

STATE OF TENNESSEE

OFFICE OF THE
ATTORNEY GENERAL
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Opinion No. 00-155

The Required Signatures of Married Persons in Transferring Motor Vehicle Titles.

QUESTIONS

1. When a married couple sells a motor vehicle, do both spouses have to sign the certificate of title in order to transfer ownership to the buyer?
2. When a married couple purchases a motor vehicle, do they both have to sign the title in order to transfer titled ownership to them?

OPINIONS

1. If the certificate of title lists both spouses as owners and their names are joined by the conjunction “or,” the signature of either spouse is sufficient. If the certificate of title lists the name of only one of the spouses, then the listed spouse’s signature is required. In all other cases, the signatures of both spouses are required.
2. The answer depends upon the intent of the spouses. If the spouses intend to own the vehicle jointly, such that the consent of both will be required to transfer title to a third party, they should list their names on the certificate of title joined by the conjunction “and.” If they intend that either spouse may transfer title without the consent of the other, they should list their names on the certificate of title joined by the conjunction “or.” If only one of the spouses’ names appears on the certificate of title, only that spouse may transfer title.

ANALYSIS

1. The answers are supplied by Tenn. Code Ann. § 55-3-114(b)(2) and Tenn. Code Ann. § 55-3-118(c). Tenn. Code Ann. § 55-3-114(b)(2) provides:

Joint ownership of a motor vehicle by two (2) or more persons shall be indicated on the certificate of title by the use of the word “and.”

Tenn. Code Ann. § 55-3-118(c) provides:

When ownership of a motor vehicle, jointly owned by two (2) or more persons, is transferred, the signatures of all persons listed as joint owners shall be required to transfer title. Only one (1) party's signature shall be required to transfer a title to a motor vehicle if such title is registered in the name of one (1) spouse, or both where the conjunction between such names on such title is "or."

Reading the two provisions together, this Office draws the following conclusions. If the certificate of title lists both spouses as owners of a vehicle and their names are joined by the conjunction "or," the signature of either spouse will suffice to transfer title to a third party. If the certificate lists only the name of one of the spouses, then that spouse's signature is required to transfer title to a third party. In all other cases, the signatures of both are required.

2. Similarly, when a married couple purchases a motor vehicle, they have essentially three options and should choose the one that reflects their intent with respect to ownership of the vehicle. If the spouses intend to own the vehicle jointly, such that the consent of both will be required to transfer title to a third party, they should list both of their names on the certificate of title joined by the conjunction "and." But if they intend that either spouse may transfer title without the consent of the other, they should list their names on the certificate of title joined by the conjunction "or." Finally, if they intend that only one of them should have authority to transfer title to a third party, only that spouse's name should be listed on the certificate.

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Page 3

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