Louisiana Department of Public Safety
Office of Motor Vehicles
Policy 18.00 Successions / Judgments of Possession

Section: 4. Motor Vehicle Registration Requirements

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Authority:
C.C.P. 3191
C.C.P. 3396 - 3396.20

Definitions:

- **Administrator/Administratrix** - A person appointed by the court to administer an estate.[1]
- **Curator/Curatrix** - A guardian appointed by the court to take care of the estate of a person incapable of handling his/her business.
- **Executor/Executrix** - A person designated by a will to administer an estate.
- **Interdict** - A person mentally incapable of caring for himself/herself and one who has been legally committed to an institution or to the care of another person.
- **Tutor/Tutrix** - A guardian of a minor.
- **Usufruct** - The right to receive and enjoy the revenues from property.

General:

- When the titled owner of a vehicle is deceased a succession may be opened to settle the estate. Documentation from the succession can be used to transfer ownership of the vehicle.
- A procuration or mandate may be executed to appoint a resident of Louisiana to handle acts of administration for the succession when:[2]
    - The representative of the succession is a non-resident of Louisiana[2]
    - The representative is a resident of Louisiana, and will be absent from the state temporarily[2]
- A procuration or mandate must be filed in the succession proceedings and does not require court approval.[2]

Requirements:

- When the titled owner of a vehicle is deceased and a succession has been opened, the following documents will be required to establish or transfer ownership:
    - Completed *Vehicle Application* (DPSMV 1799).
    - Certified copy of the Judgment of Possession rendered in the succession of the decedent, listing the heirs and what proportion they are to inherit or naming a specific legatee.

        - It is not necessary for the VIN to be listed on the Judgment of Possession, as long as enough information is shown to establish the identity of the vehicle in question.
        - A surviving spouse having usufruct of the other heirs interest is permitted to title the vehicle in their name or sell. The same applies to the usufruct extended to parents when the decedent had only parents, brothers, and/or sisters as surviving heirs. This would also apply to a specific legatee of the vehicle named in a judgment.
        - If the spouse does not have the usufruct of the other heirs interest, then a notarized bill of sale or *Act of Donation* is required from all heirs to the applicant or dealer.
        - If a minor or interdict is named in a Judgment of Possession as an heir and if the spouse does not have the usufruct of that heir's portion, then the judgment must state who can act for that minor or for the interdict. Otherwise, a certified copy of the court order naming the tutor/tutrix of the curator/curatrix must also be submitted and include authorization from the courts to dispose of the vehicle in their behalf.
- If the succession proceedings have not been completed and the Judgment of Possession has not yet been rendered in court, the following will be required:
    - A certified copy of the order naming the administrator or executor of the estate and a certified copy of the order authorizing the executor/administrator to dispose of the vehicle.
        - If the individual named in the court order is identified as the independent executor or administrator, they may act independently **without** prior court approval to handle the affairs of the estate.
    - A notarized bill of sale must be executed by the executor/administrator to the purchaser.
- In addition to the above paperwork, the following must also be submitted:
    - Title and registration, if available. A transaction can **only** be performed without a title if the vehicle was **last** titled in Louisiana, in the name of the decedent.
    - 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* (DPSMV 1799) form.
        - Any time a vehicle is transferred to a third party, an odometer disclosure statement is required. The odometer disclosure statement may be on the Louisiana odometer disclosure form or on the back of a title in the odometer field.
    - Original or certified copy of chattel mortgage or UCC-1 financing statement, if a new lien is to be recorded.
    - If a lien was reflected on the title of decedent, that lien should be noted on the new title, unless proof of cancellation of lien is presented.
        - Acceptable forms of cancellation of lien include a paid note or a satisfaction of lien executed by the lien holder indicating that the lien shown on the last title record has been paid in full.
            - The lien satisfaction must be submitted on company letterhead, and include name, address, and telephone number of the lien holder.
            - A notarized affidavit of satisfaction from the lien holder may also be accepted. Either form must contain a full description of the vehicle.

    - All files 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 US territory, or by the United States military.
- **Tax Rules:**
    - Donations by testament (will) are never taxable.
    - All transfers by last will or intestate succession are tax free.
    - If there is an existing mortgage being assumed by the surviving spouse, taxes will not be due on the unpaid principal balance of the mortgage.

Fees:

- Title fee
- Handling fee
- License plate fee
- Mortgage recordation fee, if applicable
- Sales/use tax

Related Policies:

Section 4, Policy 2.03, Completion Of Vehicle Application
Section 4, Policy 7.00, Open Titles
Section 4, Policy 18.01, Small Successions
Section 4, Policy 18.02, Affidavit of Heirship
Section 4, Policy 52.00, Act of Donation

References:

[1] – Louisiana State Legislature. *Definitions* (CCP 3396), retrieved from https://legis.la.gov/Legis/Law.aspx?d=111739.
[2] – Louisiana State Legislature. *General Duties, Appointment of Agent* (CCP 3191), retrieved from https://legis.la.gov/Legis/Law.aspx?d=111641.