

STATE OF NEW YORK

2009

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. HAWLEY, ANGELINO, LEMONDES, DeSTEFANO -- 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 (underscoring) is new; matter in brackets ~~[-]~~ is old law to be omitted.

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

14 § 3. This act shall take effect on the first of January next succeed-
15 ing the date upon which it shall have become a law. Effective imme-
16 diately the addition, amendment and/or repeal of any rule or regulation
17 necessary for the implementation of this act on its effective date are
18 authorized to be made and completed on or before such date.