

# Using a Beneficiary Designation (Form MV13) to Transfer a Montana Vehicle or Vessel Title at Death

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The 2021 Montana Legislature passed the **Transfer on Death Act for Vehicles and Vessels** and clarified the definition of vehicles and vessels during the 2023 session. The Act directed the Motor Vehicle Division (MVD) to develop a beneficiary designation form to allow for the transfer of title for vehicles and vessels upon death of the owner without passing through probate.

The Montana Beneficiary Designation for a Vehicle or Vessel Title (Form MV13) became effective on October 1, 2021. Revisions to Form MV13 became effective October 1, 2023. Any MV13 Forms submitted between October 1, 2021, and September 30, 2023, are still valid. [mvdmt.gov/wp-content/uploads/2023/10/MV13-Beneficiary-Designation-for-Vehicle-or-Vessel-Title-Fillable.pdf](https://mvdmt.gov/wp-content/uploads/2023/10/MV13-Beneficiary-Designation-for-Vehicle-or-Vessel-Title-Fillable.pdf)

This MontGuide clarifies the definition of vessels and vehicles, answers questions about the Act and new provisions, explains the process to name or update a beneficiary for a vehicle and vessel, and outlines the procedures for the beneficiary to follow when an owner dies.

## What is considered a vehicle or vessel?

Montana law defines vehicles and vessels to include automobiles, vans, trucks, sport utility vehicles, motorcycles, recreational vehicles, trailers, pole trailers, snowmobiles, sailboats 12 feet or longer, and motorized boats including personal watercraft. Mobile homes and house trailers have not been titled since January 1, 2006.

If a manufactured home is permanently attached or built on a lot or other land the owner owns, title to the real property can be transferred at the owner's death without probate by using a Transfer on Death Deed (formerly called a Beneficiary Deed). [store.msuextension.org/publications/FamilyFinancialManagement/MT202010HR.pdf](https://store.msuextension.org/publications/FamilyFinancialManagement/MT202010HR.pdf)

The definition of a vehicle or vessel also includes any other items for which a certificate of title is issued by the motor vehicle department. An airplane is not considered a vehicle or vessel in Montana.

## When can an owner add a beneficiary designation to a vehicle or vessel?

An owner may add or update a beneficiary designation on a vehicle or vessel in the following situations: (Fees apply in all three situations).

1. **When applying for a Montana title** (initial application, title transfer, or replacement title). The owner(s) can enter up to two beneficiaries' names on form MV13 and apply for a Montana title.
2. **When adding or changing a beneficiary on file.** The owner(s) enter the new beneficiary(s) on form MV13 and apply for a Montana replacement title on form MV7.
3. **When revoking the current beneficiary(s) on file.** The owner(s) leave the beneficiary section on form MV13 blank and apply for a Montana replacement title on form MV7. This action revokes the current beneficiary on file.

## How long is a beneficiary designation valid?

After a beneficiary designation is added to the MVD record of the vehicle or vessel, it is valid until:

1. A transfer of ownership is processed prior to the owner's death or the last surviving owner's death.
2. A new beneficiary designation MV13 form is filed to change or revoke the designation.

## What if the owner granted a security interest on the vehicle or vessel?

An owner cannot add a beneficiary to a vehicle or vessel's record at the time they file an application for adding or removing a security interest. A *security interest* is an enforceable legal claim or lien on a vehicle or vessel a purchaser has signed to obtain a loan on it. After the owner has completed the security interest transaction, the owner may then submit Form MV13 to add up to two beneficiaries.

## What if the vehicle or vessel has multiple owners?

If more than one person owns a vehicle or vessel, by state law the vehicle or vessel is titled as *joint tenants with right of survivorship* (JTWROS). When one joint tenant dies, the surviving joint tenant(s) become owner(s) by operation of state law. The surviving joint tenant(s) may apply for the title in the survivor's name(s) and may add up to two beneficiaries when applying for the title using Form MV13.

**Important consideration:** If two owners name a beneficiary, and one owner dies, the surviving joint tenant could change the beneficiary designation and undo the intention of the first-to-die joint owner.

**Example:** Isaac and Brenda are a blended family, each with a child from an earlier marriage. Isaac and Brenda own two vehicles titled in both of their names as JTWROS. During an estate planning discussion, Isaac shared with Brenda that he wants his son to inherit his vehicle when he dies. Similarly, Brenda wants her daughter to receive hers after death.

Upon Isaac's death, Brenda is the sole owner of Isaac's vehicle under Montana law because the title is held in JTWROS between Isaac and Brenda. Even if Isaac had filed the MV13 form naming his son as the beneficiary, the vehicle title would pass to Brenda because she is the surviving joint tenant.

Brenda is now the owner of both her vehicle and Isaac's. She can name whomever she wants as the beneficiary(s) of each vehicle on a separate MV13 form. Assume she names her daughter as the beneficiary of both vehicles. When Brenda dies, both transfer to her daughter. Isaac's son does not receive the vehicle his dad wanted him to have.

**Example:** Assume Isaac has the vehicle titled in joint tenancy with right of survivorship (JTWROS) between himself and Brenda. Later Isaac wrote a will naming his son to inherit the vehicle. Because of the joint tenancy, Brenda receives it, not Isaac's son. A written will cannot undo a JTWROS on any type of property (including checking and savings accounts; stocks, bonds, and mutual funds; and real property).

**Example:** Assume Isaac has the vehicle in his name only (sole ownership) instead of JTWROS with Brenda. Isaac filed form MV13 naming his son as the beneficiary. Upon Isaac's death, the title to the vehicle transfers to his son because Isaac completed a beneficiary designation for his solely owned vehicle.

