WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED
SENATE BILL NO. 95

(By Mr. Barnett)

PASSED MARCH 11, 1971

In Effect Ninety Days From Passage
AN ACT to amend and reenact sections one and two, article four-a, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to automobile title certificates; liens; information required to be placed on the certificate.

Be it enacted by the Legislature of West Virginia:

That sections one and two, article four-a, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, 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-1. Certificate to show liens or encumbrances.

1 The department upon receiving an application for a
certificate of title to a vehicle, trailer, semitrailer or pole trailer, for which a certificate of title is required under article three of this chapter, all of which are hereinafter in this article referred to as vehicles, showing liens or encumbrances upon such vehicle, shall, upon issuing to the owner thereof a certificate of title therefor, show upon the face of the certificate of title all liens or encumbrances disclosed by such application. All such liens or encumbrances shall be shown in the order of their priority being according to the information contained in such application. When such an application shows liens and encumbrances, such information as evidence of the lien in connection therewith as the department may deem necessary shall also be furnished. Such information shall include the name and address of the lienholder, the nature and kind of his lien, the date thereof, and the amount thereby secured. However, only the name and address of the lienholder will be endorsed on the title certificate. Upon issuing the certificate, the department shall thereupon send or deliver it to the holder of the first lien.
§17A-4A-2. Liens and encumbrances subsequently created.

1. Liens or encumbrances placed on vehicles by the voluntary act of the owner (including a registered dealer holding title by assignment entered upon a certificate of title) after the original issue of title to be properly recorded must be shown on the certificate of title. In such cases, the owner or lienholder shall file application with the department on a blank furnished for that purpose, setting forth the lien or liens and such information and evidence of the lien in connection therewith as the department may deem necessary. Such information shall include the name and address of the lienholder, the nature and kind of his lien, the date thereof, and the amount thereby secured. However, only the name and address of the lienholder shall be endorsed on the title certificate with the endorsement of the fact of such lien as hereinafter provided. The department, if satisfied that it is proper that the same be recorded, and upon surrender of the certificate of title covering the vehicle, shall thereupon issue a new certificate of title, showing the liens or encumbrances in the order of their filing being
according to the date, hour and minute of receipt by the
department of the application for same. For the purpose
of recording a subsequent lien on a certificate of title,
the subsequent lienor shall make a written request upon
the lienor in possession of the certificate of title, accom-
panied by proof of the existence of his subsequent lien,
stating his need to have possession of the certificate of
title for the purpose of having his lien recorded thereon
by the department of motor vehicles. Thereupon, the
lienor in possession of the certificate shall within a rea-
sonable time, not to exceed ten days from the receipt of
said written request, deliver the certificate of title to
the requesting subsequent lienor.

Upon delivery of the certificate of title, the subsequent
lienor shall immediately forward it and his own appli-
cation to the department of motor vehicles for filing his
lien and recording the same on the certificate of title.

Upon issuing the new certificate, the department shall
thereupon send or deliver it to the holder of the first lien.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 1st day of April, 1971.

Governor
PRESENTED TO THE GOVERNOR

Date 3/17/71
Time 11:50 A.M.