

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

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8 SYNOPSIS: Under current law, the Department of Revenue
9 collects a fee for issuing and processing certain
10 motor vehicle titles. This bill will increase the
11 fee for issuing and processing such titles.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT

16
17 To amend Sections 32-8-6, 32-8-87, and 32-20-4, Code
18 of Alabama 1975, relating to motor vehicle titles; to increase
19 the fee for issuing and processing certain motor vehicle
20 titles.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 "§32-8-6.

25 (a) There shall be paid to the department for
26 issuing and processing documents required by this chapter a

1 fee of ~~fifteen dollars (\$15)~~ twenty-eight dollars (\$28) for
2 each of the following transactions:

3 (1) Each application for certificate of title;

4 (2) Each application for replacement or corrected
5 certificate of title;

6 (3) Each application for certificate of title after
7 transfer;

8 (4) Each notice of security interest;

9 (5) Each assignment by lienholder;

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

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

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

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

1 (d) Every transaction shall be accompanied by the
2 fee specified in this chapter, regardless of whether the title
3 is issued electronically or not, unless specifically exempted
4 by this chapter.

5 (e) ~~Notwithstanding any other provisions of this~~
6 ~~section, when~~ Each application for the title history for a
7 motor vehicle shall be accompanied by a fifteen dollar (\$15)
8 fee. When any motor vehicle record, as prescribed by the
9 department, is requested, other than a title history ~~as~~
10 ~~provided in subdivision (7) of subsection (a),~~ and the record
11 is provided electronically or in the form of a printout of an
12 electronic record, the fee shall be five dollars (\$5). The
13 five dollar (\$5) fee shall be distributed as follows: Fifty
14 percent shall be distributed to the State General Fund and the
15 remaining 50 percent shall be retained by the department for
16 use solely by the Motor Vehicle Division of the department for
17 training and technological and processing improvements.

18 (f) The department may establish and charge a fee
19 not greater than the fee provided in subsection (e) for motor
20 vehicle records obtained through the national motor vehicle
21 title information system and provided to end users. The fee
22 shall be retained by the department for use solely by the
23 motor division of the department for costs associated with
24 providing the records, training, and technological and
25 processing improvements.

26 (g) All motor vehicle title records, registration
27 records, and any other motor vehicle records as designated by

1 the department containing personal information as defined
2 under state or federal law, rules, or regulations shall only
3 be released by the department in accordance with such laws,
4 rules, or regulations. The department may establish procedures
5 to insure that all motor vehicle record disclosures are
6 handled in a uniform manner.

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

9 "§32-8-87.

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

1 requires, accompanied by a certificate of inspection in the
2 form and content as specified in this section.

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

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

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

24 (c) If an insurance company acquires a motor vehicle
25 in settlement of an insurance claim and holds the vehicle for
26 resale and procures the certificate of origin or certificate
27 of title from the owner or lienholder within 15 days after

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 bills of sale for minor component parts; provided that a
2 notarized bill of sale which lists the manufacturer's vehicle
3 identification number of the vehicle from which the parts were
4 removed, if parts contain or should contain the manufacturer's
5 vehicle identification number, shall be required for a
6 transmission.

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

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

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

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

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

4 d. That the salvage certificate document or
5 out-of-state title certificate attached to the application has
6 not to the knowledge of the owner been forged, falsified,
7 altered, or counterfeited.

8 e. That all information contained on the application
9 and its attachments is true and correct to the knowledge of
10 the owner.

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

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

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

1 as prescribed in Section 32-8-6(a) payable to the department
2 in a manner as prescribed by the department, the department
3 shall require an inspection to be made of the title and the
4 vehicle by qualified agents or law enforcement officers of the
5 department.

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

16 (m) Component parts are defined as:

17 (1) PASSENGER VEHICLES.

18 a. Major components:

19 1. Motor or engine.

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

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

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

26 5. Roof assembly.

