STATE OF NEW YORK

6580

2019-2020 Regular Sessions

IN ASSEMBLY

March 12, 2019

Introduced by M. of A. HAWLEY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to providing a space on a certificate of title for an owner to designate a beneficiary to whom the vehicle shall be transferred upon the death of the owner

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions (c), (d) and (e) of section 2108 of the vehicle and traffic law, subdivisions (c) and (d) as added by chapter 1134 of the laws of 1971 and subdivision (e) as added by chapter 322 of the laws of 1993, are amended to read as follows:

(c) **The certificate of title shall provide space for an owner to designate a beneficiary to whom a vehicle shall be transferred upon the death of the owner.**

(d) A certificate of title issued by the commissioner is prima facie evidence of the facts appearing on it.

[~~(d)~~] **(e)** A certificate of title for a vehicle is not subject to garnishment, attachment, execution or other judicial process, but this [~~subsection~~] **subdivision** does not prevent a lawful levy upon the vehicle.

[~~(e)~~] **(f)** Notwithstanding any other provision of law, a certificate of title to a vehicle which is a mobile home or a manufactured home issued by the commissioner is prima facie evidence of the facts appearing on it, notwithstanding the fact that such vehicle, at any time, in any manner, shall have become attached to realty.

§ 2. Subdivision (a) of section 2113 of the vehicle and traffic law, as added by chapter 1134 of the laws of 1971, is amended to read as follows:

(a) If an owner transfers his **or her** interest in a vehicle, **or prior to his or her death designates a beneficiary as provided in subdivision**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(c) of section twenty-one hundred eight of this article, other than by the creation of a security interest, he **or his representative or she or her representative** shall, at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee **or beneficiary** in the space provided therefor on the certificate or as the commissioner prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee **or beneficiary**. The assignment and warranty of title required by this section shall include a statement signed by the transferor stating [~~either,~~]**:** (i) any facts or information known to him **or her** that could reasonably affect the validity of the title of the vehicle; [~~or,~~] (ii) that no such facts or information are known to him **or her; or (iii) that there is no lien or other encumbrance on the vehicle known to him or her**.

§ 3. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.