

SENATE FILE NO. SF0009

Private transfer fees.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to real property; clarifying provisions
2 defining private transfer fee; making permanent the private
3 transfer fee prohibition; and providing for an effective
4 date.

5

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

7

8 **Section 1.** W.S. 34-28-101(a)(ii)(A) and (B) and
9 34-28-102 are amended to read:

10

11 **34-28-101. Definitions.**

12

13 (a) As used in this chapter:

14

15 (ii) "Private transfer fee" means a fee or
16 charge payable upon the transfer of an interest in real
17 property, or payable for the right to make or accept the

1 transfer, regardless of whether the fee or charge is a
2 fixed amount or is determined as a percentage of the value
3 of the property, the purchase price or other consideration
4 given for the transfer. "Private transfer fee" shall not
5 include the following:

6
7 (A) For an interest in the real property
8 being transferred consisting of a separate mineral estate
9 and its appurtenant surface rights, any consideration
10 payable by the grantee to the grantor for the interest, ~~in~~
11 ~~real property being transferred,~~ including any subsequent
12 additional consideration ~~for the property~~ payable by the
13 grantee based upon any subsequent appreciation,
14 development, lease or sale of ~~a the~~ separate mineral estate
15 and its appurtenant surface access rights;

16
17 (B) For an interest in real property other
18 than a mineral estate and its appurtenant surface rights,
19 any consideration payable by the grantee to the grantor for
20 the interest ~~in real property, other than a mineral estate~~
21 ~~and its appurtenant surface access rights,~~ being
22 transferred, including any subsequent additional
23 consideration for the property payable ~~to~~ by the grantee
24 based upon any subsequent appreciation, development or sale

1 of the property, provided the additional consideration is
2 payable on a one (1) time basis only and the obligation to
3 make the payment does not bind successors in title to the
4 property;

5

6 **34-28-102. Prohibition.**

7

8 A private transfer fee obligation recorded or entered into
9 in this state on or after April 1, 2012 ~~and before July 1,~~
10 ~~2014~~ does not run with the title to real property and is
11 not binding on or enforceable at law or in equity against
12 any subsequent owner, purchaser or mortgagee of any
13 interest in real property as an equitable servitude or
14 otherwise.

15

16 **Section 2.** This act is effective July 1, 2013.

17

18 (END)