HB458
165874-5
By Representative Johnson (R)
RFD: Public Safety and Homeland Security
First Read: 09-APR-15
ENROLLED, An Act,

Relating to unclaimed or abandoned motor vehicles; to amend Sections 32-8-84, 32-13-1, 32-13-2, 32-13-3, 32-13-4, and 32-13-6, Code of Alabama 1975, to further provide for the titling and sale of certain unclaimed motor vehicles; to provide for notice; to further provide for when a law enforcement officer may remove a motor vehicle from certain locations; to provide limited immunity; to further provide for the titling and sale of abandoned motor vehicles; to provide for pre-sale appeals by the Alabama Tax Tribunal and the circuit court; to provide procedures for contesting sales; to provide for the deduction of certain costs from the proceeds of a sale; to add Sections 32-13-9 and 32-13-10, to the Code of Alabama 1975; to require cooperation of law enforcement in enforcement of the act; to provide criminal penalties for fraudulent statements regarding the sale of an abandoned motor vehicle; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
Section 1. Sections 32-8-84, 32-13-1, 32-13-2, 32-13-3, 32-13-4, and 32-13-6, Code of Alabama 1975, are amended to read as follows:

"§32-8-84.

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

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

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

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

"(b) An owner or a lienholder may report the theft of a vehicle, or its conversion if a crime, to the department, but the department may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the
theft or conversion of a vehicle shall, forthwith after
learning of its recovery, report the recovery to the
department. A person or entity in possession of an unclaimed
motor vehicle shall report the motor vehicle as unclaimed to
the Department of Revenue within five calendar days from the
date the motor vehicle first was considered unclaimed. The
report shall be made in a manner as prescribed by the
department.

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

"(2) If the motor vehicle was returned to the
recorded owner or lienholder of record, if any, prior to the
conclusion of the 45-calendar day hold period on the title
record, the person or entity who reported the motor vehicle as
unclaimed shall report the return of the motor vehicle within
five calendar days in a manner as prescribed by the
department.

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

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

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

"(3)a. In the event that no NMVTIS record exists and there is evidence that could be reasonably ascertained by the person or entity indicating that the motor vehicle has been registered in another state, the person or entity, within five calendar days from the date the motor vehicle was reported as unclaimed to the department, shall submit a records request to the state of registration in order to obtain the name and address of the owner. Thereafter, the person or entity shall send notice by certified mail with either return receipt requested or electronic delivery confirmation, within five calendar days from receipt of the title record, to the owner and lienholder of record, if any, or registration record, to the owner of record, advising the owner and lienholder of record, if any, of the location of the motor vehicle, normal business hours of the facility holding the motor vehicle, any accrued charges or fees, the daily storage rate, and the mailing address and contact telephone number of the person or entity in possession of the motor vehicle.

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

"(4) A person who fails to report a motor vehicle as unclaimed or fails to notify the owner and lienholder of record, if any, in accordance with this subsection shall forfeit all claims and liens for the motor vehicle's garaging, parking, and storage prior to the time the motor vehicle is reported as unclaimed; provided, however, failure to report shall not result in the forfeiture of claims and liens for the towing and repair of a motor vehicle.

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

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

"(3) Notice shall also be provided to the person or entity who reported the motor vehicle as unclaimed if it has been reported as stolen to law enforcement.
"(f) The department may suspend the registration of a vehicle whose theft or conversion is reported to it pursuant to this section until the department learns of its recovery or that the report of its theft or conversion was erroneous, it shall not issue a certificate of title for the motor vehicle.

"(2) A title shall be issued by the department in the name of an insurance company on a vehicle that is reported stolen when a settlement between the insured and his or her insurance company has occurred. The title shall be issued electronically in the name of the insurance company until the vehicle has been recovered, and, if recovered, the title may be issued in paper form.

"§32-13-1.

