Louisiana Department of Public Safety
Office of Motor Vehicles
Policy 18.02 Affidavit of Heirship

Section: 4. Motor Vehicle Registration Requirements

Effective Date: 09/10/1992

Revised Date: 02/13/2025

Authority:
R.S. 32:707.1
To view Louisiana Statutes: http://www.legis.state.la.us/

Definitions:

- **Decedent –** A deceased person
- **Heirship** – A procedure by which surviving spouses, heirs, or legatees of deceased persons may obtain title to a vehicle or vehicles titled in the name of the deceased person (R.S. 32:707.1).
- **Legatee –** A person that inherits personal property (i.e. vehicle(s), personal belongings, etc.), as indicated in a will.
- **Usufruct –** A clause in a will that allows someone to use a property for a set amount of time after the owner's death.

Requirements:

- A completed *Vehicle Application Form* (DPSMV1799)
- Proof of death in the form of either the death certificate or published obituary
- An *Affidavit of Heirship* (DPSMV1696) form with a revision date of 08/17/2023 or after, completed, signed by the surviving spouse, all heirs and legatees, and notarized.
    - If the decedent was survived by a minor child or children, without a surviving spouse, the person executing the *Affidavit of Heirship* (DPSMV1696) on behalf of the minor child(ren) must submit a certified copy of the document authorizing the person to act in that capacity, the most common being Tutorship proceedings.
- Copy of a will or a notarized statement of its contents relevant to vehicles must be submitted if the decedent died testate (executed a will). The notarized statement must be made and signed by the one in possession of the original will.
- Louisiana title and registration certificate, if available. If the title and registration are not available, declaration of that fact must be indicated on *Affidavit of Heirship* (DPSMV1696).
- Odometer disclosure statement, if applicable, is required any time a vehicle is being transferred to a third party. The odometer disclosure may be on the *Louisiana Odometer Disclosure Statement* or on the back of a conforming title.
    - If a legatee or heir, including the surviving spouse, is the applicant, no odometer disclosure statement is required. However, the current mileage must be listed on the *Vehicle Application Form* (DPSMV1799).
- **Photo Identification** - All files with a date of sale on or after August 1, 2012 must include a copy of each vehicle owner's current and valid photo identification. The photo identification

provided should be a driver's license or identification card issued by this state, another state, or by the United States military.

- Original or certified copy of security agreement or UCC1 filing, if a new lien is to be recorded.
    - If a lien was reflected on title of decedent, that lien should be noted on the new title, unless proof of cancellation of lien is presented in the form of a paid note or an affidavit of satisfaction.
- **Transfer of Ownership**
    - **Surviving Spouse** - If one of the named heirs is a surviving spouse and he/she wishes to transfer the vehicle to a new owner, the affidavit of heirship must be completed by him or her, as well as all other heirs.
        - Only the surviving spouse is required to execute a notarized *Bill of Sale* or *Act of* Donation.
        - If the surviving spouse or heir(s) renounces interest in ownership of the vehicle, renunciation documentation is required.
    - **No Surviving Spouse** - In the case of a transfer of a motor vehicle by an heir, when there is no surviving spouse and the sale or donation is to a new owner, a proper *Bill of Sale* or *Act of Donation* must be executed by all heirs.

Exemptions:

- This procedure is **not** to be used when a succession has been opened and a judgment has been rendered in that succession.

Fees

- $68.50 title fee
- $15.00 lien recordation fee, if applicable UCC-1 is filed
- $10.00 lien recordation fee, if another security form is filed
- Plate fee, if applicable
- Sales/Use tax, if applicable
- **Tax Rules**
    - Donations by testament (will) are never taxable.
    - All transfers by last will or intestate succession are tax free.
    - Transfers of vehicles by heirs or legatees may or may not be taxable, depending on the nature of the transfer.

Related Policies

Section 4, Policy 2.03, Completion of Vehicle Application
Section 4, Policy 18.00, Successions / Judgements of Possession
Section 4, Policy 18.01, Small Successions
Section 4, Policy 52.00, Act of Donation / Manual Gift
Section 4, Policy 80.01, Situations and Application Regarding Odometer Statements
Section 4, Policy 100.00, Transactions Involving Trusts