27 b. Minor components:

- 1 1. Each door allowing entrance to or egress from the
- 2 passenger compartment.
- 3 2. Hood.
- 4 3. Each front fender or each rear fender when used
- 5 with a rear section and roof.
- 6 4. Deck lid, tailgate, or hatchback (whichever is
- 7 present).
- 8 5. Each quarter panel.
- 9 6. Each bumper.
- 10 7. T-tops, moon roof, or whichever is present.
- 11 8. Transmission or trans-axle.
- 12 (2) TRUCK, TRUCK TYPE, OR BUS TYPE VEHICLE.
- 13 a. Major components:
- 14 1. Motor or engine.
- 15 2. Transmission or trans-axle.
- 16 3. Frame or any portion thereof (except frame horn),
- 17 or, in the case of a unitized body, the supporting structure
- 18 which serves as the frame.
- 19 4. Cab.
- 20 5. Cowl or firewall or any portion thereof.
- 21 6. Roof assembly.
- 22 7. Cargo compartment floor panel or passenger
- 23 compartment floor pan.
- 24 b. Minor components:
- 25 1. Each door.
- 26 2. Hood.
- 27 3. Grill, except on one ton or smaller trucks.

- 1 4. Each bumper.
- 2 5. Each front fender.
- 3 6. Roof panel and rear cab panel.
- 4 7. Each rear fender or side panel.
- 5 8. Pickup box.
- 6 9. Body or bed.

7 (3) MOTORCYCLE: COMPONENT PARTS.

- 8 a. Engine or motor.
- 9 b. Transmission or trans-axle.
- 10 c. Frame.
- 11 d. Front fork.
- 12 e. Crankcase.

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

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

26 (2) A person who willfully removes, mutilates,
27 tampers with, obliterates, or destroys a decal, plate, or

1 other emblem issued and attached to a salvage vehicle pursuant
2 to this subsection is guilty of a Class A misdemeanor
3 punishable as provided by law.

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

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

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

1 or other act of transfer and shall contain the following
2 information in no smaller than 10 point type: The certificate
3 of title of this motor vehicle contains the designation flood
4 vehicle.

5 (r) If an owner acquires a salvage vehicle for which
6 a previous insurer or owner did not properly obtain a salvage
7 title from this or any other state or the vehicle was rebuilt
8 by a rebuilder who is no longer licensed as a rebuilder, the
9 current owner may proceed as provided in subsection (k) and
10 apply for an inspection of the vehicle. In any case where the
11 department has determined that an insurer or prior owner did
12 not properly obtain a salvage certificate of title, a prior
13 registration or other documentation that shows that the owner
14 owned the vehicle prior to the notification by the department
15 may be submitted in lieu of a rebuilder's license.

16 (s) (1)a. A licensed automotive dismantler and parts
17 recycler as defined in Section 40-12-410, secondary metals
18 recycler as defined in Section 13A-8-30, who acquires a motor
19 vehicle for the purpose of dismantling it or recycling it into
20 metallic scrap for melting purposes or any person who crushes
21 a motor vehicle acquired from anyone other than a licensed
22 automotive dismantler and parts recycler or a secondary metal
23 recycler, except as provided in subdivision (2), shall
24 surrender any certificate of title received to the department
25 for cancellation in a manner as prescribed by the department.
26 A notice of cancellation shall be submitted and a receipt of
27 the notice shall be obtained from the department prior to

1 crushing the vehicle or dismantling the vehicle or recycling
2 it into metallic scrap for remelting purposes. A licensed
3 automotive dismantler and parts recycler or secondary metals
4 recycler shall file the notice electronically and the
5 department, at the time of filing, shall provide the filer
6 with an electronic notice of receipt. The licensed automotive
7 dismantler and parts recycler or secondary metals recycler
8 shall maintain the properly assigned original certificate of
9 title when the notice is filed electronically. The department
10 shall verify through its records that the title is the current
11 title of the motor vehicle and that the vehicle is not
12 reported as stolen prior to issuing the receipt.

