

2008 SPECIAL SESSION II

ENROLLED

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 46.2-633 of the Code of Virginia, relating to transfer of vehicle titles by operation of law.

[H 6045]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-633 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-633. Transfer of title by operation of law.

A. Except as otherwise provided in § 46.2-615 in the event of the transfer by operation of law of the title or interest of an owner in and to a motor vehicle, trailer, or semitrailer registered under the provisions of this chapter to anyone as legatee or distributee or as surviving joint owner or by an order in bankruptcy or insolvency, execution sale, sales as provided for in § 43-34, repossession on default in the performing of the terms of a lease or executory sales contract or of any written agreement ratified or incorporated in a decree or order of a court of record, or otherwise than by the voluntary act of the person whose title or interest is so transferred, the transferee or his legal representative shall apply to the Department for a certificate of title, giving the name and address of the person entitled to it, and accompany his application with the registration card and certificate of title previously issued for the motor vehicle, trailer, or semitrailer, if available, together with whatever instruments or documents of authority, or certified copies of them, are required by law to evidence or effect a transfer of title or interest in or to chattels in the case. The Department shall cancel the registration of the motor vehicle, trailer, or semitrailer and issue a new certificate of title to the person entitled to it.

B. Notwithstanding the ~~other~~ provisions of ~~this section~~ *subsection A*, if a title is presented from a state other than the Commonwealth, the Department shall, upon presentation of the title and a form prescribed by the Commissioner attesting to the lawful repossession of the vehicle and the intent to offer the vehicle for sale in the Commonwealth, issue a new certificate of title to the person entitled to it and request the state in which the vehicle is titled to cancel the title. *Nothing in this subsection, however, shall be construed to require the presentation of a title from a state other than the Commonwealth if the vehicle is not required to be titled by the laws of that other state.*

2. That an emergency exists and this act is in force from its passage.

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