

# SB96 ENROLLED



1 SB96  
2 EBWV229-3  
3 By Senator Carnley  
4 RFD: Banking and Insurance  
5 First Read: 05-Feb-25



## SB96 Enrolled

Enrolled, An Act,

Relating to salvage vehicle certificates of title; to amend Section 32-8-87, Code of Alabama 1975; to provide that Alabama vehicle owners may apply for a salvage certificate of title if their vehicle is declared a loss in any state; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-8-87 of the Code of Alabama 1975, is amended to read as follows:

"§32-8-87

(a) (1) Each owner of a motor vehicle and each ~~person~~ individual mentioned as owner in the last certificate of title who scraps, dismantles, destroys, or changes the motor vehicle in such a manner that it is not the same motor vehicle described in the certificate of origin or certificate of title shall as soon as practicable cause the certificate of origin or certificate of title, if any, and any other documents or information required by the department to be mailed or delivered to the department for processing.

(2) The department ~~shall~~, with the consent of any holder of liens noted on the surrendered certificate, shall enter a cancellation upon its records. Upon cancellation of a certificate of origin or certificate of title in the manner prescribed by this section, the department shall cancel all certificates of origin or certificates of title in that chain



## SB96 Enrolled

of title. A certificate of title for the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content as specified in this section.

(3) No motor vehicle for which a salvage or junk certificate has been issued by this state or any other state shall be driven or operated on the highways or other public places of this state. A vehicle which is in this state and for which a salvage certificate has been issued, and the vehicle is being restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, may be moved to and from repair points as necessary by the rebuilder to complete the restoration or may be moved as permitted by the ~~Department of Revenue~~ department for inspection or for any other purpose. A valid Alabama dealer license plate shall be displayed on the vehicle during its movement. ~~A person~~ An individual who violates this ~~subsection~~ subdivision shall, upon conviction, be guilty of a Class A misdemeanor ~~and shall be punishable as required by law.~~

(b) (1) When the frame or engine is removed from a motor vehicle and not immediately replaced by another frame or engine, or when an insurance company has paid money or made other monetary settlement as compensation for a total loss of any motor vehicle, the motor vehicle shall be considered to be salvage.

The owner of every motor vehicle in which the total



## SB96 Enrolled

loss or salvage has occurred and which has a current title issued in this state or the vehicle is located in this state at the time of title application or branding or both, or the owner is an Alabama resident ~~in this state~~, shall, within 72 hours after the total loss or salvage occurs, shall make application for a salvage certificate of title and forward to the department the certificate of origin or certificate of title to the motor vehicle, ~~whereupon~~ and the department shall process the certificate of origin or certificate of title in a manner prescribed by law or ~~regulation~~ rule.

An insurance company ~~which~~ that pays money or makes other monetary settlement as compensation for total loss of a motor vehicle shall at the time of payment or monetary settlement obtain the vehicle's properly assigned certificate of origin or certificate of title and, as soon as practicable after receiving it, shall forward it along with their application for a salvage certificate, to the department for processing.

In the event the payment or monetary settlement was made because of the theft of the vehicle, which shall be considered a total loss as defined in this section, the insurance company shall forward the vehicle's properly assigned certificate of origin or certificate of title as provided herein, to the department as soon as practicable after the vehicle is recovered.

(2) When a stolen motor vehicle has been reported to the department in compliance with this section and is later recovered, and for which a salvage certificate has been



## SB96 Enrolled

85 issued, the owner recorded on the salvage certificate shall  
86 assign that certificate to the purchaser. ~~A person~~ An  
87 individual who violates this subsection shall, upon  
88 conviction, be guilty of a Class A misdemeanor ~~and shall be~~  
89 ~~punishable as required by law.~~

