

SENATE FILE NO. SF0039

Automatic transfer of automobile title upon death.

Sponsored by: Senator(s) Olsen, Brennan, Crago, Kolb and Pappas and Representative(s) Andrew, Banks, Brown, L, Filer, Geringer, Larsen, L, Singh, Styvar and Wylie

A BILL

for

1 AN ACT relating to motor vehicles; providing for the  
2 automatic transfer of a vehicle title on death; providing  
3 definitions; providing exceptions; requiring rulemaking;  
4 and providing for effective dates.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 31-2-104.1 is created to read:

9

10 **31-2-104.1. Transfer of title upon death; beneficiary**  
11 **designation forms; definitions.**

12

13 (a) Each county clerk shall make available a  
14 beneficiary designation form that allows the owner or

1 owners of a vehicle to arrange for the transfer of the  
2 vehicle's title to a named beneficiary upon the death of  
3 the owner or upon the death of all owners of the vehicle.  
4 The form shall include fields for the following  
5 information:

6

7 (i) The manufacturer, model, year and vehicle  
8 identification number of the vehicle;

9

10 (ii) The name of all owners of the vehicle;

11

12 (iii) The words "transfer on death to" followed  
13 by the name of the beneficiary; and

14

15 (iv) The notarized signature of all owners of  
16 the vehicle.

17

18 (b) The form shall be recorded in the office of the  
19 county clerk in the county where the vehicle is titled.

20

21 (c) Upon the death of the owner, or of the last  
22 surviving owner, of a vehicle for which a beneficiary  
23 designation form has been properly executed and recorded,

1 as described in subsections (a) and (b) of this section,  
2 the beneficiary shall present the recorded form to the  
3 county clerk and request a new certificate of title in the  
4 beneficiary's name. The beneficiary shall also present to  
5 the county clerk:

6

7 (i) Proof of the death of the vehicle's owner or  
8 proof of the death of the last surviving owner of the  
9 vehicle; and

10

11 (ii) The fee for an application for a  
12 certificate of title required under W.S. 31-3-102(a)(vii).

13

14 (d) Upon the presentation of a properly executed  
15 beneficiary designation form, submittal of the proof of  
16 death documents and payment of the certificate of title  
17 application fee, as described in subsection (c) of this  
18 section, the county clerk, subject to any liens and  
19 security interest, shall issue a new certificate of title  
20 to the beneficiary. For the purposes of this subsection,  
21 the county clerk may rely on a death certificate, record or  
22 report that constitutes prima facie evidence of death.

23

1           (e) The estate of a deceased vehicle owner is not  
2 liable for obtaining a new certificate of title or for  
3 transferring title to the vehicle pursuant to a beneficiary  
4 designation form if the personal representative does not  
5 have actual knowledge of the existence of a valid,  
6 unrevoked beneficiary designation form.

7

8           (f) A successor of a decedent, or a person acting on  
9 behalf of a successor, is not liable for obtaining a new  
10 certificate of title or transferring title to a vehicle  
11 subject to a beneficiary designation form if the person  
12 does not have actual knowledge of the existence of a valid,  
13 unrevoked beneficiary designation form.

14

15           (g) During the lifetime of the owner of a vehicle for  
16 which a beneficiary designation form has been properly  
17 executed or before the death of the last surviving owner of  
18 such a vehicle:

19

20           (i) The signature or consent of the beneficiary  
21 is not required for any transaction relating to the  
22 vehicle; and

23

1           (ii) The owner or owners of the vehicle may  
2 revoke the beneficiary designation form or change the  
3 beneficiary of the beneficiary designation form at any time  
4 by:

5

6           (A) Transferring ownership of the vehicle  
7 with proper assignment and delivery of the certificate of  
8 title to another person; or

9

10           (B) Properly executing a subsequent  
11 beneficiary designation form that designates a new  
12 beneficiary.

13

14           (h) Upon the death of the owner of a vehicle or upon  
15 the death of the last surviving owner of a vehicle for  
16 which a beneficiary designation form has been properly  
17 executed, the interest of the beneficiary in the vehicle is  
18 subject to any contract of sale, assignment, lien,  
19 ownership or security interest to which the deceased owner  
20 or owners were subject.

21

22           (j) Except as provided in paragraph (g)(ii) of this  
23 section, the designation of a beneficiary in a beneficiary

1 designation form may not be changed or revoked by will or  
2 by any other instrument or by a change in circumstances.

3

4 (k) The transfer of a vehicle pursuant to this  
5 section is a nonprobate transfer pursuant to the Wyoming  
6 Probate Code.

7

8 (m) As used in this section, unless the context  
9 otherwise requires:

10

11 (i) "Beneficiary" means one or more specifically  
12 named persons or entities designated to receive title to a  
13 vehicle upon the death of the preceding owner;

14

15 (ii) "Beneficiary designation form" means a form  
16 that indicates the intention of a present owner or owners  
17 of a vehicle to transfer ownership of the vehicle to a  
18 named beneficiary upon the death of the owner or last  
19 surviving owner of the vehicle.

