

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 583

By: Senator C. Penzo

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING MOTOR VEHICLE OWNERSHIP; TO AMEND TRANSFER-ON-DEATH LAWS; TO AUTHORIZE THE ACCEPTANCE OF AN AFFIDAVIT OF HEIRSHIP TO TRANSFER THE TITLE AND INTEREST IN A VEHICLE OF A DECEDENT; TO AMEND THE LAW TO ALLOW A CERTIFICATE OF TITLE WITH BENEFICIARY TO BE OBTAINED WHEN THERE IS A LIENHOLDER; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE THE ACCEPTANCE OF AN AFFIDAVIT OF HEIRSHIP TO TRANSFER THE TITLE AND INTEREST IN A VEHICLE OF A DECEDENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-14-719 is amended to read as follows:

27-14-719. No renewal of certificates of title - Transfer of title - Affidavit of heirship.

(a) Certificates of title need not be renewed annually but shall remain valid until cancelled by the Office of Motor Vehicle for cause or upon a transfer of any interest shown therein.

(b) The Office of Motor Vehicle shall, upon request and submission of an affidavit of heirship under § 28-41-105, issue documentation that proves the transfer of title of and interest in a vehicle to an heir.

SECTION 2. Arkansas Code § 27-14-727(a)(3), concerning the definition



of "owner" with regard to a certificate of title with beneficiary, is amended to read as follows:

(3)(A) "Owner" means an individual who:

(i) holds Holds legal title of a vehicle; or

(ii) Has lawful possession of a vehicle subject to a

lien.

~~and can~~ (B) "Owner" may include more than one (1) person but not

more than three (3) persons.

~~(B)(C)~~ (C) "Owner" does not include a business, firm,

partnership, corporation, association, or any other legally created entity;

and

SECTION 3. Arkansas Code § 27-14-727(c)(1) and (2), concerning what the owner of a vehicle is required to submit to the Office of Motor Vehicle to obtain a certificate of title with beneficiary, is amended to read as follows:

(c)(1) The owner of a vehicle may submit a transfer on death application to the Office of Motor Vehicle to request the issuance of a certificate of title with beneficiary or a change to a certificate of title with beneficiary.

(2) The owner shall provide the following information in the application:

(A) Whether the applicant seeks to add, remove, or change a beneficiary;

(B) The full legal name of the beneficiary;

(C) The Social Security number of the beneficiary;

(D) The address of the beneficiary;

(E) The vehicle identification number of the vehicle;

(F) The year, make, model, and body type of the vehicle;

(G) The printed full legal name of the owner of the vehicle;

(H) The Arkansas driver's license or identification card number for the owner of the vehicle; ~~and~~

(I) The signature of the owner of the vehicle; and

(J) The full legal name and address of any lienholder.

SECTION 4. Arkansas Code § 27-14-727(d), concerning restrictions on the Office of Motor Vehicle's authority to issue a certificate of title with beneficiary, is amended to read as follows:

(d)~~(1)~~ The Office of Motor Vehicle shall not issue a certificate of title with beneficiary to an owner of a vehicle if:

~~(A) The vehicle is encumbered by a lien; or~~

~~(B) The the owner holds his or her interest in the vehicle as a tenant in common with another person.~~

~~(2) If a lien request is made for a certificate of title with beneficiary, the beneficiary shall be removed and the lien added.~~

SECTION 5. Arkansas Code Title 28, Chapter 41, is amended to add an additional section to read as follows:

28-41-105. Affidavit of heirship – Transfer of title and interest in vehicle.

(a) An heir who is entitled to the transfer or delivery of personal property for which a certificate of title is required under § 27-14-703 shall submit an affidavit of heirship to the Office of Motor Vehicle on a form prescribed by the Office of Motor Vehicle.

(b) An affidavit of heirship properly executed under this section shall convey to the Office of Motor Vehicle the authority to transfer the certificate of title of and interest in a vehicle from the owner of the vehicle to the owner's heir.