

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 583

5 By: Senator C. Penzo  
6

## For An Act To Be Entitled

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

## Subtitle

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16  
17 TO AUTHORIZE THE ACCEPTANCE OF AN  
18 AFFIDAVIT OF HEIRSHIP TO TRANSFER THE  
19 TITLE AND INTEREST IN A VEHICLE OF A  
20 DECEDENT.  
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23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 27-14-719 is amended to read as follows:

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

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

32 (b) The Office of Motor Vehicle shall, upon request and submission of  
33 an affidavit of heirship under § 28-41-105, issue documentation that proves  
34 the transfer of title of and interest in a vehicle to an heir.  
35

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



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

3 (3)(A) "Owner" means an individual who:  
4 (i) ~~holds~~  Holds legal title of a vehicle; or  
5 (ii)  Has lawful possession of a vehicle subject to a  
6  lien.

7 ~~and can~~ (B) "Owner"  may include more than one (1) person but not  
8 more than three (3) persons.

9 ~~(B)(C)~~ (C) "Owner" does not include a business, firm,  
10 partnership, corporation, association, or any other legally created entity;  
11 and  
12

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

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

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

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

25 (B) The full legal name of the beneficiary;

26 (C) The Social Security number of the beneficiary;

27 (D) The address of the beneficiary;

28 (E) The vehicle identification number of the vehicle;

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

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

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

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

35  (J) The full legal name and address of any lienholder.  
36

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

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

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

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

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

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

14 28-41-105. Affidavit of heirship – Transfer of title and interest in  
15 vehicle.

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

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