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HOUSE BILL 2653

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State of Washington                      57th Legislature                      2002 Regular Session

By Representatives Carrell, Mielke, Roach, Crouse, Nixon and Benson

Read first time 01/23/2002. Referred to Committee on Judiciary.

1            AN ACT Relating to transfer of vehicle ownership upon the death of  
2 the registered owner; and adding a new section to chapter 46.12 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 46.12 RCW  
5 to read as follows:

6            (1) A sole owner of a motor vehicle or trailer, and multiple owners  
7 of a motor vehicle or trailer who hold their interest as joint tenants  
8 with right of survivorship or as tenants by the entirety, on  
9 application and payment of the fee required for an original certificate  
10 of ownership, may request the department to issue a certificate of  
11 ownership for the motor vehicle or trailer in beneficiary form that  
12 includes a directive to the department to transfer the certificate of  
13 ownership on death of the sole owner or on death of all multiple owners  
14 to one beneficiary or to two or more beneficiaries as joint tenants  
15 with right of survivorship or as tenants by the entirety named on the  
16 face of the certificate.

17            (2) A certificate of ownership in beneficiary form may not be  
18 issued to persons who hold their interest in a motor vehicle or trailer  
19 as tenants in common.

1 (3) A certificate of ownership issued in beneficiary form must  
2 include after the name of the owner, or after the names of multiple  
3 owners, the words "transfer on death to" or the abbreviation "TOD"  
4 followed by the name of the beneficiary or beneficiaries.

5 (4)(a) During the lifetime of a sole owner and during the lifetime  
6 of all multiple owners, the signature or consent of the beneficiary or  
7 beneficiaries is not required for a transaction relating to the motor  
8 vehicle or trailer for which a certificate of ownership in beneficiary  
9 form has been issued.

10 (b) A certificate of ownership in beneficiary form may be revoked  
11 or the beneficiary or beneficiaries changed at any time before the  
12 death of a sole owner or surviving multiple owner only by the following  
13 methods:

14 (i) By a sale of the motor vehicle or trailer with proper  
15 assignment and delivery of the certificate of ownership to another  
16 person; or

17 (ii) By filing an application to reissue the certificate of  
18 ownership with no designation of a beneficiary or with the designation  
19 of a different beneficiary or beneficiaries with the department in  
20 proper form and accompanied by the payment of the fee for an original  
21 certificate of ownership.

22 (c) The beneficiary's or beneficiaries' interest in the motor  
23 vehicle or trailer at the death of the owner or surviving owner is  
24 subject to any contract of sale, assignment of ownership, or security  
25 interest to which the owner or owners of the motor vehicle or trailer  
26 were subject during their lifetime.

27 (d) The designation of a beneficiary or beneficiaries in a  
28 certificate of ownership issued in beneficiary form may not be changed  
29 or revoked by a will, any other instrument, or a change in  
30 circumstances, or otherwise be changed or revoked except as provided by  
31 (b) of this subsection.

32 (5)(a) On proof of the death of one of the owners of two or more  
33 multiple owners, or of a sole owner, surrender of the outstanding  
34 certificate of ownership, and on application and payment of the fee for  
35 an original certificate of ownership, the department shall issue a new  
36 certificate of ownership for the motor vehicle or trailer to the  
37 surviving owner or owners or, if none, to the surviving beneficiary or  
38 beneficiaries, subject to any outstanding security interest; and the  
39 current valid certificate of registration must be so transferred.

1 (b) The department may rely on a death certificate or record or  
2 report that constitutes prima facie proof or evidence of death under  
3 RCW 30.22.040.

4 (c) The transfer of a motor vehicle or trailer at death under this  
5 section is effective for the purposes of chapter 46.16 RCW and is not  
6 to be considered as testamentary, or to be subject to the requirements  
7 of Title 11 RCW.

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