

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Electronic lien & 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.**

1

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

6

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

9

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

12

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

15

16 (iv) Payment of sales or use tax pursuant to W.S.
17 39-15-107(b) or 39-16-107(b).

18

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

22

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

11

12 *****
 13 *****

STAFF COMMENT

The Committee may wish to consider the following:

- 16 • **Adding a maximum transaction fee amount.**
 - 17 ○ **Other state statutes limit the transaction fee to**
 - 18 **\$3.50 (Indiana & North Carolina), \$4.00 (Nevada)**
 - 19 **and \$5.00 (South Carolina).**

20 *****
 21 *****

22

23 (d) Except for persons who are not normally engaged in
 24 the business or practice of financing vehicles, all
 25 dealers, lenders, lienholders, insurance companies and
 26 secured parties shall use the electronic lien and title
 27 system required under subsection (b) of this section. All
 28 counties shall use the electronic lien and title system

1 required under subsection (b) of this section. Each person
2 not normally engaged in the business or practice of
3 financing vehicles including owners may use the electronic
4 lien and title system or request a paper certificate of
5 title at the office of a county clerk.

6

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

9

10 **Section 2.** W.S. 31-1-202(c) and (d), 31-2-101, 31-2-
11 103(a)(intro), (v), (vi) and (d), 31-2-104(a), (h)(i) and
12 (ii)(intro), 31-2-105(a), (b)(intro), (i)(D), (c) through
13 (f), 31-2-107(a), (f) through (j) and (o) are amended to
14 read:

15

16 **31-1-202. Records.**

17

18 (c) Within three (3) business days after issuance of
19 a vehicle registration or certificate of title, county
20 treasurers and county clerks shall forward a record thereof
21 to the department. County clerks shall forward a record of
22 certificate of title electronically through the electronic
23 lien and title system established under W.S. 31-2-113.

1 County treasurers shall notify the department and sheriff
2 of his county of loss or mutilation of license plates.

3

4 (d) The department shall maintain records of vehicle
5 registrations from all counties indexed by distinctive
6 vehicle numbers assigned by the department, the name of the
7 registered owner and vehicle identification numbers. The
8 department shall maintain a record of all vehicle
9 certificates of title from all counties in the electronic
10 lien and title system established under W.S. 31-2-113.

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

1

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

4

5 (a) Except as provided by W.S. 31-2-102 and pursuant
6 to W.S. 31-1-101(a)(xxi)(A) through (G), any owner of a
7 vehicle for which no Wyoming certificate of title has been
8 issued to the owner or the transferee upon transfer of
9 ownership of a vehicle for which a Wyoming certificate of
10 title is required, shall apply for a certificate of title
11 electronically through the electronic lien and title system
12 established under W.S. 31-2-113 or at the office of a
13 county clerk, ~~or if available, electronically,~~ within the
14 same time periods as required by W.S. 31-2-201(a)(ii) and
15 (iii).

16

17 (b) Any owner, owner's agent or transferee upon
18 transfer of ownership of any vehicle that has an
19 identifying number pursuant to W.S. 31-1-101(a)(ix),
20 including off-road recreational or multipurpose vehicles
21 and, for the purpose of titling under this section,
22 including snowmobiles and watercraft, shall apply for a
23 certificate of title electronically through the electronic

1 lien and title system established under W.S. 31-2-113 or at
2 the office of a county clerk.

3
4 (c) Any nonresident person registered as a business
5 entity under the laws of another state in the United States
6 and who operates a vehicle in this state for business or
7 commercial purposes for which no Wyoming certificate of
8 title has been issued may apply for a certificate of title
9 for that vehicle electronically through the electronic lien
10 and title system established under W.S. 31-2-113 or at the
11 office of a county clerk. ~~., or if available, electronically.~~

12
13 *****
14 *****
15 STAFF COMMENT
16 The Committee may wish to consider whether it is necessary
17 to expressly state that persons may request a paper
18 certificate of title from the office of the county clerk in
19 this section.
20 *****
21 *****
22

23 31-2-103. Contents of application; signature; vehicle
24 identification number; issuance of certificate.

