

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 95

(By Mr. BARNETT)

PASSED MARCH 11, 1971

In Effect NEXT DAY FROM Passage



FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE

THIS DATE 4-2-71

**ENROLLED**  
**Senate Bill No. 95**

(By MR. BARNETT)

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[Passed March 12, 1971; in effect ninety days from passage.]

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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

2 certificate of title to a vehicle, trailer, semitrailer or pole  
3 trailer, for which a certificate of title is required under  
4 article three of this chapter, all of which are hereinafter  
5 in this article referred to as vehicles, showing liens or  
6 encumbrances upon such vehicle, shall, upon issuing to  
7 the owner thereof a certificate of title therefor, show  
8 upon the face of the certificate of title all liens or en-  
9 cumbrances disclosed by such application. All such liens  
10 or encumbrances shall be shown in the order of their  
11 priority being according to the information contained in  
12 such application. When such an application shows liens  
13 and encumbrances, such information as evidence of the  
14 lien in connection therewith as the department may  
15 deem necessary shall also be furnished. Such information  
16 shall include the name and address of the lienholder, the  
17 nature and kind of his lien, the date thereof, and the  
18 amount thereby secured. However, only the name and  
19 address of the lienholder will be endorsed on the title  
20 certificate. Upon issuing the certificate, the department  
21 shall thereupon send or deliver it to the holder of the  
22 first lien.

**§17A-4A-2. Liens and encumbrances subsequently created.**

1    Liens or encumbrances placed on vehicles by the  
2    voluntary act of the owner (including a registered dealer  
3    holding title by assignment entered upon a certificate of  
4    title) after the original issue of title to be properly re-  
5    corded must be shown on the certificate of title. In such  
6    cases, the owner or lienholder shall file application with  
7    the department on a blank furnished for that purpose,  
8    setting forth the lien or liens and such information and  
9    evidence of the lien in connection therewith as the de-  
10    partment may deem necessary. Such information shall  
11    include the name and address of the lienholder, the  
12    nature and kind of his lien, the date thereof, and the  
13    amount thereby secured. However, only the name and  
14    address of the lienholder shall be endorsed on the title  
15    certificate with the endorsement of the fact of such lien  
16    as hereinafter provided. The department, if satisfied that  
17    it is proper that the same be recorded, and upon surrender  
18    of the certificate of title covering the vehicle, shall  
19    thereupon issue a new certificate of title, showing the  
20    liens or encumbrances in the order of their filing being

21 according to the date, hour and minute of receipt by the  
22 department of the application for same. For the purpose  
23 of recording a subsequent lien on a certificate of title,  
24 the subsequent lienor shall make a written request upon  
25 the lienor in possession of the certificate of title, accom-  
26 panied by proof of the existence of his subsequent lien,  
27 stating his need to have possession of the certificate of  
28 title for the purpose of having his lien recorded thereon  
29 by the department of motor vehicles. Thereupon, the  
30 lienor in possession of the certificate shall within a rea-  
31 sonable time, not to exceed ten days from the receipt of  
32 said written request, deliver the certificate of title to  
33 the requesting subsequent lienor.

34 Upon delivery of the certificate of title, the subsequent  
35 lienor shall immediately forward it and his own appli-  
36 cation to the department of motor vehicles for filing his  
37 lien and recording the same on the certificate of title.  
38 Upon issuing the new certificate, the department shall  
39 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.

Russell H. Beall  
Chairman Senate Committee

Phyllis Rutledge  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Thomas W. Myers  
Clerk of the Senate

W. Blankenship  
Clerk of the House of Delegates

Edw. B. B. B.  
President of the Senate

Lewis N. McManus  
Speaker House of Delegates

The within approved this the 1<sup>st</sup>  
day of April, 1971.

Arch. Shaver Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

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

RECEIVED

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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA