

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 381
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Jurisprudence
5/5/1999
Committee Report (Substituted)

DIGEST

Current law restricts the execution of a survivorship agreement on a title document for a motor vehicle or manufactured home to a husband and wife. By allowing only a husband and wife to pass on the title of a motor vehicle or manufactured home to each other, problems may arise, for example, in the passing of a motor vehicle or a manufactured home from a widow to the widow's child. C.S.H.B. 381 provides that a survivorship agreement on a title document for a motor vehicle or manufactured home must be signed by two or more persons, rather than a husband and wife.

PURPOSE

As proposed, C.S.H.B. 381 regulates rights of survivorship transfer of a motor vehicle or manufactured home.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 501.031, Transportation Code, to require the rights of survivorship agreement form to include certain items. Authorizes certain actions to be taken, if the vehicle is registered in the name of one or more of the persons who signed the agreement, rather than the husband, the wife, or both, the certificate of title may contain a rights of survivorship agreement signed by all persons, rather than both the husband and wife, or remark if an agreement is surrendered with the title application or otherwise on file with the Texas Department of Transportation (department). Authorizes ownership of the vehicle to be transferred only if certain action is taken, except as provided by Subsection (e). Authorizes a rights of survivorship agreement under this section to be revoked only by surrender of the certificate of title to the department and joint application by the persons who signed the agreement, rather than husband and wife, for a new title in the name of the person or persons designated in the application. Provides that a person is eligible to sign a rights of survivorship agreement under this section if the person meets certain requirements. Provides that the seller is not eligible to sign a rights of survivorship agreement under this section unless the seller is the child, grandchild, parent, grandparent, brother, or sister of each other person signing the agreement, if the title is being issued in connection with the sale of the vehicle. Authorizes a family relationship required by this subsection to be a relationship established by adoption. Requires the department to issue a new certificate of title to the surviving persons upon application accompanied by a copy of the death certificate of the deceased person, if an agreement other than the agreement provided for in Subsections (a) providing for right of survivorship is signed by two or more persons. Authorizes the department to develop for public use under this subsection an optional rights of survivorship agreement form. Deletes existing Subsection (b)(2)(B) regarding new certificate of title.

SECTION 2. Amends Section 19(a)(2), Article 5221f, V.T.C.S. (Texas Manufactured Housing Standards Act), to redefine "document of title."

SECTION 3. Amends Section 19, Article 5221f, V.T.C.S., by amending Subsection (h) and adding Subsections (x) and (y), to require the department to issue a new document of title to the surviving person or persons, rather than spouse, if an agreement providing for right of survivorship is signed by two or more eligible persons as determined by Subsections (x) and (y) of this section, and if on the death of one of the persons, the department is provided with a copy of the death certificate of the deceased person. Provides that a person is eligible to sign a rights of survivorship agreement under this section if the person meets certain criteria. Provides that the seller is not eligible to sign a righthst of survivorship agreement under this

section unless the seller is the child, grandchild, parent, grandparent, brother, or sister of each other person signing the agreement, if the title is being issued in connection with the sale of the manufactured home. Authorizes a family relationship required by this subsection to be a relationship established by adoption. Makes conforming changes.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 501.031, Transportation Code, to authorize certain actions to be taken, if the vehicle is registered in the name of one or more of the persons who signed the agreement, the certificate of title may contain a right of survivorship agreement signed by all persons, or remark if an agreement is surrendered with the title application or otherwise on file with the department. Requires the department to issue a new certificate of title to the surviving persons upon application accompanied by a copy of the death certificate of the deceased person, if an agreement other than the agreement provided for in Subsection (a) providing for right of survivorship is signed by two or more persons. Authorizes ownership of the vehicle to be transferred only if certain action is taken, except as provided by Subsection (e). Authorizes the department to develop for public use under this subsection an optional rights of survivorship agreement form. Provides that a person is eligible to sign a rights of survivorship agreement under this section if the person meets certain requirements. Provides that the seller is not eligible to sign a rights of survivorship agreement under this section unless the seller is the child, grandchild, parent, grandparent, brother, or sister of each other person signing the agreement, if the title is being issued in connection with the sale of the vehicle. Authorizes a family relationship required by this subsection to be a relationship established by adoption. Deletes existing Subsection (b)(2)(B) requiring the department to issue new certificates.

SECTION 2.

Amends Section 19(a)(2), Article 5221f, V.T.C.S., to redefine “document of title,” to include two or more eligible persons, as determined by Subsections (x) and (y) of this section.

SECTION 3.

Amends Section 19, by amending Subsection (h) and adding Subsection (x) and (y), to provide that a person is eligible to sign a rights of survivorship agreement under this section if the person meets certain criteria. Provides that the seller is not eligible to sign a rights of survivorship agreement under this section unless the seller is the child, grandchild, parent, grandparent, brother, or sister of each other person signing the agreement, if the title is being issued in connection with the sale of the manufactured home. Authorizes a family relationship required by this subsection to be a relationship established by adoption. Makes conforming changes.