25

1 (a) Applications for paper certificates of title or
2 electronic certificates of title, ~~if available,~~ shall
3 contain or be accompanied by:
4

5 (v) The current title containing an assignment
6 and warranty of title, if applicable, and an affidavit by
7 the seller, either on a separate form through the
8 electronic lien and title system established under W.S. 31-
9 2-113 that provides remote authentication or contained on
10 the current title, which shall contain a reference to the
11 federal regulations stating that failure to complete or
12 providing false information may result in fines and
13 imprisonment and may include a department approved
14 statement in substantially the following form: "I state
15 that the odometer now reads miles (no tenths) and to
16 the best of my knowledge that it reflects the actual
17 mileage of the vehicle described herein unless one (1) of
18 the following statements is checked: A. I hereby certify
19 that to the best of my knowledge the odometer reading
20 reflects the amount of mileage is in excess of its
21 mechanical limits; B. I hereby certify that the odometer
22 reading is NOT the actual mileage. WARNING-ODOMETER
23 DISCREPANCY", to be retained by the county clerk upon

1 issuance of a new title. This paragraph shall not apply to
2 vehicles not originally manufactured with an odometer;

3

4 (vi) In the case of a vehicle registered or
5 titled in a state other than Wyoming, or any homemade
6 vehicle, rebuilt vehicle, reconstructed vehicle, any
7 vehicle assembled from a kit or any vehicle for which a
8 bond is required, a current statement submitted to the
9 office of the county clerk or through the electronic lien
10 and title system established under W.S. 31-2-113, made by a
11 Wyoming law enforcement officer, or licensed Wyoming dealer
12 only for vehicles in his inventory or possession, that the
13 vehicle identification number on the vehicle has been
14 inspected and that the inspection occurred in Wyoming and
15 certifying the correct vehicle identification number
16 displayed on the vehicle. Any licensed Wyoming dealer
17 performing an inspection of a vehicle identification number
18 under this section shall, in addition to the requirements
19 of this act, do so pursuant to W.S. 31-11-108. In the case
20 of a vehicle not in Wyoming, the vehicle identification
21 number may be inspected and certified on a form approved by
22 the department if the inspection is made by an authorized
23 law enforcement officer of a city, county or state law

1 enforcement agency or a commissioned officer at a federal
2 military installation or any other person authorized to do
3 so by law and delivered to the county clerk in the county
4 where the application for certificate of title is made
5 along with payment for the inspection fee required under
6 W.S. 31-3-102(b) (iv);

7
8 (d) Upon receipt of an application and payment of
9 fees any county clerk shall, if satisfied that the
10 applicant is the owner of the vehicle for which application
11 for certificate of title is made, issue a paper certificate
12 of title if requested by the applicant or electronic
13 certificate of title, ~~if available,~~ upon a form or
14 electronic format, approved by and provided at cost to the
15 county clerk by the department in the name of the owner
16 bearing the signature and seal of the county clerk's
17 office. The county clerk shall not deliver a certificate of
18 title issued under this section until presentation of a
19 receipt for payment of sales or use tax pursuant to W.S.
20 39-15-107(b) or 39-16-107(b) or presentation of a county
21 treasurer receipt noting a valid exemption from paying the
22 sales or use tax. If a lien is filed with respect to the
23 vehicle, the county clerk shall, within three (3) business

1 days, deliver a copy of the filed lien and a copy of the
2 issued title to the financial institution ~~and if available,~~
3 ~~such.~~ The delivery may be made electronically. Each paper
4 certificate of title ~~or and~~ electronic ~~version,~~ certificate
5 of title shall bear a document control number with county
6 designation and certificate of title number. The title
7 shall be completely filled out giving a description of the
8 vehicle including factory price in a manner prescribed by
9 the department, indicate all encumbrances or liens on the
10 vehicle and indicate the date of issue. Certificates of
11 title shall contain forms for assignment of title or
12 interest and warranty thereof by the owner with space for
13 notation of liens and encumbrances at the time of transfer
14 on the reverse side and contain space for the notarization
15 of the seller's signature or an electronic signature in
16 accordance with W.S. 40-21-101 through 40-21-119, for a
17 sale or transfer of title. Certificates of title are valid
18 for the vehicle so long as the vehicle is owned or held by
19 the person in whose name the title was issued. A
20 certificate of title is prima facie proof of ownership of
21 the vehicle for which the certificate was issued.

