

APA-6
10/96

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 810 Department or Agency REVENUE

Rule No: 810-5-75-.15

Rule Title: Application for Replacement Alabama Certificate of Title

 New X Amend Repeal Adopt by Reference

- NO
 YES

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
3. EFFECT OF THIS RULE ON COMPETITION:
4. EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA HERE THE RULE IS TO BE IMPLEMENTED:
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND

BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE
BENEFITS AND BURDEN COMPARISON:

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC
HEALTH:

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH
IF THE RULE IS NOT IMPLEMENTED:

11. OTHER COMMENTS:

APA-2
11/96

ALABAMA DEPARTMENT OF REVENUE
Motor Vehicle Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-5-1-.238 Registration of Motor Vehicles Not Subject to Titling

INTENDED ACTION: Adopt a new rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to adopt the above rule to provide guidelines regarding the registration of motor vehicles that are not subject to titling in Alabama.

RULE NO. & TITLE

810-5-1-.247 Vehicle Identification Number (VIN) Inspections

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to clarify requirements related to Form MVT5-10.

RULE NO. & TITLE

810-5-75-.21 TITLE PROCEDURE - First Lien or Security Interest Releases on Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended

INTENDED ACTION: Repeal and Replace

SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the existing language in the above rule and replace it with new language to provide procedures for releasing the first lien or security interest recorded on a certificate of title and to provide procedures for maintaining the continuous perfection of liens of security interests otherwise released pursuant to Section 32-8-64.2, Code of Alabama 1975.

RULE NO. & TITLE

810-5-75-.39

Altered Documents. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to expand the definition of altered documents. In addition, the department proposes to amend the title of the rule.

RULE NO. & TITLE

810-5-75-.42

Dealer Records. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to clarify dealer recordkeeping requirements for motor vehicle dealers. In addition, the department proposes to amend the title of the rule.

RULE NO. & TITLE

810-5-75-.15

Title Procedure - Application for Replacement Alabama Certificate of Title (Form MVT 12-1).

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to clarify the process for applying for a replacement certificate of title by all parties other than designated agents of the department. In addition, the department proposes to amend the title of the rule.

RULE NO. & TITLE

810-5-75-.68

Title Procedure - Exemption from Titling

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to provide guidance in determining whether a motor-driven cycle meets the requirements for title exemption.

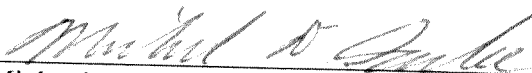
TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 2:00 p.m. on Tuesday, June 11, 2013, in the Office of the Legal Division, Room 3114, Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama. Copies of the rule(s) can be obtained at www.revenue.alabama.gov/rulehear.html.

All interested parties may present their views in writing to the Deputy Commissioner of the Alabama Department of Revenue, Room 4112, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132 at any time during the thirty-five (35) day period following publication of the notice or by appearing at the hearing.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
June 11, 2013

CONTACT PERSON AT AGENCY:

Patricia Toles
Alabama Department of Revenue
4131 Gordon Persons Building
Montgomery, Alabama 36132
(334) 242-1380


Michael D. Gamble, Secretary
Alabama Department of Revenue

0894APC.INT

810-5-75-.15 ~~Title Procedure~~—Application for Replacement Alabama Certificate of Title (~~Form MVT 12-1~~).

(1) ~~The term “Department” as used in this regulation shall mean the Department of Revenue of the State of Alabama. This rule prescribes the method for applying for a replacement certificate of title by all parties other than designated agents of the department. All designated agents shall utilize the method provided by the Department to apply for replacement certificates of title.~~

(2) ~~The Titled titled~~ owner or lienholder of record shall ~~provide the following information on complete~~ an application for replacement title (form MVT 12-1). The MVT 12-1 shall contain the following information:

(a) Vehicle identification number, year model, make, model, **body type**, number of cylinders, date of purchase, number of liens, color, and odometer reading.

(b) Owner's name, address, and the address where replacement title is to be mailed.

(c) Lienholder's name and address, if applicable.

~~(d) (e)~~ Reason replacement title is required as established in Section 32-8-43(a), Code of Alabama 1975.

~~(e) (d)~~ Signature of owner(s)/lienholder(s) or their authorized representative.

(3) If there is a lienholder of record on the title for which a replacement title is being requested, the lienholder's authorized representative shall complete the MVT 12-1 unless a separate lien release is provided in accordance with rule 810-5-75-.21.

(4) Applicant must ~~provide~~ submit the following supporting documents and fee to the department for processing. Vehicle owners may request replacement titles through a designated agent of the Department.

(a) Outstanding Alabama title unless title has been lost, stolen or destroyed.

(b) Any documents such as powers of attorney, letters testamentary, letters of administration, letters of guardianship, letters of conservatorship, trust agreements, court orders or other documents required by the Department which support the right of someone other than the owner or lienholder to sign the MVT 12-1 on behalf of the owner or lienholder. ~~If ownership of the vehicle is in joint tenancy then only one of the owners or owner's authorized representative is required to sign the application on behalf of all the owners of the vehicle.~~

(c) Fee (~~See Schedule of Fees and Commissions – Regulation 810-5-31-.01~~). as prescribed by Section 32-8-6, Code of Alabama 1975.

~~(5) Upon completion of the MVT 12-1 or MVT 12-1e, the applicant shall cause the MVT 12-1 or MVT 12-1e, required fee and any supporting documents to be delivered to the Department for processing.~~

~~(5) (6)~~ The issuance of a replacement title will not affect the requirement that each owner of a vehicle, other than a licensed dealer, obtain an Alabama title in the owner's name prior to transferring ownership of the vehicle.

~~(6) (7)~~ The Department will not issue a replacement title when the Department has evidence that the outstanding Alabama title was erroneously issued or fraudulently procured.

~~(7) (8)~~ Authorized employees of the Department may correct information provided on the application when the information provided is in error and does not match Department records for the vehicle. Information that may be corrected includes the vehicle identification number, year model, make, model, ~~body type~~, number of cylinders, date of purchase, number of liens, color, odometer reading and owner(s) name(s). All corrections must be proved necessary by Department records.

~~(8) (9) NOTE: A~~ The replacement certificate of title shall contain the following legend, "This is a replacement certificate and may be subject to the rights of a person under the original certificate." The new certificate of title will be mailed to the first lienholder named on it, or, if none, to the owner. If the new certificate of title is to be mailed to someone other than the owner(s) or lienholder, the application must be signed and dated by the owner(s) or owner's authorized representative.

Author: Lisa Blankenship
Authority: Sections 40-2A-7(a)(5), 32-8-3(b)(2) and 32-8-43, Code of Alabama 1975
History: Repealed and New: Filed October 20, 1999, effective November 24, 1999.