

1 HB285
2 126061-1
3 By Representative Wood
4 RFD: Judiciary
5 First Read: 22-MAR-11

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8 SYNOPSIS: Existing law requires a scrap metal
9 processor who acquires a motor vehicle for the
10 purpose of recycling the metal to surrender the
11 title to the Department of Revenue.

12 This bill would provide a procedure where
13 the owner of a motor vehicle could transfer to an
14 automotive dismantler and parts recycler or a
15 secondary metals recycler a motor vehicle without a
16 title if certain conditions are met and the owner
17 of the motor vehicle issues a statement regarding
18 the ownership, value, and identifying
19 characteristics of the motor vehicle.

20 This bill would require an automotive
21 dismantler and parts recycler or a secondary metals
22 recycler to provide the statement to the Department
23 of Revenue.

24 This bill would require the automotive
25 dismantler and parts recycler or secondary metals
26 recycler to maintain certain records of vehicles
27 purchased for recycling or remelting.

1 This bill would provide criminal penalties
2 for violations.

3 This bill would authorize law enforcement to
4 confiscate a motor vehicle or tools used in an
5 illegal sale.

6 This bill would require a person holding a
7 lien on a motor vehicle to electronically record it
8 within 24 hours of becoming the lien holder and
9 release it within 24 hours of satisfaction. This
10 bill would require the Department of Revenue to
11 provide a system for real-time verification of
12 liens.

13 Amendment 621 of the Constitution of Alabama
14 of 1901, now appearing as Section 111.05 of the
15 Official Recompilation of the Constitution of
16 Alabama of 1901, as amended, prohibits a general
17 law whose purpose or effect would be to require a
18 new or increased expenditure of local funds from
19 becoming effective with regard to a local
20 governmental entity without enactment by a 2/3 vote
21 unless: it comes within one of a number of
22 specified exceptions; it is approved by the
23 affected entity; or the Legislature appropriates
24 funds, or provides a local source of revenue, to
25 the entity for the purpose.

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To amend Section 32-8-87, Code of Alabama 1975, as
12 last amended by Act 2010-748, 2010 Regular Session (Acts 2010,
13 p. 1892), to provide for transfer of certain motor vehicles
14 without a title to an automotive dismantler and parts recycler
15 or secondary metals recycler; to require a statement from the
16 owner containing certain information with regard to the
17 vehicle; to require an automotive dismantler and parts
18 recycler or secondary metals recycler to maintain certain
19 records; to provide criminal penalties for violations; to
20 require the electronic recordation and release of certain
21 motor vehicle liens within a certain time; to require the
22 Department of Revenue to maintain an electronic lien
23 verification system; and in connection therewith would have as
24 its purpose or effect the requirement of a new or increased
25 expenditure of local funds within the meaning of Amendment 621
26 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official Recompilation of the
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 32-8-87, Code of Alabama 1975, as
5 last amended by Act 2010-748, 2010 Regular Session (Acts 2010,
6 p. 1892), is amended to read as follows:

7 "§32-8-87.

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

1 "No motor vehicle for which a salvage or junk
2 certificate has been issued by this state or any other state
3 shall be driven or operated on the highways or other public
4 places of this state. A vehicle which is in this state and for
5 which a salvage certificate has been issued, and the vehicle
6 is being restored to its operating condition which existed
7 prior to the event which caused the salvage certificate of
8 title to issue, may be moved to and from repair points as
9 necessary by the rebuilder to complete the restoration or may
10 be moved as permitted by the Department of Revenue for
11 inspection or for any other purpose. A valid Alabama dealer
12 license plate shall be displayed on the vehicle during its
13 movement. A person who violates this subsection shall, upon
14 conviction, be guilty of a Class A misdemeanor and shall be
15 punishable as required by law.

