

1 HB14
2 171514-2
3 By Representatives Ingram and Sells
4 RFD: Ways and Means General Fund
5 First Read: 08-SEP-15

1 ENGROSSED

2
3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 To amend Sections 32-8-6, 32-8-87, and 32-20-4, Code
9 of Alabama 1975, relating to motor vehicle titles; to increase
10 the fee for issuing and processing certain motor vehicle
11 titles.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 32-8-6, 32-8-87, and 32-20-4,
14 Code of Alabama 1975, are hereby amended to read as follows:

15 "§32-8-6.

16 (a) There shall be paid to the department for
17 issuing and processing documents required by this chapter a
18 fee of ~~fifteen dollars (\$15)~~ twenty-eight dollars (\$28) for
19 each of the following transactions:

20 (1) Each application for certificate of title;

21 (2) Each application for replacement or corrected
22 certificate of title;

23 (3) Each application for certificate of title after
24 transfer;

25 (4) Each notice of security interest;

26 (5) Each assignment by lienholder;

1 (6) Each application for ordinary certificate of
2 title upon surrender of a distinctive certificate; or

3 (7) Each application for ~~the title history on a~~
4 ~~vehicle~~ salvage or rebuilt certificate of title.

5 (b) The designated agents shall add the sum of one
6 dollar fifty cents (\$1.50) for each transaction, as ~~specified~~
7 prescribed in subsection (a), processed for which this fee is
8 charged to be retained as the agent's commission for services
9 rendered, and all other fees collected shall be remitted to
10 the department in a manner prescribed by the department.

11 (c) If more than one transaction is involved in any
12 application on a single vehicle and if supported by all
13 required documents, the fee charged by the department and by
14 the designated agent for processing and issuing shall be
15 considered as only one transaction for which the designated
16 agent shall receive and retain one dollar fifty cents (\$1.50)
17 and shall collect and remit to the department ~~fifteen dollars~~
18 ~~(\$15)~~ the fee as prescribed in subsection (a).

19 (d) Every transaction shall be accompanied by the
20 fee specified in this chapter, regardless of whether the title
21 is issued electronically or not, unless specifically exempted
22 by this chapter.

23 (e) ~~Notwithstanding any other provisions of this~~
24 ~~section, when~~ Each application for the title history for a
25 motor vehicle shall be accompanied by a fifteen dollar (\$15)
26 fee. When any motor vehicle record, as prescribed by the
27 department, is requested, other than a title history ~~as~~

1 ~~provided in subdivision (7) of subsection (a)~~, and the record
2 is provided electronically or in the form of a printout of an
3 electronic record, the fee shall be five dollars (\$5). The
4 five dollar (\$5) fee shall be distributed as follows: Fifty
5 percent shall be distributed to the State General Fund and the
6 remaining 50 percent shall be retained by the department for
7 use solely by the Motor Vehicle Division of the department for
8 training and technological and processing improvements.

9 (f) The department may establish and charge a fee
10 not greater than the fee provided in subsection (e) for motor
11 vehicle records obtained through the national motor vehicle
12 title information system and provided to end users. The fee
13 shall be retained by the department for use solely by the
14 motor division of the department for costs associated with
15 providing the records, training, and technological and
16 processing improvements.

17 (g) All motor vehicle title records, registration
18 records, and any other motor vehicle records as designated by
19 the department containing personal information as defined
20 under state or federal law, rules, or regulations shall only
21 be released by the department in accordance with such laws,
22 rules, or regulations. The department may establish procedures
23 to insure that all motor vehicle record disclosures are
24 handled in a uniform manner.

25 (h) The department may prescribe the method of
26 payment of any fees required under this chapter.

27 "§32-8-87.

1 (a) Each owner of a motor vehicle and each person
2 mentioned as owner in the last certificate of title who
3 scraps, dismantles, destroys, or changes the motor vehicle in
4 such a manner that it is not the same motor vehicle described
5 in the certificate of origin or certificate of title shall as
6 soon as practicable cause the certificate of origin or
7 certificate of title, if any, and any other documents or
8 information required by the department to be mailed or
9 delivered to the department for processing. The department
10 shall, with the consent of any holder of liens noted on the
11 surrendered certificate, enter a cancellation upon its
12 records. Upon cancellation of a certificate of origin or
13 certificate of title in the manner prescribed by this section,
14 the department shall cancel all certificates of origin or
15 certificates of title in that chain of title. A certificate of
16 title for the vehicle shall not again be issued except upon
17 application containing the information the department
18 requires, accompanied by a certificate of inspection in the
19 form and content as specified in this section.

