

ENROLLED ACT NO. 40, SENATE

SIXTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2025 GENERAL SESSION

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

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

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

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

(a) Each county clerk shall make available a beneficiary designation form that allows the owner or 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 owners of the vehicle. The form shall include fields for the following information:

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

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

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

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

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

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(c) Upon the death of the owner, or of the last surviving owner, of a vehicle for which a beneficiary designation form has been properly executed and recorded, as described in subsections (a) and (b) of this section, the beneficiary shall present the recorded form or a copy of the form to the county clerk and request a new certificate of title in the beneficiary's name. The beneficiary shall also present to the county clerk:

(i) A certified copy of the death certificate of the vehicle's owner or the last surviving owner of the vehicle; and

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

(d) Upon the presentation of a properly executed beneficiary designation form, submittal of the certified copy of a death certificate and payment of the certificate of title application fee, as described in subsection (c) of this section, the county clerk, subject to any liens and security interest, shall issue a new certificate of title to the beneficiary.

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

(f) A successor 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 a vehicle subject to a beneficiary designation form if the person

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does not have actual knowledge of the existence of a valid, unrevoked beneficiary designation form.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A deed or title that conveys an interest in real or titled property, including any debt secured by a lien on the real or titled property, to a grantee beneficiary designated by the owner and that expressly states that the deed or title is effective on the death of the owner transfers the deceased owner's interest to the grantee beneficiary designated by name in the transfer on death deed or title effective on the death of the owner, subject to all conveyances, assignments, contracts, mortgages,

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deeds of trust, liens, security pledges, and other encumbrances made by the owner or to which the owner was subject during the owner's lifetime. The grantee beneficiary also takes title subject to any interest in the property of which the grantee beneficiary has either actual or constructive notice.

(p) Title to the interest in a vehicle transferred by a transfer on death title shall vest in the designated grantee beneficiary only on the death of the owner.

31-1-201. General administrative procedures.

(d) The department shall prescribe and provide suitable forms of applications, registration cards and all other forms necessary to carry out the provisions of this act subject to the requirements of this act and shall promulgate rules and regulations consistent with the provisions hereof as provided by the Wyoming Administrative Procedure Act necessary to the enforcement of the fee and taxation provisions of this act. The department shall promulgate rules and regulations permitting any person aggrieved by any final administrative decision of the department including the payment of any fees and taxes to appeal to the office of administrative hearings pursuant to W.S. 9-2-2202. The department shall provide, at cost, suitable certificate of title forms and beneficiary designation forms to county clerks.

31-2-104. Transfer of ownership.

(a) Except as otherwise provided in this section and W.S. 31-2-104.1, the owner of a vehicle who sells or transfers his interest in a vehicle for which a certificate of title has been issued shall endorse an assignment and

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warranty of title upon the certificate for the vehicle with a statement of all liens and encumbrances thereon, which assignment, warranty and statement shall be signed and dated by the owner before a notarial officer and acknowledged thereby in the manner provided by law, to be dated and delivered to the transferee at the time of delivering the vehicle. Except as provided in subsection (b) of this section, the transferee shall present the certificate to a county clerk and apply for a new certificate of title within the same time periods as required by W.S. 31-2-201(a)(ii).

(c) Except as provided by W.S. 31-2-104.1 in the event of a transfer by operation of law of any interest in a vehicle as upon an order in bankruptcy or insolvency, execution sale, repossession upon default in the performance of the terms of a lease or sales contract or otherwise than by voluntary act of the person whose title or interest is transferred, the administrator, receiver, trustee, sheriff, creditor or other representative or successor in interest of the person whose interest is transferred shall forward to the county clerk an application for a certificate of title together with a verified or certified statement of the transfer of interest. The statement shall set forth the reason for the involuntary transfer, the interest transferred, the name of the transferee, the process or procedure effecting the transfer and other information requested by the county clerk. Evidence and instruments otherwise required by law to effect a transfer of legal or equitable title to or an interest in a vehicle in such cases shall be furnished with the statement. If a transfer of title to a creditor is accomplished in accordance with the provisions of this subsection, a creditor retains the right to seek any deficiency balance which may exist after sale, provided the

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

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

ORIGINAL SENATE
FILE NO. SF0039

ENGROSSED

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Section 4.

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk