

SENATE FILE NO. SF0025

Electronic lien and title system.

Sponsored by: Joint Transportation, Highways & Military  
Affairs Interim Committee

A BILL

for

1 AN ACT relating to motor vehicles; creating an electronic  
2 lien and title system; requiring the department of  
3 transportation to implement and administer an electronic  
4 lien and title system; providing a definition; exempting  
5 mobile homes; making conforming amendments; requiring  
6 rulemaking; and providing for effective dates.

7

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

9

10 **Section 1.** W.S. 31-2-113 is created to read:

11

12 **31-2-113. Electronic lien and title system.**

13

14 (a) As used in this section "electronic lien and  
15 title system" means a statewide electronic lien and title

1 system implemented by the department to process through  
2 electronic means:

3

4 (i) Certificates of title for vehicles including  
5 new, transferred and corrected certificates of title;

6

7 (ii) Certificate of title data in which a lien  
8 is notated;

9

10 (iii) The notification, maintenance, perfection  
11 and release of security interests in vehicles; and

12

13 (iv) Payment of sales or use tax pursuant to  
14 W.S. 39-15-107(b) or 39-16-107(b).

15

16 (b) The department shall implement and administer an  
17 electronic lien and title system as provided in this  
18 section.

19

20 (c) The department may contract with one (1) or more  
21 vendors to develop, implement and provide ongoing  
22 administration of the electronic lien and title system  
23 required under subsection (b) of this section. The vendors

1 may charge a transaction fee for each transaction provided  
2 through the electronic lien and title system to recover the  
3 vendor's costs associated with the development,  
4 implementation and ongoing administration of the electronic  
5 lien and title system. No vendor shall charge any fees  
6 under this subsection to the state or counties.

7

8 (d) Except for persons who are not normally engaged  
9 in the business or practice of financing vehicles, all  
10 dealers, lenders, lienholders, insurance companies and  
11 secured parties shall use the electronic lien and title  
12 system required under subsection (b) of this section. All  
13 counties shall use the electronic lien and title system  
14 required under subsection (b) of this section. Each person  
15 not normally engaged in the business or practice of  
16 financing vehicles including owners may use the electronic  
17 lien and title system or request a paper certificate of  
18 title at the office of a county clerk.

19

20 (e) This section shall not apply to certificates of  
21 title for mobile homes as defined in W.S. 31-2-501(a)(ii).

22

1           **Section 2.** W.S. 31-1-202(c) and (d), 31-2-101,  
2 31-2-103(a)(intro), (v), (vi) and (d), 31-2-104(a), (h)(i)  
3 and (ii), 31-2-105(a), (b)(intro), (i)(D) and (c) through  
4 (f), 31-2-107(a), (f) through (j) and (o) are amended to  
5 read:

6

7           **31-1-202. Records.**

8

9           (c) Within three (3) business days after issuance of  
10 a vehicle registration or certificate of title, county  
11 treasurers and county clerks shall forward a record thereof  
12 to the department. County clerks shall forward a record of  
13 certificate of title electronically through the electronic  
14 lien and title system established under W.S. 31-2-113.  
15 County treasurers shall notify the department and sheriff  
16 of his county of loss or mutilation of license plates.

17

18           (d) The department shall maintain records of vehicle  
19 registrations from all counties indexed by distinctive  
20 vehicle numbers assigned by the department, the name of the  
21 registered owner and vehicle identification numbers. The  
22 department shall maintain a record of all vehicle  
23 certificates of title from all counties in the electronic

1 lien and title system established under W.S. 31-2-113.

2 Records are public and open to inspection by the public  
3 during reasonable office hours. The department shall  
4 maintain a vehicle identification number index of all  
5 vehicles for which certificates of title have been issued.  
6 Upon receipt of a notice of issuance of a certificate of  
7 title from any county clerk the department may destroy all  
8 records relating to former transfers of title to the  
9 vehicle and shall retain only the notice of issuance of the  
10 certificate of title in effect at any time. The department  
11 may annually compile and publish a list of all registered  
12 vehicles and supplements thereto which shall be furnished  
13 to Wyoming peace officers and the Wyoming office of  
14 homeland security without charge.

15

16 **31-2-101. Required application; resident and**  
17 **nonresident applications.**

18

19 (a) Except as provided by W.S. 31-2-102 and pursuant  
20 to W.S. 31-1-101(a)(xxi)(A) through (G), any owner of a  
21 vehicle for which no Wyoming certificate of title has been  
22 issued to the owner or the transferee upon transfer of  
23 ownership of a vehicle for which a Wyoming certificate of

1 title is required, shall apply for a certificate of title  
2 electronically through the electronic lien and title system  
3 established under W.S. 31-2-113 or at the office of a  
4 county clerk, ~~or if available, electronically,~~ within the  
5 same time periods as required by W.S. 31-2-201(a)(ii) and  
6 (iii).

7  
8 (b) Any owner, owner's agent or transferee upon  
9 transfer of ownership of any vehicle that has an  
10 identifying number pursuant to W.S. 31-1-101(a)(ix),  
11 including off-road recreational or multipurpose vehicles  
12 and, for the purpose of titling under this section,  
13 including snowmobiles and watercraft, shall apply for a  
14 certificate of title electronically through the electronic  
15 lien and title system established under W.S. 31-2-113 or at  
16 the office of a county clerk.

17  
18 (c) Any nonresident person registered as a business  
19 entity under the laws of another state in the United States  
20 and who operates a vehicle in this state for business or  
21 commercial purposes for which no Wyoming certificate of  
22 title has been issued may apply for a certificate of title  
23 for that vehicle electronically through the electronic lien

1 and title system established under W.S. 31-2-113 or at the  
2 office of a county clerk. ~~., or if available, electronically.~~

3

4 **31-2-103. Contents of application; signature; vehicle**  
5 **identification number; issuance of certificate.**

6

7 (a) Applications for paper certificates of title or  
8 electronic certificates of title, ~~if available,~~ shall  
9 contain or be accompanied by:

10

11 (v) The current title containing an assignment  
12 and warranty of title, if applicable, and an affidavit by  
13 the seller, either on a separate form through the  
14 electronic lien and title system established under W.S.  
15 31-2-113 that provides remote authentication or contained  
16 on the current title, which shall contain a reference to  
17 the federal regulations stating that failure to complete or  
18 providing false information may result in fines and  
19 imprisonment and may include a department approved  
20 statement in substantially the following form: "I state  
21 that the odometer now reads .... miles (no tenths) and to  
22 the best of my knowledge that it reflects the actual  
23 mileage of the vehicle described herein unless one (1) of

1 the following statements is checked: A. I hereby certify  
2 that to the best of my knowledge the odometer reading  
3 reflects the amount of mileage is in excess of its  
4 mechanical limits; B. I hereby certify that the odometer  
5 reading is NOT the actual mileage. WARNING-ODOMETER  
6 DISCREPANCY", to be retained by the county clerk upon  
7 issuance of a new title. This paragraph shall not apply to  
8 vehicles not originally manufactured with an odometer;

9

10 (vi) In the case of a vehicle registered or  
11 titled in a state other than Wyoming, or any homemade  
12 vehicle, rebuilt vehicle, reconstructed vehicle, any  
13 vehicle assembled from a kit or any vehicle for which a  
14 bond is required, a current statement submitted to the  
15 office of the county clerk or through the electronic lien  
16 and title system established under W.S. 31-2-113, made by a  
17 Wyoming law enforcement officer, or licensed Wyoming dealer  
18 only for vehicles in his inventory or possession, that the  
19 vehicle identification number on the vehicle has been  
20 inspected and that the inspection occurred in Wyoming and  
21 certifying the correct vehicle identification number  
22 displayed on the vehicle. Any licensed Wyoming dealer  
23 performing an inspection of a vehicle identification number



