



# FACT SHEET

## VEHICLE TRANSFER AFTER DEATH OF OWNER

### PURPOSE

The purpose of this fact sheet is to explain the procedure to be followed upon the death of the owner of a vehicle.

### PREFACE

There are two terms that are used in this fact sheet. They are **Joint Owners with the Right of Survivorship** and **Tenants in Common**.

**Joint Owners with Right of Survivorship** means that upon the death of a co-owner, vehicle ownership is automatically passed to the surviving owner(s), and a new title may be applied for by the person(s) whose name(s) is (are) also on the title.

**Tenants in Common** means that upon the death of a co-owner, the deceased owner's interest in the vehicle passes to his/her surviving heirs or estate. No special endorsement appears on such a certificate of title.

Ownership by husband and wife is a special type of joint ownership with the right of survivorship called tenancy by the entirety. All procedures for joint tenants with right of survivorship also apply to titles in the name of a husband and wife (except that if a final divorce decree was entered prior to the death of the deceased spouse, the surviving spouse will be treated as a tenant in common - unless the divorce decree provided otherwise).

### PROCEDURES

#### I. Vehicle Owned by Deceased and Another Person as Joint Owners with Right of Survivorship (including Tenants by the Entireties) (regardless of Will or Appointment of Executor or Administrator)

Submit the following to have a corrected title issued (and registration if the vehicle is currently registered) in the name of the surviving owner:

1. Title
  - a. If a vehicle is titled jointly to a husband and wife or to other persons who are joint tenants with the right of survivorship (title will be endorsed "joint tenants with right of survivorship"), the survivor does not need to assign the certificate of title.
  - b. Make no entries on the reverse side of the title.
  - c. Complete Form MV-39, "Notification of Assignment/Correction of Vehicle Title Upon Death of Owner" (instructions are on reverse side of form).
2. Proof of Death
  - a. Attach an original death certificate (copies are not acceptable) or have proper portion of MV-39 completed by attending physician or funeral director.
3. Insurance Information
  - a. If the vehicle is registered, list the vehicle insurance company name, policy number, effective date and expiration date in the spaces provided.
4. Fees
  - a. If the vehicle was titled jointly in the names of husband and wife, no fee is required.
  - b. If the vehicle was titled to persons other than spouses with the right of survivorship, a \$22.50 title fee is required.

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## **II. Vehicle Owned Solely by the Deceased or by the Deceased and Another Person as Tenants in Common**

### **A. Executor or Administrator Appointed**

Submit the following if an executor or administrator has been appointed.

1. Title assigned by executor or administrator (appointed by the Register of Wills) to the new owner.
2. Short Form Certificate which is obtainable from the Register of Wills and serves as evidence of the executor's or administrator's appointment.
3. Form MV-4ST completed in full
4. Fees
  - a. \$22.50 for certificate of title. No title fee is required if the vehicle is being titled in the name of the surviving spouse.
  - b. \$6.00 transfer fee to transfer the decedent's valid registration plate. Plate transferable only to the spouse, parents, children, children-in-law, parents-in-law, step-children, or step-parents. Otherwise, the plate is not transferable.
  - c. Applicable sales tax, if required.

### **B. The Will is not Probated (No executor appointed)**

This procedure may be used only if the Will passes ownership of the vehicle to the surviving spouse, child/children or parent(s). The following must be submitted:

1. Certificate of title assigned by the surviving spouse or adult child or children or parent(s) to whom the vehicle was willed.
2. Copy of the Will
3. Form MV-39 properly completed as described on the reverse side of the form.
4. Form MV-4ST completed in full
5. Proof of Death
  - a. Attach an original death certificate (copies are not acceptable) or have proper portion of Form MV-39 completed by the attending physician or funeral director.
6. Fees
  - a. \$22.50 title fee if being titled in the name of child/children or parent(s). No title fee is required if the title is being placed in the name of the surviving spouse.
  - b. \$6.00 transfer fee to transfer a plate currently renewed in the name of the deceased owner.
  - c. Applicable sales tax, if required.

**NOTE:** If the vehicle is willed to a minor child, this procedure may be used only if there is a surviving spouse to sign for the minor child. This procedure may not be used if the vehicle is willed to a person who is not a spouse or child or parent of the deceased. In such cases, the Will must be probated and procedure "A" used.

### **C. No Will - Surviving Spouse or Surviving Spouse and Children**

If the deceased vehicle owner had no Will, no administrator is appointed and there is a surviving spouse or a spouse and children, submit the following:

1. Certificate of title assigned by the surviving spouse and any children who are at least 18 years of age.
2. Form MV-39 properly completed as described on the reverse side of the form.
3. Proof of Death
  - a. Attach an original death certificate (copies are not acceptable) or have proper portion of Form MV-39 completed by attending physician or funeral director.
4. Form MV-4ST completed in full.
5. Fees
  - a. \$22.50 title fee if being titled in any other name than a surviving spouse. No title fee is required if vehicle is being titled solely in the name of the surviving spouse.

- b. \$6.00 transfer fee to transfer a plate currently renewed in the name of the deceased owner. Plate is transferable only to spouse, children, parents, parents-in-law or children-in-law, step-children or step-parents. Otherwise, the plate is not transferable.
- c. Applicable sales tax, if required.

#### **D. No Will - No Surviving Spouse and No Minor Heirs**

If the vehicle owner had no Will, no administrator is appointed and there is no surviving spouse and no minor heirs, submit the following:

- 1. Certificate of title assigned by all heirs as follows:
  - a. All adult children of the deceased or, if none,
  - b. Parents of the deceased or, if none,
  - c. Brothers and sisters of the deceased or, if none,
  - d. Aunts and uncles (blood only) of the deceased or, if none,
  - e. First cousins (blood only) of the deceased.

**NOTE:** In each category (except b,) if any of the persons specified are deceased, the person's children must sign.

- 2. Form MV-39 properly completed as described on the reverse side of the form. All heirs must sign.
- 3. Proof of Death
  - a. Attach an original death certificate (copies are not acceptable) or have proper portion of Form MV-39 completed by attending physician or funeral director.
- 4. Form MV-4ST completed in full.
- 5. Fees
  - a. \$22.50 title fee if being titled in any other name than a surviving spouse.
  - b. \$6.00 transfer fee to transfer a plate currently renewed in the name of the deceased owner. Plate is transferable only to spouse, children, parents, parents-in-law or children-in-law, step-children or step-parents. Otherwise, the plate is not transferable.
  - c. Applicable sales tax, if required.

#### **E. No Will...Minor Heirs and No Surviving Spouse**

If the deceased vehicle owner had no Will and there are minor heirs but no surviving spouse, submit the following:

- 1. Certificate of title assigned in one of the following three procedures:
  - a. Letter of administration may be taken out by one or more heirs of legal age, if any and the title may then be assigned by the administrator as described in procedure "A".
  - b. A guardian appointed by the Orphan's Court for the minor heir(s) may assign the title along with any heir of legal age. A copy of the court order showing the appointment of the guardian must be attached. If there are heirs of legal age, Form MV-39 must be completed and attached.
  - c. A petition for distribution under the small estates procedure may be filed. The person to whom the vehicle is distributed in the court order must assign the title.
- 2. Form MV-4ST completed in full.
- 3. Fees
  - a. \$22.50 title fee if being titled in any other name than a surviving spouse.
  - b. \$6.00 transfer fee to transfer a plate currently renewed in the name of the deceased owner. Plate is transferable only to spouse, children, parents, parents-in-law or children-in-law, step-children or step-parents. Otherwise, the plate is not transferable.
  - c. Applicable sales tax, if required.

## **F. Family Exemption**

When a surviving spouse or child or parent of the same household of the deceased claims a vehicle as the whole or part of the family exemption under Section 3121 of the Probate, Estates and Fiduciaries Code (20 PS C.S. 3121), she/he may assign the title to the new owner. Attach the following:

1. Certificate of title assigned by the executor, administrator or the person(s) entitled to family exemption.
2. Affidavit of entitlement under 20 PA C.S. 3121.
3. Form MV-4ST completed in full.
4. Fees
  - a. \$22.50 title fee if being titled in any other name than a surviving spouse. No title fee is required if the vehicle is being titled solely in the name of the surviving spouse.
  - b. \$6.00 transfer fee to transfer a plate currently renewed in the name of the deceased owner. Plate is transferable only to spouse, children, parents, parents-in-law or children-in-law, step-children or step-parents. Otherwise, the plate is not transferable.
  - c. Applicable sales tax, if required.

## **G. Operator of Vehicle - Following Death of Owner**

1. Section 1315 of the Vehicle Code provides that when the owner of a vehicle is deceased, the vehicle may be operated by or for any heir of the deceased owner or by the administrator or executor of the remainder of the current registration period and throughout the following registration period, provided that the registration is renewed in the name of the deceased owner's estate. Registrations may continue to be renewed annually in the name of the estate and the vehicle may continue to be operated by the spouse or, if there is no spouse (or if the spouse has forfeited his/her rights), by a child who was a member of the decedent's household or, if there is no spouse or child, by a parent who was a member of the decedent's household-until court approval of the final account, if any.
2. It is not necessary to apply for a title in the name of the estate in order to renew registration in the name of the estate; however, if a new title is desired, submit the following:
  - a. Certificate of title with no entries on the reverse side of the title.
  - b. Form MV-39 properly completed as described on the reverse side of the form.
  - c. Proof of Death
    1. Attach an original death certificate (copies are not acceptable) or have proper portion of Form MV-39 completed by attending physician or funeral director.
  - d. Vehicle insurance information (insurance company name, policy number, effective date and expiration date) if the vehicle is registered.
3. Fees
  - a. \$22.50 title fee
  - b. \$6.00 registration transfer fee is not required.