13 b. Each licensed automotive dismantler and parts
14 recycler, secondary metals recycler, and any other person who
15 crushes a motor vehicle shall maintain records of every motor
16 vehicle crushed or acquired for the purpose of dismantling it
17 or recycling it into metallic scrap for remelting purposes.
18 The records shall be maintained by these parties for a period
19 of not less than five years and shall include the vehicle
20 identification number, name and address of the seller, copy of
21 the seller's state issued driver's license or identification
22 card, the date of sale, and a copy of the certificate of title
23 surrendered to the department. In the event that a person
24 crushes a vehicle or vehicles on behalf of the owner but does
25 not acquire the vehicle or vehicles, that person shall
26 maintain a record of the vehicle identification number, and
27 the name and address of the entity for whom the vehicles were

1 crushed, as well as a copy of the person's state issued
2 driver's license or identification card, or state issued tax
3 ID number if the entity is not a natural person. For purposes
4 of this chapter, a crushed motor vehicle as defined in Section
5 40-12-116 shall not be deemed a motor vehicle or vehicle,
6 provided, however, that any person who is responsible for
7 transforming a motor vehicle into a crushed motor vehicle is
8 responsible for complying with this section.

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

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

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

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

5 d. The name, address, and driver's license number of
6 the seller.

7 e. A certification by the seller that the seller is
8 lawfully in possession of the vehicle and the seller is the
9 current owner of the vehicle and the seller never obtained a
10 title to the motor vehicle in his or her name.

11 f. A certification that the motor vehicle meets all
12 of the following requirements:

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

14 2. Is at least 12 model years old.

15 3. Is not subject to any recorded security interest
16 or lien.

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

21 h. The seller's signature and the date of the
22 transaction.

23 i. The name and address of the business acquiring
24 the vehicle.

25 j. The unique registration number provided by the
26 Administrator of the National Motor Vehicle Title Information
27 System known as the NMVTIS ID Number.

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

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

7 m. The unique tracking number provided by a
8 Department of Revenue system that indicates that the
9 automotive dismantler and parts recycler or secondary metals
10 recycler has utilized that system to verify that the vehicle
11 is not currently reported as stolen and that there is no
12 recorded lien or notice of a lien on file or that the
13 department has no record of the vehicle. A licensed automotive
14 dismantler and parts recycler or secondary metals recycler
15 shall file the notice electronically, and the department shall
16 provide the filer with an electronic notice of receipt. This
17 statement shall be invalid without this tracking number and
18 without the purchaser's NMVTIS ID Number.

19 n. An acknowledgement by the automotive dismantler
20 and parts recycler or secondary metals recycler that the motor
21 vehicle will not be crushed or shredded for a period of 48
22 hours not including Saturday and Sunday after the initial
23 filing with the department of the notice required in this
24 subsection and receipt of such notice.

25 (3) The automotive dismantler and parts recycler or
26 secondary metals recycler shall electronically deliver the
27 statement required under this subsection to the department

1 within 72 hours of the completion of the transaction,
2 requesting that the department cancel the certificate of title
3 and registration. A transmission of the identical information,
4 in the identical format as prescribed by the Alabama
5 Department of Revenue, shall be sent by the automotive
6 dismantler and parts recycler or secondary metals recycler to
7 the sheriff of the county, or the chief of police if located
8 in a municipality, if requested by the sheriff or chief of
9 police. The transmittal shall be completed and a receipt of
10 the notice, generated at the time of the transmittal, shall be
11 obtained from the department before dismantling the vehicle or
12 recycling it into metallic scrap for remelting purposes. In
13 addition, the automotive dismantler and parts recycler or
14 secondary metals recycler shall maintain the original signed
15 documents required by this subsection for a period of not less
16 than five years. An automotive dismantler and parts recycler
17 or secondary metals recycler who has complied with the
18 requirements of this section shall be immune from, and held
19 harmless from, any claims related to liens which were not
20 recorded or a notice of lien was not recorded, or stolen
21 vehicles not reported, at the time that the vehicle was
22 purchased and the inquiry made and documented with the unique
23 tracking number issued by the department.

24 (4) Any person who knowingly and willfully violates
25 this subsection, or any person who falsifies the statement
26 required under this subsection, or any person who knowingly
27 and willfully sells a vehicle upon which there is an

1 unsatisfied lien, shall be guilty of a Class C felony. In
2 addition to any punishment rendered, each person convicted
3 shall be subject to the laws regarding restitution.

