

Senate Bill No. 403

(By Senators Walters and Nohe)

[Introduced February 3, 2015; referred to the Committee on Transportation and Infrastructure;
and then to the Committee on the Judiciary.]

A BILL to amend and reenact §17A-4A-15 of the Code of West Virginia, 1931, as amended, relating to liens on vehicles; expanding period of time during which a recorded lien on a vehicle is valid; expanding period of time during which a refiled lien on a vehicle is valid; and clarifying that the lienholder may refile a lien or encumbrance without obtaining the owner's consent.

Be it enacted by the Legislature of West Virginia:

That §17A-4A-15 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 4A. LIENS AND ENCUMBRANCES ON VEHICLES TO BE SHOWN ON
CERTIFICATE OF TITLE; NOTICE TO CREDITORS AND
PURCHASERS.**

§17A-4A-15. Expiration of lien or encumbrance; refileing.

1 The filing of any lien or encumbrance and its recordation upon the face of a certificate of title

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1 to any vehicle as provided in this article ~~shall be~~ is valid for a period of ~~ten~~ fifteen years only from
2 the date of filing, unless the lienholder refiles the lien or encumbrance ~~is refiled~~ in the manner
3 provided in this article for filing and recordation in the first instance, in which event the lien or
4 encumbrance ~~shall be~~ is valid for successive additional periods of ~~two~~ five years from the date of
5 each refiling: *Provided, That this article does not require the lienholder to obtain the consent of the*
6 *owner to refile the lien or encumbrance: Provided, however, That* in the case of a mobile home or
7 manufactured home, the filing of any lien or encumbrance and its recordation upon the face of a
8 certificate of title to the mobile home or manufactured home ~~shall be~~ is valid for a period of thirty-
9 three years from the date of filing.

10 When the last lien or encumbrance shown on a certificate of title becomes invalid by the
11 passage of time as provided in this section, the Commissioner of Motor Vehicles ~~shall not be~~ is not
12 required to maintain a lien index as to the certificate of title.

(NOTE: The purpose of this bill is to increase from ten years to fifteen years the time period during which a lien noted on the face of the certificate of title to a motor vehicle is valid. The bill increases from two years to five years the time period during which a refiled lien on a motor vehicle is valid.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)