

## Senate Amendments to House Bill No. 1430

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

100 (3) The department shall transfer title of a motor vehicle  
101 to a beneficiary designated under this section for the vehicle if  
102 the beneficiary submits:

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

107 (b) Satisfactory proof of the death of the owner or  
108 owners, as applicable.

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

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

116 (6) The Department of Revenue may adopt rules to administer  
117 this section.

118 **SECTION 7.** This act shall take effect and be in force from  
119 and after July 1, 2022, and shall stand repealed on June 30, 2022.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

SS26\HB1430A.J

Eugene S. Clarke  
Secretary of the Senate