90 (c) If an insurance company acquires a motor vehicle in  
91 settlement of an insurance claim and holds the vehicle for  
92 resale and procures the certificate of origin or certificate  
93 of title from the owner or lienholder within 15 days after  
94 delivery of the vehicle to the insurance company, and if the  
95 vehicle was not a total loss as defined by ~~this section~~  
96 subsection (d), the insurance company need not send the  
97 certificate of origin or certificate of title to the  
98 department but, upon transferring the vehicle to another  
99 ~~person~~ individual, other than by the creation of a security  
100 interest, the insurance company shall complete an affidavit of  
101 acquisition and disposition of the motor vehicle on a form  
102 prescribed by the department and deliver the certificate of  
103 origin or certificate of title, affidavit, and any other  
104 documents required by the department to the transferee at the  
105 time of delivery of the motor vehicle.

106 (d) (1) For the purposes of this section, a total loss  
107 shall occur when an insurance company or any other ~~person~~  
108 individual pays or makes other monetary settlement to ~~a person~~  
109 an individual when a vehicle is damaged and the damage to the  
110 vehicle is greater than or equal to 75 percent of the fair  
111 retail value of the vehicle prior to damage as set forth in a  
112 current edition of a nationally recognized compilation of



## SB96 Enrolled

113 retail values, including automated ~~data bases~~ databases.

114       The compensation for total loss as defined in this  
115 subsection shall not include payments by an insurer or other  
116 ~~person~~ individual for medical care, bodily injury, vehicle  
117 rental, or for anything other than the amount paid for the  
118 actual damage to the motor vehicle. A vehicle that has  
119 sustained minor damage as a result of theft or vandalism shall  
120 not be considered a total loss.

121       Any ~~person~~ individual acquiring ownership of a damaged  
122 motor vehicle that meets the definition of total loss for  
123 which a salvage title has not been issued shall apply for a  
124 salvage title, other than a scrap metal processor acquiring  
125 ~~such~~ the vehicle for purposes of recycling into metallic scrap  
126 for remelting purposes only. This application shall be made  
127 before the vehicle is further transferred, but in any event,  
128 within 30 days after ownership is acquired.

129       (e) It shall be unlawful for the owner of any junkyard,  
130 salvage yard, or automotive dismantler and parts recycler or  
131 his or her agents or employees to have in their possession any  
132 motor vehicle ~~which~~ that is junk or salvage or a total loss  
133 when the manufacturer's vehicle identification number plate or  
134 plates, authorized replacement vehicle identification number  
135 plate or plates, or serial plate or plates have been removed,  
136 unless previously required to be removed by a statute or law  
137 of this state or another jurisdiction. ~~A person~~ An individual  
138 who violates this subsection shall, upon conviction, be guilty  
139 of a Class A misdemeanor ~~and shall be punishable as required~~  
140 ~~by law~~.



## SB96 Enrolled

141 (f) It shall be unlawful for ~~a person, firm, or~~  
142 ~~corporation~~ an individual to possess, sell or exchange, offer  
143 to sell or exchange, or to give away any certificate of  
144 origin, certificate of title, salvage certificate of title,  
145 manufacturer's identification number plate ~~or plates,~~  
146 authorized replacement vehicle identification number plate ~~or~~  
147 ~~plates,~~ serial plate ~~or plates,~~ or motor vehicle license plate  
148 ~~or plates~~ of any motor vehicle ~~which~~ that has been scrapped,  
149 dismantled, or sold as junk or salvage or as a total loss  
150 ~~contrary to~~ in violation of this section, subsection. An  
151 individual who violates this subsection shall ~~and every~~  
152 ~~officer, agent, or employee of a person, firm, or corporation,~~  
153 ~~and every person who shall authorize, direct, aid in or~~  
154 ~~consent to the possession, sale or exchange, or offer to sell,~~  
155 ~~exchange, or give away such certificate of origin, certificate~~  
156 ~~of title, salvage certificate of title, manufacturer's vehicle~~  
157 ~~identification number plate or plates, authorized replacement~~  
158 ~~vehicle identification number plate or plates, serial plate or~~  
159 ~~plates, or motor vehicle license plate or plates contrary to~~  
160 ~~this section, shall, upon conviction, be guilty of a Class A~~  
161 ~~misdemeanor and shall be punishable as required by law.~~