16 "(b) When the frame or engine is removed from a
17 motor vehicle and not immediately replaced by another frame or
18 engine, or when an insurance company has paid money or made
19 other monetary settlement as compensation for a total loss of
20 any motor vehicle, the motor vehicle shall be considered to be
21 salvage. The owner of every motor vehicle in which total loss
22 or salvage has occurred in this state, shall, within 72 hours
23 after the total loss or salvage occurs, make application for a
24 salvage certificate of title and forward to the department the
25 certificate of origin or certificate of title to the motor
26 vehicle, whereupon the department shall process the
27 certificate of origin or certificate of title in a manner

1 prescribed by law or regulation. An insurance company which
2 pays money or makes other monetary settlement as compensation
3 for total loss of a motor vehicle shall at the time of payment
4 or monetary settlement obtain the vehicle's certificate of
5 origin or certificate of title and, as soon as practicable
6 after receiving them, shall forward them along with their
7 application for a salvage certificate, to the department for
8 processing. In the event the payment or monetary settlement
9 was made because of the theft of the vehicle, which shall be
10 considered a total loss as defined in this section, the
11 insurance company shall forward the vehicle's properly
12 assigned certificate of origin or certificate of title as
13 provided herein, to the department as soon as practicable
14 after the vehicle is recovered. When a stolen motor vehicle
15 has been reported to the department in compliance with this
16 section and is later recovered, and for which a salvage
17 certificate has been issued, the owner recorded on the salvage
18 certificate shall assign that certificate to the purchaser. A
19 person who violates this subsection shall, upon conviction, be
20 guilty of a Class A misdemeanor and shall be punishable as
21 required by law.

22 "(c) If an insurance company acquires a motor
23 vehicle in settlement of an insurance claim and holds the
24 vehicle for resale and procures the certificate of origin or
25 certificate of title from the owner or lienholder within 15
26 days after delivery of the vehicle to the insurance company,
27 and if the vehicle was not a total loss as defined by this

1 section, the insurance company need not send the certificate
2 of origin or certificate of title to the department but, upon
3 transferring the vehicle to another person, other than by the
4 creation of a security interest, the insurance company shall
5 complete an affidavit of acquisition and disposition of the
6 motor vehicle on a form prescribed by the department and
7 deliver the certificate of origin or certificate of title,
8 affidavit, and any other documents required by the department
9 to the transferee at the time of delivery of the motor
10 vehicle.

11 "(d) For the purposes of this section, a total loss
12 shall occur when an insurance company or any other person pays
13 or makes other monetary settlement to a person when a vehicle
14 is damaged and the damage to the vehicle is greater than or
15 equal to 75 percent of the fair retail value of the vehicle
16 prior to damage as set forth in a current edition of a
17 nationally recognized compilation of retail values, including
18 automated data bases. The compensation for total loss as
19 defined in this subsection shall not include payments by an
20 insurer or other person for medical care, bodily injury,
21 vehicle rental, or for anything other than the amount paid for
22 the actual damage to the motor vehicle. A vehicle that has
23 sustained minor damage as a result of theft or vandalism shall
24 not be considered a total loss. Any person acquiring ownership
25 of a damaged motor vehicle that meets the definition of total
26 loss for which a salvage title has not been issued shall apply
27 for a salvage title, other than a scrap metal processor

1 acquiring such vehicle for purposes of recycling into metallic
2 scrap for remelting purposes only. This application shall be
3 made before the vehicle is further transferred, but in any
4 event, within 30 days after ownership is acquired.

5 "(e) It shall be unlawful for the owner of any
6 junkyard, salvage yard, or motor vehicle dismantler and parts
7 recycler or his or her agents or employees to have in their
8 possession any motor vehicle which is junk or salvage or a
9 total loss when the manufacturer's vehicle identification
10 number plate or plates, authorized replacement vehicle
11 identification number plate or plates, or serial plate or
12 plates have been removed, unless previously required to be
13 removed by a statute or law of this state or another
14 jurisdiction. A person who violates this subsection shall,
15 upon conviction, be guilty of a Class A misdemeanor and shall
16 be punishable as required by law.

17 "(f) It shall be unlawful for a person, firm, or
18 corporation to possess, sell or exchange, offer to sell or
19 exchange, or to give away any certificate of origin,
20 certificate of title, salvage certificate of title,
21 manufacturer's identification number plate or plates,
22 authorized replacement vehicle identification number plate or
23 plates, serial plate or plates, or motor vehicle license plate
24 or plates of any motor vehicle which has been scrapped,
25 dismantled, or sold as junk or salvage or as a total loss
26 contrary to this section, and every officer, agent, or
27 employee of a person, firm, or corporation, and every person

1 who shall authorize, direct, aid in or consent to the
2 possession, sale or exchange, or offer to sell, exchange, or
3 give away such certificate of origin, certificate of title,
4 salvage certificate of title, manufacturer's vehicle
5 identification number plate or plates, authorized replacement
6 vehicle identification number plate or plates, serial plate or
7 plates, or motor vehicle license plate or plates contrary to
8 this section, shall, upon conviction, be guilty of a Class A
9 misdemeanor and shall be punishable as required by law.

