

Transferring a Motor Vehicle After the Owner's Death

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One of the most common questions that arises when settling an estate is: *"How do I transfer or dispose of a vehicle after the owner has died?"* This is especially relevant in Massachusetts, where navigating the Registry of Motor Vehicles (RMV) process can be confusing.

Step 1: Locate the Title

The first step in transferring a motor vehicle is to find the certificate of title. Without it, no transfer can occur. If the title is lost, a replacement must be requested from the RMV. However, since only the vehicle owner can request a duplicate—and the owner is deceased—this can create a temporary roadblock.

Who Can Transfer the Title?

If the vehicle title is in the **deceased person's name only**, the following individuals may transfer it:

- The **surviving spouse**, or
- The **court-appointed personal representative** of the decedent's estate.

Special Rule for Surviving Spouses

Massachusetts law provides a helpful shortcut for surviving

spouses. Under **M.G.L. c. 90D, § 15A**, unless a will says otherwise, the RMV presumes that the vehicle was held jointly with rights of survivorship. This means the vehicle passes automatically and privately to the surviving spouse, *without needing to go through probate*.

To complete the transfer, the surviving spouse must provide the RMV with:

- The original title
- A certified copy of the death certificate
- Any other required documentation listed on the RMV's website

Transfers by a Personal Representative

If there is **no surviving spouse**, or the title was not presumed to be jointly held, the transfer must be handled by the **personal representative (formerly "executor")** of the estate. The process may vary depending on whether the decedent had a will and the size of the estate.

Planning Ahead: Avoiding Probate

To simplify future transfers, the vehicle owner can take proactive steps during their lifetime. One common method is to **hold the vehicle title jointly** with a spouse or another trusted person. If done correctly, the surviving co-owner can take ownership after death by:

- Completing an affidavit (available on the RMV website)
- Submitting the affidavit, the current title, and a certified death certificate to the RMV

Leased Vehicles

Leased vehicles add complexity. Some lease agreements allow

for early termination upon the death of the lessee, but many do **not**. In most cases, the estate remains responsible for lease payments until the lease ends—unless the contract specifically says otherwise.

Final Thoughts

Transferring a vehicle after a loved one's death can be complicated, but proper planning can make it easier. If you're unsure how to proceed—or if you want to make things simpler for your heirs—consulting an experienced estate planning attorney is a smart step.

The information contained in this article is not intended to make you an expert on estate planning nor is this article intended to replace the need for the advice of a professional. Rather, this article is simply intended to provide a basic understanding of why estate planning is important for everybody and a basic understanding of some of the more common estate planning tools. This article does not constitute legal advice.