



LOUISIANA DEPARTMENT OF PUBLIC SAFETY  
OFFICE OF MOTOR VEHICLES

**Section:** IV Motor Vehicle Registration Requirements      **Effective:** 09/10/1992  
**Number:** 18.02      **Revised:** 06/06/2018

**AFFIDAVIT OF HEIRSHIP**

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**POLICY:**

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To view Louisiana Statutes: <http://www.legis.state.la.us/>

**AUTHORITY**

R.S. 32:707.1

**DEFINITION**

State statute defines the heirship as a method by which a surviving spouse and/or heir(s) and/or legatee(s) of a deceased person may obtain title to a vehicle or vehicles which is/are titled in the name of the deceased person. This procedure is **not** to be used when a succession has been opened and a judgment has been rendered in that succession.

**REQUIREMENTS**

The following documents must be submitted:

- An "Affidavit of Heirship" form ([DPSMV 1696](#)) with a revision date of 07/01 or later, completed, signed by the surviving spouse, all heirs and legatees, as appropriate and notarized.
- If the decedent was survived by a minor child or children, without a surviving spouse, the person executing the affidavit of heirship 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.
- Proof of death in the form of a copy of the death certificate or published obituary.
- If the decedent died testate (executed a will), a copy of the will or a notarized statement of its contents relevant to vehicles must be submitted. The notarized statement must be made and signed by one in possession of the original will.
- If one of the 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, but only the surviving spouse is required to execute a notarized bill of sale or act of donation. 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.
- 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. If the decedent had become a Louisiana resident prior to their death and did not register the vehicle in Louisiana, the transaction would have to be processed as a double transfer.
- 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 DPSMV 1799 application form and entered into the mileage field on the computer. Any time a vehicle is transferred to a third party, an odometer disclosure statement is required. The odometer disclosure may be on the Louisiana odometer disclosure form or on the back of a conforming

title. Exception: Odometer statements are not required for vehicles exempt from the Federal Odometer Law.

- Original or certified copy of chattel mortgage or UCC-1 financing statement, if a new lien is to be recorded, plus applicable fees. 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.
- A copy of any renunciation document (if applicable).
- A completed vehicle application form (DPSMV 1799)
- Fees and taxes, if applicable.
- **NOTE:** 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.

### **ELIGIBILITY CONSIDERATIONS**

- Assuming all applicable documents are in order and have been submitted with the application, FIRST determine if the deceased registered owner left a testament (will).

### **IF THERE IS NO WILL (INTESTATE SUCCESSION)**

- If the surviving spouse is the applicant, it may be safely presumed that she/he may register the vehicle(s) in her/his name alone.
- If the surviving spouse and descendant(s) of the deceased registered owner apply jointly, the names of all who retain an ownership or usufructuary interest should be on the title and registration. (If the surviving spouse or descendant donates, sells or renounces the right to an ownership interest in the vehicle, she/he will not be required to register/title the vehicle in her/his name. Only if an interest has been sold is sales/use tax due and then it is calculated on the value of the interest sold.)
- If there is no surviving spouse of the deceased registered owner, a son(s) and/or daughter(s) of the deceased owner may register/title the vehicle. If there are multiple applicants, all will be considered equal owners and all must register, sell, donate or otherwise transfer their ownership interest.
- If a child of the deceased registered owner has died before the registered owner died, his/her part of ownership in the vehicle is lost unless she/he leaves descendants.
- If the predeceased child leaves a descendant(s), he/she/they inherit his/her part interest in the vehicle.
- If an inheriting descendant has died after the deaths of the registered owner, this interest passes to his/her heirs and/or legatees.
- If there is no surviving spouse or other descendants of the deceased registered owner, any brother(s), sister(s) and/or parent(s) of the deceased shall be eligible to register/title his/her/their ownership interest in the vehicle.
- Only if there is no surviving spouse, descendant, sibling or parent of the deceased registered owner may a more distant relative (ex: aunt, uncle, niece, nephew, cousin, etc.) register/title the vehicle.

### **IF THERE IS A WILL**

- The will is presumed valid and any dispositions, specific or general therein, with regard to vehicles control.
- A notarized statement of contents of the will describing ownership or usufructuary interest in a vehicle is considered the equivalent of the will if made by one in possession of the original will.

- Any disposition to an heir or legatee concerning a vehicle will be honored unless contradicted by court order.
- If there is no contrary disposition of the vehicle in the will, the surviving spouse of the deceased registered owner may register/title the vehicle unless the will revoked the spousal usufruct.
- If the will is silent as to the spousal usufruct, said usufruct may be revoked only by death or remarriage.
- If the usufruct is intact, the surviving spouse may register/title the vehicle in his/her name alone.
- If the spousal usufruct has been revoked by will or remarriage and there is no disposition of ownership of the vehicle by will, the intestate succession rules in Section I apply.

### **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 IV 2.03- [COMPLETION OF VEHICLE APPLICATION \(DPSMV 1799\)](#)

18.00- [SUCCESSIONS/JUDGMENTS OF POSSESSION](#)

18.01- [SMALL SUCCESSIONS](#)

52.00- [ACT OF DONATION / MANUAL GIFT](#)

80.01- [SITUATIONS AND APPLICATION REGARDING ODOMETER STATEMENTS](#)

100.00- [TRANSACTIONS INVOLVING TRUSTS](#)