10 "(g) The department is authorized to issue a salvage
11 certificate of title for a fee of fifteen dollars (\$15), on a
12 form prescribed by the department which shall provide for
13 assignments of this title. The salvage certificate of title is
14 to replace a certificate of origin or certificate of title
15 required to be surrendered by this section. The department
16 shall prescribe necessary forms and procedures to comply with
17 this subsection.

18 "(h) It shall be unlawful for a person to sign as
19 assignor or for a person to have in his or her possession a
20 salvage certificate of title which has been signed by the
21 owner as assignor without the name of the assignee and other
22 information called for on the form prescribed by the
23 department. A person who violates this subsection, upon
24 conviction, shall be guilty of a Class A misdemeanor and shall
25 be punishable as required by law.

26 "(i) Every owner of a salvage or junk motor vehicle
27 who sells or transfers the vehicle to any person shall provide

1 at the time of the sale or transfer a properly executed
2 assignment and warranty of title to the transferee in the
3 space provided therefor on the salvage certificate of title or
4 junk certificate of title or as the department prescribes. A
5 person who willfully violates this subsection shall, upon
6 conviction, be guilty of a Class A misdemeanor and shall be
7 punishable as required by law.

8 "(j) The department may issue a certificate of title
9 to any motor vehicle for which a salvage certificate has been
10 issued by this or any other state, and the vehicle has, in
11 this state, been completely restored to its operating
12 condition which existed prior to the event which caused the
13 salvage certificate of title to issue, provided that all
14 requirements of this section have been met. The department may
15 issue a certificate of title for any motor vehicle for which a
16 salvage certificate of title has been issued by this or any
17 other state or when the department has evidence that a salvage
18 title should have been issued by this or any other state, and
19 the vehicle has been completely restored outside of this state
20 to its operating condition which existed prior to the event
21 which caused the salvage certificate of title to be issued,
22 provided the department is satisfied that the vehicle was
23 rebuilt in the other state in accordance with that state's
24 salvage rebuilding laws. Any motor vehicle for which a
25 certificate of title has been issued by any state with the
26 notation of junk, parts car, parts only, nonrebuildable, or
27 when a certificate of destruction or bill of sale has been

1 issued for transfer of the vehicle with similar language shall
2 be considered to be a junk vehicle and shall not be titled in
3 this state. In addition, no certificate of title may be issued
4 for any vehicle where the frame or the majority of the major
5 component parts were obtained from a junk vehicle as
6 previously defined.

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

17 "(1) The outstanding salvage certificate or
18 out-of-state title previously issued for the salvage vehicle.

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

1 identification number of the vehicle from which the parts were
2 removed, if parts contain or should contain the manufacturer's
3 vehicle identification number, shall be required for a
4 transmission.

5 "(3) Evidence that the owner is a licensed motor
6 vehicle rebuilder as defined in Section 40-12-390, unless
7 otherwise exempt from the licensing requirement by Chapter 12
8 of Title 40. Notwithstanding the foregoing, where an owner
9 acquires an Alabama salvage certificate of title to his or her
10 own vehicle from his or her insurance company in settlement of
11 a claim, a prior registration or other documentation that
12 shows that the owner owned the vehicle prior to the salvage
13 title being issued may be submitted in lieu of a rebuilder's
14 license.

15 "(4) The owner shall also provide a written
16 affirmation which states the following:

17 "a. The actions taken to restore the vehicle to its
18 operating condition which existed prior to the event which
19 caused the salvage certificate to issue.

20 "b. That the owner personally inspected the
21 completed vehicle and it complies with all safety requirements
22 set forth by the State of Alabama and any regulations
23 promulgated thereunder.

24 "c. That the identification numbers of the restored
25 vehicle and its parts have not, to the knowledge of the owner,
26 been removed, destroyed, falsified, altered, or defaced.

