

You Get a Car! Everybody Gets a Car!

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Lobbying from various organizations resulted in Ohio House Bill 432, known as the “omnibus probate bill.” This bill has made some significant changes in estate law. Specifically, upon the death of a spouse, Ohio Revised Code §2106.18 allows the surviving spouse to worry about one less matter.

Past

Initially, Ohio law provided that, to the extent an automobile did not automatically pass to a surviving spouse through joint ownership or a transfer-on-death designation, one automobile of the decedent passed to the surviving spouse without going through probate. Ohio law then broadened the definition of “automobile” to include motorcycles and allowed for the transfer of two vehicles to the surviving spouse outside probate, as long as the combined value of the automobiles did not exceed \$40,000.

Present

Effective April 6, 2017, Ohio law eliminated the maximum number of automobiles that may automatically pass to a surviving spouse and simply imposes a monetary limit of up to \$65,000 in total automobile value. Each automobile that passes to a surviving spouse, under §2106.18, will not be considered an estate asset and will not be included in the estate inventory. This creates a more streamlined process in the passing of assets.

Many of our clients have multiple automobiles or automobiles with significant value. Although the new law may eliminate the conundrum faced by a surviving spouse when a deceased spouse owned automobiles with a significant aggregate value, by titling automobiles with your spouse as joint tenants with rights of survivorship or by filing an affidavit with the Ohio Bureau of Motor Vehicles naming your spouse as the beneficiary of your automobiles on your death, you can avoid the probate process regardless of the value of the automobiles.

Future

There have been many iterations of this law since its initial promulgation, therefore it is likely that more changes will occur. For additional information regarding this alert, and how this information may help your estate planning needs, please contact one of the listed Roetzel attorneys.

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