

House Bill 1181 (AS PASSED HOUSE AND SENATE)

By: Representatives Ballard of the 147th, Corbett of the 174th, Sainz of the 180th, New of the 40th, and Ehrhart of the 36th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 3 of Title 40 of the Official Code of Georgia Annotated,
2 relating to certificates of title for motor vehicles, so as to require an application for certificate
3 of title to contain or be accompanied by the last certificate of title issued by another state
4 when such application refers to a vehicle last previously registered in another state and the
5 applicant is receiving such vehicle upon inheritance, devise, or bequest; to amend Code
6 Section 40-3-34 of the Official Code of Georgia, relating to transfer of vehicle by operation
7 of law, termination of interest, and joint interest with right of survivorship, so as to specify
8 the last certificate of title required to be submitted with an application for a certificate of title
9 regarding a vehicle transferred to an applicant upon inheritance, devise, or bequest shall be
10 one that was issued to the decedent; to provide for related matters; to repeal conflicting laws;
11 and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Article 2 of Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to
15 certificates of title, is amended by revising subsection (c) of Code Section 40-3-21, relating
16 to application for first certificate of title, as follows:

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17 "(c)(1) If the application refers to a vehicle last previously registered in another state or
18 country, the application shall contain or be accompanied by:

19 (A) Any certificate of title issued by the other state or country; and

20 (B) Any other information and documents the commissioner reasonably requires to
21 establish the ownership of the vehicle and the existence or nonexistence of security
22 interests in it and liens against it.

23 (2) If the application refers to a vehicle last previously registered in another state and if
24 the applicant is the last previously registered owner in such state, the application need not
25 contain the name and address of the person from whom the vehicle was acquired.

26 (3) If the application refers to a vehicle last previously registered in another state in the
27 name of a decedent owner, and if the applicant is receiving the vehicle of such decedent
28 owner upon inheritance, devise, or bequest, such application shall contain or be
29 accompanied by:

30 (A) The last certificate of title for such vehicle issued by the other state to the decedent
31 owner; and

32 (B) Any other information and documents required pursuant to subsection (d) or (e) of
33 Code Section 40-3-34."

34 SECTION 2.

35 Said article is further amended by revising subsections (d) and (e) of Code Section 40-3-34,
36 relating to transfer of vehicle by operation of law, termination of interest, and joint interest
37 with right of survivorship, as follows:

38 "(d) In the event of transfer as upon inheritance, devise, or bequest, upon receipt of an
39 application for a new certificate of title with the required fee, the last certificate of title
40 issued to the decedent, if available, and a certified copy of a will or letters of administration
41 or, if no administration is to be had on the estate, an affidavit by the applicant to the effect
42 that the estate is not indebted and the surviving spouse, if any, and the heirs, if any, have

43 amicably agreed among themselves upon a division of the estate or a certificate from the
44 judge of the probate court showing that the motor vehicle registered in the name of the
45 decedent owner has been assigned to the decedent's survivors as part of their year's support,
46 the commissioner shall issue to the person or persons shown by such evidence to be entitled
47 thereto the certificate of title for the vehicle.

48 (e)(1) In the event of transfer under a will when the motor vehicle was the decedent's
49 only asset, upon receipt of an application for a new certificate of title accompanied by the
50 required fee, the last certificate of title issued to the decedent, if available, and an
51 affidavit by the applicant to the effect that the motor vehicle was owned by the decedent
52 and was the decedent's only asset and was not encumbered, that under the will the
53 applicant is entitled to receive title to such motor vehicle, that no application for the
54 administration of the estate of the deceased or the probate of such will is to be had, and
55 that the estate is not indebted and the surviving spouse, if any, and the heirs, if any, are
56 sui juris and have amicably agreed that title to said vehicle be issued to the applicant, the
57 commissioner shall issue to the person or persons shown by such evidence to be entitled
58 thereto the certificate of title for the vehicle.

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

61 **SECTION 3.**

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