

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 signature of all owners of the vehicle.

16

17 (b) Upon the death of the owner, or of the last  
18 surviving owner, of a vehicle for which a beneficiary  
19 designation form has been properly executed, as described  
20 in subsection (a) of this section, the beneficiary shall  
21 present the form to the county clerk and request a new  
22 certificate of title in the beneficiary's name. The  
23 beneficiary shall also present to the county clerk:

1

2 (i) Proof of the death of the vehicle's owner or  
3 proof of the death of the last surviving owner of the  
4 vehicle; and

5

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

8

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

18

19 (d) The estate of a deceased vehicle owner is not  
20 liable for obtaining a new certificate of title or for  
21 transferring title to the vehicle pursuant to a beneficiary  
22 designation form if the personal representative does not

1 have actual knowledge of the existence of a valid,  
2 unrevoked beneficiary designation form.

3

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

10

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

15

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

19

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

1

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

5

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

9

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

17

18 (h) Except as provided in paragraph (f)(ii) of this  
19 section, the designation of a beneficiary in a beneficiary  
20 designation form may not be changed or revoked by will or  
21 by any other instrument or by a change in circumstances.

22

1           (j) The transfer of a vehicle pursuant to this  
2 section is a nonprobate transfer pursuant to the Wyoming  
3 Probate Code.

4

5           (k) As used in this section, unless the context  
6 otherwise requires:

7

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

11

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

17

18           **Section 2.** W.S. 31-1-201(d) and 31-2-104(a) and (c)  
19 are amended to read:

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21           **31-1-201. General administrative procedures.**

22

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

16

17           **31-2-104. Transfer of ownership.**

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

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

11

12 (c) Except as provided by W.S. 31-2-104.1 in the  
13 event of a transfer by operation of law of any interest in  
14 a vehicle as upon an order in bankruptcy or insolvency,  
15 execution sale, repossession upon default in the  
16 performance of the terms of a lease or sales contract or  
17 otherwise than by voluntary act of the person whose title  
18 or interest is transferred, the administrator, receiver,  
19 trustee, sheriff, creditor or other representative or  
20 successor in interest of the person whose interest is  
21 transferred shall forward to the county clerk an  
22 application for a certificate of title together with a  
23 verified or certified statement of the transfer of



1 interest. The statement shall set forth the reason for the  
2 involuntary transfer, the interest transferred, the name of  
3 the transferee, the process or procedure effecting the  
4 transfer and other information requested by the county  
5 clerk. Evidence and instruments otherwise required by law  
6 to effect a transfer of legal or equitable title to or an  
7 interest in a vehicle in such cases shall be furnished with  
8 the statement. If a transfer of title to a creditor is  
9 accomplished in accordance with the provisions of this  
10 subsection, a creditor retains the right to seek any  
11 deficiency balance which may exist after sale, provided the  
12 creditor has complied with all applicable law, and the  
13 transfer by itself shall not be considered a strict  
14 foreclosure or an election to retain the collateral in  
15 satisfaction of an obligation as provided by W.S.  
16 34.1-9-620 and does not affect the debtor's right to redeem  
17 the collateral under W.S. 34.1-9-623. If from the records  
18 of the county clerk there appears to be any lien on the  
19 vehicle which was recorded prior to the lien of the  
20 creditor applying for title and which has not been  
21 released, the certificate of title shall contain a  
22 statement of the lien. The creditor repossessing and  
23 applying for title to the vehicle shall notify all persons

1 holding liens on the vehicle by certified mail return  
2 receipt requested at least fifteen (15) days prior to  
3 filing the application for title. Any proceeds from the  
4 sale, lease or other disposition of the vehicle shall be  
5 distributed in accordance with the provisions of W.S.  
6 34.1-9-608.

7

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

10

11 **Section 4.**

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

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

20

21 (END)