

HOUSE BILL NO. HB0251

Mobile home and motor vehicle titles and transfers.

Sponsored by: Representative(s) Newsome, Haroldson and
Paxton

A BILL

for

1 AN ACT relating to motor vehicles; modifying provisions
2 related to the issuance and transfer of titles and
3 duplicate titles; requiring a county treasurer to issue an
4 excise tax receipt; authorizing transfer of interest in a
5 mobile home by a single co-owner as specified; conforming a
6 provision; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 31-2-103(d), 31-2-104(m)(ii),
11 31-2-105(a), 31-2-501(b), 31-2-504 by creating a new
12 subsection (d), 31-2-505, 39-15-107(b)(i) and
13 39-16-107(b)(ii) are amended to read:

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1 **31-2-103. Contents of application; signature; vehicle**
2 **identification number; issuance of certificate.**

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

1 with county designation and certificate of title number.
2 The title shall be completely filled out giving a
3 description of the vehicle including factory price in a
4 manner prescribed by the department, indicate all
5 encumbrances or liens on the vehicle and indicate the date
6 of issue. Certificates of title shall contain forms for
7 assignment of title or interest and warranty thereof by the
8 owner with space for notation of liens and encumbrances at
9 the time of transfer on the reverse side and contain space
10 for the notarization of the seller's signature for a sale
11 or transfer of title. Certificates of title are valid for
12 the vehicle so long as the vehicle is owned or held by the
13 person in whose name the title was issued. A certificate of
14 title is prima facie proof of ownership of the vehicle for
15 which the certificate was issued.

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17 **31-2-104. Transfer of ownership.**

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19 (m) If a motor vehicle is held by two (2) or more
20 persons, any person identified as an owner on the
21 certificate of title shall have the right to transfer all
22 interest in the vehicle without the signature of any other
23 owner on the title unless:

1

2 (ii) The title states the vehicle is held by
3 ~~eeowners~~ co-owners in the conjunctive, by the use of the
4 word "and" or other similar language, in which event
5 transfer shall require the signature of each ~~eeowner~~
6 co-owner;

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8 **31-2-105. Duplicate titles; affidavit of vehicle**
9 **ownership.**

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11 (a) Upon loss of a certificate of title, the owner
12 may apply to the county clerk issuing the original title
13 for a duplicate title. For purposes of applying for a
14 duplicate title, "owner" means any one (1) person listed as
15 owner on the face of the title unless any of the provisions
16 of W.S. 31-2-104(m)(i) through (iii) applies. The applicant
17 shall file an affidavit describing the loss with the county
18 clerk. Upon payment of fees the county clerk shall issue a
19 duplicate certificate of title corresponding to the
20 original certificate and containing the following notation
21 prominently displayed in capital letters on the face of the
22 certificate: "THIS IS A DUPLICATE CERTIFICATE OF TITLE AND

1 MAY BE SUBJECT TO THE RIGHTS OF A PERSON OR PERSONS UNDER
2 THE ORIGINAL CERTIFICATE".

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4 **31-2-501. Definitions; application required.**

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6 (b) Except as provided by W.S. 31-2-502, ~~every~~any
7 owner of a mobile home located in this state for which no
8 Wyoming certificate of title has been issued to the owner,
9 or the transferee upon transfer of ownership of a mobile
10 home, shall apply for a certificate of title at the office
11 of a county clerk within forty-five (45) days of the date
12 the mobile home became subject to this act, or upon a
13 transfer, within forty-five (45) days of the date of
14 transfer.

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16 **31-2-504. Transfer of ownership.**

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18 (d) If a mobile home is held by two (2) or more
19 persons, any person identified as an owner on the
20 certificate of title shall have the right to transfer all
21 interest in the mobile home without the signature of any
22 other owner on the title unless:

23

1 (i) The title states the mobile home is held in
2 joint tenancy with right of survivorship or tenancy by the
3 entirety;

4
5 (ii) The title states the mobile home is held by
6 co-owners in the conjunctive, by the use of the word "and"
7 or other similar language, in which event transfer shall
8 require the signature of each co-owner;

9
10 (iii) A transfer of all interests in the mobile
11 home by an owner without the signature of any other owner
12 is otherwise prohibited by law.

13
14 **31-2-505. Duplicate titles.**

15
16 Upon loss of a certificate of title, the owner may apply to
17 the county clerk issuing the original title for a duplicate
18 title. For purposes of applying for a duplicate title,
19 "owner" means any one (1) person listed as owner on the
20 face of the title unless any of the provisions of
21 W.S. 31-2-504(d)(i) through (iii) applies. The applicant
22 shall file an affidavit describing the loss with the county
23 clerk. Upon payment of fees the county clerk shall issue a

1 duplicate certificate of title corresponding to the
2 original certificate and containing the following notation
3 prominently displayed in capital letters on the face of the
4 certificate: "THIS IS A DUPLICATE CERTIFICATE OF TITLE AND
5 MAY BE SUBJECT TO THE RIGHTS OF A PERSON OR PERSONS UNDER
6 THE ORIGINAL CERTIFICATE".

7

8 **39-15-107. Compliance; collection procedures.**

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10 (b) Payment. The following shall apply:

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12 (i) Except as provided by paragraph (viii) of
13 this subsection, no vendor shall collect taxes imposed by
14 this article upon the sale of motor vehicles, house
15 trailers, trailer coaches, trailers or semitrailers. The
16 taxes imposed shall be collected by the county treasurer
17 prior to the first registration in Wyoming and not upon
18 subsequent registration by the same applicant. The county
19 treasurer shall provide the applicant a receipt specifying
20 the amount of sales tax collected and noting any valid
21 exemption from sales tax. The county treasurer shall
22 collect and remit to the department the tax in effect in
23 the county of the owner's principal residence;

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2 **39-16-107. Compliance; collection procedures.**

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4 (b) Payment. The following shall apply:

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6 (ii) Except as provided by paragraph (iv) of
7 this subsection, no vendor shall collect the taxes imposed
8 by this article upon the sale of motor vehicles, house
9 trailers, trailer coaches, trailers or semitrailers as
10 defined by W.S. 31-1-101. The taxes imposed shall be
11 collected by the county treasurer prior to the first
12 registration in Wyoming and not upon subsequent
13 registration by the same owner. The county treasurer shall
14 provide the applicant a receipt specifying the amount of
15 use tax collected and noting any valid exemption from use
16 tax. The county treasurer shall collect and remit to the
17 department the tax in effect in the county of the owner's
18 principal residence. The tax shall not be collected if
19 previously registered by the same nonresident owner in
20 another state. The county treasurer may also collect the
21 tax due and any interest, penalties or costs of collection
22 through the use of a collection agency or by the filing of
23 a civil action;

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2 **Section 2.** This act is effective July 1, 2021.

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(END)