

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; requiring a report; and providing for effective
7 dates.

8

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

10

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

12

13 **31-2-113. Electronic lien and title system.**

14

1 (a) As used in this section "electronic lien and
2 title system" means a statewide electronic lien and title
3 system implemented by the department to process through
4 electronic means:

5

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

8

9 (ii) Certificate of title data in which a lien
10 is notated;

11

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

14

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

17

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

21

22 (c) The department may contract with one (1) or more
23 vendors to develop, implement and provide ongoing

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

9

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

21

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

1

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

7

8 **31-1-202. Records.**

9

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

18

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

1 certificates of title from all counties in the electronic
2 lien and title system established under W.S. 31-2-113.
3 Records are public and open to inspection by the public
4 during reasonable office hours. The department shall
5 maintain a vehicle identification number index of all
6 vehicles for which certificates of title have been issued.
7 Upon receipt of a notice of issuance of a certificate of
8 title from any county clerk the department may destroy all
9 records relating to former transfers of title to the
10 vehicle and shall retain only the notice of issuance of the
11 certificate of title in effect at any time. The department
12 may annually compile and publish a list of all registered
13 vehicles and supplements thereto which shall be furnished
14 to Wyoming peace officers and the Wyoming office of
15 homeland security without charge.

16

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

19

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

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

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

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

1 for that vehicle electronically through the electronic lien
2 and title system established under W.S. 31-2-113 or at the
3 office of a county clerk. ~~7, or if available, electronically.~~
4

5 **31-2-103. Contents of application; signature; vehicle**
6 **identification number; issuance of certificate.**
7

8 (a) Applications for paper certificates of title or
9 electronic certificates of title, ~~if available,~~ shall
10 contain or be accompanied by:
11

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

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

10

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

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

14

15 (d) Upon receipt of an application and payment of
16 fees any county clerk shall, if satisfied that the
17 applicant is the owner of the vehicle for which application
18 for certificate of title is made, issue a paper certificate
19 of title if requested by the applicant or electronic
20 certificate of title, ~~if available,~~ upon a form or
21 electronic format, approved by and provided at cost to the
22 county clerk by the department in the name of the owner
23 bearing the signature and seal of the county clerk's

1 office. The county clerk shall not deliver a certificate of
2 title issued under this section until presentation of a
3 receipt for payment of sales or use tax pursuant to W.S.
4 39-15-107(b) or 39-16-107(b) or presentation of a county
5 treasurer receipt noting a valid exemption from paying the
6 sales or use tax. If a lien is filed with respect to the
7 vehicle, the county clerk shall, within three (3) business
8 days, deliver a copy of the filed lien and a copy of the
9 issued title to the financial institution. ~~and if~~
10 ~~available, such~~ The delivery may be made electronically.
11 Each paper certificate of title ~~or and~~ electronic ~~version,~~
12 certificate of title shall bear a document control number
13 with county designation and certificate of title number.
14 The title shall be completely filled out giving a
15 description of the vehicle including factory price in a
16 manner prescribed by the department, indicate all
17 encumbrances or liens on the vehicle and indicate the date
18 of issue. Certificates of title shall contain forms for
19 assignment of title or interest and warranty thereof by the
20 owner with space for notation of liens and encumbrances at
21 the time of transfer on the reverse side and contain space
22 for the notarization of the seller's signature or an
23 electronic signature in accordance with W.S. 40-21-101

1 through 40-21-119, for a sale or transfer of title.
2 Certificates of title are valid for the vehicle so long as
3 the vehicle is owned or held by the person in whose name
4 the title was issued. A certificate of title is prima facie
5 proof of ownership of the vehicle for which the certificate
6 was issued.

7

8 **31-2-104. Transfer of ownership.**

9

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

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

7

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

12

13 (i) The certificate of title is being held by a
14 bank or other financial institution on the date the vehicle
15 is delivered. The transferor shall then deliver to the
16 transferee a dealer's invoice or a signed bill of sale, in
17 substantially the form specified in paragraph (ii) of this
18 subsection, and the certificate of title shall be delivered
19 either in person or electronically through the electronic
20 lien and title system established under W.S. 31-2-113 to
21 the transferee within thirty (30) days from the date of the
22 sale; or

23

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.**

3

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

9

10 (b) Upon promulgating a fee schedule for the
11 electronic lien and title system or not later than November
12 1, 2026, whichever is earlier, the department of
13 transportation shall report to the joint transportation,
14 highways and military affairs interim committee on the fee
15 schedule that will be used to implement the electronic lien
16 and title system.

17

1 **Section 4.**

2

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

5

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

10

11

(END)