tax based on the value of the
6 property being transferred by the deed as determined under
7 W.S. 39-24-103(b) as follows:

8

9 (i) For any amount that is five hundred thousand
10 dollars (\$500,000.00) or less: zero percent (0%);

11

12 (ii) For any amount that is in excess of five
13 hundred thousand dollars (\$500,000.00): two percent (2%).

14

15 **39-24-105. Exemptions.**

16

17 (a) The tax under this chapter shall not be imposed
18 upon the privilege of recording a deed that is recorded:

19

20 (i) Prior to July 1, 2021, including any deed
21 recorded as the result of any transfer of real property
22 that is completed pursuant to a contract or conveyance that
23 was executed prior to July 1, 2021;

1

2 (ii) To confirm, correct, modify or supplement a
3 previously recorded deed or conveyance without additional
4 consideration;

5

6 (iii) For any transfer without consideration
7 from one (1) joint tenant or tenant in common to one (1) or
8 more remaining joint tenants or tenants in common;

9

10 (iv) For any transfer without consideration when
11 the property is held in the name of one (1) spouse and the
12 transfer of property is to both spouses as joint tenants,
13 tenants in common or as community property;

14

15 (v) For any transfer between spouses, including
16 any gift between spouses;

17

18 (vi) For any transfer pursuant to a court order
19 or decree including any transfer of legal title to or
20 beneficial interest in real property between spouses to
21 effect a property settlement agreement or between former
22 spouses in compliance with a decree of divorce;

23

1 (vii) For any transfer without consideration to
2 a trust where the grantor is the same as the beneficiary of
3 the trust, or for any transfer without consideration from a
4 trust where the grantee is the same as the beneficiary of
5 the trust;

6

7 (viii) For any transfer between a parent and
8 child, including a gift;

9

10 (ix) For any transfer without consideration to
11 make effective any plan of reorganization or adjustment
12 under which a mere change in identity, form or place of
13 organization is effected, including a transfer between a
14 parent corporation and a wholly owned subsidiary or
15 affiliate corporation;

16

17 (x) For any transfer due to the sale of the
18 property for delinquent taxes or assessments or due to a
19 sale or transfer pursuant to foreclosure;

20

21 (xi) For any transfer conducted through a county
22 certificate of purchase or a sheriff's deed;

23

1 (xii) For any exchange of real property between
2 parties, the tax shall not apply to the portion of the
3 value equal to lowest total value of properties being
4 exchanged by one (1) party, as determined by the county
5 assessor for the previous calendar year;

6

7 (xiii) For any transfer of real property
8 exempted from property taxation under W.S. 39-11-105(a)(i)
9 through (viii) and any property protected from taxation
10 under the Wyoming constitution;

11

12 (xiv) For a lease;

13

14 (xv) For an easement;

15

16 (xvi) For any transfer of real property located
17 within the boundaries of the Wind River Indian reservation
18 if the grantor or grantee is a member of the Eastern
19 Shoshone or Northern Arapahoe Indian Tribes;

20

21 (xvii) For any transfer of real property without
22 consideration to a nonprofit organization that is exempt
23 from federal income tax under section 501(c)(3) of the

1 Internal Revenue Code and that is not a private foundation
2 as defined in 509(a) of the Internal Revenue Code;

3

4 (xviii) Any other transfer which the department
5 exempts by rule upon a finding that the transfer does not
6 represent a conveyance of property that should be subject
7 to tax under this chapter due to the relationship of the
8 parties or the nature of the real property.

9

10 **39-24-106. Licensing; permits.**

11

12 There are no specific applicable provisions for licenses
13 and permits for this chapter.

14

15 **39-24-107. Compliance; collection procedures.**

16

17 (a) Returns and reports. Taxes imposed by this
18 chapter are due and payable at the office of the county
19 treasurer of the county in which the real property is
20 located on the date of recordation of the deed. The tax
21 shall be collected on the value of the property being
22 transferred by the deed as determined under W.S.
23 39-24-103(b). The county clerk shall not record a

1 conveyance transferring legal title to or beneficial
2 interest in real property until all taxes due under this
3 chapter have been paid to the county treasurer. The
4 grantor and grantee of the deed shall sign before a
5 notarial officer on a form prescribed by the department a
6 statement eliciting the information necessary for the
7 assessment of the tax. The statement shall not be a public
8 record and shall be held confidential by any state or local
9 entity that has access to the statement.