20 No motor vehicle for which a salvage or junk
21 certificate has been issued by this state or any other state
22 shall be driven or operated on the highways or other public
23 places of this state. A vehicle which is in this state and for
24 which a salvage certificate has been issued, and the vehicle
25 is being restored to its operating condition which existed
26 prior to the event which caused the salvage certificate of
27 title to issue, may be moved to and from repair points as

1 necessary by the rebuilder to complete the restoration or may
2 be moved as permitted by the Department of Revenue for
3 inspection or for any other purpose. A valid Alabama dealer
4 license plate shall be displayed on the vehicle during its
5 movement. A person who violates this subsection shall, upon
6 conviction, be guilty of a Class A misdemeanor and shall be
7 punishable as required by law.

8 (b) When the frame or engine is removed from a motor
9 vehicle and not immediately replaced by another frame or
10 engine, or when an insurance company has paid money or made
11 other monetary settlement as compensation for a total loss of
12 any motor vehicle, the motor vehicle shall be considered to be
13 salvage. The owner of every motor vehicle in which total loss
14 or salvage has occurred in this state, shall, within 72 hours
15 after the total loss or salvage occurs, make application for a
16 salvage certificate of title and forward to the department the
17 certificate of origin or certificate of title to the motor
18 vehicle, whereupon the department shall process the
19 certificate of origin or certificate of title in a manner
20 prescribed by law or regulation. An insurance company which
21 pays money or makes other monetary settlement as compensation
22 for total loss of a motor vehicle shall at the time of payment
23 or monetary settlement obtain the vehicle's properly assigned
24 certificate of origin or certificate of title and, as soon as
25 practicable after receiving it, shall forward it along with
26 their application for a salvage certificate, to the department
27 for processing. In the event the payment or monetary

1 settlement was made because of the theft of the vehicle, which
2 shall be considered a total loss as defined in this section,
3 the insurance company shall forward the vehicle's properly
4 assigned certificate of origin or certificate of title as
5 provided herein, to the department as soon as practicable
6 after the vehicle is recovered. When a stolen motor vehicle
7 has been reported to the department in compliance with this
8 section and is later recovered, and for which a salvage
9 certificate has been issued, the owner recorded on the salvage
10 certificate shall assign that certificate to the purchaser. A
11 person who violates this subsection shall, upon conviction, be
12 guilty of a Class A misdemeanor and shall be punishable as
13 required by law.

14 (c) If an insurance company acquires a motor vehicle
15 in settlement of an insurance claim and holds the vehicle for
16 resale and procures the certificate of origin or certificate
17 of title from the owner or lienholder within 15 days after
18 delivery of the vehicle to the insurance company, and if the
19 vehicle was not a total loss as defined by this section, the
20 insurance company need not send the certificate of origin or
21 certificate of title to the department but, upon transferring
22 the vehicle to another person, other than by the creation of a
23 security interest, the insurance company shall complete an
24 affidavit of acquisition and disposition of the motor vehicle
25 on a form prescribed by the department and deliver the
26 certificate of origin or certificate of title, affidavit, and

1 any other documents required by the department to the
2 transferee at the time of delivery of the motor vehicle.

3 (d) For the purposes of this section, a total loss
4 shall occur when an insurance company or any other person pays
5 or makes other monetary settlement to a person when a vehicle
6 is damaged and the damage to the vehicle is greater than or
7 equal to 75 percent of the fair retail value of the vehicle
8 prior to damage as set forth in a current edition of a
9 nationally recognized compilation of retail values, including
10 automated data bases. The compensation for total loss as
11 defined in this subsection shall not include payments by an
12 insurer or other person for medical care, bodily injury,
13 vehicle rental, or for anything other than the amount paid for
14 the actual damage to the motor vehicle. A vehicle that has
15 sustained minor damage as a result of theft or vandalism shall
16 not be considered a total loss. Any person acquiring ownership
17 of a damaged motor vehicle that meets the definition of total
18 loss for which a salvage title has not been issued shall apply
19 for a salvage title, other than a scrap metal processor
20 acquiring such vehicle for purposes of recycling into metallic
21 scrap for remelting purposes only. This application shall be
22 made before the vehicle is further transferred, but in any
23 event, within 30 days after ownership is acquired.

24 (e) It shall be unlawful for the owner of any
25 junkyard, salvage yard, or automotive dismantler and parts
26 recycler or his or her agents or employees to have in their
27 possession any motor vehicle which is junk or salvage or a

1 total loss when the manufacturer's vehicle identification
2 number plate or plates, authorized replacement vehicle
3 identification number plate or plates, or serial plate or
4 plates have been removed, unless previously required to be
5 removed by a statute or law of this state or another
6 jurisdiction. A person who violates this subsection shall,
7 upon conviction, be guilty of a Class A misdemeanor and shall
8 be punishable as required by law.

9 (f) It shall be unlawful for a person, firm, or
10 corporation to possess, sell or exchange, offer to sell or
11 exchange, or to give away any certificate of origin,
12 certificate of title, salvage certificate of title,
13 manufacturer's identification number plate or plates,
14 authorized replacement vehicle identification number plate or
15 plates, serial plate or plates, or motor vehicle license plate
16 or plates of any motor vehicle which has been scrapped,
17 dismantled, or sold as junk or salvage or as a total loss
18 contrary to this section, and every officer, agent, or
19 employee of a person, firm, or corporation, and every person
20 who shall authorize, direct, aid in or consent to the
21 possession, sale or exchange, or offer to sell, exchange, or
22 give away such certificate of origin, certificate of title,
23 salvage certificate of title, manufacturer's vehicle
24 identification number plate or plates, authorized replacement
25 vehicle identification number plate or plates, serial plate or
26 plates, or motor vehicle license plate or plates contrary to

1 this section, shall, upon conviction, be guilty of a Class A
2 misdemeanor and shall be punishable as required by law.

3 (g) The department is authorized to issue a salvage
4 certificate of title for a fee ~~of fifteen dollars (\$15)~~ as
5 prescribed in Section 32-8-6(a), on a form prescribed by the
6 department which shall provide for assignments of this title.
7 The salvage certificate of title is to replace a certificate
8 of origin or certificate of title required to be surrendered
9 by this section. The department shall prescribe necessary
10 forms and procedures to comply with this subsection.

11 (h) It shall be unlawful for a person to sign as
12 assignor or for a person to have in his or her possession a
13 salvage certificate of title which has been signed by the
14 owner as assignor without the name of the assignee and other
15 information called for on the form prescribed by the
16 department. A person who violates this subsection, upon
17 conviction, shall be guilty of a Class A misdemeanor and shall
18 be punishable as required by law.

19 (i) Every owner of a salvage or junk motor vehicle
20 who sells or transfers the vehicle to any person shall provide
21 at the time of the sale or transfer a properly executed
22 assignment and warranty of title to the transferee in the
23 space provided therefor on the salvage certificate of title or
24 junk certificate of title or as the department prescribes. A
25 person who willfully violates this subsection shall, upon
26 conviction, be guilty of a Class A misdemeanor and shall be
27 punishable as required by law.

1 (j) The department may issue a certificate of title
2 to any motor vehicle for which a salvage certificate has been
3 issued by this or any other state, and the vehicle has, in
4 this state, been completely restored to its operating
5 condition which existed prior to the event which caused the
6 salvage certificate of title to issue, provided that all
7 requirements of this section have been met. The department may
8 issue a certificate of title for any motor vehicle for which a
9 salvage certificate of title has been issued by this or any
10 other state or when the department has evidence that a salvage
11 title should have been issued by this or any other state, and
12 the vehicle has been completely restored outside of this state
13 to its operating condition which existed prior to the event
14 which caused the salvage certificate of title to be issued,
15 provided the department is satisfied that the vehicle was
16 rebuilt in the other state in accordance with that state's
17 salvage rebuilding laws. Any motor vehicle for which a
18 certificate of title has been issued by any state with the
19 notation of junk, parts car, parts only, nonrebuildable, or
20 when a certificate of destruction or bill of sale has been
21 issued for transfer of the vehicle with similar language shall
22 be considered to be a junk vehicle and shall not be titled in
23 this state. In addition, no certificate of title may be issued
24 for any vehicle where the frame or the majority of the major
25 component parts were obtained from a junk vehicle as
26 previously defined.

1 (k) Every owner of a salvage motor vehicle
2 ~~designated a 1975 year model and all models subsequent thereto~~
3 for which a certificate of title is required which is in this
4 state and which has been restored in this state to its
5 operating condition which existed prior to the event which
6 caused the salvage certificate of title to issue shall make
7 application to the department for an inspection of the vehicle
8 in the form and content as determined by the department. Each
9 application for inspection of a salvage vehicle which has been
10 so restored shall be accompanied by all of the following:

11 (1) The outstanding salvage certificate or
12 out-of-state title previously issued for the salvage vehicle.

13 (2) Notarized bills of sale evidencing acquisition
14 of all major component parts (listing the manufacturer's
15 vehicle identification number of the vehicle from which the
16 parts were removed, if parts contain or should contain the
17 manufacturer's vehicle identification number) used to restore
18 the vehicle and bills of sale evidencing acquisition of all
19 minor component parts. Notarization shall not be required on
20 bills of sale for minor component parts; provided that a
21 notarized bill of sale which lists the manufacturer's vehicle
22 identification number of the vehicle from which the parts were
23 removed, if parts contain or should contain the manufacturer's
24 vehicle identification number, shall be required for a
25 transmission.

26 (3) Evidence that the owner is a licensed motor
27 vehicle rebuilder as defined in Section 40-12-390, unless

1 otherwise exempt from the licensing requirement by Chapter 12
2 of Title 40. Notwithstanding the foregoing, where an owner
3 acquires an Alabama salvage certificate of title to his or her
4 own vehicle from his or her insurance company in settlement of
5 a claim, a prior registration or other documentation that
6 shows that the owner owned the vehicle prior to the salvage
7 title being issued may be submitted in lieu of a rebuilder's
8 license.

9 (4) The owner shall also provide a written
10 affirmation which states the following:

11 a. The actions taken to restore the vehicle to its
12 operating condition which existed prior to the event which
13 caused the salvage certificate to issue.

14 b. That the owner personally inspected the completed
15 vehicle and it complies with all safety requirements set forth
16 by the State of Alabama and any regulations promulgated
17 thereunder.

18 c. That the identification numbers of the restored
19 vehicle and its parts have not, to the knowledge of the owner,
20 been removed, destroyed, falsified, altered, or defaced.

21 d. That the salvage certificate document or
22 out-of-state title certificate attached to the application has
23 not to the knowledge of the owner been forged, falsified,
24 altered, or counterfeited.

25 e. That all information contained on the application
26 and its attachments is true and correct to the knowledge of
27 the owner.

1 f. The owner, as specified in subsection (r), shall
2 be required to post a bond in accordance with Section 32-8-36
3 in the event that the owner cannot provide any information
4 required in subsection (k) or any other information specified
5 by the department.

6 (1) The application fee for each inspection of a
7 restored vehicle shall be seventy-five dollars (\$75), payable
8 to the department in a manner as prescribed by the department,
9 which shall accompany the application.

10 (1) All application fees and title fees received by
11 the department pursuant to this subsection shall be applied
12 toward the personnel and maintenance costs of the vehicle
13 inspection program and the vehicle inspection program shall be
14 conducted by the office of investigations and inspections of
15 the department. Upon receipt of the application for
16 inspection, application fee of seventy-five dollars (\$75), its
17 supporting documents, and title fee ~~of fifteen dollars (\$15),~~
18 as prescribed in Section 32-8-6(a) payable to the department
19 in a manner as prescribed by the department, the department
20 shall require an inspection to be made of the title and the
21 vehicle by qualified agents or law enforcement officers of the
22 department.

23 (2) The inspection and certification shall include
24 an examination of the vehicle and its parts to determine that
25 the identification numbers of the vehicle or its parts have
26 not been removed, falsified, altered, defaced, destroyed, or
27 tampered with; that the vehicle information contained in the

1 application for certificate of title and supporting documents
2 is true and correct; and that there are no indications that
3 the vehicle or any of its parts are stolen. The certification
4 shall not attest to the roadworthiness or safety condition of
5 the vehicle.

6 (m) Component parts are defined as:

7 (1) PASSENGER VEHICLES.

8 a. Major components:

9 1. Motor or engine.

10 2. Trunk floor pan or rear section and roof.

11 3. Frame or any portion thereof (except frame horn),
12 or, in the case of a unitized body, the supporting structure
13 which serves as the frame, except when it is a part of the
14 trunk floor pan, or rear section and roof.

15 4. Cowl, firewall, or any portion thereof.

16 5. Roof assembly.

17 b. Minor components:

18 1. Each door allowing entrance to or egress from the
19 passenger compartment.

20 2. Hood.

21 3. Each front fender or each rear fender when used
22 with a rear section and roof.

23 4. Deck lid, tailgate, or hatchback (whichever is
24 present).

25 5. Each quarter panel.

26 6. Each bumper.

27 7. T-tops, moon roof, or whichever is present.

- 1 8. Transmission or trans-axle.
- 2 (2) TRUCK, TRUCK TYPE, OR BUS TYPE VEHICLE.
- 3 a. Major components:
- 4 1. Motor or engine.
- 5 2. Transmission or trans-axle.
- 6 3. Frame or any portion thereof (except frame horn),
- 7 or, in the case of a unitized body, the supporting structure
- 8 which serves as the frame.
- 9 4. Cab.
- 10 5. Cowl or firewall or any portion thereof.
- 11 6. Roof assembly.
- 12 7. Cargo compartment floor panel or passenger
- 13 compartment floor pan.
- 14 b. Minor components:
- 15 1. Each door.
- 16 2. Hood.
- 17 3. Grill, except on one ton or smaller trucks.
- 18 4. Each bumper.
- 19 5. Each front fender.
- 20 6. Roof panel and rear cab panel.
- 21 7. Each rear fender or side panel.
- 22 8. Pickup box.
- 23 9. Body or bed.
- 24 (3) MOTORCYCLE: COMPONENT PARTS.
- 25 a. Engine or motor.
- 26 b. Transmission or trans-axle.
- 27 c. Frame.

1 d. Front fork.

2 e. Crankcase.

3 (n) A salvage vehicle which has been restored in
4 this state to its operating condition which existed prior to
5 the event which caused the salvage certificate of title to
6 issue shall be issued a certificate of title which shall
7 contain the word rebuilt.

8 (o) (1) Each salvage vehicle restored or rebuilt in
9 this state which is required to be inspected by the department
10 pursuant to subsection (l) and for which a certificate of
11 title may be issued pursuant to subsection (n) shall be issued
12 a decal, plate, or other emblem as prescribed by the
13 department to reflect that the vehicle is rebuilt. The decal,
14 plate, or other emblem shall be attached to the vehicle in a
15 place and in a manner prescribed by the department.

16 (2) A person who willfully removes, mutilates,
17 tampers with, obliterates, or destroys a decal, plate, or
18 other emblem issued and attached to a salvage vehicle pursuant
19 to this subsection is guilty of a Class A misdemeanor
20 punishable as provided by law.

21 (p) Each person who sells, exchanges, delivers, or
22 otherwise transfers any interest in any vehicle for which a
23 title bearing the designation salvage or rebuilt has been
24 issued shall disclose in writing the existence of this title
25 to the prospective purchaser, recipient in exchange, recipient
26 by donation, or recipient by other act of transfer. The
27 disclosure, which shall be made at the time of or prior to the

1 completion of the sale, exchange, donation, or other act of
2 transfer, shall contain the following information in no
3 smaller than 10 point type: "This vehicle's title contains the
4 designation salvage or rebuilt."

5 (q) (1) Any motor vehicle for which an insurance
6 company has paid a total loss due, in part, to being damaged
7 by water shall be deemed a flood vehicle. The motor vehicle's
8 certificate of title and every subsequent certificate of title
9 shall contain the designation flood vehicle.

10 (2) Each person who sells, exchanges, donates,
11 delivers, or otherwise transfers any interest for which a
12 certificate of title bearing the designation flood vehicle has
13 been issued shall disclose in writing the existence of this
14 designation to the prospective purchaser, recipient in
15 exchange, recipient by donation, or recipient by other act of
16 transfer. The disclosure shall be made at the time of or prior
17 to the completion of the sale, exchange, donation, delivery,
18 or other act of transfer and shall contain the following
19 information in no smaller than 10 point type: The certificate
20 of title of this motor vehicle contains the designation flood
21 vehicle.

22 (r) If an owner acquires a salvage vehicle for which
23 a previous insurer or owner did not properly obtain a salvage
24 title from this or any other state or the vehicle was rebuilt
25 by a rebuilder who is no longer licensed as a rebuilder, the
26 current owner may proceed as provided in subsection (k) and
27 apply for an inspection of the vehicle. In any case where the

1 department has determined that an insurer or prior owner did
2 not properly obtain a salvage certificate of title, a prior
3 registration or other documentation that shows that the owner
4 owned the vehicle prior to the notification by the department
5 may be submitted in lieu of a rebuilder's license.

6 (s) (1)a. A licensed automotive dismantler and parts
7 recycler as defined in Section 40-12-410, secondary metals
8 recycler as defined in Section 13A-8-30, who acquires a motor
9 vehicle for the purpose of dismantling it or recycling it into
10 metallic scrap for melting purposes or any person who crushes
11 a motor vehicle acquired from anyone other than a licensed
12 automotive dismantler and parts recycler or a secondary metal
13 recycler, except as provided in subdivision (2), shall
14 surrender any certificate of title received to the department
15 for cancellation in a manner as prescribed by the department.
16 A notice of cancellation shall be submitted and a receipt of
17 the notice shall be obtained from the department prior to
18 crushing the vehicle or dismantling the vehicle or recycling
19 it into metallic scrap for remelting purposes. A licensed
20 automotive dismantler and parts recycler or secondary metals
21 recycler shall file the notice electronically and the
22 department, at the time of filing, shall provide the filer
23 with an electronic notice of receipt. The licensed automotive
24 dismantler and parts recycler or secondary metals recycler
25 shall maintain the properly assigned original certificate of
26 title when the notice is filed electronically. The department
27 shall verify through its records that the title is the current

1 title of the motor vehicle and that the vehicle is not
2 reported as stolen prior to issuing the receipt.

3 b. Each licensed automotive dismantler and parts
4 recycler, secondary metals recycler, and any other person who
5 crushes a motor vehicle shall maintain records of every motor
6 vehicle crushed or acquired for the purpose of dismantling it
7 or recycling it into metallic scrap for remelting purposes.
8 The records shall be maintained by these parties for a period
9 of not less than five years and shall include the vehicle
10 identification number, name and address of the seller, copy of
11 the seller's state issued driver's license or identification
12 card, the date of sale, and a copy of the certificate of title
13 surrendered to the department. In the event that a person
14 crushes a vehicle or vehicles on behalf of the owner but does
15 not acquire the vehicle or vehicles, that person shall
16 maintain a record of the vehicle identification number, and
17 the name and address of the entity for whom the vehicles were
18 crushed, as well as a copy of the person's state issued
19 driver's license or identification card, or state issued tax
20 ID number if the entity is not a natural person. For purposes
21 of this chapter, a crushed motor vehicle as defined in Section
22 40-12-116 shall not be deemed a motor vehicle or vehicle,
23 provided, however, that any person who is responsible for
24 transforming a motor vehicle into a crushed motor vehicle is
25 responsible for complying with this section.

26 (2) Notwithstanding any other provision of this
27 title to the contrary, if the owner or authorized agent of the

1 owner of a motor vehicle has not obtained a title in his or
2 her name for the motor vehicle to be transferred, he or she
3 may sign a sworn statement that, in addition to the foregoing
4 conditions, the vehicle is worth one thousand dollars (\$1,000)
5 or less and is at least 12 model years old. The statement
6 described in this subsection may be used only to transfer such
7 a motor vehicle to a licensed automotive dismantler and parts
8 recycler as defined at Section 40-12-410 or secondary metals
9 recycler as defined at Section 13A-8-30 and shall be used in
10 lieu of a certificate of title when the motor vehicle is being
11 dismantled or recycled into metallic scrap. The department, in
12 consultation with the above industries, shall promulgate a
13 form for the statement which shall include, but not be limited
14 to, all of the following information:

15 a. A statement that the motor vehicle shall never be
16 titled again and that it must be dismantled or scrapped.

17 b. A description of the motor vehicle including the
18 year, make, model, and vehicle identification number.

19 c. The license plate number and state of issue of
20 any vehicle transporting the motor vehicle being sold.

21 d. The name, address, and driver's license number of
22 the seller.

23 e. A certification by the seller that the seller is
24 lawfully in possession of the vehicle and the seller is the
25 current owner of the vehicle and the seller never obtained a
26 title to the motor vehicle in his or her name.

1 f. A certification that the motor vehicle meets all
2 of the following requirements:

- 3 1. Is worth one thousand dollars (\$1,000) or less.
- 4 2. Is at least 12 model years old.
- 5 3. Is not subject to any recorded security interest
6 or lien.

7 g. An acknowledgment, made under penalties of
8 perjury, that the seller realizes this information will be
9 filed with the department and that it is a Class C felony to
10 knowingly falsify any information on this statement.

11 h. The seller's signature and the date of the
12 transaction.

13 i. The name and address of the business acquiring
14 the vehicle.

15 j. The unique registration number provided by the
16 Administrator of the National Motor Vehicle Title Information
17 System known as the NMVTIS ID Number.

18 k. A certification by the business, made under
19 penalties of perjury, that one thousand dollars (\$1,000) or
20 less was paid to acquire the vehicle.

21 l. The business agent's signature and date along
22 with a printed name and title if the agent is signing on
23 behalf of a corporation.

24 m. The unique tracking number provided by a
25 Department of Revenue system that indicates that the
26 automotive dismantler and parts recycler or secondary metals
27 recycler has utilized that system to verify that the vehicle

1 is not currently reported as stolen and that there is no
2 recorded lien or notice of a lien on file or that the
3 department has no record of the vehicle. A licensed automotive
4 dismantler and parts recycler or secondary metals recycler
5 shall file the notice electronically, and the department shall
6 provide the filer with an electronic notice of receipt. This
7 statement shall be invalid without this tracking number and
8 without the purchaser's NMVTIS ID Number.

9 n. An acknowledgement by the automotive dismantler
10 and parts recycler or secondary metals recycler that the motor
11 vehicle will not be crushed or shredded for a period of 48
12 hours not including Saturday and Sunday after the initial
13 filing with the department of the notice required in this
14 subsection and receipt of such notice.

15 (3) The automotive dismantler and parts recycler or
16 secondary metals recycler shall electronically deliver the
17 statement required under this subsection to the department
18 within 72 hours of the completion of the transaction,
19 requesting that the department cancel the certificate of title
20 and registration. A transmission of the identical information,
21 in the identical format as prescribed by the Alabama
22 Department of Revenue, shall be sent by the automotive
23 dismantler and parts recycler or secondary metals recycler to
24 the sheriff of the county, or the chief of police if located
25 in a municipality, if requested by the sheriff or chief of
26 police. The transmittal shall be completed and a receipt of
27 the notice, generated at the time of the transmittal, shall be

1 obtained from the department before dismantling the vehicle or
2 recycling it into metallic scrap for remelting purposes. In
3 addition, the automotive dismantler and parts recycler or
4 secondary metals recycler shall maintain the original signed
5 documents required by this subsection for a period of not less
6 than five years. An automotive dismantler and parts recycler
7 or secondary metals recycler who has complied with the
8 requirements of this section shall be immune from, and held
9 harmless from, any claims related to liens which were not
10 recorded or a notice of lien was not recorded, or stolen
11 vehicles not reported, at the time that the vehicle was
12 purchased and the inquiry made and documented with the unique
13 tracking number issued by the department.

14 (4) Any person who knowingly and willfully violates
15 this subsection, or any person who falsifies the statement
16 required under this subsection, or any person who knowingly
17 and willfully sells a vehicle upon which there is an
18 unsatisfied lien, shall be guilty of a Class C felony. In
19 addition to any punishment rendered, each person convicted
20 shall be subject to the laws regarding restitution.

21 (5) Any motor vehicle used to transport another
22 motor vehicle or crushed motor vehicle illegally sold under
23 this section may be seized by law enforcement and is subject
24 to forfeiture ordered by the court; provided, however, that no
25 motor vehicle used by any person in the transaction of a sale
26 of such motor vehicle shall be subject to forfeiture unless
27 the owner or other person in charge of the motor vehicle is a

1 consenting or knowing party to the commission of a crime, and
2 a forfeiture of the motor vehicle is subject to the rights of
3 any lienholder who holds a perfected security interest in the
4 motor vehicle so long as the lienholder had no knowledge of or
5 consented to the act. Whenever property is forfeited under
6 this subsection by order of the court, it shall be sold and
7 the proceeds distributed, pro rata after payment of all
8 property expenses relating to the forfeiture and sale,
9 including any court ordered restitution to the owner of the
10 vehicle, satisfaction of any liens associated with the vehicle
11 sold in violation of this section, and any losses incurred by
12 the automotive dismantler and parts recycler or secondary
13 metals recycler to the general fund of the state or any county
14 or municipality whose department, office, or agency
15 contributed to the investigation of the acts resulting in
16 forfeiture, based upon the contribution, including expenses,
17 of the department, office, or agency, as determined by the
18 court.

19 (t) The Department of Revenue shall provide a system
20 for a real-time online verification of motor vehicle titles,
21 liens, and stolen vehicle status that can be accessed by an
22 automotive dismantler and parts recycler or a secondary metals
23 recycler. The system shall be capable of transmitting the
24 information from the statement required pursuant to subsection
25 (s) either online or by bulk electronic transmission and shall
26 provide a unique tracking number on a receipt at the time of
27 the submission that indicates that the automotive dismantler

1 and parts recycler or a secondary metals recycler has used the
2 system and that at the time of the inquiry, the vehicle was
3 not reported as stolen and that there were no recorded liens
4 or notices of liens on file associated with the vehicle, or
5 that the department has no record of the vehicle. The charge
6 assessed for the transmittal of the statement required by
7 subsection (s) to the automotive dismantler and parts recycler
8 or secondary metals recycler shall be five dollars (\$5) per
9 submittal. In lieu of a per submittal charge, an automotive
10 dismantler and parts recycler or a secondary metals recycler
11 may pay an annual fee of five hundred dollars (\$500) for all
12 submittals and inquiries made during that fiscal year. The fee
13 shall be paid on a fiscal year basis, beginning October 1 of
14 each fiscal year. Every automotive dismantler and parts
15 recycler, secondary metals recycler or person or company
16 licensed pursuant to Section 40-12-116, shall pay the annual
17 fee for each location or license. Any fees collected under
18 this section shall be retained by the department for use
19 solely by the Motor Vehicle Division of the department for
20 training and technological and processing improvements.

21 "§32-20-4.

22 (a) There shall be paid to the department for
23 issuing and processing documents required by this chapter a
24 ~~fee of fifteen dollars (\$15)~~ in the amount as prescribed by
25 Section 32-8-6(a) for each of the following transactions:

26 (1) Each application for certificate of title.

1 (2) Each application for replacement or corrected
2 certificate of title.

3 (3) Each application for certificate of title after
4 transfer.

5 (4) Each notice of security interest.

6 (5) Each assignment by lienholder.

7 (6) Each application for cancellation of a
8 certificate of origin or certificate of title.

9 ~~(7) Each application for information as to the
10 status of the title of a manufactured home. Such information
11 shall be treated in the same manner as prescribed by state and
12 federal statutes, rules, and regulations regarding the
13 confidentiality and disclosure of motor vehicle records.~~

14 (b) The designated agents shall add the sum of one
15 dollar fifty cents (\$1.50) for each transaction, as specified
16 in subsection (a), processed for which this fee is charged to
17 be retained as the agent's commission for services rendered,
18 and all other fees collected shall be remitted to the
19 department in a manner prescribed by the department.

20 (c) If more than one transaction is involved in any
21 application on a single manufactured home and if supported by
22 all required documents, the fee charged by the department and
23 by the designated agent for processing and issuing shall be
24 considered as only one transaction for which the designated
25 agent shall receive and retain one dollar fifty cents (\$1.50)
26 and shall collect and remit to the department ~~fifteen dollars~~
27 ~~(\$15)~~ the fee as prescribed in Section 32-8-6(a).

1 (d) A fee of five dollars (\$5) shall be added for
2 each transaction, as specified in subdivisions (1), (3), and
3 (6) of subsection (a), for the nonprofit 501(c)3 foundation
4 known as the Alabama Housing Foundation.

5 (e) Every transaction shall be accompanied by the
6 fee specified in this chapter, regardless of whether the title
7 is issued electronically or not, unless specifically exempted
8 by this chapter.

9 (f) Each application for the title history of a
10 manufactured home shall be accompanied by a fifteen dollar
11 (\$15) fee. When any manufactured home record is requested,
12 other than a title history, and the record is provided
13 electronically or in the form of a printout of an electronic
14 record, the fee shall be five dollars (\$5). The five dollar
15 (\$5) fee shall be distributed as follows:

16 Fifty percent shall be distributed to the State
17 General Fund and the remaining fifty percent shall be retained
18 by the department for use solely by the Motor Vehicle Division
19 of the department for training and technological and
20 processing improvements. Such information shall be treated in
21 the same manner as prescribed by state and federal statutes,
22 rules, and regulations regarding the confidentiality and
23 disclosure of motor vehicle records."

24 Section 2. This act shall become effective of the
25 first day of the second month following its passage and
26 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Ways and Means
General Fund..... 08-SEP-15

Read for the second time and placed
on the calendar 1 amendment 09-SEP-15

Read for the third time and passed
as amended..... 10-SEP-15

Yeas 51, Nays 49, Abstains 0

Jeff Woodard
Clerk