

1 SB370
2 167509-4
3 By Senator Beasley
4 RFD: Transportation and Energy
5 First Read: 09-APR-15

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4 ENGROSSED

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6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to unclaimed or abandoned motor vehicles;
12 to amend Sections 32-8-84, 32-13-1, 32-13-2, 32-13-3, 32-13-4,
13 and 32-13-6, Code of Alabama 1975, to further provide for the
14 titling and sale of certain unclaimed motor vehicles; to
15 provide for notice; to further provide for when a law
16 enforcement officer may remove a motor vehicle from certain
17 locations; to provide limited immunity; to further provide for
18 the titling and sale of abandoned motor vehicles; to provide
19 for pre-sale appeals by the Alabama Tax Tribunal and the
20 circuit court; to provide procedures for contesting sales; to
21 provide for the deduction of certain costs from the proceeds
22 of a sale; to add Sections 32-13-9 and 32-13-10, to the Code
23 of Alabama 1975; to require cooperation of law enforcement in
24 enforcement of the act; to provide criminal penalties for
25 fraudulent statements regarding the sale of an abandoned motor
26 vehicle; and in connection therewith would have as its purpose
27 or effect the requirement of a new or increased expenditure of

1 local funds within the meaning of Amendment 621 of the
2 Constitution of Alabama of 1901, now appearing as Section
3 111.05 of the Official Recompilation of the Constitution of
4 Alabama of 1901, as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Sections 32-8-84, 32-13-1, 32-13-2,
7 32-13-3, 32-13-4, and 32-13-6, Code of Alabama 1975, are
8 amended to read as follows:

9 "§32-8-84.

10 "~~(a) A peace officer who learns of the theft of a~~
11 ~~vehicle not since recovered or of the recovery of a vehicle~~
12 ~~whose theft or conversion he knows or has reason to believe~~
13 ~~has been reported to the department shall forthwith report the~~
14 ~~theft or recovery to the department. The following shall be~~
15 ~~considered an unclaimed motor vehicle:~~

16 "(1) A motor vehicle left unattended on a public
17 road or highway for more than 48 hours.

18 "(2) A motor vehicle, not left on private property
19 for repairs, that has remained on private or other public
20 property for a period of more than 48 hours without the
21 consent of the owner or lessee of the property.

22 "(3) A motor vehicle, left on private property for
23 repairs, that has not been reclaimed within 48 hours from the
24 latter of either the date the repairs were completed or the
25 agreed upon redemption date.

26 "~~(b) An owner or a lienholder may report the theft~~
27 ~~of a vehicle, or its conversion if a crime, to the department,~~

1 but the department may disregard the report of a conversion
2 unless a warrant has been issued for the arrest of a person
3 charged with the conversion. A person who has so reported the
4 theft or conversion of a vehicle shall, forthwith after
5 learning of its recovery, report the recovery to the
6 department. A person or entity in possession of an unclaimed
7 motor vehicle shall report the motor vehicle as unclaimed to
8 the Department of Revenue within five calendar days from the
9 date the motor vehicle first was considered unclaimed. The
10 report shall be made in a manner as prescribed by the
11 department.

12 "(c) (1) ~~An operator of a place of business for~~
13 ~~garaging, repairing, parking or storing vehicles for the~~
14 ~~public, in which a vehicle remains unclaimed for a period of~~
15 ~~30 days, shall, within 30 days after the expiration of that~~
16 ~~period, report the vehicle as unclaimed to the department.~~
17 ~~Such report shall be on a form prescribed by the department.~~
18 Upon receiving notice as required in subsection (b), the
19 department shall place a 45-calendar day hold on the title
20 record and no title shall be issued during that time period
21 unless the title transaction occurred prior to the date the
22 motor vehicle was deemed unclaimed or the motor vehicle was
23 returned to the recorded owner or lienholder of record, if
24 any.

25 "(2) If the motor vehicle was returned to the
26 recorded owner or lienholder of record, if any, prior to the
27 conclusion of the 45-calendar day hold period on the title

1 record, the person or entity who reported the motor vehicle as
2 unclaimed shall report the return of the motor vehicle within
3 five calendar days in a manner as prescribed by the
4 department.

5 ~~"A vehicle left by its owner whose name and address~~
6 ~~are known to the operator or his employee is not considered~~
7 ~~unclaimed. A person who fails to report a vehicle as unclaimed~~
8 ~~in accordance with this subsection forfeits all claims and~~
9 ~~liens for its garaging, repairing, parking or storing and is~~
10 ~~guilty of a misdemeanor punishable by a fine of not more than~~
11 ~~\$100.00.~~

12 "(d) (1) A person or entity in possession of an
13 unclaimed motor vehicle, upon reporting the motor vehicle as
14 unclaimed to the department, shall utilize the National Motor
15 Vehicle Title Information System (NMVTIS) to determine the
16 current title state of record or, if no current title exists
17 for the motor vehicle, the most recent state of registration
18 for the motor vehicle. Thereafter, the person or entity shall
19 submit a records request to the state of record within five
20 calendar days from the date the motor vehicle was reported as
21 unclaimed to the department.

22 "(2) The records request shall be sent to the
23 current title state of record in order to obtain the name and
24 address of the owner and lienholder of record, if any. If no
25 current title exists, the records request shall be sent to the
26 most recent state of registration in order to obtain the name
27 and address of the owner.

1 "(3)a. In the event that no NMVTIS record exists and
2 there is evidence that could be reasonably ascertained by the
3 person or entity indicating that the motor vehicle has been
4 registered in another state, the person or entity, within five
5 calendar days from the date the motor vehicle was reported as
6 unclaimed to the department, shall submit a records request to
7 the state of registration in order to obtain the name and
8 address of the owner. Thereafter, the person or entity shall
9 send notice by certified mail with either return receipt
10 requested or electronic delivery confirmation, within five
11 calendar days from receipt of the title record, to the owner
12 and lienholder of record, if any, or registration record, to
13 the owner of record, advising the owner and lienholder of
14 record, if any, of the location of the motor vehicle, normal
15 business hours of the facility holding the motor vehicle, any
16 accrued charges or fees, the daily storage rate, and the
17 mailing address and contact telephone number of the person or
18 entity in possession of the motor vehicle.

19 "b. The notice required in paragraph a. shall
20 include the following language in no smaller than 10 point
21 type: "If this motor vehicle is not redeemed by the recorded
22 owner or lienholder of record within 30 calendar days from the
23 date of this notice, the motor vehicle shall be considered
24 abandoned as defined in Section 32-13-1, Code of Alabama 1975.
25 The motor vehicle may then be sold pursuant to the provisions
26 of the Alabama Abandoned Motor Vehicle Act as provided for in
27 Title 32, Chapter 13, Code of Alabama 1975."

1 "(4) A person who fails to report a motor vehicle as
2 unclaimed or fails to notify the owner and lienholder of
3 record, if any, in accordance with this subsection shall
4 forfeit all claims and liens for the motor vehicle's garaging,
5 parking, and storage prior to the time the motor vehicle is
6 reported as unclaimed; provided, however, failure to report
7 shall not result in the forfeiture of claims and liens for the
8 towing and repair of a motor vehicle.

9 "~~(d)~~ (e) (1) The department shall maintain and
10 appropriately index ~~weekly cumulative~~ public records of
11 ~~stolen, converted, recovered and unclaimed~~ motor vehicles
12 reported to it pursuant to this section. The department may
13 ~~make and distribute weekly~~ provide lists of the vehicle
14 identification numbers for such motor vehicles so reported to
15 it to peace officers upon request without fee and to others
16 for the fee, if any, in a manner as the department prescribes.

17 "(2) The department shall provide notice of
18 unclaimed motor vehicles to law enforcement.

19 "(3) Notice shall also be provided to the person or
20 entity who reported the motor vehicle as unclaimed if it has
21 been reported as stolen to law enforcement.

22 "~~(e)~~ (f) (1) The department may suspend the
23 registration of a vehicle whose theft or conversion is
24 reported to it pursuant to this section~~7. until~~ Until the
25 department learns of its recovery or that the report of its
26 theft or conversion was erroneous, it shall not issue a
27 certificate of title for the motor vehicle.

1 "2) A title shall be issued by the department in
2 the name of an insurance company on a vehicle that is reported
3 stolen when a settlement between the insured and his or her
4 insurance company has occurred. The title shall be issued
5 electronically in the name of the insurance company until the
6 vehicle has been recovered, and, if recovered, the title may
7 be issued in paper form.

8 "§32-13-1.

9 "For the purposes of this chapter, ~~an abandoned~~
10 ~~motor vehicle shall mean a motor vehicle as defined in Section~~
11 ~~32-8-2~~ the following terms shall have the following meanings:

12 "~~(1) Which has been left by the owner, or some~~
13 ~~person acting for the owner, with an automobile dealer,~~
14 ~~repairman, or wrecker service for repair or for some other~~
15 ~~reason and has not been called for by the owner or other~~
16 ~~person within a period of 60 days after the time agreed upon~~
17 ~~and within 60 days after the vehicle is turned over to a~~
18 ~~dealer, repairman, or wrecker service when no time is agreed~~
19 ~~upon, or within 60 days after the completion of necessary~~
20 ~~repairs.~~

21 "~~(2) Which is left unattended on a public street,~~
22 ~~road, or highway or other public property for a period of at~~
23 ~~least seven days; or which is unattended because the driver of~~
24 ~~the vehicle has been arrested or is impaired by an accident~~
25 ~~which causes the need for the vehicle to be immediately~~
26 ~~removed as determined necessary by the law enforcement~~
27 ~~officer, or which is subject to an impoundment order for~~

1 ~~outstanding traffic or parking violations; or left unattended~~
2 ~~continuously for at least seven days in a business district or~~
3 ~~a residence district; or if left unattended in a business~~
4 ~~district that has at least one posted notice in an open and~~
5 ~~conspicuous place indicating that there is a time limitation~~
6 ~~on the length of time a motor vehicle may remain parked in the~~
7 ~~district and the motor vehicle remains unattended for a period~~
8 ~~of time in excess of that posted on the notice; or left~~
9 ~~unattended in a business district or residence district that~~
10 ~~has at least one posted notice indicating that only authorized~~
11 ~~motor vehicles may park in that district and the owner of the~~
12 ~~motor vehicle or his or her agent has not received the~~
13 ~~required authority prior to leaving the motor vehicle~~
14 ~~unattended; or left unattended on a private road or driveway~~
15 ~~without the express or implied permission of the owner or~~
16 ~~lessee of the driveway or their agent. A posted notice when~~
17 ~~required by this chapter shall meet the following~~
18 ~~specifications:~~

19 ~~"a. The notice shall be prominently placed at each~~
20 ~~driveway access or curb cut allowing vehicular access to the~~
21 ~~property, within five feet from the public right-of-way line.~~
22 ~~If there are no curbs or access barriers, the signs must be~~
23 ~~posted not less than one sign each 25 feet of lot frontage.~~

24 ~~"b. The notice shall clearly indicate, in not less~~
25 ~~than two-inch high light-reflective letters on a contrasting~~
26 ~~background, that unauthorized vehicles will be towed away at~~

1 the owner's expense. The words "tow away zone" shall be
2 included on the sign in not less than four-inch high letters.

3 "c. The notice shall also provide the name and
4 current telephone number of the person or firm towing or
5 removing the vehicles, if the property owner, lessor, or
6 person in control of the property has a written contract with
7 a wrecker service.

8 "d. The sign structure containing the required
9 notices shall be permanently installed with the bottom of the
10 sign not less than four feet above ground level, and be
11 continuously maintained on the property for not less than 24
12 hours prior to the towing or removal of any vehicles.

13 "(3) Which has been lawfully towed onto the property
14 of another at the written request of a law enforcement officer
15 and left there for a period of not less than 60 days without
16 anyone having made claim thereto.

17 "(4) Which has been abandoned, has an expired
18 license plate, or is inoperable in a parking area on private
19 property maintained by the property owner or his or her agent
20 for use by his or her tenants, residents, or their guests. A
21 vehicle shall be defined as abandoned or inoperable under this
22 subdivision if it has an expired license plate or has remained
23 in the same parking lot for a period of 30 days or more. To
24 bring a vehicle within the provisions of this subdivision, the
25 property owner or his or her agent shall post a dated notice
26 in a conspicuous place on the vehicle in question stating:

1 ~~"a. That the vehicle has been determined to be~~
2 ~~abandoned or inoperable and will be removed at the direction~~
3 ~~of the property owner or his or her agent upon the expiration~~
4 ~~of seven days from the date of the notice.~~

5 ~~"b. The name and address of the last registered~~
6 ~~owner of the vehicle in question and the name and address of~~
7 ~~the property owner or his or her agent and a daytime phone~~
8 ~~number for the person giving the notice.~~

9 ~~"A copy of the notice shall be mailed by regular~~
10 ~~mail to the last known address of the registered owner, if~~
11 ~~ascertainable, on the date of posting or not later than the~~
12 ~~next business day. Calculation of the seven-day notice period~~
13 ~~shall commence on the date of posting of the notice on the~~
14 ~~vehicle.~~

15 ~~"(1) ABANDONED MOTOR VEHICLE. A motor vehicle as~~
16 ~~defined in Section 32-8-2, that has been unclaimed as provided~~
17 ~~in Section 32-8-84 for not less than 30 calendar days from the~~
18 ~~date the notice was sent to the owner and lienholder of~~
19 ~~record, or if no owner or lienholder of record could be~~
20 ~~determined, has been unclaimed for not less than 30 calendar~~
21 ~~days. The term "abandoned motor vehicle" also includes any~~
22 ~~attached aftermarket equipment installed on the motor vehicle~~
23 ~~that replaced factory installed equipment.~~

24 ~~"(2) DEPARTMENT. The Department of Revenue.~~

25 ~~"§32-13-2.~~

26 ~~"(a) Any A law enforcement officer who finds a motor~~
27 ~~vehicle which has been left unattended on a public street,~~

1 ~~road, or highway or other property for a period of at least~~
2 ~~seven days, or which is unattended because the driver of the~~
3 ~~vehicle has been arrested or is impaired by an accident or for~~
4 ~~any other reason which causes the need for the vehicle to be~~
5 ~~immediately removed as determined necessary by the law~~
6 ~~enforcement officer, or which is subject to an impoundment~~
7 ~~order for outstanding traffic or parking violations,~~ may cause
8 ~~the~~ a motor vehicle to be removed to the nearest garage or
9 other place of safety. under any of the following
10 circumstances:

11 "(1) The motor vehicle is left unattended on a
12 public street, road, or highway or other property for a period
13 of at least 48 hours.

14 "(2) The motor vehicle is left unattended because
15 the driver of the vehicle has been arrested or is impaired by
16 an accident or for any other reason which causes the need for
17 the vehicle to be immediately removed as determined necessary
18 by the law enforcement officer.

19 "(3) The motor vehicle is subject to an impoundment
20 order for outstanding traffic or parking violations.

21 (b) (1) Any A law enforcement officer who, L pursuant
22 to this section, L causes any motor vehicle to be removed to a
23 garage or other place of safety shall be liable for gross
24 negligence only.

25 ~~"and any~~ (2) A person removing ~~the~~ a motor vehicle
26 or other property at the direction of a law enforcement
27 officer in accordance with this section shall have a lien on

1 the motor vehicle for a reasonable fee for the removal and for
2 the storage of the motor vehicle.

3 "(c) ~~Any~~ A law enforcement officer who ~~under this~~
4 ~~section~~ causes the removal of any motor vehicle to a garage or
5 other place of safety ~~shall~~ pursuant to this section, within
6 five calendar days, shall give written notice of the removal,
7 which. The notice shall include a complete description of the
8 motor vehicle ~~serial~~ identification number and license number
9 thereof, provided the information is available, to ~~both~~ the
10 Secretary of State and the Department of Public Safety the
11 Alabama Law Enforcement Agency.

12 "(d) ~~The~~ An owner or lessee of real property or
13 ~~their~~ his or her agent, upon which ~~an abandoned~~ a motor
14 vehicle ~~as defined in Section 32-13-1~~ has become ~~abandoned~~
15 unclaimed, as provided for in Section 32-8-84 may cause the
16 ~~abandoned~~ motor vehicle to be removed to a secure place. Any
17 person or entity removing the vehicle at the direction of the
18 owner or lessee of ~~the~~ real property or ~~their~~ his or her agent
19 who pursuant to this section shall ~~cause the abandoned motor~~
20 ~~vehicle to be removed from their real property shall,~~ within
21 24 hours of the removal, give written notice to the county or
22 municipal law enforcement agency in whose jurisdiction the
23 ~~abandoned motor vehicle was situated.~~ Any person or
24 corporation removing the vehicle or other property at the
25 direction of the owner or lessee of real property or their
26 agent in accordance with this section shall have a lien on the

1 motor vehicle for a reasonable fee for the removal and for
2 storage of the motor vehicle.

3 "(e) ~~The~~ An owner or lessee or agent of the real
4 property owner, ~~lien holder,~~ and the towing agent or wrecker
5 service employed shall be liable to the owner or ~~party in~~
6 ~~possession of the vehicle~~ lienholder of record for action
7 taken under this section only for gross negligence ~~under this~~
8 section.

9 "§32-13-3.

10 "(a) ~~(1) Any automobile dealer, wrecker service or~~
11 ~~repair service owner, or any person, firm, or governmental~~
12 ~~entity on whose property a motor vehicle is lawfully towed at~~
13 ~~the written request of a law enforcement officer, or the owner~~
14 ~~or lessee of real property, or his or her agent upon which an~~
15 ~~abandoned motor vehicle as defined in subdivision (1), (3), or~~
16 ~~(4) of Section 32-13-1 has become abandoned, and who has the~~
17 ~~abandoned motor vehicle as defined in subdivision (1), (3), or~~
18 ~~(4) of Section 32-13-1 on his or her property, may sell the~~
19 ~~motor vehicle at public auction~~ A person or entity in
20 possession of a motor vehicle that is considered an abandoned
21 motor vehicle may sell the motor vehicle at a public auction.

22 "~~(2) Any person, firm, or governmental entity on~~
23 ~~whose property an abandoned motor vehicle as defined in~~
24 ~~subdivision (2) of Section 32-13-1 has been lawfully towed, or~~
25 ~~the owner or lessee of real property or his or her agent upon~~
26 ~~which an abandoned motor vehicle as defined in subdivision (2)~~
27 ~~of Section 32-13-1 has become abandoned, and who has the~~

1 ~~abandoned motor vehicle as defined in subdivision (2) of~~
2 ~~Section 32-13-1 on his or her property, except motor vehicles~~
3 ~~which have been claimed within seven days after being towed,~~
4 ~~and who has notified or attempted to notify by certified mail,~~
5 ~~return receipt requested, the current owners, registrants, and~~
6 ~~lienholders of record, if any, after the abandoned motor~~
7 ~~vehicle was lawfully towed onto his or her property, may, 60~~
8 ~~days after the abandoned vehicle was lawfully towed, sell the~~
9 ~~motor vehicle at public auction. In addition, if notice was~~
10 ~~not given or attempted to be given as provided herein to the~~
11 ~~current owners, registrants, secured parties, and lienholders~~
12 ~~of record, if any, for the motor vehicle, no additional~~
13 ~~storage charges may be added after 30 days.~~

14 ~~"(3) The person, firm, or governmental entity giving~~
15 ~~notice under this section shall obtain from the Department of~~
16 ~~Revenue in writing, a statement, form, or document listing the~~
17 ~~name and address of the current owners, registrants, secured~~
18 ~~parties, and lienholders of record, if any, for the motor~~
19 ~~vehicle or a statement, form, or document that the department~~
20 ~~has no information of record concerning the current owners,~~
21 ~~registrants, secured parties, and lienholders of record for~~
22 ~~the motor vehicle. The actual cost of giving notification, not~~
23 ~~to exceed twenty-five dollars (\$25), plus the actual cost of~~
24 ~~the records request, which shall be properly documented to the~~
25 ~~current owners, registrants, secured parties, and lienholders~~
26 ~~of record, if any, for the motor vehicle shall be paid by the~~
27 ~~person, firm, or governmental entity holding the motor~~

1 ~~vehicle, but shall be paid by the current owners, registrants,~~
2 ~~secured parties, and lienholders of record, if any, for the~~
3 ~~motor vehicle on or before claiming the motor vehicle. The~~
4 ~~return of a certified letter unclaimed or equivalent~~
5 ~~documentation as determined by the department shall be proof~~
6 ~~of an attempt to give notice as required by this subsection.~~

7 "(b) (1) Notice of the date, time, and place of the
8 sale and a description of the motor vehicle to be sold,
9 including the year, make, model, and vehicle identification
10 number, shall be given by publication once a week for two
11 successive weeks in a newspaper of general circulation in the
12 county in which the sale is to be held, provided the vehicle
13 is registered in the county. In counties in which no newspaper
14 is published, notice shall be given by posting such notice in
15 a conspicuous place at the courthouse. The first publication
16 or posting, as the case may be, shall be at least 30 days
17 before the date of sale. A person or entity selling a motor
18 vehicle at public auction under subsection (a) shall give
19 notice of the public auction to the department at least 35
20 calendar days prior to date of the public auction.

21 "(2) The notice of public auction shall be in a
22 manner as prescribed by the department and shall include all
23 of the following:

24 "a. The name and address of the current owner and
25 lienholder of record, if any, as reflected on the current
26 title or registration record of state.

1 "b. The contact information for the person or entity
2 filing the notice.

3 "c. The motor vehicle's identification number, year,
4 make, and model.

5 "d. The date, time, and location of the auction.

6 "(3) The auction shall occur where the vehicle is
7 located. The department, within five calendar days of receipt
8 of the notice of public auction, shall send a motor vehicle
9 interest termination notice to the current owner and
10 lienholder of record, if any, as disclosed on the notice of
11 public auction. The motor vehicle interest termination notice
12 shall advise the owner and lienholder of record, if any, that
13 their interest in the motor vehicle, upon its sale, will be
14 terminated pursuant to this chapter, and personal property and
15 items contained in the motor vehicle will be disposed of in a
16 manner determined by the person or entity conducting the sale.

17 "(4) The notice shall include all the information
18 provided in the notice of public auction as well as the owner
19 or other interested party's appeal rights, pursuant to
20 Sections 32-13-4 and 40-2A-8, to contest the proposed sale of
21 the motor vehicle.

22 "(c) (1) Upon payment of the sales price, the
23 purchaser of the abandoned motor vehicle shall be entitled to,
24 and the person, ~~firm,~~ or ~~governmental~~ entity making the sale
25 shall issue, ~~a bill of sale, in a form as prescribed by the~~
26 Department of Revenue, to for the abandoned motor vehicle,

1 free and clear of all liens, security interests, and
2 encumbrances, in a form as prescribed by the department.

3 "(2) Each person or entity who sells a motor vehicle
4 pursuant to this chapter, for three years from the date of the
5 sale, shall maintain all of the following:

6 "a. Copies of the notices sent pursuant to
7 subsection (d) of Section 32-8-84, to the previous motor
8 vehicle owner and lienholder of record, along with evidence
9 that the notices were sent by certified mail.

10 "b. Any associated National Motor Vehicle Title
11 Information System (NMVTIS) records and owner and lienholder
12 records received from any state pursuant to subsection (d) of
13 Section 32-8-84.

14 "c. Any other records as required by the department.

15 "(3) Notwithstanding ~~the foregoing~~ any other
16 provision in this section, if the person, ~~firm,~~ or
17 ~~governmental~~ entity making the sale of the motor vehicle
18 failed to provide ~~notice~~ proper notices as required in
19 subsection (d) of Section 32-8-84, or this chapter, ~~or did not~~
20 attempt to provide notice to the current owners, registrants,
21 ~~secured parties,~~ and lienholders of record, if any, for the
22 motor vehicle in the manner required herein, then the sale of
23 the abandoned vehicle shall be void and the current owners,
24 registrants, secured parties, and lienholders of record, if
25 any, for the motor vehicle shall retain their ownership,
26 security interests, liens, and interests in the motor vehicle.

1 "(d) (1) Each purchaser of an abandoned motor vehicle
2 subject to titling shall make an application for a certificate
3 of title unless the motor vehicle is being sold by the
4 purchaser to a licensed automotive dismantler and parts
5 recycler or secondary metals recycler for the purpose of
6 dismantling it or recycling it into metallic scrap for
7 remelting purposes.

8 "(2) A purchaser of an abandoned motor vehicle who
9 sells an abandoned motor vehicle to a licensed automotive
10 dismantler and parts recycler or secondary metals recycler, in
11 lieu of surrendering the certificate of title as prescribed in
12 Section 32-8-87(s) (1), may surrender the bill of sale for the
13 abandoned motor vehicle to the licensed automotive dismantler
14 and parts recycler or secondary metals recycler. The licensed
15 automotive dismantler and parts recycler or secondary metals
16 recycler shall then proceed with the notice of cancellation
17 procedures as prescribed in Section 32-8-87(s) (1) utilizing
18 the bill of sale in lieu of the certificate of title. The bill
19 of sale shall be subject to the same records retention
20 requirements as those prescribed in Section 32-8-87(s) (1) for
21 a certificate of title.

22 "(e) (1) If the current certificate of title to a
23 motor vehicle sold pursuant to this chapter is designated a
24 salvage certificate of title, or if the records of the
25 department indicate an application for a salvage certificate
26 of title has previously been received, the new certificate of

1 title issued by the department shall also be a salvage
2 certificate of title.

3 "(2) The purchaser of a salvage abandoned motor
4 vehicle shall not be permitted to register the vehicle or
5 operate it upon the highways of this state until such time as
6 the vehicle is restored by a licensed rebuilder and inspected
7 by the department as required by Section 32-8-87 and a rebuilt
8 Alabama certificate of title is issued.

9 "§32-13-4.

10 ~~"(a) Any automobile dealer, wrecker service, or~~
11 ~~repair service owner, or any person, firm, or governmental~~
12 ~~entity on whose property a motor vehicle is lawfully towed at~~
13 ~~the written request of a law enforcement officer, or the owner~~
14 ~~or lessee of real property or his or her agent upon which an~~
15 ~~abandoned motor vehicle as defined in Section 32-13-1 has~~
16 ~~become abandoned, shall give written notice to the current~~
17 ~~owners, registrants, secured parties, and lienholders of~~
18 ~~record, if any, for the motor vehicle at least 30 days prior~~
19 ~~to the date of the sale of the motor vehicle advising of all~~
20 ~~of the following items of information:~~

21 ~~"(1) The complete description of the motor vehicle~~
22 ~~and the date and place the motor vehicle was found or taken~~
23 ~~into possession.~~

24 ~~"(2) The approximate amount owed for the cost of~~
25 ~~repair, towing, and storage of the motor vehicle.~~

26 ~~"(3) The location of storage of the motor vehicle.~~

1 ~~"(4) The date, time, and place that a sale of the~~
2 ~~motor vehicle will be held.~~

3 ~~"(5) The right of the current owners, registrants,~~
4 ~~secured parties, and lienholders of record, if any, for the of~~
5 ~~a motor vehicle, prior to the sale, may to contest the right~~
6 ~~to sell such sale of the motor vehicle pursuant to this~~
7 ~~chapter by the filing within 10 days before the scheduled date~~
8 ~~of the sale of the motor vehicle of an application for hearing~~
9 ~~to be conducted before the judge of a notice of appeal with~~
10 ~~the Alabama Tax Tribunal pursuant to subsection (a) of Section~~
11 ~~40-2A-8, or in the circuit court ~~of~~ in the county in which~~
12 ~~where the sale is ~~to be held~~ scheduled to occur. The~~
13 ~~application for hearing shall be on such a form as may be~~
14 ~~prescribed by the Administrative Office of Courts. The notice~~
15 ~~required by this section shall be deemed to be given when sent~~
16 ~~by certified mail, postage prepaid, to the address of the~~
17 ~~current owners, registrants, secured parties, and lienholders~~
18 ~~of record, if any, for the motor vehicle, shown on any public~~
19 ~~filing evidencing such ownership, security interest, lien, or~~
20 ~~interest, or, if none, to any such address ascertained by~~
21 ~~reasonable effort. The person, firm, or governmental entity~~
22 ~~giving notice under this section shall obtain from the~~
23 ~~department in writing, a statement, form, or document listing~~
24 ~~the name and address of the current owners, registrants,~~
25 ~~secured parties, and lienholders of record, if any, for the~~
26 ~~motor vehicle or a statement, form, or document that the~~
27 ~~department has no information of record concerning the current~~

1 ~~owners, registrants, secured parties, or lienholders of~~
2 ~~record, if any, for the motor vehicle.~~

3 " ~~(b) (1) If the names or addresses, or both, of the~~
4 ~~current owners, registrants, secured parties, and lienholders~~
5 ~~of record, if any, for the motor vehicle are unknown or cannot~~
6 ~~be reasonably ascertained, then the notice requirements set~~
7 ~~forth in subsection (b) of Section 32-13-3 are applicable.~~

8 "~~(c)~~ If no application for hearing is timely made by
9 the current owners, registrants, secured parties, or
10 lienholders of record, if any, for the motor vehicle, the
11 motor vehicle may be sold at the time and place designated in
12 the notice of sale and any personal property or items
13 contained in the vehicle may be disposed of in a manner
14 determined by the person or entity conducting the sale.

15 "(2) If application for a hearing is timely made by
16 the current owners, registrants, secured parties, or
17 lienholders of record, if any, for the motor vehicle, then all
18 such ~~persons parties~~ shall be ~~joined as parties~~ and provided
19 notice by the Alabama Tax Tribunal or the judge of the circuit
20 court. in the county where the sale occurred The Alabama Tax
21 Tribunal or circuit court shall conduct a hearing to determine
22 if the motor vehicle is an abandoned motor vehicle as defined
23 by this chapter and ~~should be sold in the manner prescribed~~
24 ~~herein~~ whether proper notices were provided pursuant to
25 subsection (d) of Section 32-8-84 and this chapter. The motor
26 vehicle shall not be sold pending the decision by the Alabama
27 Tax Tribunal or circuit court judge.

1 "(3) If the tribunal or circuit court judge
2 determines that the motor vehicle ~~is~~ was abandoned and ~~should~~
3 ~~be sold~~ that proper notice or notices were issued, the motor
4 vehicle may be sold as an abandoned motor vehicle after notice
5 ~~of the date and place of the sale is given by newspaper~~
6 ~~publication~~ as prescribed in Section 32-13-3.

7 "(4) Any contest regarding the sale of an abandoned
8 motor vehicle, after the sale has occurred, shall be filed in
9 the circuit court in the county where the sale occurred. Any
10 contest regarding the reasonable cost of repair, towing,
11 storage, and all reasonable expenses incurred in connection
12 with the sale shall be filed in the circuit court in the
13 county where the sale is scheduled or has occurred.

14 "§32-13-6.

15 "~~(a) The~~ A person or firm, ~~other than a governmental~~
16 entity, making the sale of the motor vehicle shall deduct from
17 the proceeds of ~~such~~ the sale the reasonable cost of repair,
18 towing, storage, and all reasonable expenses incurred in
19 connection with ~~such~~ the sale, ~~and~~. The person or entity shall
20 also pay the balance remaining to the license plate issuing
21 official of the county in which such sale is made to be
22 distributed to the general fund of the county; provided, that
23 such costs shall in no event exceed the customary charges for
24 like services in the community where the sale is made. ~~Any~~
25 ~~contest regarding the sale of the abandoned motor vehicle~~
26 ~~shall be filed in the circuit court in the county where the~~
27 ~~sale occurred.~~

1 ~~"(b) The person or entity making the sale shall~~
2 ~~attach to the bill of sale either:~~

3 ~~"(1) The statement, form, or document from the~~
4 ~~Department of Revenue identifying the current owners, secured~~
5 ~~parties, lienholders of record, if any, of the motor vehicle,~~
6 ~~or other parties with a known interest in the motor vehicle,~~
7 ~~and the certified mail return receipts or equivalent~~
8 ~~documentation as determined by the department proving that~~
9 ~~notice of the sale was given, or was attempted to be given, to~~
10 ~~the current owners, secured parties, lienholders of record, if~~
11 ~~any, or parties known to have an interest in the motor~~
12 ~~vehicle, as required by subsection (a) of Section 32-13-4.~~

13 ~~"(2) The statement, form, or other document from the~~
14 ~~department indicating that it has no record of the current~~
15 ~~owners, secured parties, or lienholders of record, if any, for~~
16 ~~the motor vehicle, or parties known to have an interest in the~~
17 ~~motor vehicle.~~

18 ~~"The department shall not issue a title for the~~
19 ~~motor vehicle unless the statement, form, or document from the~~
20 ~~department identifying the current owners, secured parties,~~
21 ~~lienholders of record, if any, for the motor vehicle, or~~
22 ~~parties known to have an interest in the motor vehicle, or~~
23 ~~stating that the department has no information of record and a~~
24 ~~notarized affidavit from the seller attesting to the fact that~~
25 ~~the seller gave notice, or attempted to give notice, as~~
26 ~~required by Section 32-13-4, are submitted to the department.~~

1 "~~(c) If the current certificate of title to a motor~~
2 ~~vehicle sold pursuant to this chapter is designated a salvage~~
3 ~~certificate of title, or if the records of the department~~
4 ~~indicate an application for a salvage certificate of title has~~
5 ~~previously been received, the new certificate of title issued~~
6 ~~by the department shall also be a salvage certificate of~~
7 ~~title. The purchaser of a salvage abandoned motor vehicle~~
8 ~~shall not be permitted to register the vehicle or to operate~~
9 ~~it upon the highways of Alabama until such time as the vehicle~~
10 ~~is restored by a licensed rebuilder and inspected by the~~
11 ~~department as required by Section 32-8-87 and a rebuilt~~
12 ~~Alabama certificate of title is issued."~~

13 Section 2. Sections 32-13-9 and 32-13-10 are added
14 to the Code of Alabama 1975, to read as follows:

15 §32-13-9.

16 The department shall administer this chapter and may
17 call upon any law enforcement agency and officer of this state
18 for assistance as it may deem necessary in order to ensure
19 enforcement. Law enforcement agencies and officers shall
20 render assistance to the department as requested.

21 §32-13-10.

22 (a) A person, with fraudulent intent, may not make a
23 material false statement regarding the sale of an abandoned
24 motor vehicle.

25 (b) A person in violation of subsection (a) commits
26 a Class C felony.

1 (c) A person, whether present or absent, who aids,
2 abets, induces, procures, or causes the commission of an act
3 in violation of subsection (a) commits a Class C felony.

4 Section 3. All laws or parts of laws which conflict
5 with this act are hereby repealed to the extent they conflict
6 with this act.

7 Section 4. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended, because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

15 Section 5. This act shall become effective on July
16 1, 2016, following its passage and approval by the Governor,
17 or upon its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Transportation and Energy.....	09-APR-15
Read for the second time and placed on the calen- dar with 1 substitute and 1 amendment	07-MAY-15
Read for the third time and passed as amended	21-MAY-15

Yeas 29
Nays 0

Patrick Harris
Secretary