

Senate Bill No. 480

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

[Introduced February 4, 2014; referred to the Committee on
Banking and Insurance; 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 the period during which a recorded lien on a vehicle is valid; expanding the period 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; refiling.

1 The filing of any lien or encumbrance and its recordation
2 upon the face of a certificate of title to any vehicle as
3 provided in this article ~~shall be~~ is valid for ~~a period of ten~~
4 fifteen years only from the date of filing, unless the
5 lienholder refiles the lien or encumbrance ~~is refiled~~ in the
6 manner provided in this article for filing and recordation in
7 the first instance, in which event the lien or encumbrance
8 ~~shall be~~ is valid for successive additional periods of ~~two~~ five
9 years from the date of each refiling: *Provided*, That this
10 article does not require the lienholder to obtain the consent of
11 the owner to refile the lien or encumbrance: *Provided*,
12 however, That in the case of a mobile home or manufactured
13 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
18 of title becomes invalid by the passage of time as provided in
19 this section, the Commissioner of Motor Vehicles ~~shall not be~~
20 is not required to maintain a lien index as to the certificate of
21 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.)