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

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

"(2) Which is left unattended on a public street, 
road, or highway or other public property for a period of at 
least seven days; or which is unattended because the driver of 
the vehicle has been arrested or is impaired by an accident 
which causes the need for the vehicle to be immediately 
removed as determined necessary by the law enforcement 
officer, or which is subject to an impoundment order for 
outstanding traffic or parking violations; or left unattended 
continuously for at least seven days in a business district or 
a residence district; or if left unattended in a business 
district that has at least one posted notice in an open and 
conspicuous place indicating that there is a time limitation 
on the length of time a motor vehicle may remain parked in the 
district and the motor vehicle remains unattended for a period 
of time in excess of that posted on the notice; or left 
unattended in a business district or residence district that 
has at least one posted notice indicating that only authorized 
motor vehicles may park in that district and the owner of the 
motor vehicle or his or her agent has not received the 
required authority prior to leaving the motor vehicle 
unattended, or left unattended on a private road or driveway 
without the express or implied permission of the owner or 
tessee of the driveway or their agent. A posted notice when
required by this chapter shall meet the following specifications:

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

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

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

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

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

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

a. That the vehicle has been determined to be abandoned or inoperable and will be removed at the direction of the property owner or his or her agent upon the expiration of seven days from the date of the notice.

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

A copy of the notice shall be mailed by regular mail to the last known address of the registered owner, if ascertainable, on the date of posting or not later than the next business day. Calculation of the seven-day notice period
"ABANDONED MOTOR VEHICLE. A motor vehicle as defined in Section 32-8-2, that has been unclaimed as provided in Section 32-8-84 for not less than 30 calendar days from the date the notice was sent to the owner and lienholder of record, or if no owner or lienholder of record could be determined, has been unclaimed for not less than 30 calendar days. The term "abandoned motor vehicle" also includes any attached aftermarket equipment installed on the motor vehicle that replaced factory installed equipment.

"DEPARTMENT. The Department of Revenue. §32-13-2.

"(a) Any law enforcement officer who finds a motor vehicle which has been left unattended on a public street, road, or highway or other property for a period of at least seven days, or which is unattended because the driver of the vehicle has been arrested or is impaired by an accident or for any other reason which causes the need for the vehicle to be immediately removed as determined necessary by the law enforcement officer, or which is subject to an impoundment order for outstanding traffic or parking violations, may cause the motor vehicle to be removed to the nearest garage or other place of safety under any of the following circumstances:
(1) The motor vehicle is left unattended on a public street, road, or highway or other property for a period of at least 48 hours.

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

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

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

and any person removing the motor vehicle or other property at the direction of a law enforcement officer in accordance with this section shall have a lien on the motor vehicle for a reasonable fee for the removal and for the storage of the motor vehicle.

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

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

"(e) The owner or lessee or agent of the real
property owner, lienholder, and the towing agent or wrecker
service employed shall be liable to the owner or party in
possession of the vehicle lienholder of record for action
taken under this section only for gross negligence under this section.

"§32-13-3.

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

(2) Any person, firm, or governmental entity on whose property an abandoned motor vehicle as defined in subdivision (2) of Section 32-13-1 has been lawfully towed, or the owner or lessee of real property or his or her agent upon which an abandoned motor vehicle as defined in subdivision (2) of Section 32-13-1 has become abandoned, and who has the abandoned motor vehicle as defined in subdivision (2) of Section 32-13-1 on his or her property, except motor vehicles which have been claimed within seven days after being towed, and who has notified or attempted to notify by certified mail,
return receipt requested, the current owners, registrants, and lienholders of record, if any, after the abandoned motor vehicle was lawfully towed onto his or her property, may, 60 days after the abandoned vehicle was lawfully towed, sell the motor vehicle at public auction. In addition, if notice was not given or attempted to be given as provided herein to the current owners, registrants, secured parties, and lienholders of record, if any, for the motor vehicle, no additional storage charges may be added after 30 days.

"(3) The person, firm, or governmental entity giving notice under this section shall obtain from the Department of Revenue in writing, a statement, form, or document listing the name and address of the current owners, registrants, secured parties, and lienholders of record, if any, for the motor vehicle or a statement, form, or document that the department has no information of record concerning the current owners, registrants, secured parties, and lienholders of record for the motor vehicle. The actual cost of giving notification, not to exceed twenty-five dollars ($25), plus the actual cost of the records request, which shall be properly documented to the current owners, registrants, secured parties, and lienholders of record, if any, for the motor vehicle shall be paid by the person, firm, or governmental entity holding the motor vehicle, but shall be paid by the current owners, registrants, secured parties, and lienholders of record, if any, for the
motor vehicle on or before claiming the motor vehicle. The
return of a certified letter unclaimed or equivalent
documentation as determined by the department shall be proof
of an attempt to give notice as required by this subsection.

"(b)(1) Notice of the date, time, and place of the
sale and a description of the motor vehicle to be sold,
including the year, make, model, and vehicle identification
number, shall be given by publication once a week for two
successive weeks in a newspaper of general circulation in the
county in which the sale is to be held. In counties in which
no newspaper is published, notice shall be given by posting
such notice in a conspicuous place at the courthouse. The
first publication or posting, as the case may be, shall be at
least 30 days before the date of sale. Notice of the date,
time, and place of the sale and a description of the motor
vehicle to be sold, including the year, make, model, and
vehicle identification number, shall be given by publication
once a week for two successive weeks in a newspaper of general
circulation in the county in which the sale is to be held,
provided the vehicle is registered in the county. In counties
in which no newspaper is published, notice shall be given by
posting such notice in a conspicuous place at the courthouse.
The first publication or posting, as the case may be, shall be
at least 30 days before the date of sale. A person or entity
selling a motor vehicle at public auction under subsection (a)
shall give notice of the public auction to the department at least 35 calendar days prior to date of the public auction.

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

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

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

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

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

"(3) The auction shall occur where the vehicle is located. The department, within five calendar days of receipt of the notice of public auction, shall send a motor vehicle interest termination notice to the current owner and lienholder of record, if any, as disclosed on the notice of public auction. The motor vehicle interest termination notice shall advise the owner and lienholder of record, if any, that their interest in the motor vehicle, upon its sale, will be terminated pursuant to this chapter, and personal property and items contained in the motor vehicle will be disposed of in a manner determined by the person or entity conducting the sale.
"(4) The notice shall include all the information provided in the notice of public auction as well as the owner or other interested party's appeal rights, pursuant to Sections 32-13-4 and 40-2A-8, to contest the proposed sale of the motor vehicle.

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

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

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

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

"c. Any other records as required by the department.
"(3) Notwithstanding the foregoing any other provision in this section, if the person, firm, or governmental entity making the sale of the motor vehicle failed to provide notice proper notices as required in subsection (d) of Section 32-8-84, or this chapter, or did not attempt to provide notice to the current owners, registrants, secured parties, and lienholders of record, if any, for the motor vehicle in the manner required herein, then the sale of the abandoned vehicle shall be void and the current owners, registrants, secured parties, and lienholders of record, if any, for the motor vehicle shall retain their ownership, security interests, liens, and interests in the motor vehicle.

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

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

"(e)(1) If the current certificate of title to a
motor vehicle sold pursuant to this chapter is designated a
salvage certificate of title, or if the records of the
department indicate an application for a salvage certificate
of title has previously been received, the new certificate of
title issued by the department shall also be a salvage
certificate of title.

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

"§32-13-4.

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

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

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

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

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

"(5) The right of the current owners, registrants, secured parties, and lienholders of record, if any, for the sale of a motor vehicle, prior to the sale, may to contest the right to sell such sale of the motor vehicle pursuant to this chapter by the filing within 10 days before the scheduled date of the sale of the motor vehicle of an application for hearing to be conducted before the judge of a notice of appeal with the Alabama Tax Tribunal pursuant to subsection (a) of Section 40-2A-8, or in the circuit court of in the county in which
where the sale is to be held scheduled to occur. The
application for hearing shall be on such a form as may be
prescribed by the Administrative Office of Courts. The notice
required by this section shall be deemed to be given when sent
by certified mail, postage prepaid, to the address of the
current owners, registrants, secured parties, and lienholders
of record, if any, for the motor vehicle, shown on any public
filing evidencing such ownership, security interest, lien, or
interest, or, if none, to any such address ascertained by
reasonable effort. The person, firm, or governmental entity
giving notice under this section shall obtain from the
department in writing, a statement, form, or document listing
the name and address of the current owners, registrants,
secured parties, and lienholders of record, if any, for the
motor vehicle or a statement, form, or document that the
department has no information of record concerning the current
owners, registrants, secured parties, or lienholders of
record, if any, for the motor vehicle.

