

1 HB458  
2 165874-4  
3 By Representative Johnson (R)  
4 RFD: Public Safety and Homeland Security  
5 First Read: 09-APR-15



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

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 32-8-84, 32-13-1, 32-13-2,  
5 32-13-3, 32-13-4, and 32-13-6, Code of Alabama 1975, are  
6 amended to read as follows:

7 "§32-8-84.

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

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

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

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

24 "~~(b) An owner or a lienholder may report the theft~~  
25 ~~of a vehicle, or its conversion if a crime, to the department,~~  
26 ~~but the department may disregard the report of a conversion~~  
27 ~~unless a warrant has been issued for the arrest of a person~~

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

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

23 "(2) If the motor vehicle was returned to the  
24 recorded owner or lienholder of record, if any, prior to the  
25 conclusion of the 45-calendar day hold period on the title  
26 record, the person or entity who reported the motor vehicle as  
27 unclaimed shall report the return of the motor vehicle within

1 five calendar days in a manner as prescribed by the  
2 department.

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

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

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

26 "(3)a. In the event that no NMVTIS record exists and  
27 there is evidence that could be reasonably ascertained by the

1 person or entity indicating that the motor vehicle has been  
2 registered in another state, the person or entity, within five  
3 calendar days from the date the motor vehicle was reported as  
4 unclaimed to the department, shall submit a records request to  
5 the state of registration in order to obtain the name and  
6 address of the owner. Thereafter, the person or entity shall  
7 send notice by certified mail with either return receipt  
8 requested or electronic delivery confirmation, within five  
9 calendar days from receipt of the title record, to the owner  
10 and lienholder of record, if any, or registration record, to  
11 the owner of record, advising the owner and lienholder of  
12 record, if any, of the location of the motor vehicle, normal  
13 business hours of the facility holding the motor vehicle, any  
14 accrued charges or fees, the daily storage rate, and the  
15 mailing address and contact telephone number of the person or  
16 entity in possession of the motor vehicle.

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

26 "(4) A person who fails to report a motor vehicle as  
27 unclaimed or fails to notify the owner and lienholder of

1 record, if any, in accordance with this subsection shall  
2 forfeit all claims and liens for the motor vehicle's garaging,  
3 parking, and storage prior to the time the motor vehicle is  
4 reported as unclaimed; provided, however, failure to report  
5 shall not result in the forfeiture of claims and liens for the  
6 towing and repair of a motor vehicle.

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

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

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

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

26 "(2) A title shall be issued by the department in  
27 the name of an insurance company on a vehicle that is reported

1 stolen when a settlement between the insured and his or her  
2 insurance company has occurred. The title shall be issued  
3 electronically in the name of the insurance company until the  
4 vehicle has been recovered, and, if recovered, the title may  
5 be issued in paper form.

6 "§32-13-1.

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

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

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



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

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

22 ~~"b. The notice shall clearly indicate, in not less~~  
23 ~~than two-inch high light-reflective letters on a contrasting~~  
24 ~~background, that unauthorized vehicles will be towed away at~~  
25 ~~the owner's expense. The words "tow away zone" shall be~~  
26 ~~included on the sign in not less than four-inch high letters.~~

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

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

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

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

25           ~~"a. That the vehicle has been determined to be~~  
26 ~~abandoned or inoperable and will be removed at the direction~~

1 of the property owner or his or her agent upon the expiration  
2 of seven days from the date of the notice.

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

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

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

22 "(2) DEPARTMENT. The Department of Revenue.

23 "§32-13-2.

24 "(a) Any A law enforcement officer who finds a motor  
25 vehicle which has been left unattended on a public street,  
26 road, or highway or other property for a period of at least  
27 seven days, or which is unattended because the driver of the

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

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

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

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

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

23 ~~and any~~ (2) A person removing ~~the~~ a motor vehicle  
24 or other property at the direction of a law enforcement  
25 officer in accordance with this section shall have a lien on  
26 the motor vehicle for a reasonable fee for the removal and for  
27 the storage of the motor vehicle.

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

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

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

7           "§32-13-3.

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

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

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

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

1 motor vehicle on or before claiming the motor vehicle. The  
2 return of a certified letter unclaimed or equivalent  
3 documentation as determined by the department shall be proof  
4 of an attempt to give notice as required by this subsection.

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



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

4           "a. The name and address of the current owner and  
5 lienholder of record, if any, as reflected on the current  
6 title or registration record of state.

7           "b. The contact information for the person or entity  
8 filing the notice.

9           "c. The motor vehicle's identification number, year,  
10 make, and model.

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

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

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

1           "(c) (1) Upon payment of the sales price, the  
2 purchaser of the abandoned motor vehicle shall be entitled to,  
3 and the person, ~~firm,~~ or ~~governmental~~ entity making the sale  
4 shall issue, a bill of sale, in a form as prescribed by the  
5 ~~Department of Revenue, to~~ for the abandoned motor vehicle,  
6 free and clear of all liens, security interests, and  
7 encumbrances, in a form as prescribed by the department.

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

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

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

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

20           "(3) Notwithstanding the foregoing any other  
21 provision in this section, if the person, ~~firm,~~ or  
22 ~~governmental~~ entity making the sale of the motor vehicle  
23 failed to provide ~~notice~~ proper notices as required in  
24 subsection (d) of Section 32-8-84, or this chapter, or did not  
25 attempt to provide notice to the current owners, registrants,  
26 secured parties, and lienholders of record, if any, for the  
27 motor vehicle in the manner required herein, then the sale of

1 the abandoned vehicle shall be void and the current owners,  
2 registrants, secured parties, and lienholders of record, if  
3 any, for the motor vehicle shall retain their ownership,  
4 security interests, liens, and interests in the motor vehicle.