20

21 **Section 2.** W.S. 2-18-103(a) and by creating a new  
22 subsection (p), 31-1-201(d) and 31-2-104(a) and (c) are  
23 amended to read:

1

2           **2-18-103. Transfer on death deed or title.**

3

4           (a) A deed or title that conveys an interest in real  
5 or titled property, including any debt secured by a lien on  
6 the real or titled property, to a grantee beneficiary  
7 designated by the owner and that expressly states that the  
8 deed or title is effective on the death of the owner  
9 transfers the deceased owner's interest to the grantee  
10 beneficiary designated by name in the transfer on death  
11 deed or title effective on the death of the owner, subject  
12 to all conveyances, assignments, contracts, mortgages,  
13 deeds of trust, liens, security pledges, and other  
14 encumbrances made by the owner or to which the owner was  
15 subject during the owner's lifetime. The grantee  
16 beneficiary also takes title subject to any interest in the  
17 property of which the grantee beneficiary has either actual  
18 or constructive notice.

19

20           (p) Title to the interest in a vehicle transferred by  
21 a transfer on death title shall vest in the designated  
22 grantee beneficiary only on the death of the owner.  
23 Insurance coverage applicable to a vehicle that is in force

1 at the time of the death of the last titled owner shall be  
2 transferred and expended to the designated grantee  
3 beneficiary in accordance with W.S. 26-23-109 for a period  
4 of up to sixty (60) days following the date of the death of  
5 the last owner, unless the grantee beneficiary has  
6 disclaimed interest in the vehicle.

7

8 **31-1-201. General administrative procedures.**

9

10 (d) The department shall prescribe and provide  
11 suitable forms of applications, registration cards and all  
12 other forms necessary to carry out the provisions of this  
13 act subject to the requirements of this act and shall  
14 promulgate rules and regulations consistent with the  
15 provisions hereof as provided by the Wyoming Administrative  
16 Procedure Act necessary to the enforcement of the fee and  
17 taxation provisions of this act. The department shall  
18 promulgate rules and regulations permitting any person  
19 aggrieved by any final administrative decision of the  
20 department including the payment of any fees and taxes to  
21 appeal to the office of administrative hearings pursuant to  
22 W.S. 9-2-2202. The department shall provide, at cost,



1 suitable certificate of title forms and beneficiary  
2 designation forms to county clerks.

3

4 **31-2-104. Transfer of ownership.**

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6 (a) Except as otherwise provided in this section and  
7 W.S. 31-2-104.1, the owner of a vehicle who sells or  
8 transfers his interest in a vehicle for which a certificate  
9 of title has been issued shall endorse an assignment and  
10 warranty of title upon the certificate for the vehicle with  
11 a statement of all liens and encumbrances thereon, which  
12 assignment, warranty and statement shall be signed and  
13 dated by the owner before a notarial officer and  
14 acknowledged thereby in the manner provided by law, to be  
15 dated and delivered to the transferee at the time of  
16 delivering the vehicle. Except as provided in subsection  
17 (b) of this section, the transferee shall present the  
18 certificate to a county clerk and apply for a new  
19 certificate of title within the same time periods as  
20 required by W.S. 31-2-201(a)(ii).

21

22 (c) Except as provided by W.S. 31-2-104.1 in the  
23 event of a transfer by operation of law of any interest in

1 a vehicle as upon an order in bankruptcy or insolvency,  
2 execution sale, repossession upon default in the  
3 performance of the terms of a lease or sales contract or  
4 otherwise than by voluntary act of the person whose title  
5 or interest is transferred, the administrator, receiver,  
6 trustee, sheriff, creditor or other representative or  
7 successor in interest of the person whose interest is  
8 transferred shall forward to the county clerk an  
9 application for a certificate of title together with a  
10 verified or certified statement of the transfer of  
11 interest. The statement shall set forth the reason for the  
12 involuntary transfer, the interest transferred, the name of  
13 the transferee, the process or procedure effecting the  
14 transfer and other information requested by the county  
15 clerk. Evidence and instruments otherwise required by law  
16 to effect a transfer of legal or equitable title to or an  
17 interest in a vehicle in such cases shall be furnished with  
18 the statement. If a transfer of title to a creditor is  
19 accomplished in accordance with the provisions of this  
20 subsection, a creditor retains the right to seek any  
21 deficiency balance which may exist after sale, provided the  
22 creditor has complied with all applicable law, and the  
23 transfer by itself shall not be considered a strict

1 foreclosure or an election to retain the collateral in  
2 satisfaction of an obligation as provided by W.S.  
3 34.1-9-620 and does not affect the debtor's right to redeem  
4 the collateral under W.S. 34.1-9-623. If from the records  
5 of the county clerk there appears to be any lien on the  
6 vehicle which was recorded prior to the lien of the  
7 creditor applying for title and which has not been  
8 released, the certificate of title shall contain a  
9 statement of the lien. The creditor repossessing and  
10 applying for title to the vehicle shall notify all persons  
11 holding liens on the vehicle by certified mail return  
12 receipt requested at least fifteen (15) days prior to  
13 filing the application for title. Any proceeds from the  
14 sale, lease or other disposition of the vehicle shall be  
15 distributed in accordance with the provisions of W.S.  
16 34.1-9-608.

17

18 **Section 3.** The department of transportation shall  
19 promulgate any rules necessary to implement this act.

20

1       **Section 4.**

2

3       (a) Except as otherwise provided by subsection (b) of  
4 this section, this act is effective July 1, 2025.

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6       (b) Sections 3 and 4 of this act are effective  
7 immediately upon completion of all acts necessary for a  
8 bill to become law as provided by Article 4, Section 8 of  
9 the Wyoming Constitution.

10

11

(END)