1 "d. That the salvage certificate document or
2 out-of-state title certificate attached to the application has
3 not to the knowledge of the owner been forged, falsified,
4 altered, or counterfeited.

5 "e. That all information contained on the
6 application and its attachments is true and correct to the
7 knowledge of the owner.

8 "f. The owner, as specified in subsection (r), shall
9 be required to post a bond in accordance with Section 32-8-36
10 in the event that the owner cannot provide any information
11 required in subsection (k) or any other information specified
12 by the department.

13 "(1) The application fee for each inspection of a
14 restored vehicle shall be seventy-five dollars (\$75), payable
15 to the department in a manner as prescribed by the department,
16 which shall accompany the application.

17 "(1) All application fees and title fees received by
18 the department pursuant to this subsection shall be applied
19 toward the personnel and maintenance costs of the vehicle
20 inspection program and the vehicle inspection program shall be
21 conducted by the office of investigations and inspections of
22 the department. Upon receipt of the application for
23 inspection, application fee of seventy-five dollars (\$75), its
24 supporting documents, and title fee of fifteen dollars (\$15),
25 payable to the department in a manner as prescribed by the
26 department, the department shall require an inspection to be

1 made of the title and the vehicle by qualified agents or law
2 enforcement officers of the department.

3 "(2) The inspection and certification shall include
4 an examination of the vehicle and its parts to determine that
5 the identification numbers of the vehicle or its parts have
6 not been removed, falsified, altered, defaced, destroyed, or
7 tampered with; that the vehicle information contained in the
8 application for certificate of title and supporting documents
9 is true and correct; and that there are no indications that
10 the vehicle or any of its parts are stolen. The certification
11 shall not attest to the roadworthiness or safety condition of
12 the vehicle.

13 "(m) Component parts are defined as:

14 "(1) PASSENGER VEHICLES.

15 "a. Major components:

16 "1. Motor or engine.

17 "2. Trunk floor pan or rear section and roof.

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

22 "4. Cowl, firewall, or any portion thereof.

23 "5. Roof assembly.

24 "b. Minor components:

25 "1. Each door allowing entrance to or egress from
26 the passenger compartment.

27 "2. Hood.

1 "3. Each front fender or each rear fender when used
2 with a rear section and roof.

3 "4. Deck lid, tailgate, or hatchback (whichever is
4 present).

5 "5. Each quarter panel.

6 "6. Each bumper.

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

8 "8. Transmission or trans-axle.

9 "(2) TRUCK, TRUCK TYPE, OR BUS TYPE VEHICLES.

10 "a. Major components:

11 "1. Motor or engine.

12 "2. Transmission or trans-axle.

13 "3. Frame or any portion thereof (except frame
14 horn), or, in the case of a unitized body, the supporting
15 structure which serves as the frame.

16 "4. Cab.

17 "5. Cowl or firewall or any portion thereof.

18 "6. Roof assembly.

19 "7. Cargo compartment floor panel or passenger
20 compartment floor pan.

21 "b. Minor components:

22 "1. Each door.

23 "2. Hood.

24 "3. Grill, except on one ton or smaller trucks.

25 "4. Each bumper.

26 "5. Each front fender.

27 "6. Roof panel and rear cab panel.

1 "7. Each rear fender or side panel.

2 "8. Pickup box.

3 "9. Body or bed.

4 "(3) MOTORCYCLE: COMPONENT PARTS.

5 "a. Engine or motor.

6 "b. Transmission or trans-axle.

7 "c. Frame.

8 "d. Front fork.

9 "e. Crankcase.

10 "(n) A salvage vehicle which has been restored in
11 this state to its operating condition which existed prior to
12 the event which caused the salvage certificate of title to
13 issue shall be issued a certificate of title which shall
14 contain the word rebuilt.

15 "(o) (1) Each salvage vehicle restored or rebuilt in
16 this state which is required to be inspected by the department
17 pursuant to subsection (1) and for which a certificate of
18 title may be issued pursuant to subsection (n) shall be issued
19 a decal, plate, or other emblem as prescribed by the
20 department to reflect that the vehicle is rebuilt. The decal,
21 plate, or other emblem shall be attached to the vehicle in a
22 place and in a manner prescribed by the department.

23 "(2) A person who willfully removes, mutilates,
24 tampers with, obliterates, or destroys a decal, plate, or
25 other emblem issued and attached to a salvage vehicle pursuant
26 to this subsection is guilty of a Class A misdemeanor
27 punishable as provided by law.

1 "(p) Each person who sells, exchanges, delivers, or
2 otherwise transfers any interest in any vehicle for which a
3 title bearing the designation salvage or rebuilt has been
4 issued shall disclose in writing the existence of this title
5 to the prospective purchaser, recipient in exchange, recipient
6 by donation, or recipient by other act of transfer. The
7 disclosure, which shall be made at the time of or prior to the
8 completion of the sale, exchange, donation, or other act of
9 transfer, shall contain the following information in no
10 smaller than 10 point type: "This vehicle's title contains the
11 designation salvage or rebuilt."

12 "(q) (1) Any motor vehicle for which an insurance
13 company has paid a total loss due, in part, to being damaged
14 by water shall be deemed a flood vehicle. The motor vehicle's
15 certificate of title and every subsequent certificate of title
16 shall contain the designation flood vehicle.

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

1 of title of this motor vehicle contains the designation flood
2 vehicle.

3 "(r) If an owner acquires a salvage vehicle for
4 which a previous insurer or owner did not properly obtain a
5 salvage title from this or any other state, the current owner
6 may proceed as provided in subsection (k) and apply for an
7 inspection of the vehicle. In any case where the department
8 has determined that an insurer or prior owner did not properly
9 obtain a salvage certificate of title, a prior registration or
10 other documentation that shows that the owner owned the
11 vehicle prior to the notification by the department may be
12 submitted in lieu of a rebuilder's license.

13 "(s) ~~(1) A scrap metal processor who acquires a motor~~
14 ~~vehicle for the purpose of recycling it into metallic scrap~~
15 ~~for remelting purposes shall surrender the certificate of~~
16 ~~title to the department for cancellation in a manner as~~
17 ~~prescribed by the department. Each scrap metal processor shall~~
18 ~~maintain records of every motor vehicle acquired for the~~
19 ~~purpose of recycling into metallic scrap for remelting~~
20 ~~purposes. The records shall be maintained by the scrap metal~~
21 ~~processor for a period of not less than five years and shall~~
22 ~~include the vehicle identification number, name and address of~~
23 ~~the seller, copy of the seller's state issued driver's license~~
24 ~~or identification card, the date of sale, and a copy of the~~
25 ~~certificate of title surrendered to the department. A person~~
26 ~~who violates this subsection, upon conviction, shall be guilty~~
27 ~~of a Class A misdemeanor and shall be punishable as required~~

1 by law. Notwithstanding any other provision of this title to
2 the contrary, if the owner or authorized agent of the owner of
3 a motor vehicle has not obtained a title in his or her name
4 for the motor vehicle to be transferred, or has lost the title
5 for the motor vehicle to be transferred, he or she may sign a
6 sworn statement that, in addition to the foregoing conditions,
7 the vehicle is worth one thousand dollars (\$1,000) or less and
8 is at least 12 model years old. The statement described in
9 this subsection may be used only to transfer such a motor
10 vehicle to a licensed automotive dismantler and parts recycler
11 as defined at Section 40-12-410 or secondary metals recycler
12 as defined at Section 13A-8-30 and shall be in lieu of a title
13 for these purposes only. The department shall promulgate a
14 form for the statement which shall include, but not be limited
15 to, all of the following information:

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

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

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

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

24 "e. A certification by the seller that the seller is
25 lawfully in possession of the vehicle and either of the
26 following:

1 "1. The seller never obtained a title to the motor
2 vehicle in his or her name including an explanation of why a
3 title was never obtained.

4 "2. The seller was issued a title for the vehicle,
5 but the title was lost or stolen.

6 "f. A certification that the motor vehicle meets all
7 of the following requirements:

8 "1. Is worth one thousand dollars (\$1,000) or less.

9 "2. Is at least 12 model years old.

10 "3. Is not subject to any recorded security interest
11 or lien.

12 "g. An acknowledgment that the owner realizes this
13 form will be filed with the department and that it is a Class
14 C felony to knowingly falsify any information on this
15 statement.

16 "h. The owner's signature and the date of the
17 transaction.