4 (5) Any motor vehicle used to transport another
5 motor vehicle or crushed motor vehicle illegally sold under
6 this section may be seized by law enforcement and is subject
7 to forfeiture ordered by the court; provided, however, that no
8 motor vehicle used by any person in the transaction of a sale
9 of such motor vehicle shall be subject to forfeiture unless
10 the owner or other person in charge of the motor vehicle is a
11 consenting or knowing party to the commission of a crime, and
12 a forfeiture of the motor vehicle is subject to the rights of
13 any lienholder who holds a perfected security interest in the
14 motor vehicle so long as the lienholder had no knowledge of or
15 consented to the act. Whenever property is forfeited under
16 this subsection by order of the court, it shall be sold and
17 the proceeds distributed, pro rata after payment of all
18 property expenses relating to the forfeiture and sale,
19 including any court ordered restitution to the owner of the
20 vehicle, satisfaction of any liens associated with the vehicle
21 sold in violation of this section, and any losses incurred by
22 the automotive dismantler and parts recycler or secondary
23 metals recycler to the general fund of the state or any county
24 or municipality whose department, office, or agency
25 contributed to the investigation of the acts resulting in
26 forfeiture, based upon the contribution, including expenses,

1 of the department, office, or agency, as determined by the
2 court.

3 (t) The Department of Revenue shall provide a system
4 for a real-time online verification of motor vehicle titles,
5 liens, and stolen vehicle status that can be accessed by an
6 automotive dismantler and parts recycler or a secondary metals
7 recycler. The system shall be capable of transmitting the
8 information from the statement required pursuant to subsection
9 (s) either online or by bulk electronic transmission and shall
10 provide a unique tracking number on a receipt at the time of
11 the submission that indicates that the automotive dismantler
12 and parts recycler or a secondary metals recycler has used the
13 system and that at the time of the inquiry, the vehicle was
14 not reported as stolen and that there were no recorded liens
15 or notices of liens on file associated with the vehicle, or
16 that the department has no record of the vehicle. The charge
17 assessed for the transmittal of the statement required by
18 subsection (s) to the automotive dismantler and parts recycler
19 or secondary metals recycler shall be five dollars (\$5) per
20 submittal. In lieu of a per submittal charge, an automotive
21 dismantler and parts recycler or a secondary metals recycler
22 may pay an annual fee of five hundred dollars (\$500) for all
23 submittals and inquiries made during that fiscal year. The fee
24 shall be paid on a fiscal year basis, beginning October 1 of
25 each fiscal year. Every automotive dismantler and parts
26 recycler, secondary metals recycler or person or company
27 licensed pursuant to Section 40-12-116, shall pay the annual

1 fee for each location or license. Any fees collected under
2 this section shall be retained by the department for use
3 solely by the Motor Vehicle Division of the department for
4 training and technological and processing improvements.

5 "§32-20-4.

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

10 (1) Each application for certificate of title.

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

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

15 (4) Each notice of security interest.

16 (5) Each assignment by lienholder.

17 (6) Each application for cancellation of a
18 certificate of origin or certificate of title.

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

24 (b) The designated agents shall add the sum of one
25 dollar fifty cents (\$1.50) for each transaction, as specified
26 in subsection (a), processed for which this fee is charged to
27 be retained as the agent's commission for services rendered,

1 and all other fees collected shall be remitted to the
2 department in a manner prescribed by the department.

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

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

15 (e) Every transaction shall be accompanied by the
16 fee specified in this chapter, regardless of whether the title
17 is issued electronically or not, unless specifically exempted
18 by this chapter.

19 (f) Each application for the title history of a
20 manufactured home shall be accompanied by a fifteen dollar
21 (\$15) fee. When any manufactured home record is requested,
22 other than a title history, and the record is provided
23 electronically or in the form of a printout of an electronic
24 record, the fee shall be five dollars (\$5). The five dollar
25 (\$5) fee shall be distributed as follows:

26 Fifty percent shall be distributed to the State
27 General Fund and the remaining fifty percent shall be retained

1 by the department for use solely by the Motor Vehicle Division
2 of the department for training and technological and
3 processing improvements. Such information shall be treated in
4 the same manner as prescribed by state and federal statutes,
5 rules, and regulations regarding the confidentiality and
6 disclosure of motor vehicle records."

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