

Conference Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

CHAPTER 206

HOUSE BILL 2180

AN ACT

AMENDING SECTION 28-2133, ARIZONA REVISED STATUTES; RELATING TO VEHICLE LIENS
AND ENCUMBRANCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2133, Arizona Revised Statutes, is amended to
3 read:

4 28-2133. Index and filing of liens, encumbrances or
5 instruments; constructive notice

6 A. The department shall maintain an appropriate index of all liens,
7 encumbrances or title retention instruments filed as provided by this
8 article.

9 B. The filing and issuance of a new certificate of title as provided
10 in this article is constructive notice to creditors of the owner or to
11 subsequent purchasers of all liens and encumbrances against the vehicle
12 described in the certificate of title, except those that are authorized by
13 law and that are dependent on possession. If the documents referred to in
14 this article are ~~received and filed in~~ DELIVERED TO a registering office OR
15 AN AUTHORIZED THIRD PARTY PROVIDER of the department within thirty ~~business~~
16 days after the date of their execution, the constructive notice dates from
17 the time of execution. Otherwise, the notice dates from the time of receipt
18 and filing of the documents by the department as shown by its endorsement.
19 FOR THE PURPOSES OF THIS SUBSECTION, THE TIME STAMP ON THE DOCUMENTS THAT IS
20 ADMINISTERED BY THE REGISTERING OFFICER OR AUTHORIZED THIRD PARTY PROVIDER OF
21 THE DEPARTMENT ELECTRONICALLY OR OTHERWISE IS CONCLUSIVE AS TO THE TIME AND
22 DATE OF DELIVERY OF THE DOCUMENTS.

23 C. The method provided in subsection B of this section for giving
24 constructive notice of a lien or encumbrance on a vehicle required to be
25 titled and registered under section 28-2153 or a mobile home required to be
26 titled under section 28-2063 is exclusive, except for liens dependent on
27 possession. A lien, encumbrance or title retention instrument or document
28 that evidences any of them and that is filed as provided by this article is
29 exempt from the provisions of law that otherwise require or relate to the
30 recording or filing of instruments creating or evidencing title retention or
31 other liens or encumbrances on vehicles of a type subject to registration
32 under this chapter.

33 D. Notwithstanding any other law, ~~—~~ AND EXCEPT AS OTHERWISE PROVIDED IN
34 THIS SUBSECTION, the failure of a motor vehicle dealer as defined in section
35 28-4301, a finance company or the department to complete the paperwork within
36 thirty ~~business~~ days as prescribed in subsection B of this section shall not
37 result in the loss of the vehicle for either the lienholder or the person who
38 purchased the vehicle. THIS SUBSECTION DOES NOT LIMIT OR NEGATE THE POWERS
39 OF A TRUSTEE UNDER 11 UNITED STATES CODE SECTION 547 OR ANY SUCCESSOR
40 STATUTE.

~~APPROVED BY THE GOVERNOR JUNE 19, 2013.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 19, 2013.~~

Passed the House February 19, 2013

Passed the Senate April 17, 2013

by the following vote: 59 Ayes,

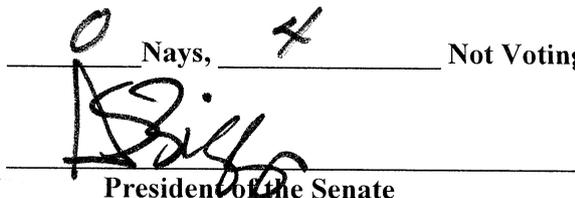
by the following vote: 26 Ayes,

0 Nays, 1 Not Voting

0 Nays, 4 Not Voting



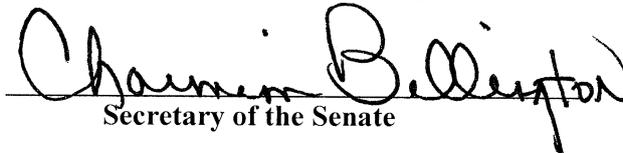
Speaker of the House



President of the Senate



Chief Clerk of the House



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2180

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 9, 2013

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting


Speaker of the House


Chief Clerk of the House

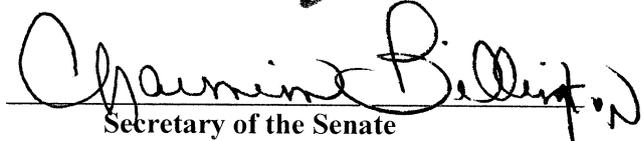
SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 21, 2013

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting


President of the Senate

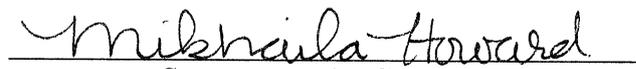

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

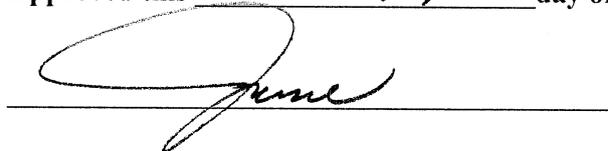
This Bill received by the Governor this

13 day of June, 2013

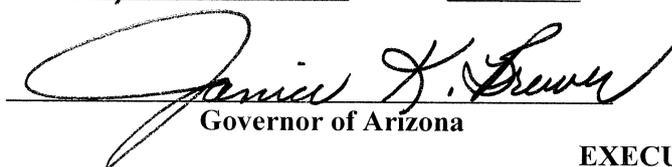
at 4:45 o'clock P M.


Secretary to the Governor

Approved this 19th day of



at 11:32 o'clock A. M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 19th day of June, 2013

at 2:05 o'clock P M.


Secretary of State

H.B. 2180