## What rights does a beneficiary have in the vehicle and vessel while the owner is still alive?

A beneficiary has NO ownership rights in the vehicle and/or vessel while the owner is alive. For example, the beneficiary can not:

1. Transfer the title of the vehicle or vessel to someone else.
2. Sell the vehicle or vessel.
3. Pledge the vehicle or vessel as collateral for a loan.
4. Take possession of the vehicle or vessel.
5. Name another beneficiary for the vehicle or vessel while the owner is still alive.

## How does a beneficiary change a title to a vehicle or vessel from the deceased owner's name to the beneficiary's name?

If all owners on the current vehicle or vessel title have died, the beneficiary (if multiple beneficiaries, all must apply) may:

1. **Request a TITLE in BENEFICIARY'S name** by providing:
  - Copy of death certificates for all owners listed on the current Montana title.
  - Application for Certificate of Title for a Motor Vehicle (MV1) in the beneficiary(s) name. All beneficiaries must be shown on the new title issued and all beneficiaries must sign the MV1 form.
  - Beneficiaries' government issued identification (ID) (if multiple beneficiaries, all must provide ID). Beneficiaries submit paperwork to the Vehicle Services Bureau, the county treasurer's office of the beneficiary, or a Motor Vehicle Division's (MVD) Authorized Agent. Title fees apply.
2. **Request TITLE and REGISTRATION in beneficiaries' names** by providing:
  - Copy of death certificates for all owners listed on the current Montana title.
  - Application for Certificate of Title for a Motor Vehicle (MV1) in the beneficiary(s) name – all beneficiaries must be shown on the new title issued; all beneficiaries must sign the MV1 form.
  - Government issued identification of the beneficiaries (if multiple beneficiaries, all must show ID).

Beneficiaries submit the paperwork to the local county treasurer's office, or an MVD Authorized Agent. All applicable title and registration fees apply.

3. **Transfer the vehicle or vessel to a PURCHASER** by providing:

- Copy of death certificates for all owners listed on the current Montana title.
- Bill of Sale (MV24) selling the vehicle to the purchaser – all beneficiaries must sign.
- Application for Certificate of Title for a Motor Vehicle (MV1) in the purchaser's name.
- Purchaser's government-issued identification (if multiple purchasers, all must provide ID).

The purchaser submits paperwork to a local county treasurer's office or an MVD Authorized Agent. All applicable title and registration fees apply.

### Summary

The Montana Legislature passed the Transfer on Death Act for Vehicles and Vessels allowing owners to transfer the title of their vehicles and vessels upon death without passing through probate. The Beneficiary Designation Form (MV13) became effective on October 1, 2021, and was updated in September 2023 to include manufactured and mobile homes.

The owner and beneficiaries should contact their insurance companies to ensure the vehicle or vessel is insured at and after the death of the owner.

### Other transfers on death to a beneficiary

This Transfer on Death Deed Act for Vehicles and Vessels joins other legislative statutes allowing Montanans to transfer certain assets without probate:

- Transfer on Death Deeds for real property (TODDs), [store.msuextension.org/publications/FamilyFinancialManagement/MT202010HR.pdf](https://store.msuextension.org/publications/FamilyFinancialManagement/MT202010HR.pdf)
- Payable on Death Designations (PODs) for financial accounts at banks and credit unions, and Transfer on Death Registrations (TODs) for stocks, bonds, and mutual funds. [store.msuextension.org/publications/FamilyFinancialManagement/MT199509HR.pdf](https://store.msuextension.org/publications/FamilyFinancialManagement/MT199509HR.pdf)

### Acknowledgment

Representatives of the Business, Estates, Trusts, Tax and Real Property Section, State Bar of Montana and the Motor Vehicle Division, Montana Department of Justice, reviewed this MontGuide for legal accuracy. They recommend its reading by individuals interested in learning about Beneficiary Designations on a Title for a Vehicle or Vessel.

### References

- Montana Code Annotated, 2021, §61-3-2261. Title 61. Motor Vehicles, Chapter 3. Certificates of Title, Registration, and Taxation of Motor Vehicles, Part 2. Certificates of title [leg.mt.gov/bills/mca/title\\_0610/chapter\\_0030/part\\_0020/section\\_0260/0610-0030-0020-0260.html](https://leg.mt.gov/bills/mca/title_0610/chapter_0030/part_0020/section_0260/0610-0030-0020-0260.html)
- Beneficiary Designation for Vehicle or Vessel title (MV 13). Motor Vehicle Division [mvdmt.gov/wp-content/uploads/2023/10/MV13-Beneficiary-Designation-for-Vehicle-or-Vessel-Title-Fillable.pdf](https://mvdmt.gov/wp-content/uploads/2023/10/MV13-Beneficiary-Designation-for-Vehicle-or-Vessel-Title-Fillable.pdf)
- SB0106 *An Act Generally Revising Vehicle And Vessel Title Transfer Laws; Adding Definitions To Include Manufactured Homes And Mobile Homes With A Certificate That Has Been Issued As Eligible For Nonprobate Transfers By Use Of A Beneficiary Designation Form; Amending Section 61-3-226, MCA* [leg.mt.gov/bills/2023/billpdf/SB0106.pdf](https://leg.mt.gov/bills/2023/billpdf/SB0106.pdf)

### Disclaimer

This MontGuide is based on current law about transferring a vehicle or vessel upon death without probate. Readers should not interpret the information provided in this MontGuide as legal advice, which may vary based on specific circumstances.



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