

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENUE

Rule Nos. 810-5-75-48

Rule Title: Title Procedures - Defining "Junk", "Parts Only" and "Scrap" Vehicles and Requiring Notice

New;  Amend;  Repeal;  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?

No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?

Yes

Is there another, less restrictive method of regulation available that could adequately protect the public?

No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?

N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?

Yes

\*\*\*\*\*  
Does the proposed rule have any economic impact?

No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*  
Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer \_\_\_\_\_

Date

8/19/11

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

Control No. 810 Department or Agency REVENUE

Rule No: **810-5-75-.48**

Rule Title: **Title Procedures - Defining "Junk", "Parts Only" and "Scrap" Vehicles and Requiring Notice**

       New   X   Amend        Repeal        Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. **NEED/EXPECTED BENEFIT OF RULE:**

The amendments to the rule clarify the procedures for reporting the transfer of a motor vehicle for the purpose of dismantling it or recycling it into metallic scrap in accordance with Act 2011-633.

2. **COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:**

N/A

3. **EFFECT OF THIS RULE ON COMPETITION:**

N/A

4. **EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

N/A

5. **EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

N/A

6. **SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:**

N/A

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:

N/A

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

N/A

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

N/A

11. OTHER COMMENTS:

N/A

APA-2  
11/96

**ALABAMA DEPARTMENT OF REVENUE**  
**Motor Vehicle Division**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE:**

810-5-75-.68

Title Procedure – Exemptions from Titling

**INTENDED ACTION:**

Adopt a new rule

**SUBSTANCE OF PROPOSED ACTION:**

The department proposes to promulgate a new rule which will exempt the following vehicles from titling: motor vehicles more than 35 model years old, trailers more than 20 model years old and low speed vehicles as defined under federal regulations.

**RULE NO. & TITLE:**

810-5-75-.57

Application for Salvage Certificate of Title

**INTENDED ACTION:**

Amend an existing rule

**SUBSTANCE OF PROPOSED ACTION:**

The department proposes to amend the above rule to clarify the procedures for insurance companies to obtain electronic certificates of title for motor vehicles for which they have paid total loss claims due to the vehicles being reported as stolen. In addition, the title of the rule will be amended.

**RULE NO. & TITLE:**

810-5-75-.48

Title Procedures - Defining "Junk", "Parts Only" and "Scrap" Vehicles and Requiring Notice

**INTENDED ACTION:**

Amend an existing rule

**SUBSTANCE OF PROPOSED ACTION:**

The department proposes to amend the above rule to clarify the procedures for reporting the transfer of a motor vehicle for the purpose of dismantling it or recycling it into metallic scrap in accordance with Act 2011-633. In addition, Form MVT 5-18 will replace Form MVT 5-48 as an appendix to the rule.

**RULE NO. & TITLE:**

810-5-75-.07

Title Procedure – Request for Change of Address Only on a Certificate of Title

**INTENDED ACTION:**

Repeal an existing rule

**SUBSTANCE OF PROPOSED ACTION:**

The department proposes to repeal the above rule due to the fact that the procedure and form are no longer in use. Owner and lienholder addresses are now updated electronically through the electronic title application processing system (ETAPS).

**RULE NO. & TITLE:**

810-5-75-.26.01

Title Procedure – Motor Vehicles Exempt from Titling in Other States

**INTENDED ACTION:**

Repeal an existing rule

**SUBSTANCE OF PROPOSED ACTION:**

The department proposes to repeal the above rule due to the fact that the procedure is already codified in Section 32-8-39(b), Code of Alabama 1975.

**RULE NO. & TITLE:**

810-5-75-.37

Application for Certificate of Title-Seller's Signature Requirements

**INTENDED ACTION:**

Repeal an existing rule

**SUBSTANCE OF PROPOSED ACTION:**

The department proposes to repeal the above rule due to the fact that Act 2009-281 eliminated the requirement for a seller's signature on an application for certificate of title; therefore the rule is no longer necessary.

**RULE NO. & TITLE:**

810-5-75-.44

Assignment/Reassignment of Salvage Certificate of Title

**INTENDED ACTION:**

Repeal an existing rule

**SUBSTANCE OF PROPOSED ACTION:**

The department proposes to repeal the above rule due to the fact the assignment procedure is already addressed in Rule 810-5-75-.40 and all certificates of title for non-exempt vehicles now conform to the Federal Truth in Mileage Act of 1986; therefore, this rule is no longer necessary.

**RULE NO. & TITLE:**

810-5-75-.46.01

Assignment of Certificate of Title - Transferor's Signature Requirements

**INTENDED ACTION:**

Repeal an existing rule

**SUBSTANCE OF PROPOSED ACTION:**

The department proposes to repeal the above rule due to the fact that the procedure is already addressed in Rule 810-5-75-.40.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:**

A public hearing will be held at **10:00 a.m.** on **Thursday, October 6, 2011, 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](http://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:**

Thursday, October 6, 2011

**CONTACT PERSON AT AGENCY:**

Patricia Toles

Alabama Department of Revenue

4131 Gordon Persons Building

Montgomery, Alabama 36132

(334) 242-1380



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Michael E. Mason, Deputy Commissioner  
Alabama Department of Revenue

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810-5-75-.48 Title Procedures - Defining "Junk", "Parts Only" and "Scrap" Vehicles and Requiring Notice.

(1) Section 32-8-87(j), Code of Alabama 1975, as amended, prohibits the issuance of a certificate of title for any motor vehicle for which a "junk" certificate has been issued or for a vehicle which is sold "for parts only". Equivalent certificates of title from other states such as, but not limited to, a certificate of destruction, a permit to dismantle or a non-rebuildable branded title shall also be considered junk.

(2) Any motor vehicle for which a certificate has been issued by any State with the notation of junk, parts car, parts only, non-rebuildable, or bills-of-sale issued for transfer of the vehicle which contain this information shall be considered to be a "junk" vehicle and shall not be titled in this State.

(3) In addition, no certificate of title may be issued for any motor vehicle where the frame or the majority of the major component parts, as defined in Section 32-8-87, Code of Alabama 1975, were obtained from a "junk" vehicle as defined in this rule.

~~(4) Anyone acquiring a motor vehicle sold for "parts only" or "junk", or a scrap metal processor when acquiring a motor vehicle for the purpose of recycling it into metallic scrap for remelting purposes, shall complete form MVT 5-48, Notice of Junk, Parts Only or Scrap Vehicle. Unless the report is filed electronically, form MVT 5-48 and the outstanding title, shall be submitted to the Department by mail. A copy of the registration and bill(s) of sale for the vehicle shall be submitted in lieu of the title if the vehicle is from a non-titling jurisdiction). A copy of the title may be submitted if the original title is unavailable due to federal statutes, rules or regulations. The form or electronic filing shall contain the following information:~~

~~(a) vehicle identification number~~

~~(b) year, make, and model~~

~~(c) color, number of cylinders and odometer reading. (note that the odometer reading is only required if the vehicle is less than ten years old)~~

~~(d) current state of title issuance and title number (or state of registration if vehicle is from non-titling jurisdiction)~~

~~(e) date of acquisition~~

~~(f) name and address of owner acquiring the vehicle~~

~~(g) signature of owner or signature of authorized representative of owner (unless filed electronically)~~

~~(h) date notice was completed.~~

~~Form MVT 5-48, Notice of Junk, Parts Only or Scrap Vehicle, shall not be required to be filed if the vehicle has previously been reported to the Department as "junk" or "parts only."~~

(4) Except as provided in paragraph (5) of this rule, every licensed automotive dismantler and parts recycler or secondary metals recycler who acquires a motor vehicle for the purpose of dismantling it or recycling it into metallic scrap for remelting purposes or any person who crushes a motor vehicle acquired from anyone other than a licensed automotive dismantler and parts recycler or secondary metals recycler shall be required to take the following actions prior to crushing the motor vehicle or dismantling it or recycling it into metallic scrap for remelting purposes:

(a) Obtain the properly assigned certificate of title, and

(b) Electronically transmit the following information through the Department's Motor Vehicle Title Registration Insurance Portal (MVTRIP):

(1) Name and address of the licensed automotive dismantler and parts recycler, secondary metals recycler or person who crushes a motor vehicle acquired from anyone other than a licensed automotive dismantler and parts recycler or secondary metals recycler,

(2) Date of acquisition,

(3) Vehicle Identification Number (VIN),

(4) Title number and state of issuance,

(5) Year,

(6) Make,

(7) Model, and

(8) Odometer reading (for vehicles not exempt from federal odometer certification disclosure requirements).

The department will validate the vehicle and title information and verify that the vehicle is not reported as stolen. Upon verification and validation, the Department



will electronically provide a confirmation receipt with a unique confirmation number.

~~(5) The Department, upon receipt of the properly completed form MVT 5-48, Notice of Junk, Parts Only or Scrap Vehicle, shall enter on its records a notation that the vehicle cannot be titled again and cancel the outstanding certificate of title (if any).~~

(5) Every licensed automotive dismantler and parts recycler or secondary metals recycler who acquires a motor vehicle, twelve or more model years old, for the purpose of dismantling or recycling it into metallic scrap shall complete form MVT 5-18 whenever the owner or authorized agent of the owner did not obtain a certificate of title in his or her name.

(a) The following information shall be provided on form MVT 5-18:

(1) Statement that the motor vehicle shall never be titled again and it must be dismantled or scrapped,

(2) Printed name of the seller,

(3) Signature of seller and date signed,

(4) Printed name of authorized agent of seller (if applicable),

(5) Signature of authorized agent of seller and date signed (if applicable),

(6) Seller's driver's license number or identification number and state of issuance,

(7) Certification by the seller that the seller is lawfully in possession of the motor vehicle and the seller is the current owner of the motor vehicle and the seller never obtained a title to the vehicle in his or her name,

(8) Name and address of the licensed automotive dismantler and parts recycler or secondary metals recycler,

(9) Printed name of business agent,

(10) Signature of business agent and date signed,

(11) National Motor Vehicle Title Information System (NMVTIS) ID number assigned to the licensed automotive dismantler and parts recycler or secondary metals recycler,

(12) Date of acquisition,

(13) Vehicle Identification Number (VIN),

(14) Year,

(15) Make,

(16) Model, and

(17) License plate number and state of issuance of any vehicle

transporting the motor vehicle being sold.

(b) Upon completion of form MVT 5-18, the licensed automotive dismantler and parts recycler or secondary metals recycler shall electronically transmit the information in subsection (a) through the Department's Motor Vehicle Title Registration Insurance Portal (MVTRIP).

The Department will verify that no lien has been recorded on the motor vehicle in the past five years, that there are no pending electronic notices of lien filed within the last five years and that the motor vehicle is not reported as stolen. Upon verification, the Department will electronically provide a confirmation receipt with a unique confirmation number.

~~(6) The requirement of obtaining a salvage title in accordance with Section 32-8-87, Code of Alabama 1975, shall not be affected by this rule.~~

(6) The fee per electronic transmittal, as provided for in paragraphs (4) and (5), shall be the amount as specified by Section 32-8-87(t), Code of Alabama 1975. In lieu of a per transmittal charge, an automotive dismantler and parts recycler or secondary metals recycler may pay an annual fee as specified by Section 32-8-87(t), Code of Alabama 1975, for all transmittals made during a fiscal year. The fiscal year begins October 1<sup>st</sup> and ends the following September 30<sup>th</sup>. The annual fee shall be applicable for each location or licensee.

(7) Every automotive dismantler and parts recycler and secondary metals recycler shall maintain the original signed documents as provided under this rule for a period of not less than five years.

(8) The requirement of obtaining a salvage title in accordance with Section 32-8-87, Code of Alabama 1975, shall not be affected by this rule.

Author: Mike Gamble

Authority: Section 40-2A-7(a)(5) and 32-8-3(b)(3), Code of Alabama 1975  
History: Filed August 22, 1990, effective September 25, 1990.  
*Emergency Rule Filed: Effective August 4, 2009, expires December 1, 2009.*  
Permanent Rule Filed: December 8, 2009, effective January 12, 2010.  
Amended: Filed April 21, 2010, effective May 26, 2010.

# NEW

## APPENDIX A - CHAPTER 810-5-75

### Attachment 810-5-75-.48

Authority: Sections 40-2A-7(a)(5), 32-8-3(b)(2), 32-8-87(s), 32-8-87(t), Code of Alabama 1975

History: Form MVT 5-18 (8/11) Notice of Motor Vehicle Acquisition for Purpose of Dismantling or Recycling into Metallic Scrap



ALABAMA DEPARTMENT OF REVENUE  
 MOTOR VEHICLE DIVISION  
 TITLE SECTION

MVT 5-18  
 8/11

www.revenue.alabama.gov/motorvehicle/forms.html

# Notice of Motor Vehicle Acquisition for Purpose of Dismantling or Recycling into Metallic Scrap

VEHICLE IDENTIFICATION NUMBER (VIN)	YEAR	MAKE	MODEL
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The seller hereby certifies that the seller is lawfully in possession of the motor vehicle and the seller is the current owner of the motor vehicle. The owner or authorized agent of the owner of the motor vehicle listed above hereby certifies the following:

- The owner or authorized agent of the owner has not obtained a certificate of title in his or her name.
- The motor vehicle is worth \$1,000 or less.
- The motor vehicle is at least twelve years old.
- The motor vehicle is not subject to any recorded security interest or lien.