1 under this section shall, in addition to the requirements  
2 of this act, do so pursuant to W.S. 31-11-108. In the case  
3 of a vehicle not in Wyoming, the vehicle identification  
4 number may be inspected and certified on a form approved by  
5 the department if the inspection is made by an authorized  
6 law enforcement officer of a city, county or state law  
7 enforcement agency or a commissioned officer at a federal  
8 military installation or any other person authorized to do  
9 so by law and delivered to the county clerk in the county  
10 where the application for certificate of title is made  
11 along with payment for the inspection fee required under  
12 W.S. 31-3-102(b)(iv);

13

14 (d) Upon receipt of an application and payment of  
15 fees any county clerk shall, if satisfied that the  
16 applicant is the owner of the vehicle for which application  
17 for certificate of title is made, issue a paper certificate  
18 of title if requested by the applicant or electronic  
19 certificate of title, ~~if available,~~ upon a form or  
20 electronic format, approved by and provided at cost to the  
21 county clerk by the department in the name of the owner  
22 bearing the signature and seal of the county clerk's  
23 office. The county clerk shall not deliver a certificate of

1 title issued under this section until presentation of a  
2 receipt for payment of sales or use tax pursuant to W.S.  
3 39-15-107(b) or 39-16-107(b) or presentation of a county  
4 treasurer receipt noting a valid exemption from paying the  
5 sales or use tax. If a lien is filed with respect to the  
6 vehicle, the county clerk shall, within three (3) business  
7 days, deliver a copy of the filed lien and a copy of the  
8 issued title to the financial institution. ~~and if~~  
9 ~~available, such~~ The delivery may be made electronically.  
10 Each paper certificate of title ~~or and~~ electronic ~~version,~~  
11 certificate of title shall bear a document control number  
12 with county designation and certificate of title number.  
13 The title shall be completely filled out giving a  
14 description of the vehicle including factory price in a  
15 manner prescribed by the department, indicate all  
16 encumbrances or liens on the vehicle and indicate the date  
17 of issue. Certificates of title shall contain forms for  
18 assignment of title or interest and warranty thereof by the  
19 owner with space for notation of liens and encumbrances at  
20 the time of transfer on the reverse side and contain space  
21 for the notarization of the seller's signature or an  
22 electronic signature in accordance with W.S. 40-21-101  
23 through 40-21-119, for a sale or transfer of title.

1 Certificates of title are valid for the vehicle so long as  
2 the vehicle is owned or held by the person in whose name  
3 the title was issued. A certificate of title is prima facie  
4 proof of ownership of the vehicle for which the certificate  
5 was issued.

6

7 **31-2-104. Transfer of ownership.**

8

9 (a) Except as otherwise provided in this section, the  
10 owner of a vehicle who sells or transfers his interest in a  
11 vehicle for which a certificate of title has been issued  
12 shall endorse an assignment and warranty of title upon the  
13 certificate for the vehicle with a statement of all liens  
14 and encumbrances thereon, which assignment, warranty and  
15 statement shall be signed and dated by the owner before a  
16 notarial officer and acknowledged thereby in the manner  
17 provided by law or signed electronically in accordance with  
18 W.S. 40-21-101 through 40-21-119, to be dated and delivered  
19 to the transferee at the time of delivering the vehicle.  
20 Delivery may be made electronically through the electronic  
21 lien and title system established under W.S. 31-2-113.  
22 Except as provided in subsection (b) of this section, the  
23 transferee shall present the certificate to a county clerk

1 and apply for a new certificate of title electronically  
2 through the electronic lien and title system established  
3 under W.S. 31-2-113 or at the office of a county clerk  
4 within the same time periods as required by W.S.  
5 31-2-201(a)(ii).

