ACT NO. 8250

BILL NO. 33-0068

THIRTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2019

An Act to amend title 20, part II, chapter 32, subchapter I of the Virgin Islands Code by adding a new section to create a process for transferring a vehicle upon the death of an individual, without going through the probate process

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***Be it enacted by the Legislature of the Virgin Islands*:**

SECTION 1. (a) Title 20, part II, chapter 32, subchapter I, section 203 of the Virgin Islands Code is amended after the paragraph defining "Special mobile equipment", to insert the following definition:

"Transfer on Death Beneficiary" means a beneficiary who receives a designation that allows him to receive vehicular assets at the time of a person's death without going through probate."

(b) Title 20, part II, chapter 32, subchapter I, of the Virgin Islands Code is amended by adding a new section 225b to read as follows:

"§225b Transfer on Death Beneficiary for Vehicles

(a) The owner or owners of a vehicle may create an interest in the vehicle that is transferrable on the death of the owner or owners by obtaining a certificate of title conveying the interest in the vehicle to one (1) or more persons as transfer on death beneficiaries.

(b) Subject to subsection (e), an interest in a vehicle transferred under this section vests upon the death of the owner or owners.

(c) A certificate of title that is worded in substance as "A.B. transfers on death to C.D." or "A.B. and C.D. transfer on death to E.F.", and that is signed by the owner or owners, shall constitute a valid conveyance, on the death of the owner(s), to the transferee(s).

(d) A certificate of title obtained under this section is not required to be supported by consideration or delivered to the named transferee(s) in order to be effective.

(e) Upon the death of the owner(s) conveying an interest in a vehicle in a certificate of title obtained under this section, the interest in the vehicle is transferred to each beneficiary under the following conditions:

(1) The beneficiary is named in the certificate and survives the transferor;

(2) The beneficiary is one of the named beneficiaries, survives the transferor, and is entitled to an interest in the vehicle following the death of another beneficiary who is named in the certificate and who did not survive the transferor.

(f) A certificate of title designating a transfer on death beneficiary is not testamentary.

(g) In order to obtain a Transfer on Death Title, the transfer on death beneficiary who is applying for a certificate of title for a vehicle shall submit an application in the form and manner prescribed by the Bureau of Motor Vehicle which shall include, but not be limited to, the following:

(1) The former title number, if applicable;

(2) The acquisition date by the beneficiary; and

(3) The name of the beneficiary and valid identification and social security number or other federal identification number of the beneficiary.

(h) After an application for the Transfer on Death Title has been submitted to the Bureau of Motor Vehicles, the Bureau of Motor Vehicles shall require the applicant to cause notice to be published in a newspaper of general circulation in the Virgin Islands for not less than twice per week for four consecutive weeks. The notice must include:

(1) A description of the vehicle;

(2) The names of the transferor and the beneficiary; and

(3) A statement that the beneficiary is seeking title to the vehicle to be transferred to the beneficiary, and if anyone claims an interest in the vehicle, he must present documentary proof of that interest to the Bureau of Motor Vehicle by a date not more than 60 days after the dates of publication.

If someone presents credible documentation that he has an interest in the vehicle, within the specified 60 days, then the process for a Transfer on Death Title ends. If a claim is presented outside of the specified 60-day period, the Bureau of Motor Vehicles shall not recognize the claim and the Bureau shall issue a Transfer of Death Title to the beneficiary named on the certificate of title.

(i) For purposes of this section, "vehicle" has the meaning as set forth in 20 V.I.C. § 101, but also includes any motorized vessel or craft designed specifically for movement on the surface of water."

Thus passed by the Legislature of the Virgin Islands on December 19, 2019.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 30th day of December, A.D., 2019.

Novelle E. Francis, Jr.
President

Alicia V. Barnes
Legislative Secretary

Bill No. 33-0068 is hereby approved.

Witness my hand and the seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, this 18th day of January, 2020 A.D.

Albert Bryan, Jr.
Governor