

BILL ANALYSIS

Senate Research Center
76R9039 DWS-D

H.B. 381
By: Flores (Truan)
Jurisprudence
4/22/1999
Engrossed

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 of a manufactured home from a widow to the widow's child. 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, 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 right of 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, and if the rights of survivorship agreement is signed by all persons, rather than both the husband and wife. Authorizes a rights of survivorship agreement under this section to be revoked only by surrender of the certificate of title to the Texas Department of Transportation (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.

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(h), Article 5221f, V.T.C.S., 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 persons, 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. Makes conforming changes.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.