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 bill of sale, in  
16 substantially the form specified in paragraph (ii) of this  
17 subsection, and the certificate of title shall be delivered  
18 either in person or electronically through the electronic  
19 lien and title system established under W.S. 31-2-113 to  
20 the transferee within thirty (30) days from the date of the  
21 sale; or

22

1           (ii) The transferor is an auctioneer of vehicles  
 2 and transfers the vehicle in the course of his business as  
 3 an auctioneer of vehicles or through an auctioneer of  
 4 vehicles. The transferor or auctioneer shall then deliver  
 5 the certificate of title either in person or electronically  
 6 through the electronic lien and title system established  
 7 under W.S. 31-2-113 to the transferee within thirty (30)  
 8 days of the date of sale and shall deliver to the  
 9 transferee at the time the vehicle is delivered a signed  
 10 bill of sale in substantially the following form:

11

VEHICLE BILL OF SALE

12

13

14 I, (PRINTED NAME OF TRANSFEROR OR AUCTIONEER), on (date),  
 15 hereby sell and convey all (my interest the interest of  
 16 (name of current owner)) in the following described  
 17 vehicle: (COLOR, YEAR, MAKE, MODEL, VEHICLE IDENTIFICATION  
 18 NUMBER) to (PRINTED NAME OF TRANSFEE) in exchange for:  
 19 (sales price). I hereby state that the certificate of  
 20 title for the above described vehicle is held by (PRINTED  
 21 NAME OF TRANSFEROR-VEHICLE AUCTIONEER, BANK OR OTHER  
 22 FINANCIAL INSTITUTION) and that within thirty (30) days,  
 23 (PRINTED NAME OF TRANSFEE) will be provided a properly

1 executed title free of all liens for the vehicle unless  
 2 otherwise specified in this bill of sale. I certify (or  
 3 declare) under penalty of perjury under the laws of the  
 4 State of Wyoming that the contents of this document are  
 5 true and correct.

6

7 DATE: \_\_\_\_\_

8

9 \_\_\_\_\_

10

11 (TRANSFEROR'S OR AUCTIONEER'S SIGNATURE)

12

13 \_\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16

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

19

20 **31-2-105. Duplicate titles; affidavit of vehicle**  
 21 **ownership.**

22

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

17

18           (b) If an applicant for a paper certificate of title  
19 or electronic certificate of title required by this act is  
20 unable to provide the county clerk with a certificate of  
21 title that assigns the prior owner's interest, a notarized  
22 bill of sale or other evidence of ownership that satisfies  
23 the county clerk that the applicant owns the vehicle, a

1 paper certificate of title or electronic certificate of  
2 title may be issued only if:

3

4 (i) The applicant submits an affidavit of  
5 vehicle ownership on a form prescribed by the department  
6 that shall be signed and sworn before a person who is  
7 authorized to administer oaths and affirmations. The  
8 affidavit shall contain:

9

10 (D) A statement that the applicant is the  
11 true and lawful owner of the vehicle and has the right to  
12 have a paper certificate of title or electronic certificate  
13 of title issued.

14

15 (c) If the vehicle for which the applicant is  
16 applying for a paper certificate of title or electronic  
17 certificate of title has a value less than two thousand  
18 five hundred dollars (\$2,500.00), a paper title or  
19 electronic title may be issued without a bond if the  
20 applicant presents an affidavit of vehicle ownership, a  
21 notarized bill of sale, a certified, written statement of  
22 the value from a properly licensed Wyoming vehicle dealer  
23 and a vehicle identification number (VIN) inspection, or



1 any other information the county clerk may require for  
2 proof of ownership, at the time of application.