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

12 "(2) A purchaser of an abandoned motor vehicle who  
13 sells an abandoned motor vehicle to a licensed automotive  
14 dismantler and parts recycler or secondary metals recycler, in  
15 lieu of surrendering the certificate of title as prescribed in  
16 Section 32-8-87(s) (1), may surrender the bill of sale for the  
17 abandoned motor vehicle to the licensed automotive dismantler  
18 and parts recycler or secondary metals recycler. The licensed  
19 automotive dismantler and ~~parts~~ metals recycler or secondary  
20 parts recycler shall then proceed with the notice of  
21 cancellation procedures as prescribed in Section 32-8-87(s) (1)  
22 utilizing the bill of sale in lieu of the certificate of  
23 title. The bill of sale shall be subject to the same records  
24 retention requirements as those prescribed in Section  
25 32-8-87(s) (1) for a certificate of title.

26 "(e) (1) If the current certificate of title to a  
27 motor vehicle sold pursuant to this chapter is designated a

1 salvage certificate of title, or if the records of the  
2 department indicate an application for a salvage certificate  
3 of title has previously been received, the new certificate of  
4 title issued by the department shall also be a salvage  
5 certificate of title.

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

12 "§32-13-4.

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

24 "(1) The complete description of the motor vehicle  
25 and the date and place the motor vehicle was found or taken  
26 into possession.

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

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

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

6           ~~"(5) The right of the current owners, registrants,~~  
7 ~~secured parties, and lienholders of record, if any, for the of~~  
8 ~~a motor vehicle, prior to the sale, may to contest the right~~  
9 ~~to sell such sale of the motor vehicle pursuant to this~~  
10 ~~chapter by the filing within 10 days before the scheduled date~~  
11 ~~of the sale of the motor vehicle of an application for hearing~~  
12 ~~to be conducted before the judge of a notice of appeal with~~  
13 ~~the Alabama Tax Tribunal pursuant to subsection (a) of Section~~  
14 ~~40-2A-8, or in the circuit court of in the county in which~~  
15 ~~where the sale is ~~to be held~~ scheduled to occur. The~~  
16 ~~application for hearing shall be on such a form as may be~~  
17 ~~prescribed by the Administrative Office of Courts. The notice~~  
18 ~~required by this section shall be deemed to be given when sent~~  
19 ~~by certified mail, postage prepaid, to the address of the~~  
20 ~~current owners, registrants, secured parties, and lienholders~~  
21 ~~of record, if any, for the motor vehicle, shown on any public~~  
22 ~~filing evidencing such ownership, security interest, lien, or~~  
23 ~~interest, or, if none, to any such address ascertained by~~  
24 ~~reasonable effort. The person, firm, or governmental entity~~  
25 ~~giving notice under this section shall obtain from the~~  
26 ~~department in writing, a statement, form, or document listing~~  
27 ~~the name and address of the current owners, registrants,~~

1 ~~secured parties, and lienholders of record, if any, for the~~  
2 ~~motor vehicle or a statement, form, or document that the~~  
3 ~~department has no information of record concerning the current~~  
4 ~~owners, registrants, secured parties, or lienholders of~~  
5 ~~record, if any, for the motor vehicle.~~

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

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

18 "(2) If application for a hearing is timely made by  
19 the current owners, registrants, secured parties, or  
20 lienholders of record, if any, for the motor vehicle, then all  
21 such ~~persons~~ parties shall be ~~joined as parties and provided~~  
22 notice by the Alabama Tax Tribunal or the judge of the circuit  
23 court. in the county where the sale occurred The Alabama Tax  
24 Tribunal or circuit court shall conduct a hearing to determine  
25 if the motor vehicle is an abandoned motor vehicle as defined  
26 by this chapter and ~~should be sold in the manner prescribed~~  
27 herein whether proper notices were provided pursuant to

1 subsection (d) of Section 32-8-84 and this chapter. The motor  
2 vehicle shall not be sold pending the decision by the Alabama  
3 Tax Tribunal or circuit court judge.

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

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

17 "§32-13-6.

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

1 ~~contest regarding the sale of the abandoned motor vehicle~~  
2 ~~shall be filed in the circuit court in the county where the~~  
3 ~~sale occurred.~~

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

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

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

21 ~~"The department shall not issue a title for the~~  
22 ~~motor vehicle unless the statement, form, or document from the~~  
23 ~~department identifying the current owners, secured parties,~~  
24 ~~lienholders of record, if any, for the motor vehicle, or~~  
25 ~~parties known to have an interest in the motor vehicle, or~~  
26 ~~stating that the department has no information of record and a~~  
27 ~~notarized affidavit from the seller attesting to the fact that~~



1 ~~the seller gave notice, or attempted to give notice, as~~  
2 ~~required by Section 32-13-4, are submitted to the department.~~

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

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

17 §32-13-9.

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

23 §32-13-10.

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

1 (b) A person in violation of subsection (a) commits  
2 a Class C felony.

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

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

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

17 Section 5. This act shall become effective on July  
18 1, 2016, following its passage and approval by the Governor,  
19 or upon its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Public Safety  
and Homeland Security..... . . . . . 09-APR-15

Read for the second time and placed  
on the calendar 2 amendments ..... . . . . . 23-APR-15

Read for the third time and passed  
as amended..... . . . . . 26-MAY-15

Yeas 102, Nays 0, Abstains 0

Jeff Woodard  
Clerk