

House Bill 216

By: Representatives Jones of the 53rd and Lindsey of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-3-34 of the Official Code of Georgia Annotated, relating to the
2 transfer of a vehicle by operation of law and joint interest with survivorship, so as to provide
3 that a transfer of a motor vehicle title based upon inheritance, devise, or bequest or under a
4 will shall be conducted without charge; to provide for related matters; to provide an effective
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 40-3-34 of the Official Code of Georgia Annotated, relating to the transfer of
9 a vehicle by operation of law and joint interest with survivorship, is amended by revising
10 subsections (d) and (e) as follows:

11 "(d) In the event of transfer as upon inheritance, devise, or bequest, upon receipt of an
12 application for a new certificate of title ~~with the required fee~~, the last certificate of title, if
13 available, and a certified copy of a will or letters of administration or, if no administration
14 is to be had on the estate, an affidavit by the applicant to the effect that the estate is not
15 indebted and the surviving spouse, if any, and the heirs, if any, have amicably agreed
16 among themselves upon a division of the estate or a certificate from the judge of the
17 probate court showing that the motor vehicle registered in the name of the decedent owner
18 has been assigned to the decedent's survivors as part of their year's support, the
19 commissioner shall issue to the person or persons shown by such evidence to be entitled
20 thereto the certificate of title for the vehicle. The transfer of a title upon inheritance,
21 devise, or bequest shall be conducted by the department without charge.

22 (e)(1) In the event of transfer under a will when the motor vehicle was the decedent's
23 only asset, upon receipt of an application for a new certificate of title ~~accompanied by the~~
24 ~~required fee~~, the last certificate of title, if available, and an affidavit by the applicant to
25 the effect that the motor vehicle was owned by the decedent and was the decedent's only
26 asset and was not encumbered, that under the will the applicant is entitled to receive title

27 to such motor vehicle, that no application for the administration of the estate of the
28 deceased or the probate of such will is to be had, and that the estate is not indebted and
29 the surviving spouse, if any, and the heirs, if any, are sui juris and have amicably agreed
30 that title to said vehicle be issued to the applicant, the commissioner shall issue to the
31 person or persons shown by such evidence to be entitled thereto the certificate of title for
32 the vehicle. The transfer of a title under a will shall be conducted by the department
33 without charge.

34 (2) The commissioner shall prescribe the form of the affidavit to be used in paragraph
35 (1) of this subsection."

36 **SECTION 2.**

37 This Act shall become effective on July 1, 2014.

38 **SECTION 3.**

39 All laws and parts of laws in conflict with this Act are repealed.