22

23 **31-2-104. Transfer of ownership.**

1

2 (a) Except as otherwise provided in this section, the
3 owner of a vehicle who sells or transfers his interest in a
4 vehicle for which a certificate of title has been issued
5 shall endorse an assignment and warranty of title upon the
6 certificate for the vehicle with a statement of all liens
7 and encumbrances thereon, which assignment, warranty and
8 statement shall be signed and dated by the owner before a
9 notarial officer and acknowledged thereby in the manner
10 provided by law or signed electronically in accordance with
11 W.S. 40-21-101 through 40-21-119, to be dated and delivered
12 to the transferee at the time of delivering the vehicle.
13 Delivery may be made electronically through the electronic
14 lien and title system established under W.S. 31-2-113.
15 Except as provided in subsection (b) of this section, the
16 transferee shall present the certificate to a county clerk
17 and apply for a new certificate of title electronically
18 through the electronic lien and title system established
19 under W.S. 31-2-113 or at the office of a county clerk
20 within the same time periods as required by W.S. 31-2-
21 201(a)(ii).

22

1 (h) The requirement under subsection (a) of this
2 section to deliver a certificate of title to a transferee
3 at the time the vehicle is delivered does not apply to a
4 transferor if:

5
6 (i) The certificate of title is being held by a
7 bank or other financial institution on the date the vehicle
8 is delivered. The transferor shall then deliver to the
9 transferee a dealer's invoice or a signed bill of sale, in
10 substantially the form specified in paragraph (ii) of this
11 subsection, and the certificate of title shall be delivered
12 either in person or electronically through the electronic
13 lien and title system established under W.S. 31-2-113 to
14 the transferee within thirty (30) days from the date of the
15 sale; or

16
17 (ii) The transferor is an auctioneer of vehicles
18 and transfers the vehicle in the course of his business as
19 an auctioneer of vehicles or through an auctioneer of
20 vehicles. The transferor or auctioneer shall then deliver
21 the certificate of title either in person or electronically
22 through the electronic lien and title system established
23 under W.S. 31-2-113 to the transferee within thirty (30)

1 days of the date of sale and shall deliver to the
2 transferee at the time the vehicle is delivered a signed
3 bill of sale in substantially the following form:

4

5 **31-2-105. Duplicate titles; affidavit of vehicle**
6 **ownership.**

7

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

1

2 (b) If an applicant for a paper certificate of title
3 or electronic certificate of title required by this act is
4 unable to provide the county clerk with a certificate of
5 title that assigns the prior owner's interest, a notarized
6 bill of sale or other evidence of ownership that satisfies
7 the county clerk that the applicant owns the vehicle, a
8 paper certificate of title or electronic certificate of
9 title may be issued only if:

10

11 (i) The applicant submits an affidavit of
12 vehicle ownership on a form prescribed by the department
13 that shall be signed and sworn before a person who is
14 authorized to administer oaths and affirmations. The
15 affidavit shall contain:

16

17 (D) A statement that the applicant is the
18 true and lawful owner of the vehicle and has the right to
19 have a paper certificate of title or electronic certificate
20 of title issued.

21

22 (c) If the vehicle for which the applicant is
23 applying for a paper certificate of title or electronic

1 certificate of title has a value less than two thousand
2 five hundred dollars (\$2,500.00), a paper title or
3 electronic title may be issued without a bond if the
4 applicant presents an affidavit of vehicle ownership, a
5 notarized bill of sale, a certified, written statement of
6 the value from a properly licensed Wyoming vehicle dealer
7 and a vehicle identification number (VIN) inspection, or
8 any other information the county clerk may require for
9 proof of ownership, at the time of application.

10

11 (d) Any bond required by this section shall be
12 executed by a surety duly authorized to carry on business
13 in Wyoming or by individual sureties qualified as provided
14 by W.S. 1-1-104 and 1-1-105. The amount of any bond
15 required under this section shall not be less than double
16 the value of the vehicle determined at the time of the
17 application. If the value of the vehicle cannot be
18 determined from any prior registration or title, the
19 applicant shall provide the county clerk the value of the
20 vehicle. The value of the vehicle shall be determined by
21 the applicant or the surety from any current national
22 appraisal guide, current or past registration if the value
23 is present on any registration for the vehicle, or the

1 value may be on certified written statement obtained from a
2 properly licensed Wyoming vehicle dealer. The bond shall be
3 conditioned to indemnify a prior owner, lienholder,
4 subsequent purchaser, secured creditor or encumbrancer of
5 the vehicle and any respective successors in interest
6 against expenses, losses or damages, including reasonable
7 attorney fees, caused by the issuance of the paper
8 certificate of title or electronic certificate of title or
9 by a defect in or undisclosed security interest upon the
10 right, title and interest of the applicant in the vehicle.

