**Section 1010.150 Transferring Certificates of Title Upon the Owner's Death**

a) This Section sets forth the required documentation to be submitted to the Vehicle Services Department within the Office of the Secretary of State to transfer decedents' certificates of title to vehicles. Upon the death of a vehicle owner, the procedure for transferring the vehicle title depends on whether the title was held individually by the decedent or held in joint tenancy. If the title was in the decedent's name only, the procedure depends on whether the decedent's estate is being probated. If the title was held jointly by the decedent and another person, the procedures in subsection (c) apply.

b) Original Title in Decedent's Name Only

 One of the following three procedures shall be used to transfer the decedent's title to an heir, legatee or any third party.

1) Probate

 If the decedent's estate is probated, the Secretary of State requires the following documents to transfer the decedent's certificate of title.

A) A certified copy of the letters of administration, letters testamentary, or letters of guardianship naming the legal representative of the decedent's estate.

B) The decedent's title must be surrendered, and it must be assigned by the legal representative of the estate to the transferee.

C) An application for title must be completed and signed by the transferee.

D) The applicant must submit the required $3 title fee, any applicable registration fees, and proof of compliance with, or exemption from, the Vehicle Use Tax (see 86 Ill. Adm. Code 151).

2) Small Estates Affidavit

 A Small Estates Affidavit can be used to transfer the decedent's certificate of title if the conditions of Section 25-1 of the Probate Act of 1975 [755 ILCS 5] are satisfied, the estate was not probated, and the following documents are submitted to the Secretary of State.

A) A Small Estates Affidavit describing the vehicle by model year, make, and vehicle identification number. If the vehicle owner dies on or after September 16, 1985, a copy of the death certificate must be attached.

B) A certified copy of the will if the vehicle owner died testate.

C) The decedent's title must be surrendered.

D) An application for title must be completed and signed by the transferee.

E) The applicant must submit the required $3 title fee, any applicable registration fees, and proof of compliance with, or exemption from, the Vehicle Use Tax.

3) Attorney's Affidavit

 The Attorney's Affidavit can be used to transfer the decedent's certificate of title if the following documents are submitted.

A) Attorney's Affidavit on the attorney's letterhead stationery, stating:

i) The name and last address of the decedent.

ii) The model year, make and vehicle identification number of the vehicle.

iii) To whom the vehicle is being transferred and the relationship between the transferee and the decedent, if any.

B) A copy of the death certificate.

C) The decedent's title must be surrendered.

D) An application for title must be completed and signed by the transferee.

E) The applicant must submit the required $3 title fee, any applicable registration fees, and proof of compliance with, or exemption from, the Vehicle Use Tax.

c) Original Title Held Jointly in Decedent's and Surviving Joint Tenant's Names

1) If the title applicant is the surviving joint tenant, the following documents are required to correct the title.

A) A copy of the death certificate.

B) The original title must be surrendered but need not be assigned.

C) An application for a corrected title to remove the decedent's name from the original title.

D) If the applicant plans to operate the vehicle, the applicant must submit an application to correct the registration. A current registration shall be assigned to the surviving joint tenant.

E) The applicant must submit the required $3 title fee and, if applicable, the $2 corrected registration fee.

2) If the surviving joint tenant chooses to transfer the vehicle to a third party, the following documents are required to transfer title.

A) A copy of the death certificate.

B) The original title must be assigned by the surviving tenant to the transferee.

C) An application for title must be completed and signed by the transferee.

D) The applicant must submit the required $3 title fee and show proof of compliance with, or exemption from, the Vehicle Use Tax.

E) If the transferee intends to operate the vehicle upon the public highways, the transferee must pay the applicable registration fees. The application for title will serve as an application for registration.

d) Miscellaneous

1) If the original title is lost, an affidavit explaining that the title cannot be located must be submitted by the transferor.

2) Surviving joint tenants and surviving spouses need not pay vehicle registration fees until the current registration expires. If the surviving spouse is not listed as a joint tenant on the decedent's title, a copy of the death certificate is required to show the marital relationship.

3) Title and registration fees may be combined in one check, electronic payment or money order made payable to the Secretary of State. Applicable title, registration and transfer fees are set forth in IVC Chapter 3 [625 ILCS 5].

4) Transferees who do not operate the vehicle upon the public highways need not apply for registration at the time of acquisition. (See 92 Ill. Adm. Code 1010.510.)

5) Proof of compliance with the Vehicle Use Tax shall consist of the Illinois Department of Revenue form RUT 50, or such other form used by that agency.

(Source: Amended at 42 Ill. Reg. 212, effective December 19, 2017)