10

11 (b) It is a misdemeanor for a person to willfully
12 disclose, except as specifically authorized by law, any
13 information on the statement required by subsection (a) of
14 this section. Upon conviction, the offender is subject to a
15 fine of not more than seven hundred fifty dollars
16 (\$750.00), imprisonment for not more than six (6) months,
17 or both.

18

19 (c) Payment. Payment shall be collected at the time
20 of recording the deed or other instrument in the form
21 prescribed by the department. The party responsible for
22 payment shall sign under penalty of perjury on a form

1 prescribed by the department that the tax required under
2 this chapter has been paid.

3

4 (d) Timelines. There are no specific applicable
5 provisions for timelines for this chapter.

6

7 (e) If property subject to the tax imposed by this
8 chapter is located in more than one (1) county and the
9 value has not been determined by the grantor and grantee as
10 to each county, the value and resulting taxes due under
11 this chapter shall be established by applying the ratio of
12 the assessed valuation in each county to the assessed
13 valuation of all property being transferred.

14

15 **39-24-108. Enforcement.**

16

17 There are no specific applicable provisions for enforcement
18 for this chapter.

19

20 **39-24-109. Taxpayer remedies.**

21

22 There are no specific applicable provisions for taxpayer
23 remedies for this chapter.

1

2 **39-24-110. Statute of limitations.**

3

4 There are no specific applicable provisions for a statute
5 of limitations for this chapter.

6

7 **39-24-111. Distribution.**

8

9 Taxes collected by the county treasurer pursuant to this
10 chapter shall be transferred to the state treasurer for
11 deposit in the school foundation program account.

12

13 **Section 2.** W.S. 34-1-119(a) and 39-11-101(a)(xviii)
14 are amended to read:

15

16 **34-1-119. Duties of county clerk generally.**

17

18 (a) The county clerk of each county within this state
19 shall receive and record at length all deeds, mortgages,
20 conveyances, patents, certificates and instruments left
21 with him for that purpose, and he shall endorse on every
22 such instrument the day and hour on which it was filed for
23 record. The county clerk shall not record any document

1 until the clerk receives documentation that the tax
2 required by W.S. 39-24-103 for recoding the deed, if any,
3 has been paid to the county treasurer. The county clerk
4 shall not record any document until the address of the
5 grantee, mortgagee or assignee of the mortgagee is
6 furnished to the county clerk, but this requirement shall
7 not affect the validity of the recording of any instrument
8 except to the extent provided in W.S. 34-1-142(b). Only
9 instruments which are the originally signed documents,
10 including electronic documents recorded pursuant to the
11 Uniform Real Property Electronic Recording Act, W.S.
12 34-1-401 through 34-1-407, or properly certified or
13 authenticated copies thereof may be properly recorded. A
14 document is properly certified if in compliance with Rule
15 902 of the Wyoming Rules of Evidence or other applicable
16 rule or statute.

17

18 **39-11-101. Definitions.**

19

20 (a) As used in this act unless otherwise specifically
21 provided:

22

1 (xviii) "This act" means W.S. 39-11-101 through
 2 ~~39-22-111~~ 39-24-111.

3

4 **Section 3.** The department of revenue shall adopt
 5 rules necessary to implement the real estate transfer sales
 6 tax not later than January 1, 2022.

7

8 **Section 4.**

9

10 (a) Except as provided in subsection (b) of this
 11 section, this act is effective immediately upon completion
 12 of all acts necessary for a bill to become law as provided
 13 by Article 4, Section 8 of the Wyoming Constitution.

14

15 (b) Sections 1 and 2 of this act are effective
 16 January 1, 2022.

17

18 (END)