

If there is no surviving spouse, who can transfer titles to the estate's vehicle(s), and how is this accomplished?

If the estate was probated, the person appointed by the probate court (personal representative, executor, or administrator) may do so. If the estate was not and will not be probated, a qualifying heir may be able to transfer the title. For probated estates, certified copies of the court's appointment documents must be provided. For unprobated estates, a qualifying heir may sign an affidavit if all conditions of the affidavit have been met. These affidavits are available online at dmv.idaho.gov (click on the "Registrations/Plates" tab, scroll down and select "Forms & Publications", and find the Affidavit of Inheritance ITD 3414 and small Estate Affidavit 3413 under "Vehicle Titling Forms") or at your local county assessor's motor vehicle office. You may contact the county office if you have questions regarding what forms are required to transfer title. If you have legal questions, please seek competent legal counsel.

What information and documents should I have with me when I contact my county assessor's motor vehicle office to transfer vehicle titles and correct registrations?

It would be helpful if you could provide answers to the following questions:

- How long ago did the deceased pass away?
- Did the deceased leave a will?
- Has the estate been probated, or will it be probated in the future?
- If the estate has been probated, who was appointed as personal representative, executor, or administrator?

If the estate has not and will not be probated, you may also need to know the financial status of the estate (e.g. net value, remaining creditors) in order to determine how the vehicles may be transferred. If you go to the county office, you should bring the

following documents:

- Certificate of title for each vehicle
- Registration document for each vehicle, if available
- If not available, the license plate number is helpful in finding the record.
- If the estate has been probated, a certified copy of probate court document appointing you as personal representative, executor, administrator, etc.

Where can I find my county assessor's motor vehicle office?

Check your local telephone book for the address and phone number (look under "county offices" if there is a section for this, or under the name of the county), or find it on the Internet at "dmv.idaho.gov" (click on the "Registrations/Plates" tab, scroll to the county office section and enter the county name in the "Search" bar or click the "Next" button until your county appears.)

What should I do with the decedent's driver license or identification card?

It is not necessary to return the driver license or identification card to the Idaho DMV because they are automatically notified when a death certificate is recorded with Idaho Vital Statistics.

If the death occurred outside of Idaho, and the deceased holds an Idaho driver license or identification card, you may send a copy of the death certificate to any County Driver License office or to Driver Services, P.O. Box 7129, Boise, ID 83707-1129, so that the record can be noted.

What should I do with the registration if the vehicle is licensed for commercial operation?

If the vehicle is licensed with the State of Idaho and has commercial plates, the registration change depends on the status of the business. For more information on commercial registrations, call the Motor Carrier Services Unit at (208) 334-8611.

The Idaho Transportation Department is committed to full compliance with Title VI of the Civil Rights Act and all related regulations. For more information call the EEO Office at (208) 334-8884.



MOTOR VEHICLE GUIDE FOR

SURVIVING SPOUSES AND FAMILY MEMBERS

The Idaho Transportation Department and the Division of Motor Vehicles are sympathetic to the loss of your family member. We are ready to assist you with any motor vehicle documentation concerns resulting from that loss.

Help is also available at all
44 county assessor offices.

Catalog #01-968341-7
The Idaho Transportation Department
Division of Motor Vehicles
PO Box 7129, Boise, ID 83707-1129
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If my spouse has passed away, what should I do with the title to our vehicle if I plan to keep it?

This depends on whether or not your name appears on the title. If it appears on the title with your spouse's name, though it is not mandatory, you should remove your spouse's name from the title. To do this, if your names are connected by an "OR" on the title, sign the title on the seller's signature line and enter your full legal name, current address, and signature in the purchaser's section of the title.

Then, take the title to your local county assessor's motor vehicle office. They will prepare a title application for you to sign and ask you to pay a \$14.00 fee. If your name and your spouse's name are connected by "AND" on the title, contact your local county assessor's motor vehicle office for instructions.

If your name does not appear on the title, you should transfer the title into your name. To do so, contact the same county office for instructions.