18 "i. The name and address of the business acquiring
19 the vehicle.

20 "j. The unique registration number provided by the
21 Administrator of the National Motor Vehicle Title Information
22 System known as the NMVTIS ID Number.

23 "k. A certification by the business that one
24 thousand dollars (\$1,000) or less was paid to acquire the
25 vehicle.

1 "l. The business agent's signature and date along
2 with a printed name and title if the agent is signing on
3 behalf of a corporation.

4 "m. The unique tracking number provided by a
5 Department of Revenue system that indicates that the
6 automotive dismantler and parts recycler or secondary metals
7 recycler has utilized that system to verify that there is no
8 active recorded lien associated with the motor vehicle. This
9 statement shall be invalid without this, or other, proof that
10 there is no active recorded lien associated with the motor
11 vehicle.

12 "(2) The automotive dismantler and parts recycler or
13 secondary metals recycler shall mail or electronically deliver
14 the statement required under this subsection to the department
15 within 72 hours of the completion of the transaction,
16 requesting that the department cancel the certificate of title
17 and registration.

18 "(3) The automotive dismantler and parts recycler or
19 secondary metals recycler shall maintain records of every
20 motor vehicle acquired for the purpose of recycling into
21 metallic scrap for remelting purposes or for the dismantling
22 for the resale of parts, or any combination thereof. The
23 records shall be maintained by the automotive dismantler and
24 parts recycler or secondary metals recycler for a period of
25 not less than five years and shall include the motor vehicle
26 identification number, name, and address of the seller, copy
27 of the seller's state-issued driver's license or

1 identification card, the date of the sale, and a copy of the
2 certificate of title surrendered to the department or a copy
3 of the statement authorized by subdivision (1).

4 "(4) Any person who knowingly and willfully violates
5 any of the provisions of this subsection, or any person who
6 falsifies the statement required under this subsection, shall
7 be guilty of a Class C felony. The court may order a defendant
8 seller under this subsection to make restitution to the
9 automotive dismantler and parts recycler or secondary metals
10 recycler for any damage or loss caused by the defendant seller
11 arising out of an offense committed by the defendant seller.

12 "(5) Any motor vehicle used to transport another
13 motor vehicle illegally sold under this section may be seized
14 by law enforcement and is subject to forfeiture ordered by the
15 court; provided, however, that no motor vehicle used by any
16 person in the transaction of a sale of such motor vehicle is
17 subject to forfeiture unless it appears that the owner or
18 other person in charge of the motor vehicle is a consenting or
19 knowing party to the commission of a crime, and a forfeiture
20 of the motor vehicle encumbered by a bona fide security
21 interest is subject to the interest of the secured party who
22 had no knowledge of or consented to the act. Whenever property
23 is forfeited under this subsection by order of the court, it
24 shall be sold and the proceeds distributed, pro rata after
25 payment of all property expenses relating to the forfeiture
26 and sale, to the general fund of the state or any county or
27 municipality whose department, office, or agency contributed

1 to the investigation of the acts resulting in forfeiture,
2 based upon the contribution, including expenses, of the
3 department, office, or agency, as determined by the court."

4 Section 2. The holder of a lien on a motor vehicle
5 shall electronically record the lien within 24 hours of
6 becoming the lien holder and shall electronically release the
7 lien within 24 hours of its satisfaction.

8 Section 3. The Department of Revenue shall provide a
9 system for a real-time online verification of motor vehicle
10 liens by an automotive dismantler and parts recycler or a
11 secondary metals recycler. The system shall be capable of
12 transmitting the information from the statement required
13 pursuant to subsection (s) of Section 32-8-87, Code of Alabama
14 1975, either online or by bulk electronic transmission. There
15 shall be no charge assessed for either the electronic lien
16 verification or for transmitting of the statement required by
17 subsection (s) of Section 32-8-87, Code of Alabama 1975, to
18 the automotive dismantler and parts recycler or secondary
19 metals recycler.

20 Section 4. Although this bill would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds, the bill is excluded from further
23 requirements and application under Amendment 621, now
24 appearing as Section 111.05 of the Official Recompilation of
25 the Constitution of Alabama of 1901, as amended, because the
26 bill defines a new crime or amends the definition of an
27 existing crime.

1 Section 5. This act shall become effective January
2 1, 2012.