162 (g) The department ~~is authorized~~ may to issue a salvage  
163 certificate of title for a fee of fifteen dollars (\$15), on a  
164 form prescribed by the department which shall provide for  
165 assignments of ~~this~~ the salvage certificate of title. The  
166 salvage certificate of title ~~is to~~ shall replace a certificate  
167 of origin or certificate of title required to be surrendered  
168 by this section. The department shall prescribe necessary



forms and procedures to comply with this subsection.

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

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

(j) (1) The department may issue a certificate of title to any motor vehicle for which a salvage certificate has been issued by this or any other state, and the vehicle has, in this state, been completely restored to its operating condition which existed prior to the event which caused the salvage certificate of title to issue, provided that all requirements of this section have been met.

(2) The department may issue a certificate of title for any motor vehicle for which a salvage certificate of title has





## SB96 Enrolled

197 been issued by this or any other state or when the department  
198 has evidence that a salvage title should have been issued by  
199 this or any other state, and the vehicle has been completely  
200 restored outside of this state to its operating condition  
201 which existed prior to the event which caused the salvage  
202 certificate of title to be issued, provided the department is  
203 satisfied that the vehicle was rebuilt in the other state in  
204 accordance with that state's salvage rebuilding laws.

205       (3) Any motor vehicle for which a certificate of title  
206 has been issued by any state with the notation of junk, parts  
207 car, parts only, nonrebuildable, or when a certificate of  
208 destruction or bill of sale has been issued for transfer of  
209 the vehicle with similar language shall be considered to be a  
210 junk vehicle and shall not be titled in this state.

211       (4) Notwithstanding any other provision of this  
212 subsection~~In addition~~, no certificate of title may be issued  
213 for any vehicle where the frame or the majority of the major  
214 component parts were obtained from a junk vehicle~~as~~  
215 ~~previously defined~~.

216       (k) Every owner of a salvage motor vehicle designated a  
217 1975 year model and all models subsequent thereto which is in  
218 this state and which has been restored in this state to its  
219 operating condition which existed prior to the event which  
220 caused the salvage certificate of title to issue shall make  
221 application to the department for an inspection of the vehicle  
222 in the form and content as determined by the department. Each  
223 application for inspection of a salvage vehicle which has been



so restored shall be accompanied by all of the following:

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

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

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

~~(4) The owner shall also provide a~~ A written affirmation ~~which states~~ by the owner stating all of the following:

a. The actions taken to restore the vehicle to its



## SB96 Enrolled

operating condition which existed prior to the event which caused the salvage certificate to issue.

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

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

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

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

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

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

(1) All application fees and title fees received by the department pursuant to this subsection shall be applied toward the personnel and maintenance costs of the vehicle inspection



## SB96 Enrolled

program and the vehicle inspection program shall be conducted by the office of investigations and inspections of the department. Upon receipt of the application for inspection, application fee of seventy-five dollars (\$75), its supporting documents, and title fee of fifteen dollars (\$15), payable to the department in a manner as prescribed by the department, the department shall require an inspection to be made of the title and the vehicle by qualified agents or law enforcement officers of the department.

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

(m) Component parts are defined as:

(1) PASSENGER VEHICLES.

a. Major components:

1. Motor or engine.

2. Trunk floor pan or rear section and roof.

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



## SB96 Enrolled

- 308 4. Cowl, firewall, or any portion thereof.
- 309 5. Roof assembly.
- 310 b. Minor components:
- 311 1. Each door allowing entrance to or egress from the
- 312 passenger compartment.
- 313 2. Hood.
- 314 3. Each front fender or each rear fender when used with
- 315 a rear section and roof.
- 316 4. Deck lid, tailgate, or hatchback, ~~whichever is~~
- 317 ~~present~~.
- 318 5. Each quarter panel.
- 319 6. Each bumper.
- 320 7. T-tops, moon roof, or whichever is present.
- 321 8. Transmission or trans-axle.
- 322 (2) TRUCK, TRUCK TYPE, OR BUS TYPE VEHICLE.
- 323 a. Major components:
- 324 1. Motor or engine.
- 325 2. Transmission or trans-axle.
- 326 3. Frame or any portion thereof, ~~except frame horn~~,
- 327 or, in the case of a unitized body, the supporting structure
- 328 which serves as the frame.
- 329 4. Cab.
- 330 5. Cowl or firewall or any portion thereof.
- 331 6. Roof assembly.
- 332 7. Cargo compartment floor panel or passenger
- 333 compartment floor pan.
- 334 b. Minor components:
- 335 1. Each door.



## SB96 Enrolled

2. Hood.
3. Grill, except on one ton or smaller trucks.
4. Each bumper.
5. Each front fender.
6. Roof panel and rear cab panel.
7. Each rear fender or side panel.
8. Pickup box.
9. Body or bed.

### (3) MOTORCYCLE: COMPONENT PARTS.

- a. Engine or motor.
- b. Transmission or trans-axle.
- c. Frame.
- d. Front fork.
- e. Crankcase.

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

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

(2) ~~A person~~ An individual who willfully removes,



## SB96 Enrolled

364 mutilates, tampers with, obliterates, or destroys a decal,  
365 plate, or other emblem issued and attached to a salvage  
366 vehicle pursuant to this subsection is guilty of a Class A  
367 misdemeanor ~~punishable as provided by law.~~

368       (p) Each ~~person~~ individual who sells, exchanges,  
369 delivers, or otherwise transfers any interest in any vehicle  
370 for which a title bearing the designation salvage or rebuilt  
371 has been issued shall disclose in writing the existence of  
372 this title to the prospective purchaser, recipient in  
373 exchange, recipient by donation, or recipient by other act of  
374 transfer. The disclosure, which shall be made at the time of  
375 or prior to the completion of the sale, exchange, donation, or  
376 other act of transfer, shall contain the following information  
377 in no smaller than 10 point type: "This vehicle's title  
378 contains the designation salvage or rebuilt."

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

384       (2) Each ~~person~~ individual who sells, exchanges,  
385 donates, delivers, or otherwise transfers any interest for  
386 which a certificate of title bearing the designation flood  
387 vehicle has been issued shall disclose in writing the  
388 existence of this designation to the prospective purchaser,  
389 recipient in exchange, recipient by donation, or recipient by  
390 other act of transfer. The disclosure shall be made at the  
391 time of or prior to the completion of the sale, exchange,



## SB96 Enrolled

donation, delivery, or other act of transfer and shall contain the following information in no smaller than 10 point type:

"The certificate of title of this motor vehicle contains the designation flood vehicle."

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

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





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

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



## SB96 Enrolled

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

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

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

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



## SB96 Enrolled

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

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

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

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

1. Is worth one thousand dollars (\$1,000) or less.
2. Is at least 12 model years old.
3. Is not subject to any recorded security interest or lien.

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

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

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

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

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



## SB96 Enrolled

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

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

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

(3) The automotive dismantler and parts recycler or secondary metals recycler shall electronically deliver the statement required under this subsection to the department within 72 hours of the completion of the transaction, requesting that the department cancel the certificate of title and registration. A transmission of the identical information, in the identical format as prescribed by the ~~Alabama~~



