

By: Representative Sanford

To: Ways and Means

HOUSE BILL NO. 1430
(As Sent to Governor)

1 AN ACT TO AUTHORIZE A BENEFICIARY DESIGNATION THAT TRANSFERS
2 A MOTOR VEHICLE AT THE OWNER'S DEATH; TO PROVIDE DEFINITIONS; TO
3 PROVIDE FOR REQUIREMENT OF THE BENEFICIARY DESIGNATION; TO PROVIDE
4 THE PROCEDURE FOR JOINT OWNERS; TO MAKE CERTAIN REQUIREMENTS OF
5 THE DEPARTMENT OF REVENUE AND AUTHORIZE RULEMAKING AUTHORITY TO
6 THE DEPARTMENT; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** The following terms shall have the following
9 meanings, unless the context clearly indicates otherwise:

10 (a) "Beneficiary designation" means the designation by
11 an owner of a motor vehicle of a beneficiary of the vehicle as
12 provided by Section 6 of this act.

13 (b) "Designated beneficiary" means a person designated
14 as a beneficiary of an owner's interest in a motor vehicle under
15 Section 6 of this act.

16 (c) "Joint owner with right of survivorship" or "joint
17 owner" means a person who owns a motor vehicle concurrently with
18 one or more other persons with a right of survivorship.

19 (d) "Motor vehicle" shall have the same meaning as the
20 term as defined in Section 63-21-5(1).



21 **SECTION 2.** (1) An owner of a motor vehicle may transfer the
22 owner's interest in the motor vehicle to a sole beneficiary
23 effective on the owner's death by designating a beneficiary as
24 provided by Section 6 of this act.

25 (2) A beneficiary designation is:

26 (a) Subject to Section 3 of this act, revocable and may
27 be changed at any time without the consent of the designated
28 beneficiary as provided by Section 6 of this act;

29 (b) A nontestamentary instrument; and

30 (c) Effective without:

31 (A) Notice or delivery to or acceptance by the
32 designated beneficiary during the owner's life; or

33 (B) Consideration.

34 (3) A will may not revoke or supersede a beneficiary
35 designation, regardless of when the will is made.

36 (4) A designated beneficiary may disclaim the designated
37 beneficiary's interest in the motor vehicle as provided by
38 applicable law.

39 **SECTION 3.** (1) If a motor vehicle that is the subject of a
40 beneficiary designation is owned by joint owners with right of
41 survivorship, the beneficiary designation must be made by all of
42 the joint owners.

43 (2) A beneficiary designation made by joint owners with
44 right of survivorship:



45 (a) May be revoked or changed as provided by Section 6
46 of this act, only if it is revoked or changed by all of the joint
47 owners; and

48 (b) May be revoked or changed by the last surviving
49 joint owner as provided by Section 6 of this act.

50 **SECTION 4.** During a motor vehicle owner's life, a
51 beneficiary designation does not:

52 (a) Affect an interest or right of the owner or owners
53 making the designation, including the right to transfer or
54 encumber the motor vehicle that is the subject of the designation;

55 (b) Create a legal or equitable interest in favor of
56 the designated beneficiary in the motor vehicle that is the
57 subject of the designation, even if the beneficiary has actual or
58 constructive notice of the designation;

59 (c) Affect an interest or right of a secured or
60 unsecured creditor or future creditor of the owner or owners
61 making the designation, even if the creditor has actual or
62 constructive notice of the designation; or

63 (d) Affect an owner's or the designated beneficiary's
64 eligibility for any form of public assistance, subject to
65 applicable federal law.

66 **SECTION 5.** (1) On the death of the owner of a motor vehicle
67 that is the subject of a beneficiary designation, the following
68 rules apply to an interest in the motor vehicle:



69 (a) If the designated beneficiary survives the owner
70 making the designation by one hundred twenty (120) hours, the
71 interest in the motor vehicle is transferred to the designated
72 beneficiary; and

73 (b) If the designated beneficiary fails to survive the
74 owner making the designation by one hundred twenty (120) hours,
75 the share of the designated beneficiary lapses and is subject to
76 and passes as if the beneficiary designation were a devise made in
77 a will.

78 (2) If an owner is a joint owner with right of survivorship
79 who is survived by one or more other joint owners, the motor
80 vehicle that is the subject of the beneficiary designation belongs
81 to the surviving joint owner or owners. If an owner is a joint
82 owner with right of survivorship who is the last surviving joint
83 owner, the beneficiary designation is effective.

84 (3) A designated beneficiary takes the motor vehicle subject
85 to all encumbrances, assignments, contracts, liens and other
86 interests to which the vehicle is subject at the owner's or last
87 surviving owner's death, as applicable. The transfer to the
88 designated beneficiary does not affect the ability of a lienholder
89 to pursue an existing means of debt collection permitted under the
90 laws of this state.

91 (4) The transfer to the designated beneficiary upon death is
92 not a taxable event, regardless of the designated beneficiary's
93 relationship to the deceased owner of the motor vehicle.



94 **SECTION 6.** (1) The owner of a motor vehicle may designate a
95 sole beneficiary to whom the owner's interest in the vehicle
96 transfers on the owner's death as provided by Sections 1 through 5
97 of this act, by submitting an application for title with the
98 designation. To be effective, the designation must state that the
99 transfer of an interest in the vehicle to the designated
100 beneficiary is to occur at the transferor's death.

101 (2) The legal name of a beneficiary designated under this
102 section must be included on the title.

103 (3) The department shall transfer title of a motor vehicle
104 to a beneficiary designated under this section for the vehicle if
105 the beneficiary submits:

106 (a) An application for title not later than the 180th
107 day after the date of the owner's death or, if the vehicle is
108 owned by joint owners, the last surviving owner's death, as
109 applicable; and

110 (b) Satisfactory proof of the death of the owner or
111 owners, as applicable.

112 (4) A beneficiary designation may be changed or revoked by
113 submitting a new application for title.

114 (5) A beneficiary designation or a change or revocation of a
115 beneficiary designation made on an application for title of a
116 motor vehicle that has not been submitted to the department before
117 the death of a vehicle's owner or owners who made, changed, or
118 revoked the designation, as applicable, is invalid.



119 (6) The Department of Revenue may adopt rules to administer
120 this section.

121 **SECTION 7.** This act shall take effect and be in force from
122 and after July 1, 2022.

