
HOUSE BILL 1368

State of Washington

59th Legislature

2005 Regular Session

By Representatives Nixon, Springer, Skinner, Curtis, Schindler, Woods and Chase

Read first time 01/21/2005. Referred to Committee on Transportation.

1 AN ACT Relating to transfer of vehicle ownership upon the death of
2 the registered owner; and adding a new section to chapter 46.12 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.12 RCW
5 to read as follows:

6 (1) A sole owner of a motor vehicle or trailer, and multiple owners
7 of a motor vehicle or trailer who hold their interest as joint tenants
8 with right of survivorship or as tenants by the entirety, on
9 application and payment of the fee required for an original certificate
10 of ownership, may request the department to issue a certificate of
11 ownership for the motor vehicle or trailer in beneficiary form that
12 includes a directive to the department to transfer the certificate of
13 ownership on death of the sole owner or on death of all multiple owners
14 to one beneficiary or to two or more beneficiaries as joint tenants
15 with right of survivorship or as tenants by the entirety named on the
16 face of the certificate.

17 (2) A certificate of ownership in beneficiary form may not be
18 issued to persons who hold their interest in a motor vehicle or trailer
19 as tenants in common.

1 (3) A certificate of ownership issued in beneficiary form must
2 include after the name of the owner, or after the names of multiple
3 owners, the words "transfer on death to" or the abbreviation "TOD"
4 followed by the name of the beneficiary or beneficiaries.

5 (4)(a) During the lifetime of a sole owner and during the lifetime
6 of all multiple owners, the signature or consent of the beneficiary or
7 beneficiaries is not required for a transaction relating to the motor
8 vehicle or trailer for which a certificate of ownership in beneficiary
9 form has been issued.

10 (b) A certificate of ownership in beneficiary form may be revoked
11 or the beneficiary or beneficiaries changed at any time before the
12 death of a sole owner or surviving multiple owner only by the following
13 methods:

14 (i) By a sale of the motor vehicle or trailer with proper
15 assignment and delivery of the certificate of ownership to another
16 person; or

17 (ii) By filing an application to reissue the certificate of
18 ownership with no designation of a beneficiary or with the designation
19 of a different beneficiary or beneficiaries with the department in
20 proper form and accompanied by the payment of the fee for an original
21 certificate of ownership.

22 (c) The beneficiary's or beneficiaries' interest in the motor
23 vehicle or trailer at the death of the owner or surviving owner is
24 subject to any contract of sale, assignment of ownership, or security
25 interest to which the owner or owners of the motor vehicle or trailer
26 were subject during their lifetime.

27 (d) The designation of a beneficiary or beneficiaries in a
28 certificate of ownership issued in beneficiary form may not be changed
29 or revoked by a will, any other instrument, or a change in
30 circumstances, or otherwise be changed or revoked except as provided by
31 (b) of this subsection.

32 (5)(a) On proof of the death of one of the owners of two or more
33 multiple owners, or of a sole owner, surrender of the outstanding
34 certificate of ownership, and on application and payment of the fee for
35 an original certificate of ownership, the department shall issue a new
36 certificate of ownership for the motor vehicle or trailer to the
37 surviving owner or owners or, if none, to the surviving beneficiary or

1 beneficiaries, subject to any outstanding security interest; and the
2 current valid certificate of registration must be so transferred.

3 (b) The department may rely on a death certificate or record or
4 report that constitutes prima facie proof or evidence of death under
5 RCW 30.22.040.

6 (c) The transfer of a motor vehicle or trailer at death under this
7 section is effective for the purposes of chapter 46.16 RCW and is not
8 to be considered as testamentary, or to be subject to the requirements
9 of Title 11 RCW.

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