11

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

21

22 (f) If an applicant is applying for a paper
23 certificate of title or electronic certificate of title to

1 a vehicle which he will restore for his own personal use, a
2 paper title or electronic title may be issued without a
3 bond required by this section if the applicant presents an
4 affidavit of vehicle ownership, a notarized bill of sale, a
5 certified written statement of the value of the vehicle and
6 a vehicle identification number (VIN) inspection, at the
7 time of application. If the value of the vehicle cannot be
8 determined from any prior registration or title, the
9 applicant shall provide the county clerk the value of the
10 vehicle. The value of the vehicle shall be determined from
11 any current national appraisal guide, or the applicant may
12 elect to submit a certified written statement obtained from
13 a properly licensed Wyoming vehicle dealer stating the
14 appraised value of the vehicle. Any paper certificate of
15 title or electronic certificate of title issued under this
16 subsection shall state on its face that it is
17 nontransferable for one hundred eighty (180) days from the
18 date title issued. Notwithstanding the other requirements
19 of this subsection, a vehicle shall only be eligible to be
20 titled under this subsection if, on the date the applicant
21 purchased the vehicle it was not operational and could not
22 have been rendered operational without substantial repairs
23 to one (1) or more of the vehicle's mechanical systems. The

1 department shall define the term "substantial repairs" by
2 rule and regulation.

3

4 **31-2-107. Titles for damaged vehicles; return of**
5 **certificate of title and registration for damaged vehicle;**
6 **replacement title and registration.**

7

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

1 title system, for a certificate of title branded salvage
2 and payment of the fee required under W.S. 31-3-102(a)(vii)
3 to obtain a properly branded certificate of title. The
4 owner or insurance company may request a paper certificate
5 of title branded salvage from the office of the county
6 clerk. For purposes of this section, a certificate of title
7 endorsed by an electronic signature shall constitute a
8 properly endorsed certificate of title, which need not be
9 notarized. When any vehicle accident report is required
10 under chapter 5, article 11 of this title, the
11 investigating officer shall provide written notice to the
12 owner or operator of the vehicle of the requirements under
13 this section.

14

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

1 commercially repaired or ownership of the vehicle is
2 transferred.

3

4 (g) If an insurance company is not involved in a
5 damage settlement involving a salvage vehicle, the motor
6 vehicle owner shall apply for a certificate of title
7 branded "salvage", electronically through the electronic
8 lien and title system established under W.S. 31-2-113 or at
9 the office of the county clerk before the vehicle is
10 commercially repaired or ownership of the vehicle is
11 transferred.

12

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

23

1 (j) Any person acquiring ownership of a damaged motor
2 vehicle that meets the definition of a salvage vehicle for
3 which a certificate of title branded "salvage" has not been
4 issued shall apply for a certificate of title
5 electronically through the electronic lien and title system
6 established under W.S. 31-2-113 or at the office of a
7 county clerk before the vehicle is further transferred.

8
9 (o) If an insurance company is unable to obtain a
10 properly endorsed certificate of title within thirty (30)
11 days of payment of damages in a claim settlement involving
12 transfer of a salvage vehicle to the insurance company, the
13 insurance company, an occupational licensee of the
14 department authorized by the insurance company or a salvage
15 pool authorized by the insurance company may request the
16 county clerk issue a certificate of title branded salvage
17 for the vehicle. The request shall be submitted
18 electronically through the electronic lien and title system
19 established under W.S. 31-2-113 ~~on~~in a ~~form~~format
20 provided by the office of the county clerk and signed
21 electronically with an electronic signature in accordance
22 with W.S. 40-21-101 through 40-21-119 under penalty of
23 perjury. The request shall include and document evidence

1 that the insurance company has paid a claim on the vehicle
2 and has made at least two (2) written attempts to obtain
3 the properly endorsed certificate of title at the last
4 known address of the owner of the vehicle. The request
5 shall also include a disclosure of any and all security
6 interests, liens or encumbrances that are known to the
7 insurance company and that are outstanding against the
8 vehicle.

9

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

15

16 **Section 4.**

17

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

20

21 (b) Sections 3 and 4 of this act are effective
22 immediately upon completion of all acts necessary for a

1 bill to become law as provided by Article 4, Section 8 of
2 the Wyoming Constitution.

3

4

(END)