## SB96 Enrolled

~~Department of Revenue~~ department, shall be sent by the automotive dismantler and parts recycler or secondary metals recycler to the sheriff of the county, or the chief of police if located in a municipality, if requested by the sheriff or chief of police. The transmittal shall be completed and a receipt of the notice, generated at the time of the transmittal, shall be obtained from the department before dismantling the vehicle or recycling it into metallic scrap for remelting purposes. In addition, the automotive dismantler and parts recycler or secondary metals recycler shall maintain the original signed documents required by this subsection for a period of not less than five years. An automotive dismantler and parts recycler or secondary metals recycler who has complied with the requirements of this section shall be immune from, and held harmless from, any claims related to liens which were not recorded or a notice of lien was not recorded, or stolen vehicles not reported, at the time that the vehicle was purchased and the inquiry made and documented with the unique tracking number issued by the department.

(4) Any ~~person~~ individual who knowingly and willfully violates this subsection, or any ~~person~~ individual who falsifies the statement required under this subsection, or any ~~person~~ individual who knowingly and willfully sells a vehicle upon which there is an unsatisfied lien, shall be guilty of a Class C felony. In addition to any punishment rendered, each ~~person~~ individual convicted shall be subject to the laws regarding restitution.

(5) Any motor vehicle used to transport another motor



## SB96 Enrolled

vehicle or crushed motor vehicle illegally sold under this section may be seized by law enforcement and is subject to forfeiture ordered by the court; provided, however, that no motor vehicle used by any ~~person~~ individual in the transaction of a sale of such motor vehicle shall be subject to forfeiture unless the owner or other ~~person~~ individual in charge of the motor vehicle is a consenting or knowing party to the commission of a crime, and a forfeiture of the motor vehicle is subject to the rights of any lienholder who holds a perfected security interest in the motor vehicle so long as the lienholder had no knowledge of or consented to the act. Whenever property is forfeited under this subsection by order of the court, it shall be sold and the proceeds distributed, pro rata after payment of all property expenses relating to the forfeiture and sale, including any court ordered restitution to the owner of the vehicle, satisfaction of any liens associated with the vehicle sold in violation of this section, and any losses incurred by the automotive dismantler and parts recycler or secondary metals recycler to the general fund of the state or any county or municipality whose department, office, or agency contributed to the investigation of the acts resulting in forfeiture, based upon the contribution, including expenses, of the department, office, or agency, as determined by the court.

(t) The ~~Department of Revenue~~ department shall provide a system for a real-time online verification of motor vehicle titles, liens, and stolen vehicle status that can be accessed by an automotive dismantler and parts recycler or a secondary



## SB96 Enrolled

metals recycler. The system shall be capable of transmitting the information from the statement required pursuant to subsection (s) either online or by bulk electronic transmission and shall provide a unique tracking number on a receipt at the time of the submission that indicates that the automotive dismantler and parts recycler or a secondary metals recycler has used the system and that at the time of the inquiry, the vehicle was not reported as stolen and that there were no recorded liens or notices of liens on file associated with the vehicle, or that the department has no record of the vehicle. The charge assessed for the transmittal of the statement required by subsection (s) to the automotive dismantler and parts recycler or secondary metals recycler shall be five dollars (\$5) per submittal. In lieu of a per submittal charge, an automotive dismantler and parts recycler or a secondary metals recycler may pay an annual fee of five hundred dollars (\$500) for all submittals and inquiries made during that fiscal year. The fee shall be paid on a fiscal year basis, beginning October 1 of each fiscal year. Every automotive dismantler and parts recycler, secondary metals recycler, or person individual or company licensed pursuant to Section 40-12-116, shall pay the annual fee for each location or license. Any fees collected under this section shall be retained by the department for use solely by the Motor Vehicle Division of the department for training and technological and processing improvements."

Section 2. This act shall become effective on October 1, 2025.



## SB96 Enrolled

616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648

---

President and Presiding Officer of the Senate

---

Speaker of the House of Representatives

SB96  
Senate 04-Mar-25  
I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris,  
Secretary.

---

House of Representatives  
Passed: 01-Apr-25

---

By: Senator Carnley