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# A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 286, Hawaii Revised Statutes, is  
2 amended by adding a new section to part III to be appropriately  
3 designated and to read as follows:  
4           "§286-       Transfer of ownership upon the death of the  
5 registered owner or legal owner of the motor vehicle. (a) Upon  
6 the death of the registered owner or legal owner of a motor  
7 vehicle registered under this part, without the decedent leaving  
8 other property necessitating probate, and irrespective of the  
9 value of the motor vehicle, the following person or persons may  
10 secure transfer of the certificate of registration and  
11 certificate of ownership of the vehicle from the decedent:  
12           (1) The sole person or all of the persons who succeeded to  
13           the property of the decedent under section 560:2-102  
14           and 560:2-103 unless the vehicle is otherwise  
15           bequeathed by will; or



1           (2) The sole beneficiary or all of the beneficiaries who  
2           succeeded to the vehicle under the will of the  
3           decedent where the vehicle is so bequeathed by will.

4           (b) The person authorized by subsection (a) may secure the  
5           transfer of the certificate of registration and certificate of  
6           ownership of the decedent's vehicle upon presenting to the  
7           director of finance all of the following:

8           (1) The appropriate certificate of registration and  
9           certificate of ownership, if available;

10          (2) A certificate of the heir or beneficiary under penalty  
11          of perjury containing the following statements:

12           (A) The date and place of the decedent's death;

13           (B) The decedent left no other property necessitating  
14           probate and no probate proceeding is now being or  
15           has been conducted in the State for the  
16           decedent's estate;

17           (C) The declarant is entitled to the vehicle either:

18           (i) As the sole person or all of the persons who  
19           succeeded to the property of the decedent  
20           under sections 560:2-102 and 560:2-103 if  
21           the decedent left no will; or



1                    (ii) As the beneficiary or beneficiaries under  
2                    the decedent's last will if the decedent  
3                    left a will, and no one has a right to the  
4                    decedent's vehicle that is superior to that  
5                    of the declarant; and

6                    (D) There are no unsecured creditors of the decedent  
7                    or, if there are, the unsecured creditors of the  
8                    decedent have been paid in full or their claims  
9                    have been otherwise discharged;

10                  (3) If required by the director of finance, a certificate  
11                  of the death of the decedent; and

12                  (4) If required by the director of finance, the names and  
13                  addresses of any other heirs or beneficiaries.

14                  (c) If the director of finance is presented with the  
15                  documents specified in paragraphs (1) and (2) of subsection (b),  
16                  no liability shall be incurred by the director of finance by  
17                  reason of the transfer of the vehicle pursuant to this section.  
18                  The director of finance may rely in good faith on the statements  
19                  in the certificate specified in subsection (b) (2) and has no  
20                  duty to inquire into the truth of any statement in the  
21                  certificate. The person who secures the transfer of the vehicle



1 pursuant to this section shall be subject to part 12 of article  
2 3 of chapter 560.

3 (d) Application for transfer of ownership under this  
4 section shall be made upon an appropriate form furnished by the  
5 director of finance."

6 SECTION 2. Section 286-52, Hawaii Revised Statutes, is  
7 amended by amending subsection (f) to read as follows:

8 "(f) In the event of the transfer by operation of law of  
9 the title or interest of a legal owner in and to a vehicle  
10 registered under this part, as upon inheritance, devise, [~~or~~]  
11 bequest, or pursuant to section 286- , order in bankruptcy, or  
12 insolvency, execution sale, repossession upon default in  
13 performance of the terms of a lease or executory sales contract,  
14 or otherwise than by the voluntary act of the person whose title  
15 or interest is so transferred, the certificate of ownership  
16 shall be signed upon the spaces provided by the personal  
17 representative, receiver, trustee, sheriff, or other  
18 representative, or successor in interest of the person whose  
19 title or interest is so transferred in lieu of such person.  
20 Every personal representative, receiver, trustee, sheriff, or  
21 other representative hereinabove referred to shall file with the



1 director of finance a notice of any transfer by sale, lease, or  
 2 otherwise by such person, of any such vehicle, together with  
 3 evidence satisfactory to the director of finance of all facts  
 4 entitling such representative to make the transfer. Upon notice  
 5 given to the director of finance that transfer by operation of  
 6 law of the title or interest of a legal owner or a registered  
 7 owner has been effected pursuant to any provision of law, the  
 8 director of finance shall send to the legal owner or the  
 9 registered owner or both a notice by registered mail of such  
 10 action and requesting the delivery to the director of finance of  
 11 the certificate of ownership or the certificate of registration,  
 12 as the case may be, within ten days after date of mailing of the  
 13 notice, and any person who refuses or neglects to deliver the  
 14 same to the director of finance pursuant to the notice shall be  
 15 guilty of a misdemeanor and shall be punished as provided in  
 16 section 286-61."

17 SECTION 3. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 2019.

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INTRODUCED BY:

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# H.B. NO. 74

**Report Title:**

Motor Vehicle Registration; Transfer Upon Death

**Description:**

Allows qualified individuals to secure transfer of a vehicle's certificate of vehicle registration and certificate of ownership upon the death of the registered owner or legal owner of a registered motor vehicle without going through probate.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

