

NOTE: The governor signed this measure on 3/23/2016.

An Act

HOUSE BILL 16-1051

BY REPRESENTATIVE(S) Van Winkle, Conti, Fields, Ginal, Kraft-Tharp, Lebsock, Moreno, Primavera, Priola, Ransom, Saine, Vigil, Williams, Windholz;
also SENATOR(S) Holbert, Baumgardner, Crowder, Grantham, Heath, Hodge, Jahn, Jones, Lundberg, Marble, Martinez Humenik, Merrifield, Roberts, Scheffel, Scott, Steadman, Tate, Todd, Woods.

CONCERNING THE ISSUANCE OF BENEFICIARY DESIGNATION FORMS TO FACILITATE THE TRANSFER OF OWNERSHIP OF A VEHICLE UPON THE DEATH OF AN OWNER.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 42-6-110.5 as follows:

42-6-110.5. Certificates of title - arrangements for transfer of title upon death - beneficiary designation forms - definitions.

(1) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, THE DEPARTMENT SHALL MAKE AVAILABLE A BENEFICIARY DESIGNATION FORM THAT ALLOWS THE OWNER OR JOINT OWNERS OF A VEHICLE TO ARRANGE FOR THE TRANSFER OF THE VEHICLE'S TITLE TO A NAMED BENEFICIARY UPON THE DEATH OF THE OWNER OR UPON THE DEATH OF ALL JOINT OWNERS OF THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

VEHICLE. AT A MINIMUM, THE FORM MUST INCLUDE FIELDS FOR THE FOLLOWING INFORMATION:

(I) THE MANUFACTURER, MODEL, YEAR, AND VEHICLE IDENTIFICATION NUMBER OF THE VEHICLE;

(II) THE NAME OF THE OWNER OR EVERY JOINT OWNER OF THE VEHICLE;

(III) THE WORDS "TRANSFER ON DEATH TO", OR THE ABBREVIATION "TOD", FOLLOWED BY THE NAME OF THE BENEFICIARY;

(IV) THE SIGNATURE OF THE OWNER OF THE VEHICLE OR OF EACH JOINT OWNER OF THE VEHICLE; AND

(V) THE SIGNATURE AND SEAL OF A REGISTERED NOTARY.

(b) THE DEPARTMENT SHALL MAKE BENEFICIARY DESIGNATION FORMS AVAILABLE:

(I) IN EACH OFFICE OF THE DEPARTMENT THAT IS OPEN TO THE PUBLIC FOR CONDUCTING BUSINESS RELATING TO MOTOR VEHICLES AND DRIVERS' LICENSES; AND

(II) ON THE DEPARTMENT'S PUBLIC WEBSITE.

(2)(a) UPON THE DEATH OF THE OWNER, OR OF THE LAST SURVIVING JOINT OWNER, OF A VEHICLE FOR WHICH A BENEFICIARY DESIGNATION FORM HAS BEEN PROPERLY EXECUTED AND NOTARIZED, AS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE BENEFICIARY MAY PRESENT THE FORM TO THE DEPARTMENT AND REQUEST A NEW TITLE OF OWNERSHIP OF THE VEHICLE IN THE BENEFICIARY'S NAME. THE REQUEST MUST BE ACCOMPANIED BY:

(I) PROOF OF THE DEATH OF THE VEHICLE'S OWNER OR PROOF OF THE DEATH OF THE LAST SURVIVING JOINT OWNER OF THE VEHICLE; AND

(II) THE FEE FOR AN APPLICATION FOR A CERTIFICATE OF TITLE, AS DESCRIBED IN SECTION 42-6-137 (1).

(b) UPON THE PRESENTATION OF A PROPERLY EXECUTED AND NOTARIZED BENEFICIARY DESIGNATION FORM AND ACCOMPANYING DOCUMENTS, AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE DEPARTMENT, SUBJECT TO ANY SECURITY INTEREST, SHALL ISSUE A NEW CERTIFICATE OF TITLE TO THE BENEFICIARY. FOR THE PURPOSES OF THIS PARAGRAPH (b), THE DEPARTMENT MAY RELY ON A DEATH CERTIFICATE, RECORD, OR REPORT THAT CONSTITUTES PRIMA FACIE EVIDENCE OF DEATH.

(3) DURING THE LIFETIME OF THE OWNER OF A VEHICLE FOR WHICH A BENEFICIARY DESIGNATION FORM HAS BEEN PROPERLY EXECUTED AND NOTARIZED, OR BEFORE THE DEATH OF THE LAST SURVIVING JOINT OWNER OF SUCH A VEHICLE:

(a) THE SIGNATURE OR CONSENT OF THE BENEFICIARY IS NOT REQUIRED FOR ANY TRANSACTION RELATING TO THE VEHICLE; AND

(b) THE OWNER OR SURVIVING JOINT OWNERS OF THE VEHICLE MAY REVOKE THE BENEFICIARY DESIGNATION FORM OR CHANGE THE BENEFICIARY OF THE BENEFICIARY DESIGNATION FORM AT ANY TIME BY:

(I) SELLING THE VEHICLE WITH PROPER ASSIGNMENT AND DELIVERY OF THE CERTIFICATE OF TITLE TO ANOTHER PERSON; OR

(II) PROPERLY EXECUTING A SUBSEQUENT BENEFICIARY DESIGNATION FORM THAT DESIGNATES A NEW BENEFICIARY.

(4) UPON THE DEATH OF THE OWNER OR UPON THE DEATH OF THE LAST SURVIVING JOINT OWNER OF A VEHICLE FOR WHICH A BENEFICIARY DESIGNATION FORM HAS BEEN PROPERLY EXECUTED AND NOTARIZED, THE INTEREST OF THE BENEFICIARY IN THE VEHICLE IS SUBJECT TO ANY CONTRACT OF SALE, ASSIGNMENT, OR OWNERSHIP OR SECURITY INTEREST TO WHICH THE OWNER OR JOINT OWNERS OF THE VEHICLE WERE SUBJECT DURING THEIR LIFETIME.

(5) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION, THE DESIGNATION OF A BENEFICIARY IN A BENEFICIARY DESIGNATION FORM MAY NOT BE CHANGED OR REVOKED BY WILL OR BY ANY OTHER INSTRUMENT OR BY A CHANGE IN CIRCUMSTANCES.

(6) THE TRANSFER ON DEATH OF A VEHICLE PURSUANT TO THIS

SECTION IS NOT CONSIDERED TESTAMENTARY AND IS NOT SUBJECT TO THE PROVISIONS OF THE "COLORADO PROBATE CODE", ARTICLES 10 TO 17 OF TITLE 15, C.R.S.

(7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BENEFICIARY" MEANS A PERSON OR PERSONS DESIGNATED TO BECOME THE OWNER OR OWNERS OF A VEHICLE UPON THE DEATH OF THE PRECEDING OWNER OR JOINT OWNERS.

(b) "BENEFICIARY DESIGNATION FORM" MEANS A FORM THAT INDICATES THE INTENTION OF A PRESENT OWNER OR JOINT OWNERS OF A VEHICLE TO TRANSFER OWNERSHIP OF THE VEHICLE TO A NAMED BENEFICIARY UPON THE DEATH OF THE OWNER OR LAST SURVIVING JOINT OWNER OF THE VEHICLE.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO