

ALABAMA DEPARTMENT OF REVENUE
ADMINISTRATIVE CODECHAPTER 810-5-75
TITLE PROCEDURE

TABLE OF CONTENTS

810-5-75-.01	Title Procedure - First Title For Vehicle Salvaged In A Jurisdiction Other Than Alabama (Repealed 6/10/11)
810-5-75-.02	Title Procedure - First Title For A Homemade Trailer (Repealed 1/12/10)
810-5-75-.03	Title Procedure - Requirements For Titling Gray Market Vehicles
810-5-75-.04	Leased Vehicles - First Title For A New (1975 And Later Models) Vehicle Purchased Within The State Of Alabama By A Lessor (Repealed 12/10/97)
810-5-75-.05	Title Procedure On Title Applications For An Alabama Certificate Of Title Submitted By An Alabama Out-Of-State Resident - Transfer Of Title For A Used 1975 And Later Model Vehicle (Repealed 6/10/11)
810-5-75-.06	Title Procedure On Title Applications For An Alabama Certificate Of Title Submitted By An Alabama Out-Of-State Resident - First Title For A New (1975 And Later Models) Vehicle (Repealed 6/10/11)
810-5-75-.07	Title Procedure - Request For Change Of Address Only On A Certificate Of Title (Repealed 12/23/11)
810-5-75-.08	Title Procedure - Application For Corrected Certificate Of Title (Repealed 6/10/11)
810-5-75-.09	Title Procedure - Transfer Of Title For A Vehicle From A Deceased Owner
810-5-75-.10	Title Procedure - Transfer Of Title For A Vehicle From A Deceased Owner Whose Estate Does Not Require Probate (Left Will) (Repealed 5/14/10)
810-5-75-.11	Title Procedure - Transfer Of Title For A Vehicle From A Deceased Owner

- 810-5-75-.12 Whose Estate Requires Probate (Left Will) (Repealed 5/14/10)
Title Procedure - Transfer Of Title For A Vehicle From A Deceased Owner Whose Estate Requires Probate (No Will) (Repealed 5/14/10)
- 810-5-75-.13 Title Procedure - Transfer Of Title For A Vehicle Obtained By A Sheriff's Or Court Sale (Repealed 6/10/11)
- 810-5-75-.14 Involuntary Transfer by Operation of Law
- 810-5-75-.15 Application For Replacement Alabama Certificate Of Title
- 810-5-75-.16 Title Procedure - Assignment And Transfer Of Lien By Lienholder (Repealed 4/29/10)
- 810-5-75-.17 Title Procedure - Repossessed (1975 And Later Model) Vehicle That Has Been Titled In Another State, First Title In Alabama
- 810-5-75-.18 Title Procedure - Transfer Of Title For Used (1975 And Later Models) Vehicles, Currently Titled In Alabama (Repealed 6/10/11)
- 810-5-75-.19 Title Procedure - Repossessed (1975 And Later Models) Vehicle That Has Been Titled In Alabama With Lienholder (Repossessor) Properly Shown On Title (Repealed 6/10/11)
- 810-5-75-.20 Title Procedure - Second Or Third Lien Or Security Interest Releases On Title (Repealed 4/29/10)
- 810-5-75-.21 Title Procedure - Lien Or Security Interest Releases And Continuous Perfection Of Lien Or Security Interests
- 810-5-75-.22 Title Procedure - Third Lien To Be Added (Security Interest Created By Owner). Reference: §§32-8-1 through 32-8-87, Code of Ala. 1975 (Repealed 3/26/10)
- 810-5-75-.23 Title Procedure - Second Lien To Be Added (Security Interest Created By Owner) (Repealed 4/29/10)
- 810-5-75-.24 Title Procedure - First And Second Lien(s) To Be Recorded (Security Interest Created By Owner). Title

- Procedure - Assignment And Transfer Of
Lien by Lienholder
- 810-5-75-.25 Title Procedure - First Title For A
New (1975 And Later Models) Vehicle
(Repealed 6/10/11)
- 810-5-75-.26 Title Procedure - Owner Application
For An Alabama Certificate Of Title On
A Used (1975 And Later Models)
Vehicle, Currently Titled In Another
State (Repealed 2/26/10)
- 810-5-75-.26.01 Title Procedure - Motor Vehicles
Exempt From Titling In Other States
(Repealed 12/23/11)
- 810-5-75-.27 Title Procedure - First Title For A
Vehicle Reconstructed With A Glider
Kit
- 810-5-75-.28 Title Procedure - First Title For
Assembled Vehicles
- 810-5-75-.29 Title Procedure - First Title For
Vehicle Obtained From The United
States Government
- 810-5-75-.30 Title Procedure - First Title For A
Rebuilt Vehicle
- 810-5-75-.31 Transfer Of Title For Vehicle Under
The Abandoned Vehicle (Repealed
1-18-18)
- 810-5-75-.31.01 Abandoned Motor Vehicle - Requirements
For A Report Of Sale (Repealed
1/31/07)
- 810-5-75-.31.02 Abandoned Motor Vehicle Record Request
(Form MVT 32-13)
- 810-5-75-.32 Title Procedure - Transfer Of Title
For A Vehicle In Bankruptcy (Repealed
6/10/11)
- 810-5-75-.33 Title Procedure - Transfer Of Title
When A Vehicle Is Repossessed By A
Lienholder Whose Lien Has Not Been
Recorded (Repealed 6/10/11)
- 810-5-75-.34 Title Obtained Under Surety Bond
- 810-5-75-.35 Bill Of Sale - Minimum Requirements.
References: Section 40-12-260 (b) (2),
Code Of Ala. 1975, As Amended
(Repealed 1/22/09)
- 810-5-75-.36 Making Application For Title -
Responsibilities Of Designated Agents,
Requirements

- 810-5-75-.37 Application For Certificate Of Title -
Seller's Signature Requirements
(Repealed 12/23/11)
- 810-5-75-.38 Reassignment Supplement Form MVT 8-3,
Used By Licensed Alabama Dealers Upon
Transfer Of Ownership
- 810-5-75-.39 Altered Documents
- 810-5-75-.40 Requirements For Names And Signatures
On Title Applications, Title
Assignments And Motor Vehicle
Registrations
- 810-5-75-.41 Dealer Required To Title Vehicle -
Title Application Submitted To
Department And Is Returned To Dealer
Because Transfer Of Vehicle Was Not
Consummated (Repealed 11/27/12)
- 810-5-75-.42 Dealer Records
- 810-5-75-.44 Assignment/Reassignment Of Salvage
Certificate Of Title (Repealed
12/23/11)
- 810-5-75-.46 Assignment Of Certificate Of Title
- 810-5-75-.46.01 Assignment Of Certificate Of Title -
Transferor's Signature Requirements
(Repealed 12/23/11)
- 810-5-75-.47 Title Procedure - Identification Of
Motor Vehicles Returned To The
Manufacturer Because Of Nonconformity
To Warranty
- 810-5-75-.48 Title Procedures - Defining "Junk"
"Parts Only" and "Scrap" Vehicles And
Requiring Notice
- 810-5-7-5.49 Certificate Of Title Required - New
Title When Information On Certificate
Of Title Is Changes Or When Correction
Is Required Reference: Sections
32-8-1 Through 32-8-87, Code Of Ala.
1975, As Amended
- 810-5-75-.50 Certificate Of Title Required -
Continuance Of Recorded Legends,
Reference: Sections 32-8-1 Through
32-8-87, Code Of Ala. 1975, As Amended
- 810-5-75-.51 Returned Title Request Form (Form MVT
5-27)
- 810-5-75-.52 Designated Agent Appointments
- 810-5-75-.53 Application For Certificate Of Title
Leased Vehicles (Including
Lease/Purchase Agreements)

- 810-5-75-.54 Applications For Certificate Of Title - Corrections On An Application For Certificate Of Title By The Department. Reference: Sections 32-8-1 Through 32-8-87, Code Of Ala. 1975, As Amended
- 810-5-75-.55 Application For Certificate Of Title - Certification Of Physical Inspection Of A Motor Vehicle On Application For Certificate Of Title. Reference: Sections 32-8-1 Through 32-8-87, Code Of Ala. 1975, As Amended
- 810-5-75-.56 Issuance And Records - Abbreviations used In Data Entry. Reference: Sections 32-8-1 Through 32-8-87, Code Of Ala. 1975, As Amended
- 810-5-75-.57 Application For Salvage Certificate of Title - /application For Certificate Of Title For A Stolen Unrecovered Vehicle
- 810-5-75-.58 Security Interest - Motor Homes. Reference: Sections 32-8-1 Through 32-8-87, Code Of Ala. 1975, As Amended
- 810-5-75-.59 Powers Of The Department - Application For Alabama Vehicle Identification Number And Supporting Documents. Reference: Sections 32-8-1 Through 32-8-87, Code Of Ala. 1975, As Amended
- 810-5-75-.60 Powers Of The Department - Revocation And Denial Of Authority To Act As Designated Agent Of The Department
- 810-5-75-.61 Schedule Of Fees And Commissions - Remittance Of Fees
- 810-5-75-.62 Salvage - Determining Fair Retail Values For Total Loss Vehicles
- 810-5-75-.63 Powers Of Attorney
- 810-5-75-.64 Unclaimed/Abandoned Vehicles
- 810-5-75-.65 Appointment, Revocation, And Denial Of Authority To Act As A Manufactured Home Designated Agent To The Department
- 810-5-75-.66 Title Procedure - Cancellation Of Manufactured Home Certificate Of Origin Or Certificate Of Title
- 810-5-75-.67 Title Procedure - Manufactured Home Exemption From Titling And Cancellation

810-5-75-.68 **Title Procedure - Exemptions From
Titling
Attachments
Appendix I Forms**

**810-5-75-.01 Title Procedure - First Title For Vehicle
Salvaged In A Jurisdiction Other Than Alabama. (REPEALED)**

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §32-8-3(a)(2),
40-2A-7(a)(5).

History: Repealed: Filed May 6, 2011; effective June 10, 2011.

**810-5-75-.02 Title Procedure - First Title For A Homemade
Trailer. (Repealed)**

Author:

Statutory Authority: Code of Ala. 1975, §32-8-3(a)(2).

History: Repealed: Filed December 8, 2010; effective
January 12, 2010.

**810-5-75-.03 Title Procedure - Requirements For Titling Gray
Market Vehicles.**

(1) The term "department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) In accordance with the provisions of Section 32-8-42, Code of Ala. 1975, as amended, a vehicle not manufactured to comply with federal and state statutes governing safety, emissions, and antitheft standards is considered a "Gray Market" vehicle, and may not be titled in Alabama until it has been modified to comply with these standards. To ensure that a "Gray Market" vehicle complies with safety, emissions, and antitheft standards, the vehicle must be inspected by the U. S. Department of Transportation (DOT) and the Environmental Protection Agency (EPA).

(3) An application for an Alabama certificate of title for a "Gray Market" vehicle entering Alabama and supported by ownership documents from a foreign country, shall be accompanied by the proper documentation from the DOT and EPA attesting that the vehicle has been modified to meet federal and state safety, emissions, and antitheft standards.

(4) Anyone seeking a certificate of title for a "Gray Market" vehicle entering Alabama from another jurisdiction, and the application for certificate of title is supported by a certificate of title from that jurisdiction, the applicant shall provide evidence that the DOT and EPA have provided documentation that the vehicle has been modified to meet federal and state safety, emissions, and antitheft standards. This requirement may be satisfied by the surrender of a copy of the original DOT and EPA documentation, or certified microfilm records of the title documents used to issue the surrendered title. If the DOT and EPA documentation is **not** part of the certified microfilm records of the surrendered title, the department shall refuse to issue an Alabama certificate of title until the applicant provides evidence to the department that the DOT and EPA have approved the required modifications to the vehicle.

Author: Winston Hyte

Statutory Authority: Code of Ala. 1975, §§32-8-3(b)(2), 40-2A-7(a)(5).

History: Repealed: Filed November 5, 1997; effective December 10, 1997. **New Rule:** Filed May 18, 2004; effective June 22, 2004.

810-5-75-.04 Leased Vehicles - First Title For A New (1975 And Later Models) Vehicle Purchased Within The State Of Alabama By A Lessor.

Author: Winston Hyte

Statutory Authority: Code of Ala. 1975, §§32-8-1, 32-8-88.

History: Repealed: Filed November 5, 1997; effective December 10, 1997.

810-5-75-.05 Title Procedure On Title Applications For An Alabama Certificate Of Title Submitted By An Alabama Out-Of-State Resident - Transfer Of Title For A Used 1975 And Later Model Vehicle. (REPEALED)

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5)..

History: Repealed: Filed May 6, 2011; effective June 10, 2011.

810-5-75-.06 Title Procedure On Title Applications For An Alabama Certificate Of Title Submitted By An Alabama Out-Of-State

Resident - First Title For A New (1975 And Later Models) Vehicle.
(REPEALED)**Author:** Mike Gamble**Statutory Authority:** Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).**History: Repealed:** Filed May 6, 2011; effective June 10, 2011.**810-5-75-.07 Title Procedure - Request For Change Of Address Only On A Certificate Of Title.** **(REPEAELD)****Author:** Mike Gamble**Statutory Authority:** Code of Ala. 1975, §32-8-3(a)(2), 32-8-1, 32-8-87**History: Repealed:** Filed November 18, 2011; effective December 23, 2011.**810-5-75-.08 Title Procedure - Application For Corrected Certificate Of Title.** **(REPEALED)****Author:** Mike Gamble**Statutory Authority:** Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).**History: Repealed:** Filed May 6, 2011; effective June 10, 2011.**810-5-75-.09 Title Procedure - Transfer Of Title For A Vehicle From A Deceased Owner.**

(1) When the Estate Has Not Been and Will Not Be Probated. If the estate has not and will not be probated, the next of kin shall transfer ownership of the vehicle. In order to accomplish this task, the following procedures must be followed:

(a) The next of kin of the deceased owner shall complete form MVT 5-6, "Affidavit for Assignment of Title From A Deceased Owner Whose Estate Does Not Require Probate". By completing the form, the next of kin attests that he/she is the next of kin and it is the desire of all said heirs that either an application for replacement title or transfer of title be executed.

(b) The form MVT 5-6 can be used to:

1. Support an application for a replacement title. See rule 810-5-75-.15 for guidelines regarding applying for a replacement title.

2. Support the transfer of ownership of the vehicle. See rule 810-5-75-.18 for guidelines regarding transferring title for a vehicle currently titled in Alabama.

(c) As the form MVT 5-6 is a sworn affidavit, a power-of-attorney form may not be used in conjunction with the form MVT 5-6.

(d) A copy of the death certificate for the person reflected as the owner on the form MVT 5-6 must accompany form MVT 5-6.

(e) The person completing form MVT 5-6 must sign the reverse side of the certificate of title as the "seller". This is being done on behalf of the estate of the deceased owner.

(2) When the Estate Has Been or Will Be Probated. Once the estate has been or will be probated, the executor or administrator shall transfer ownership of the vehicle. In order to accomplish this task, the following procedures must be followed:

1. The executor or administrator of the estate signs the reverse side of the certificate of title as the "seller". This is being done on behalf of the estate of the deceased owner.

2. A copy of the letter of testamentary, administration, or equivalent order issued by a court of competent jurisdiction will accompany the title.

(3) When the Deceased Individual Acquired Vehicle but Did Not Title Vehicle Prior to Death, the Vehicle Must Be Titled in the Estate of the Deceased. In the event that an individual acquires a vehicle, but did not title the vehicle before his/her death, the vehicle must be titled in the estate of the deceased owner by following the procedures in sections (1) or (2) above depending on whether or not the estate will be probated.

(4) The fees associated with processing title documents are provided for in Section 32-8-6, Code of Ala. 1975.

Author: Don R. Clemons

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Repealed and New Rule: Filed April 9, 2010; effective May 14, 2010.

810-5-75-.10 Title Procedure - Transfer Of Title For A Vehicle From A Deceased Owner Whose Estate Does Not Require Probate (Left Will). (Repealed)

Author: Don R. Clemons

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Repealed: Filed April 9, 2010; effective May 14, 2010.

810-5-75-.11 Title Procedure - Transfer Of Title For A Vehicle From A Deceased Owner Whose Estate Requires Probate (Left Will). (Repealed)

Author: Don R. Clemons

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Repealed: Filed April 9, 2010; effective May 14, 2010.

810-5-75-.12 Title Procedure - Transfer Of Title For A Vehicle From A Deceased Owner Whose Estate Requires Probate (No Will). (Repealed)

Author: Don R. Clemons

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Repealed: Filed April 9, 2010; effective May 14, 2010.

810-5-75-.13 Title Procedure - Transfer Of Title For A Vehicle Obtained By A Sheriff's Or Court Sale. (REPEALED)

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Repealed: Filed May 6, 2011; effective June 10, 2011.

810-5-75-.14 Involuntary Transfer By Operation Of Law.

(1) When the interest of an owner in a motor vehicle or manufactured home passes to another, other than by voluntary transfer, the transferee shall mail or deliver to a designated agent the last certificate of title, if available, and proof of the transfer, and make application for certificate of title. The proof of transfer must identify the vehicle or manufactured home by vehicle identification number or manufactured home

identification number, unless it is accompanied by the certificate of title or copy thereof. In the event that the proof of transfer does not identify the vehicle or manufactured home by vehicle identification number or manufactured home identification number, and no title is available, a licensing official may utilize the department's title database to determine the identity of the vehicle or manufactured home. The licensing official must include a copy of the title record used to verify the identity of the vehicle or manufactured home with the title application documentation. Note: This requirement shall not apply when the interest of an owner is terminated and the vehicle or manufactured home is sold under a security agreement by a lienholder recorded on a certificate of title (see administrative rule 810-5-75-.17. Title Procedure - Repossessed Motor Vehicle).

(2) A person holding a certificate of title whose interest in the vehicle or manufactured home has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the department upon request of the department or otherwise being notified that the certificate of title has been voided by the issuance of a subsequent certificate of title. The delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate; and the action of the department in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Repealed and New Rule: Filed May 6, 2011; effective June 10, 2011. **Amended:** Filed December 14, 2011; effective January 18, 2012.

810-5-75-.15 Application For Replacement Alabama Certificate Of Title. (Editor's Note: See Attachment)

(1) This rule prescribes the method for applying for a replacement certificate of title by all parties other than designated agents of the department. All designated agents shall utilize the method provided by the Department to apply for replacement certificates of title.

(2) The titled owner or lienholder of record shall complete an application for replacement title (form MVT 12-1). The MVT 12-1 shall contain the following information:

(a) Vehicle identification number, year model, make, model, number of cylinders, date of purchase, number of liens, color, and odometer reading.

(b) Owner's name, address, and the address where replacement title is to be mailed.

(c) Lienholder's name and address, if applicable.

(d) Reason replacement title is required as established in Section 32-8-43(a), Code of Ala. 1975.

(e) Signature of owner(s)/lienholder(s) or their authorized representative.

(3) If there is a lienholder of record on the title for which a replacement title is being requested, the lienholder's authorized representative shall complete the MVT 12-1 unless a separate lien release is provided in accordance with rule 810-5-75-.21.

(4) Applicant must submit the following supporting documents and fee to the department for processing. Vehicle owners may request replacement titles through a designated agent of the Department.

(a) Outstanding Alabama title unless title has been lost, stolen or destroyed.

(b) Any documents such as powers of attorney, letters testamentary, letters of administration, letters of guardianship, letters of conservatorship, trust agreements, court orders or other documents required by the Department which support the right of someone other than the owner or lienholder to sign the MVT 12-1 on behalf of the owner or lienholder.

(c) Fee as prescribed by Section 32-8-6, Code of Ala. 1975.

(5) The issuance of a replacement title will not affect the requirement that each owner of a vehicle, other than a licensed dealer, obtain an Alabama title in the owner's name prior to transferring ownership of the vehicle.

(6) The Department will not issue a replacement title when the Department has evidence that the outstanding Alabama title was erroneously issued or fraudulently procured.

(7) Authorized employees of the Department may correct information provided on the application when the information provided is in error and does not match Department records for the vehicle. Information that may be corrected includes the vehicle identification number, year model, make, model, number of cylinders, date of purchase, number of liens, color, odometer reading and owner(s) name(s). All corrections must be proved necessary by Department records.

(8) The replacement certificate of title shall contain the following legend, "This is a replacement certificate and may be subject to the rights of a person under the original certificate." The new certificate of title will be mailed to the first lienholder named on it, or, if none, to the owner. If the new certificate of title is to be mailed to someone other than the owner(s) or lienholder, the application must be signed and dated by the owner(s) or owner's authorized representative.

Author: Lisa Blankenship

Statutory Authority: Code of Ala. 1975, §32-8-3(b) (2), 32-8-43, 40-2A-7(a) (5).

History: Repealed and New Rule: Filed October 20, 1999; effective November 24, 1999. **Amended:** Filed July 26, 2013; effective August 30, 2013.

810-5-75-.16 **Title Procedure - Assignment And Transfer Of Lien By Lienholder.** **(Repealed)**

Author:

Statutory Authority: Code of Ala. 1975, §32-8-3(a) (2), 32-8-1, 32-8-87

History: Repealed: Filed March 25, 2010; effective April 29, 2010.

810-5-75-.17 **Title Procedure - Repossessed (1975 And Later Model) Vehicle That Has Been Titled In Another State, First Title In Alabama.**

(1) Form MVT 15-1, Repossessed Motor Vehicle Affidavit and Disposition of Vehicle Under Lien, must accompany the properly assigned certificate of title whenever a lienholder recorded on the certificate of title repossesses the vehicle in Alabama. An equivalent out of state motor vehicle repossession affidavit must accompany the properly assigned certificate of title whenever the lienholder recorded on a certificate of title repossesses the vehicle outside of Alabama.

(2) A lienholder that repossesses a motor vehicle without recording their lien on the certificate of title shall be required to title the vehicle in their name prior to transferring the vehicle. The unrecorded lienholder must provide the following documents to support their application for certificate of title:

(a) Outstanding certificate of origin or certificate of title issued to or assigned to the owner in default.

(b) Copy of security interest agreement.

(c) Form MVT 15-1, Repossessed Motor Vehicle Affidavit and Disposition of Vehicle Under Lien.

(3) Pursuant to Section 32-8-62, Code of Ala. 1975, when more than one lien is recorded on the certificate of title, such lien(s) shall be subordinate to the first lien. Accordingly, a lien release shall not be required from a subordinate lienholder recorded on a certificate of title whenever the first lienholder recorded on the certificate of title repossesses the vehicle.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Repealed and New Rule: Filed May 6, 2011; effective June 10, 2011.

810-5-75-.18 **Title Procedure - Transfer Of Title For Used (1975 And Later Models) Vehicles, Currently Titled In Alabama.**
(REPEALED)

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Repealed: Filed May 6, 2011; effective June 10, 2011.

810-5-75-.19 **Title Procedure - Repossessed (1975 And Later Models) Vehicle That Has Been Titled In Alabama With Lienholder (Repossessor) Properly Shown On Title.** **(REPEALED)**

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Repealed: Filed May 6, 2011; effective June 10, 2011.

810-5-75-.20 Title Procedure - Second Or Third Lien Or Security Interest Releases On Title. (Repealed)

Author:

Statutory Authority: Code of Ala. 1975, §32-8-3(a)(2), 32-8-1, 32-8-87

History: Repealed: Filed March 25, 2010; effective April 29, 2010.

810-5-75-.21 Title Procedure - Lien Or Security Interest Releases And Coninuous Perfection Of Lien Or Security Interests.

(1) This rule provides the procedures for executing lien releases for liens and security interests in motor vehicles and manufactured homes for which certificates of title are required. The rule also provides procedures for continuous perfection of a lien or security interest, otherwise subject to release, pursuant to Section 32-8-64.2, Code of Ala. 1975.

(2) A lienholder recorded on a certificate of title may release the lien or security interest in the area prescribed on the certificate of title by providing the following information:

(a) Legal name of lienholder,

(b) Original signature of authorized representative of lienholder, and

(c) Date of lien release.

(3) A lienholder recorded on a certificate of title may release the lien or security interest on form MVT 5-63. The MVT 5-63 must accompany the certificate of title or application for replacement certificate of title and shall contain the following information:

(a) The legal name and address of the lienholder,

(b) The complete vehicle identification number (VIN) or manufactured home identification number,

(c) The name of the owner(s) with whom the lienholder held a security agreement.

(d) Date of lien release, and

(e) The notarized signature of an authorized representative of the recorded lienholder.

(4) A lienholder recorded on a certificate of title may release the lien or security interest by providing certain information on the lienholder's letterhead. This lien release must accompany the certificate of title or application for replacement certificate of title and shall contain the following information:

(a) The lien release must identify the vehicle or manufactured home by complete vehicle identification number (VIN) or manufactured home identification number,

(b) The lien release must provide the name of the owner(s) with whom the lienholder held a security agreement.

(c) The lien release must state clearly that the lien has been released and show the date of release, and

(d) The lien release must be signed by an authorized representative of the recorded lienholder.

(5) In the event that a lienholder recorded on a certificate of title is no longer in business and a replacement certificate of title is required, the following alternative method for evidencing the release of a lien or security interest may be used for a motor vehicle, other than a travel trailer or vehicle that weighs more than 12,000 pounds gross weight.

(a) Notarized affidavit from the owner referencing the VIN and attesting to the fact that the lien or security interest is satisfied and that the lienholder is no longer in business,

(b) Unopened envelope, accompanied by certified mail return receipt request, sent to lienholder's last known address, containing a letter requesting a release of lien or security interest,

(c) Evidence of satisfaction of the lien or security interest.

(6) Any lien or security interest shall be considered satisfied and a lien release shall not be required after 4 years from the date of the security agreement as recorded on the certificate of title for vehicles which are 12 or more model years old, other than a travel trailer or vehicle that weighs more than 12,000 pounds gross vehicle weight.

(a) If the lien or security interest release cannot be obtained as outlined in subsections 2 - 6 of this rule or the vehicle is a travel trailer or weighs more than 12,000 pounds gross vehicle weight, a surety bond shall be posted in accordance with Administrative Rule 810-5-75-.34 to obtain a certificate of title.

(7) Section 32-8-64.2, Code of Ala. 1975, provides for the automatic release of certain security interests and liens unless a second application to record the existence of a continuous security interest or lien is filed prior to the automatic release provision of the security interest or lien.

(a) In order to provide for the continuous perfection of a security interest or lien that would otherwise be satisfied pursuant to Section 32-8-64.2, Code of Ala. 1975, an application for a second title on which the security interest or lien is listed shall be submitted to a designated agent prior to the date the security interest or lien is automatically released. The application must be accompanied by the Alabama certificate of title and a notice of continuous lien perfection (form MVT 5-64) to extend the security interest or lien beyond the time period as provided in Section 32-8-64.2. The lien date on the notice of continuous lien perfection and the application shall be the date the notice of continuous lien perfection was executed. Otherwise, the security interest or lien shall be perfected as provided for by Section 32-8-61, Code of Ala. 1975.

Author: Don Clemons

Statutory Authority: Code of Ala. 1975, §32-8-3(b)(2), 32-8-64, 32-8-64.2, 32-20-3(b)(2), 32-20-44, 40-2A-7(a)(5).

History: Repeal and New Rule: Filed July 26, 2013; effective August 30, 2013.

810-5-75-.22 Title Procedure - Third Lien To Be Added (Security Interest Created By Owner). Reference: §§32-8-1 through 32-887, Code of Ala. 1975. (Repealed)

Author:

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Repealed: Filed February 26, 2010; effective March 26, 2010.

810-5-75-.23 Title Procedure - Second Lien To Be Added (Security Interest Created By Owner). (Repealed)

Author:

Statutory Authority: Code of Ala. 1975, §32-8-3(a)(2).

History: Repealed: Filed March 25, 2010; effective April 29, 2010.

810-5-75-.24 Title Procedure - First And Second Lien(s) To Be Recorded (Security Interest Created By Owner). Title Procedure - Assignment And Transfer Of Lien by Lienholder. Whenever a lien is to be recorded on a certificate of title and there is no transfer of ownership, the procedures listed below must be followed:

(1) Title Procedure - First Lien to be Recorded.

(a) If the lienholder is a designated agent of the Department of Revenue or can qualify as a designated agent in accordance with Section 32-8-24 or 32-20-22, Code of Ala, 1975, or rules promulgated thereunder, then form MVT 5-1E, Application for Certification of Title, must be completed by the lienholder through an electronic application provided by the Department.

(b) If the lienholder is not a designated agent and cannot qualify as a designated agent in accordance with Section 32-8-34 or 32-20-22, Code of Ala. 1975, or rules promulgated thereunder, then form MVT 20-1 or MVT 20-1E, Application for Certificate of Title of Record or Transfer a Lien, must be completed. Form MVT 20-1 or MVT 20-1E can only be used when the current certificate of title is an Alabama title and there is no change in ownership of the vehicle in conjunction with the recording of the new lien. Note: Form MVT 20-1E is generated through an electronic application provided by the Department and form MVT 20-1 is a paper form that does not originate through the electronic application provided by the Department.

(c) Forms MVT 5-1E, MVT 20-1, and MVT 20-1E must be completed legibly and in their entirety. Form MVT 5-1E must be signed and dated by the designated agent and owner(s). Form MVT 20-1 or MVT 20-1E must be signed by the lienholder and owner(s).

(2) The lienholder or designated agent shall immediately cause the application, Alabama certificate of title, supporting documents, and fee, as provided for in Section 32-8-6 or 32-20-4, Code of Ala. 1975, to be delivered to the Department in a manner as prescribed by the Department.

(3) Title Procedure - Second Lien to be Recorded

(a) Whenever a second lien is to be recorded on a title, the procedures set forth in order to record the first lien will apply. NO more than two liens may be recorded on the certificate of title.

(b) Once the application (Form MVT 5-1E, MVT 20-1, or MVT 20-1E) has been signed and dated, it must be delivered to the first lienholder listed on the applications in accordance with Section 32-8-61, Code of Ala. 1975.

(c) The first lienholder will immediately cause the application, Alabama certificate of title, any supporting documents, and fee as provided for in Section 32-8-6, Code of Ala. 1975, to be delivered to the Department in a manner as prescribed by the Department.

(4) Title Procedure - Assignment and Transfer of First or Second Lien by Lienholder

(a) In the event the lienholder needs to transfer a lien to another lienholder and there is no transfer of ownership, form MVT 20-1 or MVT 20-1E must be completed regardless of whether the lienholder is a designated agent or not. An example of the use for this form is as follows:

Example. The lienholder assigning the lien interest must list the new lien information on form MVT 20-1 or MVT 20-1E. This procedure records the lien interest of the new lienholder and is required to record the lienholder on the Alabama certificate of title. The owner(s) names(s) and original lien date cannot be changed.

(5) Note: Once form MVT 20-1E is available for use through an electronic application provided by the Department, form MVT 20-1 may no longer be used to apply for certificate of title to record a lien or assign and transfer a lien.

Authors: Mike Gamble, Jonathan Lawrence

Statutory Authority: Code of Ala. 1975, §§32-8-3(b)(2), 32-8-61, 40-2A-7(a)(5).

History: Repealed and New Rule: Filed March 25, 2010; effective April 29, 2010. **Amended:** Filed July 30, 2012; effective September 3, 2012.

810-5-75-.25 Title Procedure - First Title For A New (1975 And Later Models) Vehicle. (REPEALED)

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Repealed: Filed May 6, 2011; effective June 10, 2011.

810-5-75-.26 Title Procedure - Owner Application For An Alabama Certificate Of Title On A Used (1975 And Later Models) Vehicle, Currently Titled In Another State. (Repealed)

Author: Jonathan Lawrence

Statutory Authority: Code of Ala. 1975, §40-2A-7(a)(5), 32-8-3(a)(2).

History: Repealed: Filed January 22, 2010; effective February 26, 2010.

810-5-75-.26.01 Title Procedure - Motor Vehicles Exempt From Titling In Other States. (REPEALED)

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-1 through 32-8-88.

History: New Rule: Filed May 17, 1995; effective June 21, 1995.

Repealed: Filed November 18, 2011; effective December 23, 2011.

810-5-75-.27 Title Procedure - First Title For A Vehicle Reconstructed With A Glider Kit.

(1) A glider kit is defined as a new vehicle without a power train (engine, transmission, drive train and rear axles). A glider kit comes with a manufacturer's certificate of origin (MCO) from the manufacturer and may or may not have a conforming seventeen digit vehicle identification number (VIN) and is designed to use a power train (engine, transmission, drive train and rear axles) from an existing vehicle.

(2) The following documents shall accompany the owner's application for certificate of title:

(a) If the power train for the new glider kit was removed from a year model vehicle that is exempt from titling, the following documents are required:

1. Manufacturer's certificate of origin for new glider kit properly assigned to owner.

2. Affidavit stating that the applicant is the recorded owner of the vehicle, from which the power train was removed (including identification of the vehicle by vehicle identification number, year, make, and model), and that there is no lien on the vehicle from which the power train was removed.

3. Copies of the owner's registration receipts for the last two years covering the vehicle from which the power train was removed. In lieu of copies of the registration receipts, the owner may provide printouts of registration records for the vehicle from the state in which the vehicle was registered for the last two years.

4. If the power train was obtained from a vehicle which was not owned by the applicant, a bill-of-sale covering the power train must be attached in lieu of the documents as provided for in subsection 2(a)(3) of this rule. The bill-of-sale shall contain the vehicle identification number, year, make and model of the vehicle from which the power train was removed. If the parts of the power train were purchased individually, a bill-of-sale covering each part must be furnished. The bill-of-sale shall contain the vehicle identification number, if assigned by the manufacturer, of the part.

5. Affidavit by the person reconstructing the vehicle stating what was done to reconstruct the vehicle and that said vehicle is now in operable condition.

(b) If the power train for the new glider kit was removed from a year model vehicle that is subject to titling the following supporting documents are required:

1. Manufacturer's certificate of origin for new glider kit properly assigned to owner.

2. Copy of the certificate of title in the name of the owner for the vehicle from which the power train was removed.

3. If the power train was obtained from a vehicle which was not titled in the applicant's name, a bill-of-sale covering such power train must be attached in lieu of a copy of the certificate of title as provided for in subsection (2)(b)(2) of this rule. If the parts of the power train were purchased individually, a bill-of-sale covering each part must be furnished. The bill-of-sale shall contain the vehicle identification number, if assigned by the manufacturer, of the component part.

4. Affidavit by the person reconstructing the vehicle stating what was done to reconstruct the vehicle and that said vehicle is now in operable condition.

(3) The vehicle identification number to be shown on the application for certificate of title shall be the vehicle identification number shown on the manufacturer's certificate of origin issued for the glider kit.

(4) The year, make and model of the vehicle constructed with a glider kit shall be the year, make and model as designated on the manufacturer's certificate of origin for the glider kit.

(5) Any vehicle constructed with a glider kit shall have the certificate of title branded with the notation "RECONSTRUCTED." Such brand shall be carried forward to any subsequent certificate of title issued for the vehicle.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§40-2A-7(a)(5), 32-8-3(b)(2), 32-8-35(c), 32-8-39(a)(6).

History: Amended: Filed October 23, 2012; effective November 27, 2012.

810-5-75-.28 Title Procedure - First Title For Assembled Vehicles.

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) The term "major component" as used in this regulation shall mean the following:

(a) For passenger vehicles:

1. Motor or engine.

2. Transmission or trans-axle.

3. Trunk floor pan or rear section and roof.

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

5. Cowl, firewall, or any portion thereof.

6. Roof assembly.
- (b) For truck, truck type, or bus type vehicles:
 1. Motor or engine.
 2. Transmission or trans-axle.
 3. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame.
 4. Cab.
 5. Cowl or firewall or any portion thereof.
 6. Roof assembly.
 7. Cargo compartment floor panel or passenger compartment floor pan.

(c) For motorcycles:

1. Engine or motor.
2. Transmission or trans-axle.
3. Frame.
4. Front fork.
5. Crankcase.

(3) VEHICLES ASSEMBLED WITH KITS.

(a) Before making application for title, the applicant must obtain (available from all County License Plate Issuing Officials and from the Department) and properly complete form MVT 26-3 (Application For Alabama Assigned Vehicle Identification Number). NOTE: The vehicle identification number to be shown on form MVT 26-3 shall be the vehicle identification number of the vehicle from which the chassis or frame was removed. The applicant shall deliver completed form MVT 26-3 along with the following supporting documents to the Department.

(b) Supporting Documents:

1. For kits (1975 or subsequent year model) assembled with chassis or frame from a 1974 or prior model vehicle:

(i) Certified manufacturer's certificate of origin for new kit properly assigned to the applicant.

(ii) Certified copy of the most recent registration receipt in the applicant's name for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not registered in applicant's name, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(iii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

(iv) A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

2. For kits (1975 or subsequent year model) assembled with chassis or frame from a 1975 or subsequent year model vehicle:

(i) Certified manufacturer's certificate of origin for new kit properly assigned to the applicant.

(ii) Outstanding certificate of title (in applicant's name or assigned to applicant) for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not titled in applicant's name or assigned to the applicant and the certificate of title is unavailable, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(iii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

(iv) A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

(c) Fee (See Schedule of Fees and Commissions). Upon receipt of a properly completed form MVT 26-3 and the required supporting documents, the Department will issue a vehicle identification number plate which will have an assigned vehicle identification number embossed thereon. The Department will then notify the applicant to bring the assembled vehicle to an inspection station designated by the Department so that the Department can physically inspect the assembled vehicle and, if everything is in order, attach the vehicle identification number plate to the assembled vehicle. The Department and the applicant shall then complete forms MVT 26-4 and MVT 5-1c. The Department will then process forms MVT 5-1c, MVT 26-3, MVT 26-4, and any other required supporting documents and, upon approval, issue a certificate of title with legend "ASSEMBLED".

(4) VEHICLES (NOT INCLUDING TRAILERS) ASSEMBLED FROM PARTS

(a) Before making application for title, the applicant must obtain (available from all County License Plate Issuing Officials and from the Department) and properly complete form MVT 26-3 (Application For Alabama Assigned Vehicle Identification Number). NOTE: The vehicle identification number to be shown on form MVT 26-3 shall be the vehicle identification number of the vehicle from which the chassis or frame was removed. The applicant shall deliver completed form MVT 26-3 along with the following supporting documents to the Department.

(b) Supporting Documents:

1. For vehicles assembled with chassis or frame from a 1974 or prior year model vehicle:

(i) Certified copy of the most recent registration receipt in the applicant's name for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not registered in applicant's name, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(ii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

(iii) A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

2. For vehicles assembled with chassis or frame from a 1975 or subsequent year model vehicle:

(i) Outstanding certificate of title (in applicant's name or assigned to applicant) for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not titled in applicant's name or assigned to the applicant and the certificate of title is unavailable, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(ii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

(iii) A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

(c) Fee (See Schedule of Fees and Commissions). Upon receipt of a properly completed form MVT 26-3 and the required supporting documents, the Department will issue a vehicle identification number plate which will have an assigned vehicle identification number embossed thereon. The Department will then notify the applicant to bring the assembled vehicle to an inspection station designated by the Department so that the Department can physically inspect the assembled vehicle and, if everything is in order, attach the vehicle identification number plate to the assembled vehicle. The Department and the applicant shall then complete forms MVT 26-4 and MVT 5-1c. The Department will then process forms MVT 5-1c, MVT 26-3, MVT 26-4, and any other required supporting documents and, upon approval, issue a certificate of title with legend "ASSEMBLED".

(5) TRAILERS ASSEMBLED FROM PARTS (FROM ONE OR MORE TRAILERS)

(a) Before making application for title, the applicant must obtain (available from all County License Plate Issuing Officials and from the Department) and properly complete form MVT 26-3 (Application For Alabama Assigned Vehicle Identification Number). NOTE: The vehicle identification number to be shown on

form MVT 26-3 shall be the vehicle identification number of the vehicle from which the chassis or frame was removed. The applicant shall deliver completed form MVT 26-3 along with the following supporting documents to the Department.

(b) Supporting Documents:

1. For trailers assembled with chassis or frame from a 1974 or prior year model vehicle:

(i) Certified copy of the most recent registration receipt in the applicant's name for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not registered in applicant's name, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(ii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

2. For trailers assembled with chassis or frame from a 1975 or subsequent year model vehicle:

(i) Outstanding certificate of title (in applicant's name or assigned to applicant) for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not titled in applicant's name or assigned to the applicant and the certificate of title is unavailable, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(ii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

3. A bill-of-sale for each part other than a major component part.

4. A bill-of-sale for materials used in the construction of the vehicle.

5. A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

(c) Fee (See Schedule of Fees and Commissions). Upon receipt of a properly completed form MVT 26-3 and the required supporting documents, the Department will issue a vehicle identification number plate which will have an assigned vehicle identification number embossed thereon. The Department will then notify the applicant to bring the assembled vehicle to an inspection station designated by the Department so that the Department can physically inspect the assembled vehicle and, if everything is in order, attach the vehicle identification number plate to the assembled vehicle. The Department and the applicant shall then complete forms MVT 26-4 and MVT 5-1c. The Department will then process forms MVT 5-1c, MVT 26-3, MVT 26-4, and any other required supporting documents and, upon approval, issue a certificate of title with legend "ASSEMBLED".

(6) TRAILERS ASSEMBLED FROM PARTS - HOMEMADE TRAILERS
(NOT MANUFACTURED FROM OTHER TRAILERS)

(a) Before making application for title, the applicant must obtain (available from all County License Plate Issuing Officials and from the Department) and properly complete form MVT 26-1 (Application For Assigned Vehicle Identification Number For A Homemade Trailer).

(b) Supporting Documents:

1. A bill-of-sale for each part with the identifying (serial) number (if available) and trade name for that component part listed on the bill-of-sale.

2. A bill-of-sale for materials used in the construction of the vehicle.

(c) Upon receipt of a properly completed form MVT 26-1 and the required supporting documents, the Department will issue a vehicle identification number plate which will have an assigned vehicle identification number embossed thereon. The Department will then mail the vehicle identification number plate and a partially completed form MVT 26-2 (Assigned Vehicle Identification Number for Homemade Trailer) for the trailer for which the assigned vehicle identification number request was made on form MVT 26-1. The applicant shall affix the vehicle identification number in the manner prescribed on form MVT 26-2 and sign form MVT 26-2. The applicant shall then make application for certificate of title through a designated agent of the Department who shall physically inspect the vehicle. The

applicant shall surrender the original MVT 26-2 to the designated agent as a supporting document to accompany the MVT 5-1c (application for certificate of title). Upon the Department's receipt of forms MVT 5-1c and MVT 26-2, the required fee and any other required supporting documents and, upon approval, the Department will issue a certificate of title with the legend "ASSEMBLED" and the make "HOMEMADE".

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-1 thru 32-8-88, 32-8-3(b) (2), 40-2A-7(a) (5).

History: Amended: Filed November 23, 1998; effective December 28, 1998. **Amended:** Filed October 13, 2000; effective November 17, 2000.

**810-5-75-.29 Title Procedure - First Title For Vehicle
Obtained From The United States Government.**

(1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK) and signed by designated agent and owner.

(2) Supporting Documents:

(a) Standard Form 97, issued by GSA, properly completed. **NOTE:** Sales made after October, 1992, shall be accompanied by Standard Form 97 (Revised 4-91).

(b) A Licensed Alabama Motor Vehicle Dealer who purchases or otherwise acquires a motor vehicle from a government agency that is exempt from the requirement of certificate of title and holds the acquired vehicle for sale, may transfer the vehicle without first obtaining title in the name of the dealership by properly completing a Secure Re-Assignment Supplement Form MVT 8-3 (Revised 1-92). **NOTE:** Every purchaser of a government vehicle, with the exception of Properly Licensed Motor Vehicle Dealers, shall make application for certificate of title in the purchaser's name.

(c) Fee (See Schedule of Fees and Commissions).

Author: Winston Hyte

Statutory Authority: Code of Ala. 1975, §32-8-3(a) (2), 32-8-1 thru 32-8-88.

History: Filed as Emergency Rule September 21, 1993. Filed October 18, 1993. **Amended:** Filed December 21, 1993, effective January 25, 1994.

810-5-75-.30 Title Procedure - First Title For A Rebuilt Vehicle.

(1) Vehicle owner must first complete an INV 26-15E Form (Application For Inspection of a Salvage Vehicle and Affirmation Supporting Salvage Certificate) and submit to the department. The INV 26-15E properly completed provides the written affirmation by the owner as required by Section 32-8-87 (k), Code of Ala. 1975, by stating the following:

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

(b) Applicant personally inspected the completed vehicle and it complies with all safety requirements set forth by the state of Alabama and any regulations promulgated thereunder.

(c) The identification numbers of the restored vehicle and its parts have not, to the knowledge of the owner, been removed, destroyed, falsified, altered or defaced.

(d) The Alabama salvage certificate document or foreign jurisdiction's salvage certificate of title or equivalent attached to the application has not, to the knowledge of the owner, been forged, falsified, altered or counterfeited.

(e) All information contained on the application and its attachments is true and correct to the knowledge of the owner.

(2) Supporting Documents:

(a) The outstanding Alabama or foreign jurisdiction's salvage certificate of title or equivalent properly assigned to reflect the correct chain of ownership down to and including the applicant.

(b) In the event of an older year model salvage vehicle coming into Alabama from a jurisdiction where it was not required to be titled, a properly signed and notarized bill-of-sale, which declares the vehicle to be salvage, from the insurance company that declared the vehicle as salvage or from the titled owner, to the salvage buyer, is required. The bill-of-sale must provide a complete vehicle description, including the manufacturer's identification number.

(c) A notarized bill of sale for each transfer of the vehicle subsequent to the transfer from the insurance company (if

the vehicle is coming into Alabama from a jurisdiction where it was not required to be titled).

(d) Whenever any major component part as defined in Section 32-8-87(m), Code of Ala. 1975, is replaced and is not that component from the original salvage vehicle, appropriate notarized bill(s)-of-sale, with identifying number of part and trade name of part, for that component is required. Bills-of-sale must also be provided for minor component parts, but are not required to be notarized.

(e) A copy of the applicant's regulatory rebuilder's license to serve as evidence that the owner is a licensed Rebuilder in the state of Alabama. However, where an owner acquires an Alabama salvage certificate of title to his or her own vehicle from an insurance company in settlement of a claim, a prior registration or other document that shows that he or she owned the vehicle prior to the issuance of the salvage title may be submitted in lieu of a rebuilder's license. In addition, no rebuilder's license shall be required in such cases where the owner qualifies to apply for an inspection pursuant to Section 32-8-87(r), Code of Ala. 1975.

(f) When the public vehicle identification number (VIN) plate has been removed from the vehicle the owner must complete an INV 26-3 form (Application for Alabama Assigned Vehicle identification Number). If the identity of the vehicle can be established, the department will issue an assigned VIN plate containing the vehicle identification number that was issued by the manufacturer and affix the plate to the vehicle. Should it not be possible to establish the identity of the vehicle, the department will issue an Alabama assigned vehicle identification number on the VIN plate.

(g) A notarized statement or a statement on company letterhead must be provided stating in detail all repairs necessary to restore the vehicle, when the application for inspection is for one of the following:

1. Travel Trailer,
2. Semi Trailer, or
3. Moving, collapsible, and folding campers (model years 1990 and after)

(h) Inspection fee of \$75.00 plus title fee of \$15, for a total of \$90.00.

(3) Upon receipt of a properly completed Form INV 26-15E, the required supporting documents and the required fees, the department's agent will physically inspect the rebuilt vehicle, and if everything is in order, the department's agent will proceed as follows:

(a) Upon inspecting a vehicle for which the Form INV 26-15E (Application for Inspection of a Salvage Vehicle and Affirmation Supporting Salvage Certificate) is received by the department on or after October 1, 1996, as evidenced by the received date stamped on the INV 26-15E by the department, the department's agent shall, upon the vehicle successfully passing inspection attach to driver's side door jamb, a secure decal which shall state "Rebuilt Salvage Vehicle - AntiTheft Inspection Passed".

(b) Attach Alabama assigned vehicle identification number plate when necessary.

(c) The department's agent shall complete Form INV 105 (Rebuilt Salvage Vehicle Secure Decal/Alabama Assigned Vehicle Identification Number) on which both shall certify that the secure decal denoting that the vehicle is a "Rebuilt Salvage Vehicle", and an Alabama assigned vehicle identification number plate when necessary, have been attached to the vehicle as required.

(d) The Department's agent shall complete a Form INV 105 (Completion of Vehicle Inspection) in which the Department's agent certifies the following:

1. He/she inspected the vehicle and its parts and there is no indication that the VIN of the vehicle or its parts have been removed, altered, defaced, destroyed, or tampered with.

2. The vehicle appears to have been restored to its operating condition which existed prior to the event which caused the salvage certificate to be issued.

3. That neither the vehicle nor any of its component parts are reported stolen with National Crime Information Center and/or the Alabama Criminal Justice Information Center and/or the National Motor Vehicle Title Information System.

4. That the statements on the application for inspection of a salvage vehicle appear to be true and correct.

(e) The department's agent shall complete a Form INV 105 and return the Form and INV 105 to the department whereupon approval, an Alabama Certificate of Title will be issued to the

owner which shall contain a legend on its face stating that the vehicle has been "REBUILT".

1. Each Form INV 26-15 (Application for Inspection of a Salvage Vehicle and Affirmation Supporting Salvage Certificate) received by the department on or after October 1, 1996, as evidenced by the received date stamped on the INV 26-15E by the department, shall result in the ensuing certificate of title containing a legend on its face stating that the vehicle has been "REBUILT".

2. Any person who sells, exchanges, delivers, or otherwise transfers any interest in any vehicle for which a salvage title or rebuilt title has been issued shall disclose in writing the existence of this kind of title to the prospective purchaser, recipient in exchange, recipient by donation, or recipient by other act of transfer. The disclosure must be made at the time of or prior to the completion of the sale, exchange, donation, or other act of transfer. The writing shall contain the following in no smaller than 10 point type: "This vehicle's title contains the designation 'salvage' or 'rebuilt'."

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 32-8-1 thru 32-8-88.

History: **Amended:** Filed October 18, 1996; effective November 22, 1996. **Amended:** Filed September 26, 2001; effective October 31, 2001. **Amended:** Filed January 11, 2011; effective February 15, 2011.

810-5-75-.31 Transfer Of Title For Vehicle Under The Abandoned Vehicle Act.

Authors: Don Clemons, Jonathan Lawrence

Statutory Authority: Code of Ala. 1975, §§32-8-3(b)(2), 40-2A-7(a)(5).

History: **Amended:** Filed March 17, 2004; effective April 21, 2004. **Amended:** Filed December 27, 2007; effective January 31, 2007. **Amended:** Filed January 23, 2015; effective February 27, 2015. **Repealed:** Filed December 4, 2018; effective January 18, 2018.

810-5-75-.31.01 Abandoned Motor Vehicle - Requirements For A Report Of Sale. (Repealed)

Author: Winston HYTE

Statutory Authority: Code of Ala. 1975, §§32-8-3(b)(2), 40-2A-7(a)(5).

History: New Rule: Filed March 17, 2004; effective April 21, 2004. **Repealed:** Filed December 27, 2007; effective January 31, 2007.

810-5-75-.31.02 Abandoned Motor Vehicle Record Request.

(Editor's Note: See Attachment)

(1) The term "department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) The term "abandoned motor vehicle" as used in this regulation shall refer only to a motor vehicle as defined in Section 32-8-2, Code of Ala. 1975, as amended.

(3) Any person or firm in possession of an abandoned motor vehicle is required to give written notice by certified mail to the current owner, secured parties, and lienholders of record at least 30 days prior to the date of the planned sale of the vehicle. An authorized representative of the person or firm may provide such notice. Information regarding the name and address of the current owner, secured parties, and lienholders of record shall be obtained only from the department by submitting the following:

(a) A completed Form MVT 32-13 - Abandoned Motor Vehicle Record Request.

1. Up to 10 vehicles may be listed per form using the vehicle identification numbers (VIN), year, make, model, and Alabama license plate number (if vehicle has a license plate) of the vehicle(s).

2. Name of individual, company, association, or firm, as well as the telephone number, and address of the requestor.

3. Signature of the party requesting the information, or an authorized representative of the company, association, or firm requesting the information.

4. Form may be submitted electronically through a service provider authorized by the department to provide motor vehicle records for this purpose.

(b) Fee(s) as specified under Chapter 8 of Title 32, Code of Ala. 1975.

1. Payment of record search fee(s) shall be in certified funds (personal checks will not be accepted).

2. Payment of record search fee(s) may be in cash, if paid in person at the department's office (do not mail cash).

3. A record search fee(s) is due on each vehicle record requested on Form MVT 32-13 (nonrefundable or transferable).

4. Records will be provided on a certified Abandoned Motor Vehicle Record Request Response statement (MVT 32-13R) for the vehicle identification number (VIN) requested on Form MVT 32-13. It shall be the responsibility of the requesting party to submit an additional record search fee and a new Form MVT 32-13 to obtain a corrected MVT 32-13R, if an incorrect vehicle identification number (VIN) is provided.

5. Title and registration record search fees shall be charged for records requested on a vehicle required to be titled. Only a registration record search fee shall be charged for records requested on a vehicle not required to be titled.

(4) Upon receipt of a properly completed Form MVT 32-13 and the applicable record search fee, a certified MVT 32-13R containing a vehicle identification number (VIN) record of all current owner(s) and lienholder(s) (name and addresses) on file for the vehicle shall be provided to the requestor.

(5) In the event department records contain no information for a vehicle identification number (VIN) submitted on Form MVT 32-13, a certified MVT 32-13R that the department has no record for the vehicle shall be provided to the requestor.

(6) It shall be the responsibility of any party selling an abandoned motor vehicle provide the purchaser of an abandoned motor vehicle with the original MVT 32-13R (either certifying current records or certifying that the department has no records).

Author: James Starling, Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(b)(2), 40-2A-10.

History: New Rule: Filed March 17, 2004; effective April 21, 2004. **Amended:** Filed December 27, 2007; effective January 31, 2007. **Amended:** Filed January 6, 2011; effective February 10, 2011. **Amended:** Filed August 27, 2014; effective October 1, 2014.

810-5-75-.32 Title Procedure - Transfer Of Title For A Vehicle In Bankruptcy. (REPEALED)

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Repealed: Filed May 6, 2011; effective June 10, 2011.

810-5-75-.33 Title Procedure - Transfer Of Title When A Vehicle Is Repossessed By A Lienholder Whose Lien Has Not Been Recorded. (REPEALED)

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Repealed and New Rule: Filed May 6, 2011; effective June 10, 2011.

810-5-75-.34 Title Obtained Under Surety Bond.

(1) If the department is not satisfied as to the ownership of the vehicle or manufactured home, or that there are no undisclosed security interests in the vehicle or manufactured home, the applicant(s) shall complete an electronic request for an Alabama certificate of title under surety bond (form MVT 10-1A) pursuant to Section 32-8-36 or 32-20-24(2), Code of Ala. 1975. Upon approval of the request for a surety bond, the applicant(s) will be provided a certificate of title surety bond for a motor vehicle or manufactured home (form MVT 10-1), to be completed by the applicant(s) and the insurance company issuing the surety bond.

(2) The standardized amount of the surety bonds shall be as follows:

(a) Trailers:

1. Less than five (5) model years old - \$25,000
2. Five (5) model years old but less than ten (10) model years old - \$10,000
3. Ten (10) or more model years old - \$5,000

(b) Passenger vehicles and pickup trucks:

1. Less than five (5) model years old - \$50,000
 2. Five (5) model years old but less than ten (10) model years old \$25,000
 3. Ten (10) or more model years old - \$10,000
- (c) Trucks, buses and recreational vehicles:
1. Less than five (5) model years old - \$100,000
 2. Five (5) model years old but less than ten (10) model years old - \$50,000
 3. Ten (10) or more model years old - \$25,000
- (d) Motorcycles:
1. Less than five (5) model years old - \$25,000
 2. Five (5) model years old but less than ten (10) model years old - \$10,000
 3. Ten (10) or more model years old - \$5,000
- (e) Manufactured homes:
1. Less than (10) model years old - \$50,000
 2. Ten (10) or more model years old - \$25,000

The manufactured home identification number for each section will be printed on the form MVT 10-1). The same certificate of title surety bond number issued by the surety company shall be listed, in the appropriate space, on each form MVT 10-1.

(3) Upon completion of form MVT 10-1, the applicant(s) shall make application for certificate of title through a designated agent. The application must be made within ninety (90) days from the date the surety bond was executed.

(4) The following documents are required to accompany the application for certificate of title:

(a) Form MVT 10-1 must be properly completed by applicant(s) and an insurance company licensed to issue surety bonds in the State of Alabama.

(b) The certificate of title surety bond must be signed by a representative of the surety company and shall include a power of attorney, for each representative authorized to sign on behalf of the surety company.

(c) Documents by which applicant(s) claim(s) ownership of the motor vehicle or manufactured home (i.e. bill of sale, registration, etc.).

(5) The certificate of title, when issued, will be printed with the legend "THIS TITLE WAS SECURED UNDER THREE-YEAR SURETY BOND".

(6) When an application for certificate of title is supported by a certificate of title issued under surety bond that is currently in effect in another jurisdiction, the applicant(s) will be required to post a surety bond in Alabama in order to title the motor vehicle or manufactured home.

(7) Once the form MVT 10-1 will be printed, it may not be modified or altered (i.e. strikethroughs, whiteout, etc.).

(8) The surety bond will indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle for a period of three (3) years from the date the bond is executed.

Authors: James Starling, Mike Gamble

Statutory Authority: Code of Ala. 1975, §§40-2A-7(a) (5), 32-8-1 through 32-8-88.

History: Amended: Filed November 23, 1998; effective December 28, 1998. **Amended:** Filed March 28, 2012, effective May 2, 2012. **Amended:** Filed October 30, 2014, effective December 4, 2014.

810-5-75-.35 **Bill Of Sale - Minimum Requirements. Reference: Section 40-12-260 (b) (2), Code Of Ala. 1975, As Amended.**
(Repealed)

Author: Billy Phillips

Statutory Authority: Code of Ala. 1975, §§40-2A-7(a) (5), 40-12-260 (b) (2) .

History: Amended: Filed January 3, 2008; effective February 7, 2008. **Repealed:** Filed December 18, 2008; effective January 22, 2009.

810-5-75-.36 Making Application For Title - Responsibilities Of Designated Agents, Requirements.

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) Designated agents are responsible for obtaining required information and correctly typing it on the application. All applications and information SHALL BE TYPED in black ink. All applications submitted by a Designated Agent shall be listed on a typed Remittance Advice (MVT 31-1). Only designated agents can accept applications for title (MVT 5-1c).

(3) All supporting documents required by the Department to identify and issue title shall be stapled in the top left corner and attached to the application. The number of forms and documents that accompany a title application will vary according to the type of sale or transfer of ownership. The documents are of different importance in establishing the chain of ownership of a vehicle, and documents should be submitted in a given order. The following order shall be followed by designated agents in submitting all supporting documents for each application.

(a) The MVT 5-1c, Title Application, shall be on top.

(b) Ownership documents (1975 and later model vehicles): Surrender of outstanding manufacturer's statement of origin, certificate of title, or other acceptable title document that is either in applicant's name or properly assigned to applicant.

(c) All other supporting documents.

(d) Fee (See Schedule of Fees and Commissions).

(4) Designated Agents are to verify that all information provided on supporting documents corresponds with the information provided on applications. The most important factor is the vehicle identification number (VIN). All vehicles not currently titled in Alabama shall be physically inspected by the designated agent to verify that the descriptive data is accurate and that the vehicle identification number plate agrees with the

vehicle identification number on the application and the document(s) by which the applicant claims ownership of the vehicle. It is recommended, however, that the designated agent inspect all vehicles to insure that the descriptive data is accurate and that the vehicle identification number plate agrees with the vehicle identification number on the application.

(5) Applications received by the Department will be returned to the designated agent for correction for any of the following reasons:

(a) Application contains incorrect information that the Department cannot correct.

(b) Supporting documents are incorrect or insufficient to support the issuance of an Alabama certificate of title.

(c) Application is not properly listed on a remittance advice (MVT31-1) or is incorrectly assembled.

(d) Required fee was not submitted.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-1 thru 32-8-88.

History: Amended: Filed November 23, 1998; effective December 28, 1998.

810-5-75-.37 Application For Certificate Of Title - Seller's Signature Requirements. (REPEALED)

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §32-8-3(a)(2), 32-8-1, 32-8-87

History: Repealed: Filed November 18, 2011; effective December 23, 2011.

810-5-75-.38 Reassignment Supplement Form MVT 8-3, Used By Licensed Alabama Dealers Upon Transfer Of Ownership.

(1) Secure Reassignment Supplement Form MVT 8-3 Revised shall be used by licensed Alabama dealers upon transfer of ownership on transactions where all reassignment spaces on the certificate of title have been completed.

(2) The Secure Reassignment Supplement Form may be used with both conforming and nonconforming titles and MSO's, and must be attached to the title that it supplements to be valid.

This form will not be acceptable in lieu of any blank spaces on the certificate of title, nor will a second MVT 8-3 Revised be acceptable in lieu of any blank spaces on the first form. This form shall be considered a component part of the original title when attached to same and any alterations to this form voids all assignments and reassignments and carries the same penalties of law as provided for the assignments and reassignments on the original title.

Author: Winston Hyte.

Statutory Authority: Code of Ala. 1975, §§32-8-1 through 32-8-88.

History: Filed April 20, 1992; August 14, 1992.

810-5-75-.39 Altered Documents.

(1) The Department will not accept any document that has been altered (i.e. correction fluid, strike throughs, etc). This includes, but is not limited to, applications for title, certificates of title, manufacturer's certificates of origin, assignments of titles and certificates of origin, bills of sale, affidavits and all forms required by the Department whether they be Alabama forms or forms from another jurisdiction. The Department will require a replacement document be obtained for the altered document.

(2) If an assignment of title contains an error, Form MVT 5-7, Affidavit of Correction to a Document to Support an Application for Certificate of Title, shall be completed to correct the assignment. Form MVT 5-7 shall contain the following information:

- (a) Type of Correction
1. Assignment of Manufacturer's Statement (Certificate) of Origin,
 2. Assignment of Title by Registered owner, or
 3. Re-assignment of Title by Licensed Motor Vehicle Dealer)
- (b) Assignment number being corrected (if applicable)
- (c) Vehicle identification number
- (d) Seller's reason for correction

- (e) Signature(s) of the owner(s) as transferor(s),
- (f) Name and address of the transferee(s),
- (g) Date of sale or transfer,
- (h) Name of the lienholder to be recorded on the new certificate of title in the name of the transferee (if applicable),
- (i) Printed name(s) of the transferor(s) (if the vehicle is subject to federal odometer certification requirements),
- (j) Signature(s) and printed name(s) of the transferee(s) (if the vehicle is subject to federal odometer certification requirements), and
- (k) Odometer disclosure (if the vehicle is subject to federal odometer certification requirements).
- (l) Notarization of both the transferor's and transferee's signatures.

Author: Lisa Blankenship

Statutory Authority: Code of Ala. 1975, §32-8-3(b) (2), 40-2A-7(a) (5).

History: Amended: Filed July 26, 2013; effective August 30, 2013.

810-5-75-.40 Requirements For Names And Signatures On Title Applications, Title Assignments And Motor Vehicle Registrations.

(1) An application for a certificate of title, accompanied by the required supporting documents which reflect two (2) owners, shall have the current legal names of both owners shown on the application. Two (2) owners joined by the conjunction "and" or with no conjunction between the names shall have tenancy in common ownership rights and both owners shall be required to sign the title application. Two (2) owners joined by the conjunction "or" or "and/or" shall have joint tenancy ownership rights with rights of survivorship and only one (1) owner shall be required to sign the title application. No more than two (2) owners shall be listed on an application for certificate of title.

(2) An assignment of title which reflects two (2) owners joined by the conjunction "and" or with no conjunction

between the names shall have tenancy in common ownership rights, and both owners shall be required to sign the title assignment. Two (2) owners joined by the conjunction "or" or "and/or" shall have joint tenancy ownership rights with rights of survivorship and only one (1) owner shall be required to sign the title assignment.

(3) The name of the owner(s) to be shown on the application for certificate of title shall be the current legal name of the owner(s) of the motor vehicle for which a certificate of title is requested as provided by Sections 32-8-35 and 32-8-39, Code of Ala. 1975. Variances in the owner's first name shall not affect the legality of the name and the inclusion or omission of a title, middle name or initial, suffix or hyphenated name shall not affect the legality of the owner's name. Note that the owner's name must be in agreement on all title documents and any variance(s) in the owner's name between title documents will require that the owner provide an affidavit attesting to the variance(s). The affidavit must be notarized, unless witnessed by a designated agent. If the owner is doing business under a trade name, the trade name may be shown following the current legal name of the owner.

(4) The current legal name(s) of the owner(s) or operator(s) shown on the Alabama application for certificate of title and Alabama certificate of title shall be identical to the name(s) of the owner(s) or operator(s) shown on the registration for the motor vehicle.

(5) If the current legal name of the owner or operator has changed, and the certificate of title is issued by another state and is being held by a lienholder, and the vehicle is not required to be titled in this state as provided by 32-8-31, the owner or operator must provide evidence of the current legal name, which shall be shown on the vehicle registration.

Authors: Jay Starling, Sherry Helms, Mike Gamble, Jonathan Lawrence

Statutory Authority: Code of Ala. 1975, §§40-2A-7(a)(5), 32-8-3(a)(2).

History: Amended: Filed January 28, 2010; effective March 4, 2010. **Amended:** Filed June 27, 2012; effective August 1, 2012. **Amended:** Filed January 23, 2015; effective February 27, 2015. **Amended:** Filed April 5, 2016; effective May 20, 2016.

810-5-75-.41 Dealer Required To Title Vehicle - Title Application Submitted To Department And Is Returned To Dealer Because Transfer Of Vehicle Was Not Consummated. (REPEALED)

Author:

Statutory Authority: Code of Ala. 1975, §32-8-3 (a)(2), 32-8-1, 32-8-87

History: Repealed: Filed October 23, 2012; effective November 27, 2012.

810-5-75-.42 Dealer Records.

(1) Section 32-8-45(b), Code of Ala. 1975, provides that every dealer shall maintain for five years a record, in a form as prescribed by the Department, of every vehicle bought, sold or exchanged by him or received by him for sale or exchange. These records shall be open to inspection by representatives of the Department and law enforcement officers during reasonable business hours.

(2) Dealer records must include the following information:

(a) Name and complete address (P. O. Box number not acceptable) of person buying, selling or exchanging vehicle with dealer.

(b) Name and complete address (P. O. Box number not acceptable) of owner from whom a vehicle was received for sale or exchange.

(c) Complete vehicle description: year, make, model, or series number, vehicle identification number and body type.

(d) Date of transaction.

(e) Statement that the identification number has been obliterated, defaced or changed if such is the fact.

(3) Section 32-8-3(b)4, Code of Ala. 1975, as amended, empowers the Department to revoke the designated agent status of a dealer for failure to faithfully perform duties if records are not maintained in the manner and period of time prescribed by the department and state law.

Author: Lisa Blankenship

Statutory Authority: Code of Ala. 1975, §32-8-3(b)(2), 32-8-45(b), 40-2A-7(a)(5)

History: Amended: Filed July 26, 2013, effective August 30, 2013.

810-5-75-.44 **Assignment/Reassignment Of Salvage Certificate Of Title. (REPEALED)**

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-1 ,32-8-87.

History: Filed May 21, 1990; August 22, 1990. **Repealed:** Filed November 18, 2011; effective December 23, 2011.

810-5-75-.46 **Assignment Of Certificate Of Title.**

1. The Alabama Uniform Certificate of Title and Anti-theft Act provides for the transfer of motor vehicles by operation of law (involuntary transfers) whereby the vehicle's previous owner is not required to complete the assignment of title and, in some instances, the certificate of title is not available. This Act further provides for an exemption from having to take title in the name of the transferee in instances of repossession of a motor vehicle or when an insurance company acquires a motor vehicle from an insured under the terms of an insurance contract (policy).

2. The Federal Truth-in-Mileage Act of 1986 (as amended) and the rules of the National Highway Traffic Safety Administration require all states to issue a secure certificate of title which includes a Conforming Odometer Statement in the assignment. This Act further requires the transferee and the transferor to complete the odometer statement on the certificate of title or by issuance of a separate conforming Federal Odometer Statement when the certificate of title does not contain the required odometer statement.

3. The Alabama Certificate of Title provides for an assignment of title by the registered owner which shall include the lienholder reflected on the face of the certificate in instances of repossession.

4. The Alabama Certificate of Title provides for reassignments of title by licensed dealers which shall include licensed insurance companies who issue insurance contracts (policies) on motor vehicles and who acquire a motor vehicle under the terms of an insurance contract.

5. Lienholders who are recorded on the certificate of title and effect repossession of the motor vehicle, insurance companies who acquire ownership of a motor vehicle under the terms of an insurance contract (policy) and the heir(s) of motor vehicles when the deceased person died without a will, may either take title in their name or they shall effect transfer of the vehicle(s) as follows:

(a) Lienholders must complete the Repossessed Motor Vehicle Affidavit and Disposition of Vehicle Under Lien (MVT Form 1-5), and shall complete the assignment of title by owner, and if the assignment of title area does not contain the required Federal Odometer Disclosure Statement, a separate conforming Federal Odometer Statement as mandated by the Federal Truth-in-Mileage Act of 1986 must be issued by the seller to the buyer. If the buyer is the applicant for title, the original copy of the statement must accompany the application for title.

(b) Insurance companies who acquire ownership of non-total loss vehicles shall acquire a properly assigned certificate of title from the owner (insured) to the insurance company, and shall complete the "Affidavit of Acquisition and Disposition of a Non-Total Loss Vehicle by Insurance Company" (MVT Form 45-1), and shall complete the "first reassignment of title by a licensed dealer" to their transferee. If the title assignment/reassignment area does not contain the required Federal Odometer Disclosure Statement, a separate conforming Federal Odometer Statement as mandated by the Federal Truth-in-Mileage Act of 1986 shall be issued by the insurance company to the purchaser. If the purchaser is the applicant for title, the original copy of the statement must accompany the application for title.

(c) Heirs of deceased owners of motor vehicles who died without a will who dispose of motor vehicles must complete an Affidavit for Assignment of Title When Deceased Owner Died Without A Will (MVT Form 5-6) and shall complete the assignment of title by owner. If the assignment of title area does not contain the required Federal Odometer Disclosure Statement, a separate conforming Federal Odometer Statement must be issued by the seller to the purchaser. If the purchaser is the applicant for title, the original copy of the statement must accompany the application for title by the applicant.

Author: Charles Patton

Statutory Authority: Code of Ala. 1975, §32-8-3.

History: Filed May 21, 1990; August 22, 1990.

810-5-75-.46.01 Assignment Of Certificate Of Title-Transferor's Signature Requirements. (REPEALED)

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-1, 32-8-88.

History: New Rule: Filed November 5, 1997; effective December 10, 1997. **Repealed:** Filed November 18, 2011; effective December 23, 2011.

810-5-75-.47 Title Procedure - Identification Of Motor Vehicles Returned To The Manufacturer Because Of Nonconformity To Warranty.

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) Section 8-20A-4, Code of Ala. 1975, requires the legend THIS VEHICLE WAS RETURNED TO THE MANUFACTURER BECAUSE IT DID NOT CONFORM TO ITS WARRANTY" be placed on certificates of title issued to the manufacturer due to reasons outlined in the Code. This legend shall be continued on all successive certificates of title.

(3) A specific procedure is needed for motor vehicle manufacturers to follow in obtaining such title certificates.

(4) Therefore, vehicles based in Alabama and required to be registered in this state which are conveyed back to a manufacturer under provisions of Section 8-20A-1/6, Code of Ala. 1975 (commonly known as the Lemon Law), shall require the manufacturer to make application for certificate of title in their name to the Department. The manufacturer may either complete a MVT 51A application (which they may obtain from the Department) and forward to the Department with the required supporting documents, or make application through a designated agent of the Department. The manufacturer is not required to provide an in state address when titling a "lemon" vehicle pursuant to the Code. Upon approval of these documents, a new Alabama certificate of title will be issued reflecting the legend (brand) required by state law.

(5) Supporting Documents:

(a) Properly assigned certificate of title.

(b) Affidavit stating that vehicle is being titled in name of manufacturer pursuant to the provisions of Section 8-20A-1/6, Code of Ala. 1975, as amended.

(c) Power of attorney if applicable.

(d) Fee (see schedule of Fees and Commissions).

Author: Winston Hyte

Statutory Authority: Code of Ala. 1975, §§8-20A-1, 8-20A-6.

History: Filed July 20, 1990; November 1, 1990. **Amended:** Filed November 5, 1997; effective December 10, 1997.

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

(1) Section 32-8-87(j), Code of Ala. 1975, as amended, prohibits the issuance of a certificate of title for any motor vehicle for which a "junk" certificate has been issued or for a vehicle which is sold "for parts only". Equivalent certificates of title from other states such as, but not limited to, a certificate of destruction, a permit to dismantle or a non-rebuildable branded title shall also be considered junk.

(2) Any motor vehicle for which a certificate has been issued by any State with the notation of junk, parts car, parts only, non-rebuildable, or bills-of-sale issued for transfer of the vehicle which contain this information shall be considered to be a "junk" vehicle and shall not be titled in this State.

(3) In addition, no certificate of title may be issued for any motor vehicle where the frame or the majority of the major component parts, as defined in Section 32-8-87, Code of Ala. 1975, were obtained from a "junk" vehicle as defined in this rule.

(4) Except as provided in Section (5) of this rule, every licensed automotive dismantler and parts recycler or secondary metals recycler, in this state, who acquires a motor vehicle for the purpose of dismantling it or recycling it into metallic scrap for remelting purposes or any person who crushes a motor vehicle acquired from anyone other than a licensed automotive dismantler and parts recycler or secondary metals recycler shall be required to take the following actions prior to crushing the motor vehicle or dismantling it or recycling it into metallic scrap for remelting purposes:

(a) Obtain the properly assigned certificate of title, and

(b) Electronically transmit the following information through the Department's Motor Vehicle Title Registration Insurance Portal (MVTRIP):

1. Name and address of the licensed automotive dismantler and parts recycler, secondary metals recycler or person who crushes a motor vehicle acquired from anyone other than a licensed automotive dismantler and parts recycler or secondary metals recycler,
2. Date of acquisition,
3. Vehicle Identification Number (VIN),
4. Title number and state of issuance,
5. Year,
6. Make,
7. Model, and
8. Odometer reading (for vehicles not exempt from federal odometer certification disclosure requirements).

The department will provide and utilize a real-time online system to validate the vehicle and title information and verify that the vehicle is not reported as stolen. Upon completing the real-time online verification and validation, the Department will immediately provide an electronic confirmation receipt with a unique confirmation number.

(5) Every licensed automotive dismantler and parts recycler or secondary metals recycler, in this state, who acquires a motor vehicle, twelve or more model years old, for the purpose of dismantling or recycling it into metallic scrap shall complete form MVT 5-18 whenever the owner or authorized agent of the owner did not obtain a certificate of title in his or her name.

(a) The following information shall be provided on form MVT 5-18:

1. Statement that the motor vehicle shall never be titled again and it must be dismantled or scrapped,
2. Printed name of the seller,
3. Signature of seller and date signed,

4. Printed name of authorized agent of seller (if applicable),
5. Signature of authorized agent of seller and date signed (if applicable),
6. Seller's driver's license number or identification number and state of Issuance,
7. Certification by the seller that the seller is lawfully in possession of the motor vehicle and the seller is the current owner of the motor vehicle and the seller never obtained a title to the vehicle in his or her name,
8. Name and address of the licensed automotive dismantler and parts recycler or secondary metals recycler,
9. Printed name of business agent,
10. Signature of business agent and date signed,
11. National Motor Vehicle Title Information System (NMVTIS) ID number assigned to the licensed automotive dismantler and parts recycler or secondary metals recycler,
12. Date of acquisition,
13. Vehicle Identification Number (VIN),
14. Year,
15. Make,
16. Model, and
17. License plate number and state of issuance of any vehicle transporting the motor vehicle being sold.

(b) Upon completion of form MVT 5-18, the licensed automotive dismantler and parts recycler or secondary metals recycler shall electronically transmit the information in subsection (a) through the Department's Motor Vehicle Title Registration Insurance Portal (MVTRIP).

The Department will, upon receipt of the information required in subsection (a), utilizing a real-time online system, verify that no lien has been recorded on the motor vehicle in the past five years, that there are no pending electronic notices of lien filed within the last five years and that the motor vehicle is not reported as stolen. Upon verification, the Department will

immediately provide an electronic confirmation receipt with a unique confirmation number.

(6) The fee per electronic transmittal, as provided for in Sections (4) and (5), shall be the amount as specified by Section 32-8-87(t), Code of Ala. 1975. In lieu of a per transmittal charge, an automotive dismantler and parts recycler or secondary metals recycler may pay an annual fee as specified by Section 32-8-87(t), Code of Ala. 1975, for all transmittals made during a fiscal year. The fiscal year begins October 1st and ends the following September 30th. The annual fee shall be applicable for each location or licensee.

(7) Every automotive dismantler and parts recycler and secondary metals recycler shall maintain the original signed documents as provided under this rule for a period of not less than five years.

(8) An automotive dismantler and parts recycler or secondary metals recycler, located outside of Alabama, who acquires a motor vehicle and the properly assigned Alabama certificate of title for the purpose of dismantling the motor vehicle or recycling it into metallic scrap may, upon proper registration and payment of the fee(s) as specified in Section 6 of this rule, utilize the Department's Motor Vehicle Title Registration Insurance Portal (MVTRIP) to provide the information as specified in Section 4(b) of this rule.

(9) Any transaction that is not successfully completed within 3 days from the initial filing date shall be voided and a new transaction must be initiated and completed to comply with the requirements of Section 32-8-87, Code of Ala. 1975.

(10) A motor vehicle that has previously been successfully reported as scrap through the Department's Motor Vehicle Title Registration Insurance Portal (MVTRIP) shall not be required to be reported again by a party who has subsequently acquired the motor vehicle for the purpose of dismantling the motor vehicle or recycling it into metallic scrap. A copy of the receipt, as provided for in Section 4 or 5 of this rule, shall serve as evidence that the motor vehicle has previously been successfully reported as scrap.

(11) The requirement of obtaining a salvage title in accordance with Section 32-8-87, Code of Ala. 1975, shall not be affected by this rule.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(b)(3), 40-2A-7(a)(5).

History: Filed May 21, 1990; August 22, 1990. **Amended:** Filed December 8, 2009; effective January 12, 2010. **Amended:** Filed April 21, 2010, effective May 26, 2010. **Amended:** Filed January 6, 2011; effective February 10, 2011. **Amended:** Filed November 18, 2011; effective December 23, 2011. **Amended:** Filed October 23, 2012; effective November 27, 2012.

Ed. Note: Was previously 810-5-1-.235 and moved to 810-5-75-.48 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.49 Certificate Of Title Required - New Title Issued When Information On A Certificate Of Title Is Changed Or When Correction Is Required. Reference: Sections 32-8-1 Through 32-8-87, Code Of Ala. 1975, As Amended.

(1) In any case where there is a change in the information required to be shown on a certificate of title or where a correction in the information shown is necessary, a new or corrected certificate of title is required. In order to have the new or corrected certificate of title issued, the owner shall make application for a new certificate of title on form MVT 5-1, through a designated agent who will forward the completed application to the Department of Revenue, where the new certificate of title will be issued bearing a new certificate of title number.

(2) The only exception to this rule and regulation will be for an address change for which an owner shall file an address change notice on address change form MVT 1-1. The new address will be shown on the records of the Department of Revenue, but will not be shown on the outstanding certificate of title unless an application for a new certificate of title is made by the owner in accordance with the preceding paragraph.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Amended: Filed April 21, 2010, effective May 26, 2010.

Ed. Note: Was previously 810-5-2-.01 and moved to 810-5-75-.49 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.50 Certificate Of Title Required - Continuance Of Recorded Legends. Reference: Sections 32-8-1 Through 32-8-87,

Code Of Ala. 1975, As Amended. Any and all legends which appear on certificates of title issued by other jurisdictions to disclose a pertinent fact about a vehicle or its ownership and surrendered to this state may be continued on certificates of title issued in this state.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §32-8-3(b) (2).

History: Adopted July 6, 1984; Filed July 19, 1984. **Amended:** Filed April 21, 2010, effective May 26, 2010.

Ed. Note: Was previously 810-5-2-.02 and moved to 810-5-75-.50 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.51 **Returned Title Request Form (Form MVT 5-27).**

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) Alabama certificates of title that have been issued by the Department and subsequently returned by the United States Postal Service as undeliverable can be returned to the owner(s) or lienholder upon receipt by the Department of a properly completed form MVT 5-27.

(3) Information provided on form MVT 5-27 shall include: vehicle identification number, year model, make, model, name of owner(s), name of first lienholder (if any), name and mailing address where title is requested to be mailed, typed or printed name of individual requesting title, signature of individual requesting title, and date form was completed.

(4) If anyone other than the owner(s) or lienholder completes form MVT 5-27 then the applicant must submit a power of attorney from the owner(s) or lienholder which authorizes the applicant to complete the form MVT 5-27. The power of attorney must accompany form MVT 5-27.

(5) The Department shall maintain returned certificates of title for a reasonable period of time to be determined by the Department. The Department may issue another certificate of title to the owner(s) or lienholder upon receipt of a properly completed form MVT 5-27 in lieu of the title previously returned by the United States Postal Service.

(6) No fee is required to be submitted with Form MVT 5-27.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(b)(2), 40-2A-7(a)(5).

History: New Rule: Filed October 20, 1999; effective November 24, 1999. **Amended:** Filed April 21, 2010, effective May 26, 2010.

Ed. Note: Was previously 810-5-2-.03 and moved to 810-5-75-.51 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.52 Designated Agent Appointments.

(1) Under the authority of Section 32-8-34, Code of Ala. 1975, the following entities, which are legally authorized to do business in Alabama and having a place of business in Alabama, shall make application to become designated agents of the Department:

- (a) Automobile dealers
 - (b) Manufactured home dealers
 - (c) Financial Institutions making mortgage loans
 - (d) Pawnshops licensed to enter into pawn transactions on motor vehicles
 - (e) Insurance companies
- (2) The above entities shall make application on form MVT 4-1 to become a designated agent of the Department.

(3) If the application is approved by the Commissioner of Revenue, the applicant shall deliver to the Commissioner a good and sufficient surety bond, executed by the applicant as principal and by a corporate surety company qualified to do business in the State as surety, in the sum of twenty-five thousand dollars (\$25,000). Such bond shall be conditioned upon the faithful performance of its duties as a designated agent under Chapter 8 of Title 32, Code of Ala. 1975. Such bond shall be payable to the commissioner and shall be in favor of any person who shall recover any judgment for any loss as a result of any violation of the conditions of the bond. Bond form MVT 4-3 shall be provided by the Department.

(4) The Department shall not appoint an entity located outside the State of Alabama as a designated agent of the Department. Designated agents of the Department located outside the State of Alabama that were qualified prior to January 1, 2004, may continue to operate as a designated agent of the Department as long as they comply with the requirements of Chapter 8, Title 32 of the Code of Ala. 1975. Should the designated agent license of an out of state designated agent be cancelled, the designated agent cannot be reinstated.

(5) The provisions of this rule will become operative on December 1, 2014.

Author: James Starling

Statutory Authority: Code of Ala. 1975, §§32-8-3(b)(2), 32-8-34(c), 40-2A-7(a)(5).

History: Amended: Filed May 18, 2004, effective June 22, 2004.

Amended: Filed April 21, 2010; effective May 26, 2010. **Amended:** Filed January 6, 2011; effective February 10, 2011. **Amended:**

Filed January 10, 2013; effective February 14, 2013. **Repealed and New Rule:** Filed October 27, 2014, effective December 1, 2014.

Ed. Note: Was previously 810-5-4-.01 and moved to 810-5-75-.52 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.53 Application For Certificate Of Title Leased Vehicles (Including Lease/Purchase Agreements).

(1) A leasing company which leases a motor vehicle that will be based in Alabama and required to be titled in this State, shall make application to the Department of Revenue for a certificate of title. The lessor shall always be named as owner. The lessor's address shall be provided in the space for owner's mailing address and will be mailed to the lessor at that address provided there is not a lienholder disclosed on the application. The lessor shall also provide the lessee's name and resident address in the space designated for Alabama Operator (lessee).

(2) When a security interest is perfected on a leased vehicle, the certificate of title shall be mailed to the first lienholder.

(3) Designated agent shall complete MVT 5-1C (Application for Certificate of Title) with a typewriter or printer (BLACK INK). Application must be properly completed and

signed by the designated agent and owner (lessor) or attorney-in-fact of owner (lessor).

(4) Supporting Documents:

(a) Certified manufacturer's certificate of origin properly assigned to owner (lessor), or valid certificate of title either in the name of the owner (lessor) or properly assigned to the owner (lessor).

(b) Power of attorney if documents signed by an attorney-in-fact.

(c) Fee (see schedule of Fees and Commissions).

NOTE: If the lessee of a vehicle changes, the lessor shall obtain a corrected certificate of title reflecting the name and resident address of the new lessee by making application to the department and surrendering the outstanding certificate of title and required title fee. Registration records must also be updated.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §32-8-1 through 32-8-88.

History: Amended: Filed November 5, 1997; effective December 10, 1997. **Amended:** Filed April 21, 2010; effective May 26, 2010.

Ed. Note: Was previously 810-5-5-.07 and moved to 810-5-75-.53 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.54 Application For Certificate Of Title - Corrections On An Application For Certificate Of Title By The Department.

Reference: Sections 32-8-1 Through 32-8-87, Code Of Ala. 1975, As Amended. Authorized employees of the Department may make corrections in the vehicle information portion of an application when the information furnished in error is not an obvious attempt to defraud. No corrections will be made which will effect the validity of the application or jeopardize the prosecution of an applicant furnishing information with intent to defraud. All corrections must be proved necessary by supporting documents. No corrections will be made to the owner information or lienholder information portion of an application for certificate of title since this information must be provided by an applicant who would be subject to prosecution on a felony charge where false information is furnished in these areas.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Amended: Filed April 21, 2010, effective May 26, 2010.

Ed. Note: Was previously 810-5-5-.10 and moved to 810-5-75-.54 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.55 Application For Certificate Of Title - Certification Of Physical Inspection Of A Motor Vehicle On Application For Certificate Of Title. Reference: Sections 32-8-1 Through 32-8-87, Code Of Ala. 1975, As Amended.

(1) The application for certificate of title, Form MVT 5-1, is a multi-purpose form required for various transactions. A new application is necessary for each transaction which requires that a new title be issued. A new title with a new number revokes any previous title.

(2) A physical inspection of a motor vehicle and verification of the vehicle identification number and the descriptive data shown on the application is required only for first certificates of title, including certificates of title for the following:

(a) New Vehicles - Application for first title.

(b) Out-of-State Vehicles - Brought into Alabama requiring registration and titling in this State and surrendering of out-of-state title.

(c) Other Vehicles - Not currently titled in Alabama and subject to registration and titling in this State.

(3) Where a currently valid Alabama certificate of title to a motor vehicle is assigned to a new owner, the designated agent processing an application for title for the new owner is not required to physically verify the motor vehicle identification number and description of the vehicle. In such a case, the signature of the designated agent on the application is his certification that the motor vehicle identification number and description shown on the new application are identical to the motor vehicle identification number and description in the certificate of title assigned to the new owner and that he has positively identified the new owner and witnessed his signature on the application for the new title.

(4) The application for a certificate of title, Form MVT 20-1, may only be used as a notice of security interest to record a lien on a vehicle previously titled in Alabama. This form is designed for use by a lienholder not qualified as a designated agent and it cannot be used in a transfer of ownership.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Amended: Filed April 21, 2010; effective May 26, 2010.

Ed. Note: Was previously 810-5-5-.13 and moved to 810-5-75-.55 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.56 Issuance And Records - Abbreviations Used In Data Entry. Reference: Sections 32-8-1 Through 32-8-87, Code Of Ala. 1975, As Amended.

Where the information describing a motor vehicle or the name and/or address of an owner, dealer, lienholder or designated agent is too long to be recorded because of the mechanical limitations of computer entry and record keeping, the Department may use abbreviations where necessary.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Amended: Filed April 21, 2010; effective May 26, 2010.

Ed. Note: Was previously 810-5-6-.01 and moved to 810-5-75-.56 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.57 Application For Salvage Certificate Of Title - Application For Certificate Of Title For A Stolen Unrecovered Vehicle.

(1) When a motor vehicle subject to titling is considered a total loss as defined in Section 32-8-87, Code of Ala. 1975, as amended, it will be the responsibility of the owner or any person acquiring ownership (individual, company, or insurance company) to complete form MVT 41-1 or MVT 41-1e (Application for Salvage Certificate of Title), and mail or deliver it to the Department of Revenue for processing. Note: Form MVT 41-1e is generated through the Motor Vehicle Title Registration Insurance Portal (MVTRIP) using ETAPS (electronic title application processing system) and form MVT 41-1 is a paper

form that does not originate through ETAPS. Forms MVT 41-1 and MVT 41-1e shall contain the following information:

(a) The individual completing form MVT 41-1 or MVT 41-1e must verify the Vehicle Identification Number (VIN) and other vehicle information using information obtained from the outstanding certificate of title and the vehicle being reported as salvage. If a discrepancy in the VIN is found, the owner in whose name the title is currently issued must obtain a corrected certificate of title prior to the submission of the MVT 41-1 or MVT 41-1e.

(b) The owner information area must be completed using the name of individual or company that is obtaining the salvage certificate of title. Individuals must be listed by their last name first, followed by their first name and then middle initial. Any suffixes such as Jr., Sr., or the III must be listed after the name. The owner's resident address must be listed if the address is different from the mailing address. A Post Office Box is not considered a resident address and is not permitted.

(c) The lienholder information should be completed only when there is an outstanding lien on the vehicle. If a lien recorded on the outstanding certificate of title has been satisfied, a separate lien release must be provided, unless released on the certificate of title in the space provided.

(d) The owner's authorization for special mailing section may be completed only when there are no outstanding liens on the vehicle. If a lien is recorded, then the certificate of title will be mailed to the recorded lienholder regardless of whether the special mailing authorization is completed.

(e) When the owner (individual or company) making application for a salvage certificate of title is either uninsured or self-insured, the MVT 41-1 or MVT 41-1e must be completed and signed by the applicant. The applicant must disclose whether the vehicle is "Junk" or to be "Sold For Parts Only" on the MVT 41-1 or MVT 41-1e. A vehicle which is disclosed as "Junk" or to be "Sold For Parts Only" cannot be rebuilt and no subsequent certificate of title will be issued for the vehicle after the salvage certificate of title is issued with a "Parts Only - Non- Rebuildable" legend. The owner shall also disclose the city and state where the total loss occurred and whether the vehicle was declared a total loss due, in part, to water damage.

(f) When an insurance company has declared the vehicle to be a total loss, and paid compensation to the owner, the MVT 41-1 or MVT 41-1e must be completed and signed by an authorized representative of the insurance company. The authorized

representative must disclose whether the vehicle is "Junk" or to be "Sold For Parts Only" on the MVT 41-1 or MVT 41-1e. A vehicle which is disclosed as "Junk" or to be "Sold For Parts Only" cannot be rebuilt and no subsequent certificate of title will be issued for the vehicle after the salvage certificate of title is issued with a "Parts Only - Non- Rebuildable" legend. The owner shall also disclose the city and state where the total loss occurred and whether the vehicle was declared a total loss due, in part, to water damage. The authorized representative must also disclose whether the insurance company is making application for a salvage certificate of title, or the owner is retaining the salvage on the vehicle, on the MVT 41-1 or MVT 41-1e.

(2) The supporting documents which must accompany the MVT 41-1 or MVT 41-1e are as follows:

(a) Outstanding certificate of title, properly assigned if necessary. Note: Documents evidencing an involuntary transfer of the vehicle by operation of law may be used in lieu of the outstanding certificate of title.

(b) Any other documents used to support the application or transfer of title.

(c) Fee as required in Section 32-8-6 (a) (1), Code of Ala. 1975.

(3) Upon receipt of a properly completed MVT 41-1 MVT 41-1e and the supporting documents as specified in Section 2, the Department will issue a salvage certificate of title. The salvage certificate of title will reflect the legend "Parts Only - Non-Rebuildable" if such disclosure was made on the MVT 41-1 MVT 41-1e. The salvage certificate of title will reflect the legend "Flood Vehicle" if such disclosure was made on the MVT 41-1 MVT 41-1e.

(4) Once the legend "Flood Vehicle" is issued on a salvage certificate of title or any other certificate of title the legend will be reflected on all subsequent certificates of title regardless of whether the vehicle is subsequently rebuilt in this or any other state.

(5) Note: Once form MVT 41-1e is available for use by non-designated agents through MVTRIP, form MVT 41-1 may no longer be used to apply for salvage certificate of title.

(6) Effective January 1, 2012, when a settlement has occurred between an insurance company and the insured for a vehicle that has been reported as stolen in this state, the

insurance company may make application for certificate of title in their name by completing form MVT 40-1e and submitting the following documents:

(a) Outstanding properly assigned certificate of title. Note: Documents evidencing an involuntary transfer of the vehicle by operation of law may be used in lieu of the outstanding certificate of title.

(b) Any other documents used to support the application or transfer of title.

(c) Fee as required in Section 32-8-6 (a) (1), Code of Ala. 1975.

(7) Upon receipt of a properly completed MVT 40-1e and the supporting documents as specified in paragraph 6, the Department will issue an electronic certificate of title in the name of the insurance company indicating that the vehicle is reported as stolen and unrecovered.

(8) Upon recovery of the vehicle, the insurance company shall electronically update the title record utilizing MVTRIP. The insurance company shall include, in the disclosure, whether the recovered vehicle was a total loss requiring that a salvage certificate of title be issued in the name of the insurance company. In addition, the insurance company shall provide, if applicable, an updated mailing address where the certificate of title shall be mailed.

(9) Upon receipt of the disclosure from the insurance company, the Department shall issue a certificate of title in paper form in the name of the insurance company.

NOTE: Scrap Metal Processors Acquiring A Total Loss Vehicle For The Purpose of Recycling Into Metallic Scrap for Remelting Purposes Are Not Required To Obtain A Salvage Certificate Of Title.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-1 through 32-8-88.

History: Repealed and Replaced: Filed November 5, 1997; effective December 10, 1997. **Amended:** Filed July 26, 2006; effective August 30, 2006. **Amended:** Filed April 21, 2010; effective May 26, 2010. **Amended:** Filed January 6, 2011; effective February 10, 2011. **Amended:** Filed November 18, 2011; effective December 23, 2011.

Ed. Note: Was previously 810-5-17-.01 and moved to 810-5-75-.57 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.58 Security Interest - Motor Homes. Reference: Sections 32-8-1 Through 32-8-87, Code Of Ala. 1975, As Amended.

When titling a motor home, where two (2) manufacturer's statements of origin are furnished (one on the chassis and one on the house) both manufacturer's statements of origin must be submitted and the title will be issued reflecting the vehicle identification number of the chassis, but the security interest will be perfected on both chassis and home.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Amended: Filed April 21, 2010; effective May 26, 2010.

Ed. Note: Was previously 810-5-19-.04 and moved to 810-5-75-.58 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.59 Powers Of The Department - Application For Alabama Vehicle Identification Number And Supporting Documents.

Reference: Sections 32-8-1 Through 32-8-87, Code Of Ala. 1975, As Amended.

(1) An owner of a motor vehicle from which the manufacturer's vehicle identification number plate has been previously removed, as required by Act 765 or by statutes of another state or jurisdiction, must make application for an Alabama assigned vehicle identification number on form MVT 26-3 when this vehicle is repaired, rebuilt or remanufactured and its operation on the public streets and highways of Alabama would require the titling and licensing of the vehicle in this state.

(2) When making application for an Alabama assigned vehicle identification number, a properly signed and certified bill of sale, which provides the vehicle description, including the manufacturer's vehicle identification number, from the insurance company that declared the vehicle as salvage or from the registered owner, to the salvage buyer, shall be required. A chain of ownership by proper bill of sale from the salvage buyer to the next owner, and to each owner thereafter, to the applicant, must be attached to the bill of sale from the insurance company or registered owner. Whenever any major

component part (engine, frame, body or transmission) is replaced and is not that component in the original salvaged vehicle, appropriate bill(s) of sale for that component part will also be required.

(3) After an application for an Alabama assigned vehicle identification number has been approved, an Alabama vehicle identification number plate will be delivered to the owner and the vehicle will be inspected to determine where, on the vehicle, the Alabama identification number plate must be installed.

(4) After an Alabama vehicle identification number plate is installed, application may then be made for an Alabama certificate of title on form MVT 5-1.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-3(a)(2), 40-2A-7(a)(5).

History: Amended: Filed April 21, 2010; effective May 26, 2010.

Ed. Note: Was previously 810-5-26-.01 and moved to 810-5-75-.59 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.60 Powers Of The Department - Revocation And Denial Of Authority To Act As Designated Agent Of The Department.

(1) The term "department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) Section 32-8-3(b)(4), Code of Ala. 1975, as amended, empowers the department to revoke the authority of any previously appointed designated agent of the department upon a finding by the department that the designated agent has failed to faithfully perform its duties under Chapter 8, Title 32 of the Code of Ala. 1975, as amended, or has been convicted of violating any felony provisions of Chapter 8, Title 32, or Title 40 of the Code of Ala. 1975, as amended.

(3) If the department has cause to believe that a designated agent has failed to faithfully perform its duties as set out in Chapter 8, Title 32 of the Code of Ala. 1975, as amended, or that a designated agent or designated agent applicant has been convicted of violating any felony provision of Chapter 8, Title 32, or Title 40 of the Code of Ala. 1975, as amended, then the department shall mail to that designated agent, or designated agent applicant a written notice detailing the area or

areas of alleged non-compliance. The written notice shall advise the designated agent or designated agent applicant, that within ten (10) calendar days from the date of the department's written notice, a written response must be submitted either refuting the alleged non-compliance, or detailing the action they have taken to correct the area or areas of non-compliance. The written notice shall be mailed to the designated agent or designated agent applicant at the last known address contained in the department's records.

(4) If the designated agent fails to provide a satisfactory response in writing to the department within the prescribed 10 calendar day period, a designated agent revocation letter will be mailed to the designated agent advising that its current access to process title applications as a designated agent is immediately suspended and that its authority as a designated agent will be revoked in thirty (30) calendar days. If the designated agent applicant fails to provide a satisfactory response in writing to the department within the prescribed 10 calendar day period, a designated agent application refusal letter will be mailed to the designated agent applicant advising that its application for a designated agent license has been denied. The designated agent revocation letter and designated agent application refusal letter shall also serve as notice to the designated agent or designated agent applicant of their right to appeal the department's intended action to the Administrative Law Division of the department. The letter shall be mailed to the designated agent or designated agent applicant at the last known address contained in the department's records.

(5) Under Section 40-2A-8, Code of Ala. 1975, as amended, the designated agent or designated agent applicant shall have thirty (30) calendar days from the date of the designated agent revocation letter or designated agent application refusal letter to file a written notice of appeal with the Administrative Law Division. If the Administrative Law Division does not receive written notice of appeal within the allotted time, the department's decision to revoke the authority of the designated agent or deny the authority of a designated agent applicant, will become final. The designated agent will be required to immediately deliver to the department their Designated Agent Certificate, monies collected and due the department, title applications, title documents used to support an application for certificate of title processed by the designated agent, and other title forms supplied to the agent by the department as a result of having been afforded designated agent status by the department. In order to insure compliance with the revocation process, the department may call upon any law enforcement agency of the state to seize the aforementioned items that the agent is

required to surrender to the department provided the agent has not voluntarily returned the items.

(6) The department shall not allow any individual listed as a principal officer of a previously revoked designated agent, or an employee or representative of the previously revoked designated agent whose actions contributed to the revocation of the designated agent, to circumvent the law and become a designated agent using a different company name or entity status. If the department determines that a principal officer, employee, or representative of a previous designated agent, whose designated agent status was revoked for failing to faithfully perform its duties, has made application to be appointed as a designated agent of the department under a different company name, or entity status, the department shall have grounds to refuse the company's application for designated agent status.

(7) All designated agents are required to utilize the Department's Electronic Title Application Processing System (ETAPS) to generate, save and submit title application data and the required fees. Failure to obtain authorization to use ETAPS will result in the designated agent status being revoked. New designated agents shall obtain authorization to use ETAPS within 60 days of establishment of the designated agent account.

Authors: Mike Gamble, Jonathan Lawrence

Statutory Authority: Code of Ala. 1975, §§32-8-3(b)(2), 40-2A-7(a)(5).

History: New Rule: Filed November 5, 1997; effective December 10, 1997. **Amended:** Filed May 18, 2004; effective June 22, 2004. **Amended:** Filed May 1, 2009; effective June 5, 2009. **Amended:** Filed December 17, 2009; effective January 21, 2010. **Amended:** Filed April 21, 2010; effective May 26, 2010.

Ed. Note: Was previously 810-5-26-.02 and moved to 810-5-75-.60 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.61 **Schedule Of Fees And Commissions - Remittance Of Fees.**

(1) The term "department" as used in this regulation shall mean the Department of Revenue of the State of Alabama. The term "ACH debit" as used in this regulation shall mean the method of payment where payments are electronically withdrawn from the designated agent's bank account using the designated agent's bank routing and account number.

(2) When an application for certificate of title or an Application For Inspection of a Salvage Vehicle and Affirmation Supporting Salvage Certificate (form INV 26-15) as required under Chapter 8 of Title 32, Code of Ala. 1975 is submitted to the Department by a designated agent, the accompanying payment of the fees, shall be payable by and remitted by the designated agent to the State of Department of Revenue utilizing an ACH debit transaction or credit card payment. Note: The designated agent shall be responsible for any affiliated credit card convenience fees charged when utilizing a credit card.

(3) A personal check remitted for title fees or any other fees specified under Chapter 8 of Title 32, Code of Ala. 1975, will be returned along with the accompanying applications unless prior approval is obtained from the Department. If credit card payments are permitted by the department for payment of such fees, the party initiating the payment shall be responsible for any affiliated credit card convenience fees charged when utilizing a credit card.

(4) The department shall maintain a record of all dishonored ACH debits, checks, cashier's checks, or money orders received from a designated agent that were subsequently returned, for any reason, by the financial institution on which the ACH debit, check, cashier's check, or money order was drawn. The department shall require a designated agent that has had a dishonored ACH debit, check, cashier's check, or money order proffered to the department in payment of title fees returned for any reason, to submit certified funds in payment of title fees for such title applications. The department may revoke the license of a designated agent that has had a dishonored ACH debit, check, cashier's check, or money order presented to the department that was returned or dishonored for any reason. The department may make a claim against a designated agent's surety bond for any fees due the department that have not been paid by the designated agent.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §32-8-3(b)(2); 40-2A-7(a)(5).

History: Repealed and New Rule: Filed October 20, 1999; effective November 24, 1999. **Amended:** Filed May 18, 2004; effective June 22, 2004. **Amended:** Filed April 21, 2010; effective May 26, 2010. **Author:** Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-1 through 32-8-88.

History: Repealed and Replaced: Filed November 5, 1997; effective December 10, 1997. **Amended:** Filed July 26, 2006; effective August 30, 2006. **Amended:** Filed April 21, 2010;

effective May 26, 2010. **Amended:** Filed January 11, 2011; effective February 15, 2011.

Ed. Note: Was previously 810-5-31-.01 and moved to 810-5-75-.61 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.62 Salvage - Determining Fair Retail Values For Total Loss Vehicles.

When a monetary settlement is paid on a damaged vehicle and the damage to the vehicle is greater than or equal to 75 percent of the fair retail value of the vehicle prior to the damage, the vehicle shall be considered to be a total loss. For the purpose of determining the fair retail value of a total loss vehicle, at time of loss, information shall be obtained from a current edition, including automated data base, of a nationally recognized compilation of retail values, such as, but not limited to the National Automobile Dealers Association's Used Car Guide, Southeastern Edition and National Market Reports, Inc., provided the publication or automated data base presents a fair and representative retail value of the vehicle within the state of Alabama.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-8-1 thru 32-8-88, as amended.

History: **Amended:** Filed October 18, 1996; effective November 22, 1996. **Amended:** Filed May 3, 2000; effective June 7, 2000. **Amended:** Filed January 24, 2002; effective February 28, 2002. **Amended:** Filed April 21, 2010; effective May 26, 2010.

Ed. Note: Was previously 810-5-41-.05 and moved to 810-5-75-.62 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.63 Powers Of Attorney.

(1) Taxpayers may use the MVT 5-13 power of attorney form or a power of attorney form that contains the essential requirements listed below:

(a) Name and address of taxpayer,

(b) Name and address of individual appointed as attorney-in-fact,

(c) Complete description of vehicle, including vehicle identification number (VIN), year, make, and model, if applicable,

(d) Purpose(s) for which appointment is intended,

(e) Signature of taxpayer (individual appointing attorney-in-fact), his/her address, and signature of appointee,

(f) Date document signed, and

(g) Notarization. (Note: This form may only be used for transactions which occur on or after the date(s) that the signature(s) is/are notarized. Notarization after the transaction date for ratification purposes is not acceptable.)

(2) Taxpayers must use the MVT 8-4 secure power of attorney form for the following purposes:

(a) Odometer Disclosure Requirements. The Federal Truth-in-Mileage Act of 1986 permits States to provide a power of attorney form for use by owners when transferring their motor vehicles, and their certificate of title is held by a duly recorded lienholder, or the certificate of title is lost, and a replacement certificate of title must be obtained. Such power of attorney can be used to disclose the vehicle's odometer reading in the assignment of title by the titled owner and will also permit the transferor to complete the assignment of title to the transferee. The odometer disclosure in the title assignment must be exactly as stated in the odometer disclosure made in the power of attorney.

(b) The Federal Truth-in-Mileage Act of 1986 mandates that the power of attorney, utilized to transfer a vehicle under the above conditions, be printed by a secure printing process. The Final Rule issued by the National Highway Traffic Safety Administration (NHTSA) regarding such secure power of attorney, defines an original power of attorney in such a manner that allows for the use of a multiple page secure power of attorney form where each page is considered to be an original when the copies are printed on secure paper. When a secure power of attorney is utilized, all signatures and hand-printed names (both transferor and transferee) must be original on all parts of the secure power of attorney.

(3) Upon the sale of a vehicle by a dealership, or upon the declaration of a total loss by an insurance company where a MVT 8-4 secure power of attorney has been utilized, the dealer or insurance company must follow the procedures as outlined herein for the following types of transactions:

(a) If a vehicle is sold at retail to an Alabama resident, the original secure power-of-attorney must be submitted along with title application in the new owner's name and outstanding title to the Department with the appropriate fee.

(b) If a vehicle is sold at retail to a nonresident of Alabama or at wholesale to another dealer, the selling Alabama dealer must submit a photostat, carbon or other facsimile copy of the secure power of attorney (containing all original signatures) and a photostat, carbon or other facsimile copy of the certificate of title (front and back) to the Department unless the dealer is a designated agent of the Department. If the dealer is a designated agent of the Department, the dealer shall, on behalf of the Department, maintain a photostat, carbon or other facsimile copy of the secure power of attorney (containing all original signatures) and a photostat, carbon or other facsimile copy of the certificate of title (front and back) for a period of not less than five (5) years. The original secure power of attorney and title must be given to the owner and/or lienholder, if required, for titling in the owner's resident state or to the acquiring dealer if the vehicle is sold at wholesale.

(c) If a vehicle is declared to be a total loss by an insurance company and the original certificate of title is lost or the insurance company satisfies the lienholder holding the certificate of title as a result of a total loss settlement, the insurance company may obtain a secure power of attorney from the titled owner whereby the insurance company will be the purchaser and will utilize the secure power of attorney to complete assignment by the registered owner. The original secure power of attorney must be submitted along with an application for a salvage certificate of title in the insurance company's name and the outstanding title to the Department with the appropriate fee.

Author: Tyies Fleeting, Jonathan Lawrence

Statutory Authority: Code of Ala. 1975, §§40-2A-7(a)(5), 40-2A-10, 32-8-3(a)(2), and Federal Truth-in-Mileage Act of 1986.

History: New Rule: Filed April 22, 2010; effective May 27, 2010. **New Rule:** Filed April 22, 2010; effective May 27, 2010. **Amended:** Filed June 29, 2012; effective August 3, 2012.

810-5-75-.64 Unclaimed/Abandoned Vehicles.

(1) A person or entity in possession of an unclaimed motor vehicle, shall electronically report the unclaimed vehicle through a portal provided by the Department within five (5)

calendar days from the date the motor vehicle first was considered unclaimed. The following shall be considered an unclaimed motor vehicle:

(a) a motor vehicle left unattended on a public road or highway for more than 48 hours.

(b) a motor vehicle, not left on private property for repairs, that has remained on private or other public property for a period of more than 48 hours without the consent of the owner or lessee of the property.

(c) a motor vehicle, left on private property for repairs, that has not been reclaimed within 48 hours from the latter of either the date the repairs were completed or the agreed upon redemption date.

(2) The report of an unclaimed motor vehicle shall contain the following information:

(a) vehicle identification number,

(b) vehicle year,

(c) vehicle make,

(d) vehicle model,

(e) license plate number and state of issuance, if available,

(f) name, address, and telephone number of entity making report, and

(g) date vehicle was deemed unclaimed.

(3) Upon receiving the report of an unclaimed motor vehicle, the Department will place a forty-five (45) day hold on the Alabama title record, if any, in order to protect the reporting entity's interest in the motor vehicle.

(4) Within five (5) calendar days from the date the motor vehicle was reported as unclaimed through the Department's portal, the entity in possession of the motor vehicle shall use the National Motor Vehicle Title Information System (NMVTIS) to determine the state in which the motor vehicle is titled and/or registered.

(5) If the motor vehicle is titled and/or registered in Alabama, the person or entity in possession of the motor

vehicle must submit an Abandoned Motor Vehicle Record Request (MVT 32-13) to the Department. Upon receipt of the complete request and payment of the required fees, the Department shall provide a certified Abandoned Motor Vehicle Record Request Response statement (MVT 32-13R) either identifying the name and address of the current owners, registrants, secured parties, or lienholders of record, or documenting that the department has no record concerning the current owners, registrants, secured parties, and lienholder for the motor vehicle. If the motor vehicle is titled and or registered in another state, the person or entity in possession of the motor vehicle shall obtain the equivalent certified motor vehicle record from the state of record.

(6) Within five (5) calendar days of receiving the certified record from the state of record, the reporting entity must report the owner and lienholder of record through the Department's portal, and the entity in possession of the motor vehicle must send a Notice of Possession to the owner and lienholder of record via certified mail return receipt (i.e. domestic return receipt, electronic delivery confirmation receipt, electronic return receipt, etc.) or equivalent documentation evidencing that all parties (owners and lienholders) listed on the certified motor vehicle record were notified, or notification was attempted.

(7) In accordance with Section 32-13-3, Code of Ala. 1975, the entity in possession of the motor vehicle must maintain the NMVTIS record, certified vehicle record, and the original certified mail return receipt evidencing that all parties (owners and lienholders) listed on the certified vehicle record were notified, or notification was attempted, for a period of three (3) years from the date of sale, and is subject to audit by the Department.

(8) Motor vehicle reports of unclaimed motor vehicle records will be available to the public through the Department's portal as provided under Section 32-8-84, Code of Ala. 1975, and will be maintained for a period of at least one (1) year from the date the report is filed with the Department.

(9) A motor vehicle, as defined in Section 32-8-2, that has been unclaimed for not less than 30 calendar days from the date the notice was sent to the owner and lienholder of record, or if no owner or lienholder of record could be determined, has been unclaimed for not less than 30 calendar days shall be considered "abandoned." The term "abandoned motor vehicle" also includes any attached aftermarket equipment installed on the motor vehicle that replaced factory installed equipment.

(10) At least thirty-five (35) days prior to the sale of the abandoned motor vehicle, the reporting entity must provide a notice of public auction through the Department's portal. If the auction is to be held in the county in which the motor vehicle is registered, the public auction must be publicized once a week for two consecutive weeks in a publication of local circulation in the county where the sale is to occur. The following information must be provided to the Department:

- (a) Name and address of the current owner and lienholder of record,
- (b) Contact information for the person or entity filing the notice,
- (c) VIN, make, and year model of the motor vehicle, and
- (d) Date, time and location of the auction.

Within five (5) calendar days of the receipt of the Notice of Public Auction, the Department shall send a Notice of Termination to the current owner and lienholder of record. The owner and lienholder will have thirty (30) days to appeal the motor vehicle sale to circuit court in the county where the sale is scheduled to occur.

(11) Thirty-five (35) days after the notice of public auction is provided to the Department, the motor vehicle may be sold as an abandoned vehicle as defined in Section 32-13-1, Code of Ala. 1975. The Department's portal shall be used to create an Abandoned Motor Vehicle Bill of Sale (MVT 32-13B). The bill of sale shall contain the following information:

- (a) Complete Vehicle Description;
- (b) Date Abandoned;
- (c) Date and Location of Sale;
- (d) Name of newspaper and dates of publication; (if applicable)
- (e) Net proceeds of sale of abandoned motor vehicle; and
- (f) Buyer and seller information.

(g) Dates certified mail was sent to owner(s), registrant(s), secured party (parties), and lienholder(s) of record (if any);

(12) Should the current certificate of title to a motor vehicle sold as abandoned, have a "salvage" brand, the subsequent title, must also carry this brand. The purchaser of a "salvage" abandoned motor vehicle shall not be permitted to register the motor vehicle, or to operate it upon the highways of Alabama until such time as the motor vehicle is restored by a licensed rebuilder and inspected by the department as required by Section 32-8-87, Code of Alabama 1975, and a "rebuilt" Alabama certificate of title is issued. Pursuant to Section 32-8-87(j), Code of Ala. 1975, a motor vehicle for which a certificate of title has been issued by any state with the notation of junk, parts car, parts only, nonrebuildable, or when a certificate of destruction or bill of sale has been issued for transfer of the vehicle with similar language shall be considered to be a junk vehicle and shall not be titled in this state.

(13) If the motor vehicle is returned to the owner or lienholder, the entity who reported the motor vehicle as "unclaimed" must report the redemption of the motor vehicle through the Department's portal within five (5) calendar days of the return of the motor vehicle.

(14) The Department's portal will provide notice to the reporting entity if the unclaimed motor vehicle is reported stolen. The Department will suspend the issuance of a bill of sale (MVT 32-13B) until the department learns of the motor vehicle recovery or that the report of its theft or conversion was erroneous.

(15) A person or entity may only utilize the Department's portal when a motor vehicle is deemed to be unclaimed/abandoned. The portal may not be utilized to circumvent the requirement that the seller of a motor vehicle, other than an abandoned motor vehicle, provide the buyer with a properly assigned certificate of title. In such a case, the person or entity may apply for certificate of title under a title surety bond as provided under Section 32-8-36, Code of Ala. 1975.

(16) Every purchaser of an abandoned motor vehicle shall title the vehicle in their name, including a purchaser who may be a licensed motor vehicle dealer. In accordance with Section 32-13-3, Code of Ala. 1975, licensed automotive dismantler and parts recyclers or secondary metals recyclers may utilize the bill of sale (MVT 32-13B) in lieu of surrendering the certificate of title for the purpose of reporting a motor vehicle

being dismantled or recycled into metallic scrap for remelting purposes.

(17) In the event that there is a net sale balance on the MVT 32-13B greater than \$0, the seller must remit the net sale balance to the county licensing official in the county where the sale occurred for deposit into the county general fund. A copy of the MVT 32-13B must also accompany the remittance of the net sale balance. The seller must obtain a receipt for deposit of these funds from the county license plate issuing official and, within ten (10) days, provide the buyer with a copy of the receipt. A copy of the receipt must accompany the MVT 32-13B when the buyer makes application for certificate of title.

(18) Failure to report a motor vehicle as unclaimed or failure to notify the owner and lienholder of record, if any, shall result in the forfeiture of all claims and liens for the motor vehicle's garaging, parking, and storage prior to the time the motor vehicle is reported as unclaimed.

(19) Anyone who makes a false statement regarding the sale of an abandoned motor vehicle or, anyone, who aids, abets, induces, procures, or causes the commission of an act in violation of Section 32-13-10, Code of Ala. 1975, commits a Class C felony.

(20) Any contest regarding the sale of an abandoned motor vehicle may be appealed by filing a notice of appeal in the circuit court in the county where the sale is scheduled to occur or has occurred. Once the notice of the appeal is provided to the Department, an administrative stop shall be placed on the title record until such time as the circuit court makes a determination regarding title to the motor vehicle or the appeal is dismissed.

Authors: Danny McLendon, Michael Gamble, Tammy Fuller

Statutory Authority: Code of Ala. 1975, §§32-8-3, 32-8-84, 32-13-3, 40-2A-7(a) (5).

History: New Rule: Filed October 18, 1996; effective November 22, 1996. **Amended:** Filed April 21, 2010; effective May 26, 2010. **Amended:** Filed July 30, 2012; effective September 3, 2012. **Amended:** Filed November 29, 2017, effective January 13, 2018.

Ed. Note: Was previously 810-5-50-.32 and moved to 810-5-75-.64 as per certification filed April 21, 2010; effective May 26, 2010.

810-5-75-.65 Appointment, Revocation, And Denial Of Authority To Act As A Manufactured Home Designated Agent Of The Department.

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of this state.

(2) The term "designated agent" as used in this regulation shall mean a dealer as defined in Section 32-20-2(1), licensed by the Alabama Manufactured Housing Commission as a manufactured home retailer and engaged in the business of buying, selling, or exchanging manufactured homes in this state, and having an established place of business, or other persons/entities appointed by the department to complete and submit applications for manufactured homes (i.e. law firms, out of state financial institutions) qualifying under Section 32-20-22(c), Code of Ala. 1975, as amended.

(3) Every dealer as defined in Section 32-20-2(1), Code of Ala. 1975, as amended, shall be a designated agent of the Department. A dealer may make application to become a designated agent of the Department by completing and submitting the Dealer Application For Designated Agent form (MVT 4-1), along with a copy of its current Alabama Manufactured Housing Commission's dealer license.

(4) A financial institution, legally authorized to do business in Alabama, making mortgage loans on manufactured homes may make application to become a designated agent of the Department by completing and submitting the Non-Dealer Application For Designated Agent form (MVT 4-2), along with a copy of its credit union charter or occupational lender's license.

(5) The Department may appoint third parties (i.e. law firms) as its designated agents under Section 32-20-22(c), Code of Ala. 1975, as amended, to complete and submit applications for manufactured homes. Third parties may make application to become a designated agent of the Department by completing and submitting the Non-Dealer Application For Designated Agent form (MVT 4-2), along with a copy of its state's business or professional regulatory license evidencing a need to process applications under Section 32-20, Code of Ala. 1975, as amended.

(6) Applicants approved by the Department to become designated agents shall enter into a bond with a corporate surety authorized to do business in this state. The amount of the bond shall be in accordance with Section 32-8-34 (b), Code of Ala. 1975, as amended.

(7) Section 32-20-3(b)(4), Code of Ala. 1975, as amended, empowers the department to revoke the authority of a dealer or other person appointed by the department to act as a designated agent under this chapter when it finds that the dealer or other person has failed to faithfully perform his or her duties under chapter Title 32 of the Code of Ala. 1975, as amended, or has been convicted of violating any felony provisions of Chapter 20, Title 32, or Title 40 of the Code of Ala. 1975, as amended.

(8) If the department has cause to believe that a designated agent has failed to faithfully perform its duties as set out in Chapter 20, Title 32 of the Code of Ala. 1975, as amended, or that a designated agent or designated agent applicant has been convicted of violating any felony provision of Chapter 20, Title 32, or Title 40 of the Code of Ala. 1975, as amended, then the department shall mail to that designated agent, or designated agent applicant a written notice detailing the area or areas of alleged non-compliance. The written notice shall advise the designated agent or designated agent applicant, that within ten (10) calendar days from the date of the department's written notice, a written response must be submitted either refuting the alleged non-compliance, or detailing the action they have taken to correct the area or areas of non-compliance. The written notice shall be mailed to the designated agent or designated agent applicant at the last known address contained in the department's records.

(9) If the designated agent fails to provide a satisfactory response in writing to the department within the prescribed ten (10) calendar day period, a designated agent revocation letter will be mailed to the designated agent advising that its current access to process title applications as a designated agent is immediately suspended and that its authority as a designated agent will be revoked in thirty (30) calendar days. If the designated agent applicant fails to provide a satisfactory response in writing to the department within the prescribed ten (10) calendar day period, a designated agent application refusal letter will be mailed to the designated agent applicant advising that its application for a designated agent license has been denied. The designated agent revocation letter and designated agent application refusal letter shall each serve as notice to the designated agent or designated agent applicant of their right to appeal the department's intended action to the Administrative Law Division of the department. The letter shall be mailed to the designated agent or designated agent applicant at the last known address contained in the department's records.

(10) Under Section 40-2A-8, Code of Ala. 1975, as amended, the designated agent or designated agent applicant shall

have thirty (30) calendar days from the date of the designated agent revocation letter or designated agent application refusal letter to file a written notice of appeal with the Administrative Law Division. If the Administrative Law Division does not receive written notice of appeal within the allotted time, the department's decision to revoke the authority of the designated agent or deny the authority of a designated agent applicant, will become final. The designated agent will be required to immediately deliver to the department their designated agent certificate, monies collected and due the department, title applications, title documents used to support an application for certificate of title processed by the designated agent, and other title forms supplied to the agent by the department as a result of having been afforded designated agent status by the department. In order to insure compliance with the revocation process, the department may call upon any law enforcement agency of the state to seize the aforementioned items that the agent is required to surrender to the department provided the agent has not voluntarily returned the items.

(11) The department shall not allow any individual listed as principal officer of a previously revoked designated agent, or an employee or representative of the previously revoked designated agent whose actions contributed to the revocation of the designated agent, to circumvent the law and become a designated agent using a different company name or entity status. If the department determines that a principal officer, employee, or representative of a previous designated agent, whose designated agent status was revoked for failing to faithfully perform its duties, has made application to be appointed as a designated agent of the department under a different company name, or entity status, the department shall have grounds to refuse the company's application for designated agent status.

(12) All designated agents are required to utilize the Department's Electronic Title Application Processing System (ETAPS) to generate, save and submit title application data and the required fees. Failure to obtain authorization to use ETAPS will result in the designated agent status being revoked. New designated agents shall obtain authorization to use ETAPS within 60 days of establishment of the designated agent account.

Author: Don Clemons

Statutory Authority: Code of Ala. 1975, §§40-2A-7(a)(5), 32-20-3(b)(2), as amended.

History: New Rule: Filed August 27, 2010; effective October 1, 2010.

810-5-75-.66 Title Procedure - Cancellation Of Manufactured Home Certificate Of Origin Or Certificate Of Title.

(1) The certificate of origin or certificate of title for a manufactured home that is not more than 20 model years old, as determined by the department, and is permanently affixed to a parcel of real property may be cancelled if the ownership of the manufactured home and real property is identical. The term "permanently affixed" means that the tongue, axles and wheels have been removed from the manufactured home and it has been installed in accordance with the Installation Rules and Regulations of the Alabama Manufactured Housing Commission as found in chapters 535-X-12 and 535-X-13. Either the original retail purchaser or lienholder as recorded on the certificate of origin, or the titled owner or owner's lienholder as recorded on the certificate of title or listed on a completed surety bond may apply for cancellation of a certificate of origin or certificate of title. The request for cancellation must be made through a designated agent appointed by the Alabama Department of Revenue. The department, upon approval of the cancellation request, will issue a certificate of cancellation of the certificate of origin or cancellation of the certificate of title to the manufactured home in accordance with the following procedures:

(a) Cancellation of Certificate of Origin/Title.

1. The original retail purchaser or lienholder for the original retail purchaser, or titled owner or owner's lienholder as recorded on the certificate of origin/title must apply for a cancellation of certificate of origin/title through a designated agent of the department.

2. A designated agent will use the Electronic Title Application Processing System (ETAPS) to prepare a Form MVT 5-39E "Notice of Cancellation of a Certificate of Origin or Alabama Certificate of Title for a Manufactured Home Classified as Real Property" by entering the following information concerning the manufactured home:

(i) Primary supporting document type (Alabama title or manufacturers certificate of origin),

(ii) Manufactured home identification number(s),

(iii) Year model, make, model, New/Used, color, date of purchase,

(iv) Owner's name and owner's address,

(v) County of fixation.

(I) Note: The terms "manufactured home identification number" and "vehicle identification number" are used interchangeably within this rule.

(II) ETAPS will assign a unique document control number (DCN) and creation date to each completed MVT 5-39E. The MVT 5-39E will be valid for 90 days from its creation to be used in conjunction with the Form MVT 5-44E "Application for Cancellation of Certificate of Origin/Title".

3. All parties who have ownership in both the manufactured home and the realty to which the manufactured home has become permanently affixed must sign the MVT 5-39E attesting to the fact that the manufactured home has been permanently affixed, and recorded as real property.

(i) Note: No more than two owners can be recorded on a certificate of cancellation.

4. The MVT 5-39E must be signed by the judge of probate (or his/her designee) in the county where the manufactured home is located attesting to the fact that the manufactured home has been recorded in that office as real property.

5. A designated agent will use ETAPS to complete an MVT 5-44E "Application for Cancellation of Certificate of Origin/Title", for each manufactured home identification number listed on the MVT 5-39E, based on information listed on the MVT 5-39E.

6. The designated agent shall assemble the cancellation package (MVT 5-44E, MVT 5-39E, certificate of origin/title for each separate unit, lien release, etc.), and submit it to the department. The title application and Alabama Housing Foundation fees as required by Section 32-20-4, Code of Alabama 1975, as amended, shall be sent electronically through ETAPS utilizing either an Automated Clearing House (ACH) transaction or credit card payment.

7. The department will examine the documents received and, if approved, issue a Certificate of Cancellation For A Certificate of Origin/Title For A Manufactured Home Classified As Real Property, in the name of the first retail purchaser or the titled owner.

(b) Certification of Cancellation by Posting a Surety Bond.

1. When the current owner or owner's lienholder is not properly recorded on a certificate of title, such parties may post a bond by applying through a designated agent. In addition, if the department is not satisfied as to the ownership of the manufactured home or that there are no undisclosed security interests in it, as a condition of issuing a certificate of cancellation, the department may require the applicant to file with the department a surety bond executed by a person/company authorized to conduct a surety business in this state, or in lieu of, a deposit of cash with the department in the amount of the required bond. The bond shall be conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the manufactured home or person acquiring any security interest in it.

2. A single bond shall be required for each manufactured home.

3. The bond shall be in an amount equal to fifty thousand dollars (\$50,000.00) for manufactured homes less than ten (10) model years old and twenty-five thousand dollars (\$25,000.00) for all manufactured homes ten (10) model years old and less than 20 model years old, or in lieu of, a deposit of cash in the amount of the required bond will be accepted.

4. A designated agent will use the Electronic Title Application Processing System (ETAPS) to partially complete a Form MVT 11B "Manufactured Home Bond Form" by entering the following information for the manufactured home:

- (i) Manufactured home identification number(s),
- (ii) Vehicle year, vehicle make, vehicle model, vehicle color,
- (iii) New/Used,
- (iv) Owner's name and owner's address,
- (v) Date of purchase, and
- (vi) County of affixation.

(I) Note: A maximum of four (4) manufactured home identification numbers can be entered on the Form MVT 11B, if the manufactured home contains more than one unit.

(II) Note: ETAPS will print identical MVT 11B forms for each manufactured home identification number listed, because a separate MVT 11B is required for each unit of the home. The same

certificate of title surety bond number will be recorded on each of the MVT 11B forms.

(III) Note: ETAPS assigns the bond amount to the MVT 11B in accordance with section (b) (3) of this rule.

5. ETAPS will assign the partially completed MVT 11B a unique document control number (DCN) and creation date. The MVT 11B will be valid for 90 days from date of creation to be used in conjunction with the Form MVT 5-39E.

6. The MVT 11B shall be completed and executed by a surety company licensed and duly authorized to do business in Alabama.

7. A designated agent will use ETAPS to prepare a Form MVT 5-39E by entering the document control number (DCN) assigned to the MVT 11B, or in accordance with subsection (a) (2).

8. All parties who have ownership in both the manufactured home and the realty to which the manufactured home has become permanently affixed must sign the MVT 5-39E attesting to the fact that the manufactured home has been permanently affixed, and recorded as real property.

9. The MVT 5-39E must be signed by the judge of probate (or his/her designee) in the county where the manufactured home is located attesting to the fact that the manufactured home has been recorded in that office as real property.

10. A designated agent will use ETAPS to complete an Application for Cancellation of Certificate of Origin/Title (MVT 5-44E), for each manufactured home identification number listed on the MVT 5-39E, based on information listed on the MVT 5-39E.

11. The designated agent shall assemble the cancellation package (MVT 5-44E, MVT 5-39E, MVT 11B, and bond endorsement), and submit it to the department. The title application and Alabama Housing Foundation fees as required by Section 32-20-4, Code of Ala. 1975, as amended, shall be sent electronically through ETAPS utilizing either an Automated Clearing House (ACH) transaction or credit card payment.

12. The department will examine the documents received and, if approved, issue a Certificate of Cancellation For A Certificate of Origin/Title For A Manufactured Home Classified As Real Property, in the name of the owner.

13. Chapter 20 of Title 32, Code of Ala. 1975, does not provide for the issuance of a replacement certificate of cancellation. In the event that a certificate of cancellation is lost, stolen, mutilated, destroyed, or becomes illegible, a replacement certificate of cancellation cannot be issued. However, records of the cancellation may be obtained by completing the form MV DPPA1 (See rule 810-5-1-.485).

Author: Don Clemons

Statutory Authority: Code of Ala. 1975, §§40-2A-7(a)(5), 32-20-3(b), as amended.

History: New Rule: Filed June 27, 2012; effective August 1, 2012.

810-5-75-.67 Title Procedure - Manufactured Home Exemption from Titling And Cancellation.

(1) No certificate of title or certificate of cancellation shall be issued for any manufactured home more than twenty (20) model years old. This exemption is applicable on January 1 of each year and applies to all manufactured homes with a model year, as designated by the manufacturer, older than twenty (20) years from the current calendar year.

(a) Example: As of January 1, 2011, all 1990 and prior year model manufactured homes are exempt from the titling and cancellation provisions of Chapter 20, Title 32, Code of Alabama 1975.

Author: Mike Gamble

Statutory Authority: Code of Ala. 1975, §§32-20-3 (b)(2), 40-2A-7(a)(5).

History: New Rule: Filed January 11, 2011; effective February 15, 2011.

810-5-75-.68 Title Procedure - Exemptions From Titling.

(1) Effective January 1, 2012, no certificate of title shall be issued for any trailer, semi-trailer, travel trailer, or utility trailer more than twenty (20) model years old. This exemption is applicable on January 1 of each year and applies to all trailers, semi-trailers, travel trailers, and utility trailers with a model year, as designated by the manufacturer, older than twenty (20) years from the current calendar year.

(a) Example: As of January 1, 2012, all 1991 and prior year model trailers, semi-trailers, travel trailers, and utility trailers are exempt from the titling provisions of Chapter 8, Title 32, Code of Ala. 1975.

(2) Effective January 1, 2012, no certificate of title shall be issued for any motor vehicle more than thirty-five (35) model years old. This exemption is applicable on January 1 of each year and applies to all motor vehicles with a model year, as designated by the manufacturer, older than thirty-five (35) years from the current calendar year.

(a) Example: As of January 1, 2012, all 1976 and prior year motor vehicles are exempt from the titling provisions of Chapter 8, Title 32, Code of Ala. 1975.

(3) Effective January 1, 2012, no certificate of title shall be issued for a low speed vehicle. A low speed vehicle is defined as a four-wheeled motor vehicle with a top speed of not greater than 25 miles per hour, a gross vehicle weight rating (GVWR) of which is less than 3,000 pounds and complying with the safety standards provided in 49 C.F.R. Section 571.500. The term includes neighborhood electric vehicles.

(4) Effective January 1, 2013, no certificate of title shall be issued for a motor-driven cycle as defined in Section 32-1-1.1, Code of Ala. 1975. A motor-driven cycle is defined as every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower nor to exceed 150 cubic centimeter engine displacement, and weighs less than 200 pounds fully equipped, and every bicycle with motor attached.

(a) Every motor-driven cycle is required to have a vehicle emission control information label. This label includes the engine displacement. The label should be permanently affixed to the cycle and be readily accessible. Locations may vary. However, the most common locations are under the seat and on the frame rails. In addition, the MSO should contain the engine displacement. If the MSO is not available and the decal has been removed or altered so that it is unreadable, the engine displacement may be established using a title history that included the MSO or a statement from the manufacturer attesting to the cycle's engine displacement.

(5) No title records will be maintained by the Department of Revenue for any motor vehicle or manufactured home exempted from titling under the provisions of Chapters 8 or 20 of Title 32, Code of Ala. 1975, or any rules promulgated thereunder.

Example: As of January 1, 2012, the title records for the following motor vehicles will no longer be maintained due to the motor vehicles being exempt from titling by statute or rules promulgated thereunder:

1. Trailers more than twenty (20) model years which would include all 1991 and prior year model trailers.

2. Manufactured homes more than twenty (20) model years old which would include all 1991 and prior year manufactured homes.

3. Motor vehicles more than thirty-five (35) model years old which would include all 1976 and prior year model motor vehicles.

4. All low speed vehicles as defined in section(3) of this rule.

5. All motor-driven cycles as defined in section (4) of the rule (effective January 1, 2013).

Authors: Don Clemmons, Mike Gamble

Statutory Authority: Code of Ala. 1975, §§40-2A-7(a)(5), 32-8-3(b)(2), 32-20-3(b)(2), 32-8-31(13).

History: New Rule: Filed November 18, 2011, effective December 23, 2011. **Amended:** Filed October 23, 2012; effective November 27, 2012. **Amended:** Filed July 26, 2013; effective August 30, 2013.