

1 SENATE BILL NO. 106

2 INTRODUCED BY S. FITZPATRICK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING VEHICLE AND VESSEL TITLE
5 TRANSFER LAWS; ADDING DEFINITIONS TO INCLUDE MANUFACTURED HOMES AND MOBILE HOMES
6 WITH A CERTIFICATE THAT HAS BEEN ISSUED AS ELIGIBLE FOR NONPROBATE TRANSFERS BY USE
7 OF A BENEFICIARY DESIGNATION FORM; AMENDING SECTION 61-3-226, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 61-3-226, MCA, is amended to read:

12 **"61-3-226. Certificate of title -- transfer on death.** (1) The owner or joint owners of a vehicle or
13 vessel may arrange for nonprobate transfer of the vehicle's or vessel's title at the time of death of the owner or
14 last surviving joint owner by completing the beneficiary designation on the application for certificate of title
15 prescribed by the department.

16 (2) The beneficiary designation must include fields for the following information:

17 (a) the make, model, year, and vehicle identification number of the vehicle or vessel;

18 (b) the name and signature of the owner or every joint owner of the vehicle or vessel, signed under
19 penalty of unsworn falsification as provided in 45-7-203; and

20 (c) the name of the beneficiary or the names of the beneficiaries of the vehicle or vessel.

21 (3) (a) A beneficiary designation is perfected when it is submitted to the department with an
22 application for certificate of title and if it provides the information and signatures required in subsection (2).

23 (b) An instrument for the testamentary transfer of a vehicle or vessel does not invalidate a
24 perfected beneficiary designation.

25 (4) The owner or joint owners of a vehicle or vessel may revoke a perfected beneficiary
26 designation by:

27 (a) transferring the vehicle or vessel to the beneficiary or a third party before death; or

Amendment - 2nd Reading/2nd House-tan - Requested by: Bob Carter - (H) Committee of the Whole

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1 (b) submitting a new beneficiary designation with an application for certificate of title.

2 (5) (a) After the death of the owner or last surviving joint owner of a vehicle or vessel subject to a
3 perfected beneficiary designation, the beneficiary may present the proof of death of the owner or joint owners of
4 the vehicle or vessel listed as a beneficiary and identification of the beneficiary to the department, to the county
5 treasurer's office, or to an authorized agent and:

6 (i) request a replacement title for the vehicle or vessel; or

7 (ii) effect transfer of the title of the vehicle or vessel as required by 61-3-220.

8 (b) The beneficiary does not acquire any use, ownership, economic, or other interest in the vehicle
9 or vessel until the beneficiary has filed the documents required by subsection (4) and the department, the
10 county treasurer's office, or an authorized agent has either issued a replacement title or effected the transfer of
11 the title.

12 (6) This section does not limit the rights of a lienholder whose lien attached to the vehicle or vessel
13 prior to the death of the owner or last surviving joint owner named on the beneficiary designation.

14 (7) As used in this section, the following definitions apply:

15 (a) "vehicle" means a vehicle or camper as those terms are defined by 61-1-101, manufactured
16 home as defined by 15-24-201, mobile home as defined by 15-24-201, or other item for which a certificate of
17 title is issued by the department and that have not been considered or declared an improvement to real
18 property pursuant to 15-1-116;

19 (b) "vessel" means a vessel as defined by 61-1-101."

20 - END -