



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:** 08/17/2023

**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.

**Requirements** – The following documents must be submitted:

- 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](#)