3

4 (d) Any bond required by this section shall be  
5 executed by a surety duly authorized to carry on business  
6 in Wyoming or by individual sureties qualified as provided  
7 by W.S. 1-1-104 and 1-1-105. The amount of any bond  
8 required under this section shall not be less than double  
9 the value of the vehicle determined at the time of the  
10 application. If the value of the vehicle cannot be  
11 determined from any prior registration or title, the  
12 applicant shall provide the county clerk the value of the  
13 vehicle. The value of the vehicle shall be determined by  
14 the applicant or the surety from any current national  
15 appraisal guide, current or past registration if the value  
16 is present on any registration for the vehicle, or the  
17 value may be on certified written statement obtained from a  
18 properly licensed Wyoming vehicle dealer. The bond shall be  
19 conditioned to indemnify a prior owner, lienholder,  
20 subsequent purchaser, secured creditor or encumbrancer of  
21 the vehicle and any respective successors in interest  
22 against expenses, losses or damages, including reasonable  
23 attorney fees, caused by the issuance of the paper

1 certificate of title or electronic certificate of title or  
2 by a defect in or undisclosed security interest upon the  
3 right, title and interest of the applicant in the vehicle.

4

5 (e) If any person suffers a loss or damage by reason  
6 of the filing or issuance of the paper certificate of title  
7 or electronic certificate of title as provided in this  
8 section, such person shall have a right of action to seek  
9 relief directly against the applicant and the surety on the  
10 applicant's bond against either of whom the person damaged  
11 may proceed independently of the other, but the aggregate  
12 liability of the surety to any or all persons seeking  
13 relief shall not exceed the total amount of the bond.

14

15 (f) If an applicant is applying for a paper  
16 certificate of title or electronic certificate of title to  
17 a vehicle which he will restore for his own personal use, a  
18 paper title or electronic title may be issued without a  
19 bond required by this section if the applicant presents an  
20 affidavit of vehicle ownership, a notarized bill of sale, a  
21 certified written statement of the value of the vehicle and  
22 a vehicle identification number (VIN) inspection, at the  
23 time of application. If the value of the vehicle cannot be

1 determined from any prior registration or title, the  
2 applicant shall provide the county clerk the value of the  
3 vehicle. The value of the vehicle shall be determined from  
4 any current national appraisal guide, or the applicant may  
5 elect to submit a certified written statement obtained from  
6 a properly licensed Wyoming vehicle dealer stating the  
7 appraised value of the vehicle. Any paper certificate of  
8 title or electronic certificate of title issued under this  
9 subsection shall state on its face that it is  
10 nontransferable for one hundred eighty (180) days from the  
11 date title issued. Notwithstanding the other requirements  
12 of this subsection, a vehicle shall only be eligible to be  
13 titled under this subsection if, on the date the applicant  
14 purchased the vehicle it was not operational and could not  
15 have been rendered operational without substantial repairs  
16 to one (1) or more of the vehicle's mechanical systems. The  
17 department shall define the term "substantial repairs" by  
18 rule and regulation.

19

20 **31-2-107. Titles for damaged vehicles; return of**  
21 **certificate of title and registration for damaged vehicle;**  
22 **replacement title and registration.**

23

1           (a) When a motor vehicle is declared a total loss by  
2 the insurance company or, in the event an insurance company  
3 is not involved in the settlement of the claim, sustains  
4 damage in an amount exceeding seventy-five percent (75%) of  
5 its actual retail cash value, as set forth in any current  
6 edition of a nationally recognized automotive appraisal  
7 guide or other source approved by the Wyoming insurance  
8 department, the owner or insurance company, if it obtains  
9 ownership of the vehicle through transfer of title as a  
10 result of a settlement of an insurance claim, shall forward  
11 the properly endorsed certificate of title, either to the  
12 office of the county clerk or electronically through the  
13 electronic lien and title system established under W.S.  
14 31-2-113, to the office of the county clerk that issued the  
15 certificate of title together with an electronic  
16 application, submitted through the electronic lien and  
17 title system, for a certificate of title branded salvage  
18 and payment of the fee required under W.S. 31-3-102(a)(vii)  
19 to obtain a properly branded certificate of title. The  
20 owner or insurance company may request a paper certificate  
21 of title branded salvage from the office of the county  
22 clerk. For purposes of this section, a certificate of title  
23 endorsed by an electronic signature shall constitute a

1 properly endorsed certificate of title, which need not be  
2 notarized. When any vehicle accident report is required  
3 under chapter 5, article 11 of this title, the  
4 investigating officer shall provide written notice to the  
5 owner or operator of the vehicle of the requirements under  
6 this section.

