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HOUSE BILL 17-1213

BY REPRESENTATIVE(S) Van Winkle, Becker J., Gray, Lebsock, Lontine, Melton, Neville P., Ransom, Saine, Salazar, Wist; also SENATOR(S) Holbert, Baumgardner, Cooke, Gardner, Jahn, Marble, Martinez Humenik, Moreno, Neville T., Priola, Scott, Tate, Todd, Grantham.

CONCERNING THE TRANSFER OF A VEHICLE TITLE UPON THE DEATH OF THE VEHICLE'S OWNER.

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

SECTION 1. In Colorado Revised Statutes, 42-6-110.5, **amend** (1)(a) introductory portion, (1)(b), (2)(a) introductory portion, (2)(b), (6), and (7)(a); and **add** (2.4), (2.6), (7)(c), (7)(d), (7)(e), and (7)(f) 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~~ **AUGUST 10, 2016,** THE DIVISION 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 vehicle. At a minimum, the form must include fields for the following information:

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

(b) The ~~department~~ DIVISION shall make beneficiary designation forms available:

(I) In each office of the ~~department~~ DIVISION that is open to the public for conducting business relating to motor vehicles and drivers' licenses; and

(II) On the ~~department's~~ DIVISION'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)~~ SUBSECTION (1)(a) of this section, the beneficiary ~~may~~ SHALL present the form to the ~~department~~ DIVISION and request a new title of ownership of the vehicle in the beneficiary's name. The ~~request~~ FORM must be accompanied by:

(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~~ SUBSECTION (2)(a) OF THIS SECTION, THE DIVISION, subject to any security interest, shall issue a new certificate of title to the beneficiary. For the purposes of this ~~paragraph (b)~~, the ~~department~~ SUBSECTION (2)(b), THE DIVISION may rely on a death certificate, record, or report that constitutes prima facie evidence of death.

(2.4) THE PERSONAL REPRESENTATIVE, AS DEFINED IN SECTION 15-10-201 (39), OF THE ESTATE OF A DECEASED VEHICLE OWNER IS NOT LIABLE FOR OBTAINING A NEW CERTIFICATE OF TITLE OR FOR TRANSFERRING TITLE TO THE VEHICLE IF THE PERSONAL REPRESENTATIVE DOES NOT HAVE ACTUAL KNOWLEDGE OF THE EXISTENCE OF A VALID, UNREVOKED BENEFICIARY DESIGNATION FORM.

(2.6) A SUCCESSOR, AS DEFINED IN SECTION 15-10-201 (51), OF A DECEDENT, OR A PERSON ACTING ON BEHALF OF A SUCCESSOR, IS NOT LIABLE FOR OBTAINING A NEW CERTIFICATE OF TITLE OR TRANSFERRING TITLE TO THE VEHICLE BY AN AFFIDAVIT EXECUTED IN ACCORDANCE WITH SECTION 15-12-1201 IF THE PERSON DOES NOT HAVE ACTUAL KNOWLEDGE OF THE EXISTENCE OF A VALID, UNREVOKED BENEFICIARY DESIGNATION

FORM.

(6) The transfer on death of a vehicle pursuant to this section is ~~not considered testamentary and is not subject to the provisions of A~~ NONPROBATE TRANSFER PURSUANT TO 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~~ ONE OR MORE SPECIFICALLY NAMED persons OR ENTITIES designated to ~~become the owner or owners of~~ RECEIVE TITLE TO a vehicle upon the death of the preceding owner or joint owners.

(c) "DIVISION" MEANS THE DIVISION OF MOTOR VEHICLES IN THE DEPARTMENT OF REVENUE.

(d) "JOINT OWNER" MEANS AN INDIVIDUAL WHO OWNS A VEHICLE WITH ONE OR MORE OTHER INDIVIDUALS AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP. "JOINT OWNER" DOES NOT INCLUDE AN INDIVIDUAL WHO OWNS A VEHICLE WITH ONE OR MORE OTHER INDIVIDUALS AS TENANTS IN COMMON.

(e) "OWNER" MEANS AN INDIVIDUAL WHO OWNS A VEHICLE.

(f) "VEHICLE" INCLUDES ANY MOTOR VEHICLE, MOTORCYCLE, MOTOR HOME, TRAILER, OR OTHER ITEM FOR WHICH A CERTIFICATE OF TITLE IS ISSUED BY THE DIVISION.

SECTION 2. In Colorado Revised Statutes, 15-11-706, **amend** (1) introductory portion as follows:

15-11-706. Nonprobate transfers - deceased beneficiary.
(1) **Definitions.** This section shall not apply to wills; beneficiary deeds; insurance or annuity policies; ~~or~~ pension, profit sharing, retirement, or similar benefit plans; OR A TRANSFER OF A VEHICLE TITLE AS DESCRIBED IN SECTION 42-6-110.5. As used in this section, unless the context otherwise requires:

SECTION 3. 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 9, 2017, if adjournment sine die is on May 10, 2017); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Crisanta Duran
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SECRETARY OF
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APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO