

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENUE

Rule Nos. 810-5-75-.26.01

Rule Title: Title Procedure - Motor Vehicles Exempt from Titling in Other States

New; Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?

No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?

Yes

Is there another, less restrictive method of regulation available that could adequately protect the public?

No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?

N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?

Yes

Does the proposed rule have any economic impact?

No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 8/19/11

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 810 Department or Agency REVENUE

Rule No: **810-5-75-.26.01**

Rule Title: Title Procedure - Motor Vehicles Exempt From Titling in Other States -

Reference: Section 32-8-1 through 32-8-88, Code of Alabama 1975, as amended.

 New Amend X Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
3. EFFECT OF THIS RULE ON COMPETITION:
4. EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:
11. OTHER COMMENTS:

ALABAMA DEPARTMENT OF REVENUE
Motor Vehicle Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE:

810-5-75-.68 Title Procedure – Exemptions from Titling

INTENDED ACTION: Adopt a new rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to promulgate a new rule which will exempt the following vehicles from titling: motor vehicles more than 35 model years old, trailers more than 20 model years old and low speed vehicles as defined under federal regulations.

RULE NO. & TITLE:

810-5-75-.57 Application for Salvage Certificate of Title

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to clarify the procedures for insurance companies to obtain electronic certificates of title for motor vehicles for which they have paid total loss claims due to the vehicles being reported as stolen. In addition, the title of the rule will be amended.

RULE NO. & TITLE:

810-5-75-.48 Title Procedures - Defining "Junk", "Parts Only" and "Scrap" Vehicles and Requiring Notice

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to clarify the procedures for reporting the transfer of a motor vehicle for the purpose of dismantling it or recycling it into metallic scrap in accordance with Act 2011-633. In addition, Form MVT 5-18 will replace Form MVT 5-48 as an appendix to the rule.

RULE NO. & TITLE:

810-5-75-.07 Title Procedure – Request for Change of Address Only on a Certificate of Title

INTENDED ACTION: Repeal an existing rule

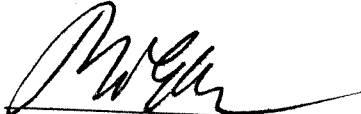
SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the above rule due to the fact that the procedure and form are no longer in use. Owner and lienholder addresses are now updated electronically through the electronic title application processing system (ETAPS).

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, October 6, 2011

CONTACT PERSON AT AGENCY:

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Michael E. Mason, Deputy Commissioner
Alabama Department of Revenue

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810-5-75-.26.01 - Title Procedure - Motor Vehicles Exempt From Titling in Other States
- Reference: Section 32-8-1 through 32-8-88, Code of Alabama 1975, as amended.

(REPEALED)

(1) Some states exempt from titling, motor vehicles which are a certain number of model years old or older as established in their Code. Those states allow ownership of such exempt vehicles to be transferred by a bill of sale. Although exempt from titling in those states, the vehicles are still required to be registered.

(2) The State of Alabama requires that motor vehicles designated a 1975, and subsequent year model, (except those specifically exempted in Section 32-8-31, Code of Alabama 1975, as amended), be titled. Therefore, any motor vehicle entering Alabama which is required to be registered and titled as outlined in Section 32-8-30, Code of Alabama 1975, as amended, from a state where it was exempt from titling due to age, weight or type of vehicle, shall be titled in this state by the first Alabama purchaser (including licensed motor vehicle dealers). Application for title shall be supported by outstanding certificate of title issued for the vehicle, if any, and/or the last officially validated Registration, notarized (if required by the foreign jurisdiction) bill of sale, and lien satisfaction statement (if available).

(3) Pursuant to Section 32-8-39 (b), Code of Alabama 1975, as amended, Alabama shall issue a "distinctive" certificate of title for all vehicles previously registered in a foreign jurisdiction whose laws do not require that lienholders be named on a certificate of title in order to perfect their security interests. The Alabama Certificate of Title shall contain the legend, "This vehicle may be subject to an undisclosed lien."

(4) If no notice of a security interest in the vehicle is received by the department within four (4) months from the issuance of the distinctive certificate of title, the department shall, upon application and surrender of the distinctive certificate of title, issue a certificate of title in ordinary form.

(5) Fee as required in the schedule of fees and commissions:

(a) Fee required for first certificate of title (containing legend).

(b) Fee required for certificate of title to remove legend.

Author: Mike Gamble ~~Winston HYTE~~
Authority: Sections 32-8-1 through 32-8-88, Code of Alabama 1975, as amended
History: Filed with LRS March 17, 1995. Certification filed with LRS May 17, 1995, effective date June 21, 1995.