

**186A.037 Definitions for section -- Transfer of motor vehicle upon death --
Administrative regulations -- Revocation or changes. (Effective January 1,
2028)**

- (1) As used in this section:
 - (a) "Beneficiary" means a person designated to receive title to a vehicle upon the death of the preceding owner or joint owners;
 - (b) "Beneficiary designation form" means a form that contains the intention of a present owner or joint owners of a vehicle to name one (1) beneficiary to receive title to the vehicle upon the death of the owner or last surviving joint owner of the vehicle;
 - (c) "Joint owner":
 1. Means an individual who owns a vehicle with one (1) or more other individuals as joint tenants with rights of survivorship; and
 2. Does not include an individual who owns a vehicle with one (1) or more other individuals as tenants in common;
 - (d) "Owner" means an individual who owns a vehicle; and
 - (e) "Vehicle" includes any motor vehicle, motorcycle, motor home, trailer, or other item for which a certificate of title is issued by the cabinet.
- (2) The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to:
 - (a) Provide a beneficiary designation form that allows the owner or joint owners of a vehicle to provide for the transfer of the vehicle's title to one (1) named beneficiary upon the death of the owner or upon the death of all joint owners of the vehicle. The form shall include but not be limited to fields for the following information:
 1. The manufacturer, model, year, and vehicle identification number of the vehicle;
 2. The name of the owner or every joint owner of the vehicle;
 3. The words "transfer on death to," or the abbreviation "TOD," followed by the name of the beneficiary; and
 4. The signature of the owner of the vehicle or of each joint owner of the vehicle; and
 - (b) Require the county clerk to record the name of the beneficiary on the title upon receipt of the fee under KRS 186A.130.
- (3) The cabinet shall make beneficiary forms available:
 - (a) In each county clerk's office; and
 - (b) On the cabinet's public website.
- (4) Upon the death of the owner, or the last surviving joint owner, of a vehicle for which a beneficiary has been designated under subsection (2) of this section, the beneficiary shall present to the county clerk:
 - (a) A death certificate of the owner or last surviving joint owner of the vehicle;
 - (b) Proof of payment of ad valorem taxes on the vehicle for the current year, or if

the taxes have not been paid, the beneficiary may elect to pay the taxes to facilitate the transfer;

- (c) The paper title, or duplicate title, if the title is not held in electronic format; and
 - (d) The fee required under KRS 186A.130 for the certificate of title transfer.
- (5) Upon presentation of the documents as required under subsection (4) of this section, the county clerk, subject to any security interest in the vehicle, shall issue a new certificate of title to the beneficiary.
- (6) During the lifetime of the owner of the vehicle for which a beneficiary has been designated or before the death of the last surviving joint owner of the vehicle:
- (a) The signature or consent of the beneficiary shall not be required for any transaction relating to the vehicle; and
 - (b) The owner or surviving joint owners of the vehicle may revoke or change the beneficiary designation at any time by:
 - 1. Selling the vehicle with proper transfer and delivery of the certificate of title to another person; or
 - 2. Properly executing a subsequent beneficiary designation form that removes the current beneficiary or designates a new beneficiary in conformity with subsection (2) of this section.
- (7) Upon the death of the owner or the last surviving joint owner of a vehicle for which a beneficiary has been designated, the interest of the beneficiary in the vehicle shall be subject to any contract of sale, assignment, or ownership or security interest to which the owner or joint owners of the vehicle were subject during their lifetime.
- (8) Except as provided in subsection (6)(b) of this section, the designation of a beneficiary shall not be changed or revoked by will, codicil, or by other instrument.
- (9) A beneficiary may disclaim the interest in the motor vehicle on a form promulgated by the Transportation Cabinet in accordance with KRS Chapter 13A.
- (10) The transfer on death of a vehicle under this section shall be a nontestamentary transfer and shall not be subject to any tax under KRS 138.460.

Effective: January 1, 2028

History: Created 2026 Ky. Acts ch. 134, sec. 124, effective January 1, 2028; and ch. 135, sec. 44, effective January 1, 2028.

Legislative Research Commission Note (1/1/2028). This statute was created with identical text in 2026 Ky. Acts ch. 134, sec. 124, and ch. 135, sec. 44, and those sections have been codified together.