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

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

"(2) If application for a hearing is timely made by
the current owners, registrants, secured parties, or
lienholders of record, if any, for the motor vehicle, then all
such persons parties shall be joined as parties and provided
notice by the Alabama Tax Tribunal or the judge of the circuit
court, in the county where the sale occurred. The Alabama Tax
Tribunal or circuit court shall conduct a hearing to determine
if the motor vehicle is an abandoned motor vehicle as defined
by this chapter and should be sold in the manner prescribed
herein whether proper notices were provided pursuant to
subsection (d) of Section 32-8-84 and this chapter. The motor
vehicle shall not be sold pending the decision by the Alabama
Tax Tribunal or circuit court judge.

"(3) If the tribunal or circuit court judge
determines that the motor vehicle is was abandoned and should
be sold that proper notice or notices were issued, the motor
vehicle may be sold as an abandoned motor vehicle after notice
of the date and place of the sale is given by newspaper
publication as prescribed in Section 32-13-3.
"(4) Any contest regarding the sale of an abandoned motor vehicle, after the sale has occurred, shall be filed in the circuit court in the county where the sale occurred. Any contest regarding the reasonable cost of repair, towing, storage, and all reasonable expenses incurred in connection with the sale shall be filed in the circuit court in the county where the sale is scheduled or has occurred.

"§32-13-6.

"(a) The person or firm, other than a governmental entity, making the sale of the motor vehicle shall deduct from the proceeds of such the sale the reasonable cost of repair, towing, storage, and all reasonable expenses incurred in connection with such the sale, and. The person or entity shall also pay the balance remaining to the license plate issuing official of the county in which such sale is made to be distributed to the general fund of the county; provided, that such costs shall in no event exceed the customary charges for like services in the community where the sale is made. Any contest regarding the sale of the abandoned motor vehicle shall be filed in the circuit court in the county where the sale occurred.

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

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

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

"The department shall not issue a title for the
motor vehicle unless the statement, form, or document from the
department identifying the current owners, secured parties;
lienholders of record, if any, for the motor vehicle, or
parties known to have an interest in the motor vehicle, or
stating that the department has no information of record and a
notarized affidavit from the seller attesting to the fact that
the seller gave notice, or attempted to give notice, as
required by Section 32-13-4, are submitted to the department.

"(c) If the current certificate of title to a motor
vehicle sold pursuant to this chapter is designated a salvage
certificate of title, or if the records of the department
indicate an application for a salvage certificate of title has
previously been received, the new certificate of title issued
by the department shall also be a salvage certificate of
title. The purchaser of a salvage abandoned motor vehicle
shall not be permitted to register the vehicle or to operate
it upon the highways of Alabama until such time as the vehicle
is restored by a licensed rebuilder and inspected by the
department as required by Section 32-8-07 and a rebuilt
Alabama certificate of title is issued."

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


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

§32-13-10.

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

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

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

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

Section 5. This act shall become effective on July 1, 2016, following its passage and approval by the Governor, or upon its otherwise becoming law.
Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in and was passed by the House 26-MAY-15, as amended.

Jeff Woodard
Clerk

Senate 04-JUN-15 Passed

GOVERNOR

APPROVED 6-11-2015
TIME 9:00 AM

Alabama Secretary Of State
Act Num...: 2015-470
Bill Num...: H-458
Recv'd 06/11/15 01:30pmSLF

Page 28
This Bill was referred to the Standing Committee of the Senate on

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) w/sub by a vote of

This day of June 20, 2015

Chairperson

Patric Harris, Secretary