

Transferring Cars at Death

Did you know that you can transfer your car at death without the car going through probate? Under the provisions of C.G.S. 14-16, the owner of a motor vehicle can designate a beneficiary on the vehicle's registration. You will find the beneficiary designation on the back of the yellow copy of the registration form.

To obtain ownership of the vehicle after the owner's death, however, the beneficiary must make application to the Department of Motor Vehicles (DMV) within 60 days of your death. Thus, it is important to tell your Executor and your attorney that you have designated a beneficiary for your motor vehicle. You may also want to tell the beneficiary of the vehicle that you have named them as beneficiary of the car. Designating a beneficiary through DMV can be particularly useful to people who are single or a widow or widower.

Even couples can have troubles smoothly passing cars to a survivor at death. We have found that many husbands take care of the car and truck registrations. Sometimes, a husband either does not list his wife on the title or he fails to use the proper conjunction when listing his wife.

For instance, to assure that John's wife, Diane, becomes the owner of the car immediately after he dies, John should state on the registration that the owners of the car are John or Diane (not John and Diane). After John dies, Diane will be able to sell the car without going to DMV to change the title. If John forgot to put Diane on the title, she will have to list the car on the Inventory in probate or list the car on an application for the small estates procedure (under \$40,000 of probate assets). To transfer title, Diane will have to wait until the estate tax return is filed usually 6 months from the date of death and the probate court issues a decree awarding her title to the car.

The surviving spouse or family of the decedent may be allowed to use the decedent's car while the estate is being settled, provided the decedent maintained the vehicle as a family car. Permission to use the vehicle can generally be obtained from the court by simply writing or calling the court. The Executor need not register the vehicle until the expiration of the registration that was in force at the time of the decedent's death.

The value of cars and trucks has increased greatly since we began practicing law. Remember to pay attention to the estate planning consequences of titling cars and trucks. If you have any questions on how to title your cars, give us a call.

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