7

8 (f) If the owner of a motor vehicle retains the  
9 vehicle upon a settlement with an insurance company, and  
10 the vehicle has incurred damage requiring the vehicle to be  
11 issued a certificate of title branded "nonrepairable" or  
12 "salvage", the owner shall apply for the certificate of  
13 title electronically through the electronic lien and title  
14 system established under W.S. 31-2-113 or at the office of  
15 the county clerk in his own name with the applicable brand  
16 displayed on the certificate of title before the vehicle is  
17 commercially repaired or ownership of the vehicle is  
18 transferred.

19

20 (g) If an insurance company is not involved in a  
21 damage settlement involving a salvage vehicle, the motor  
22 vehicle owner shall apply for a certificate of title  
23 branded "salvage"7 electronically through the electronic

1 lien and title system established under W.S. 31-2-113 or at  
2 the office of the county clerk before the vehicle is  
3 commercially repaired or ownership of the vehicle is  
4 transferred.

5  
6 (h) If a leased motor vehicle incurs damage requiring  
7 the vehicle to be issued a certificate of title branded  
8 "salvage", the lessor shall apply for a properly branded  
9 certificate of title electronically through the electronic  
10 lien and title system established under W.S. 31-2-113 or at  
11 the office of the county clerk after being notified by the  
12 lessee that the vehicle has been damaged. The lessee of the  
13 vehicle shall inform the lessor that the leased vehicle has  
14 been damaged within thirty (30) days after the occurrence  
15 of the damage.

16  
17 (j) Any person acquiring ownership of a damaged motor  
18 vehicle that meets the definition of a salvage vehicle for  
19 which a certificate of title branded "salvage" has not been  
20 issued shall apply for a certificate of title  
21 electronically through the electronic lien and title system  
22 established under W.S. 31-2-113 or at the office of a  
23 county clerk before the vehicle is further transferred.

1

2 (o) If an insurance company is unable to obtain a  
3 properly endorsed certificate of title within thirty (30)  
4 days of payment of damages in a claim settlement involving  
5 transfer of a salvage vehicle to the insurance company, the  
6 insurance company, an occupational licensee of the  
7 department authorized by the insurance company or a salvage  
8 pool authorized by the insurance company may request the  
9 county clerk issue a certificate of title branded salvage  
10 for the vehicle. The request shall be submitted ~~on~~  
11 electronically through the electronic lien and title system  
12 established under W.S. 31-2-113 in a ~~form~~ format provided  
13 by the office of the county clerk and signed electronically  
14 with an electronic signature in accordance with W.S.  
15 40-21-101 through 40-21-119 under penalty of perjury. The  
16 request shall include and document evidence that the  
17 insurance company has paid a claim on the vehicle and has  
18 made at least two (2) written attempts to obtain the  
19 properly endorsed certificate of title at the last known  
20 address of the owner of the vehicle. The request shall also  
21 include a disclosure of any and all security interests,  
22 liens or encumbrances that are known to the insurance  
23 company and that are outstanding against the vehicle.

1

2           **Section 3.** The department of transportation shall  
3 promulgate any rules necessary to implement this act. The  
4 department of transportation may contract with one (1) or  
5 more vendors to develop and implement the electronic lien  
6 and title system as authorized under section 1 of this act.

7

8           **Section 4.**

9

10           (a) Except as provided in subsection (b) of this  
11 section, this act is effective July 1, 2027.

12

13           (b) Sections 3 and 4 of this act are effective  
14 immediately upon completion of all acts necessary for a  
15 bill to become law as provided by Article 4, Section 8 of  
16 the Wyoming Constitution.

17

18

(END)