

1 **Senate Bill No. 480**

2 (By Senators Tucker, Edgell, Palumbo, Cann, Fitzsimmons, Plymale
3 and Chafin)

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5 [Introduced February 4, 2014; referred to the Committee on
6 Banking and Insurance; and then to the Committee on the
7 Judiciary.]
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11 A BILL to amend and reenact §17A-4A-15 of the Code of West
12 Virginia, 1931, as amended, relating to liens on vehicles;
13 expanding the period during which a recorded lien on a vehicle
14 is valid; expanding the period during which a refiled lien on
15 a vehicle is valid; and clarifying that the lienholder may
16 refile a lien or encumbrance without obtaining the owner's
17 consent.

18 *Be it enacted by the Legislature of West Virginia:*

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

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

1 **§17A-4A-15. Expiration of lien or encumbrance; refiling.**

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

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

(NOTE: The purpose of this bill is to expand from ten years, to fifteen years the period during which a lien noted on the face of the certificate of title to a motor vehicle is valid, and to likewise expand from two years, to five years the 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.)