What should I do with the registration if I am the surviving spouse and I plan to keep the vehicle?

A vehicle registration should be issued in the same name(s) as the title to that vehicle. Once the title work is completed, any county assessor's motor vehicle office can issue a corrected registration. If there is a problem in getting your name on the title, a 30-day temporary registration can be issued.

Generally, if the deceased person was registered under a special eligibility program, the registration with those license plates is no longer valid because it was authorized under Idaho law only to the qualified person. Plate programs included in this group are **Disability Plates and Placards, Amateur Radio, Disabled Veteran, Former Prisoner of War, Legislative, Congressional Medal of Honor, National Guard, Pearl Harbor Survivor, Military Reservist, and Veteran.**

A 30-day grace period is provided to change registrations on these special eligibility plates. If the surviving spouse or perhaps another family member can

meet the requirements for disability plates or a placard, application forms are available at any county assessor's motor vehicle office or through the Special Plates Unit at the Idaho Transportation Department in Boise. The Unit can be contacted at **(208) 334-8649** for any questions or concerns. These forms are also available online at dmv.idaho.gov (click the "Registrations/Plates" tab, scroll down and select "Forms & Publications", and then scroll down to "Special License Plate Application Forms" and select "Disability Plates" or "Disability Placards").

If my spouse has passed away, and I want to give away or sell a vehicle, how do I transfer the title to someone else?

If you plan to give away or sell a vehicle, and you are listed on the title along with your spouse with an "OR" separating your names, it is easy to transfer the title. Simply complete the seller's section of the title, sign the title on the seller's signature line, and enter the new owner's full legal name in the purchaser's section. Then, if you are selling the vehicle, enter the sales price on the title and give it to the new owner after you have received payment for the vehicle.

If you are giving the vehicle away to anyone, or are selling it to a parent, child, brother, sister, grandparent, or grandchild, you and the new owner should complete and sign a **Sales Tax Exemption Certificate - Transfer Affidavit** (form ST-133) so the new owner will not have to pay sales tax. This form is available at your county assessor's motor vehicle office or via the Internet at "dmv.idaho.gov" (click the "Registrations/Plates" tab, scroll down and select "Forms & Publications" and then scroll further down to the "Tax Exemption Forms" section.)

Within five days after you have delivered a vehicle to the new owner, you should also complete a **release of liability statement**. This will protect you from liability to which you could otherwise be exposed if, for example, the new owner gets parking tickets or is involved in a "hit and run" accident before he has transferred the title into his name. This form is located on the back of the Idaho vehicle registration and as a tear strip on the bottom of most

Idaho titles. If you do not have this form, you can get one from your county assessor's motor vehicle office or via the Internet at "dmv.idaho.gov" (click the "Registrations/Plates" tab, scroll down and select "Forms & Publications" and find "Release of Liability ITD 3858" under "Vehicle Titling Forms". Mail the completed form with a \$3.50 check or money order to the address indicated on the form.

If you are listed on the title along with your spouse with "AND" separating your names, or if your name does not appear on the title, contact your county assessor's motor vehicle office for instructions.

When I sell or give away a vehicle, what should I do with the license plates?

The license plates on vehicles normally registered for highway travel belong to the individual or the individual's estate. Be sure to remove and keep these plates. The person who is receiving the vehicle can use the properly assigned and dated title or a bill of sale as a 72-hour permit to operate the vehicle until registering the vehicle and obtaining new plates at the county office. If the vehicle is a motorbike, ATV, or UTV with a black on white "restricted use" plate; it must remain on the vehicle for the new owner.

What if I can't find the title?

If money borrowed to purchase the vehicle is still owed to a lender, they may be holding the title, and you will receive the title when you have paid off the loan. If not, you should apply for a duplicate title. If your name was on the title along with the name of your spouse, and your names were connected by an "OR," you may simply apply for a duplicate title at your county assessor's motor vehicle office. When you do so, though it is not mandatory, you should request that your spouse's name be removed from the title. If your names were connected by an "AND," or if the title was in your spouse's name only, contact the same county office for instructions.