That the motor vehicle is being sold on \_\_\_\_\_ for the purpose of dismantling or recycling it into metallic scrap and that the motor vehicle shall never be titled again and must be dismantled or scrapped. The undersigned, certifies under penalty of perjury, that this information will be filed with the Alabama Department of Revenue and that it is a Class C felony to knowingly falsify information on this form.

(DATE OF ACQUISITION)

SELLER'S PRINTED NAME	SELLER'S SIGNATURE	DATE
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SELLER'S ADDRESS	SELLER'S DRIVERS LICENSE NO. OR IDENTIFICATION NO. AND STATE OF ISSUANCE
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AUTHORIZED AGENT'S NAME (IF APPLICABLE)	AGENT'S SIGNATURE (IF APPLICABLE)	DATE
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AGENT'S ADDRESS (IF APPLICABLE)

LICENSE PLATE NUMBER AND STATE OF ISSUANCE FOR ANY VEHICLE TRANSPORTING THE MOTOR VEHICLE DESCRIBED ABOVE

The business acquiring the motor vehicle for the purpose of dismantling or recycling hereby certifies the following:

- That \$1,000 or less was paid to acquire the motor vehicle.
- 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 Alabama Department of Revenue of the notice required by subsection(s) of 32-8-87, *Code of Alabama 1975*. The undersigned, certifies under penalty of perjury, that this information will be filed with the Alabama Department of Revenue and that it is a Class C felony to knowingly falsify information on this form.

NAME OF THE BUSINESS ACQUIRING THE MOTOR VEHICLE

ADDRESS OF THE BUSINESS ACQUIRING THE MOTOR VEHICLE

NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM (NMVTIS) ID NUMBER

BUSINESS AGENT'S PRINTED NAME	BUSINESS AGENT'S SIGNATURE	DATE
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This form may only be used by a licensed automotive dismantler and parts recycler as defined in Section 30-12-410, *Code of Alabama 1975*, or a secondary metals recycler as defined in Section 13A-8-30, *Code of Alabama 1975*.

Section 32-8-87(s)(1)(b), *Code of Alabama 1975*, requires each licensed automotive dismantler and parts recycler, secondary metals recycler, and any other person who crushes a motor vehicle to 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 period of not less than five years and shall include the vehicle identification number, name and address of the seller, a copy of the seller's state issued driver's license or identification card, and the date of sale. A copy of the original certificate of title is also required to be maintained for the same time period unless form MVT 5-18 is properly completed. In such a case, form MVT 5-18 shall be maintained for the same time period.

# **REPEALED**

## **APPENDIX A - CHAPTER 810-5-75**

### **Attachment 810-5-75-48**

**Authority:** ~~Sections 40-2A-7(a)(5) and 32-8-3(b)(3), Code of Alabama 1975~~

**History:** ~~Form MVT 5-48, Notice of Junk Vehicle (08/09)~~

~~Filed: December 8, 2009, effective January 12, 2010.~~

~~Amended: Filed April 21, 2010, effective May 26, 2010.~~



ALABAMA DEPARTMENT OF REVENUE  
MOTOR VEHICLE DIVISION

MVT 5-48  
2/11

P.O. Box 327640 • Montgomery, AL 36132-7640 • titles@revenue.alabama.gov  
www.revenue.alabama.gov/motorvehicle/TitleForms.html

THIS FORM MAY  
BE REPRODUCED

## Notice of Junk, Parts Only or Scrap Vehicle

VIN: \_\_\_\_\_ Date of Acquisition: \_\_\_\_\_

Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_

Color: \_\_\_\_\_ Cylinders: \_\_\_\_\_ Mileage: \_\_\_\_\_  
*(Only required if vehicle is less than ten model years old.)*

Current Title/Registration State: \_\_\_\_\_ Current Title/Registration Number: \_\_\_\_\_

Acquiring Owner Name: \_\_\_\_\_

Acquiring Owner Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

I, the undersigned, certify that the above described vehicle has been acquired as "junk", "parts only" or by a scrap metal processor for the purpose of recycling it into metallic scrap for remelting purposes.

\_\_\_\_\_  
Acquiring Owner Signature *(or authorized representative of owner)*

\_\_\_\_\_  
Date Completed

Submit the certificate of title (or copy if original is unavailable due to federal statutes, rules or regulations) with this completed form to the address listed at the top of this form. If vehicle is from a non-titling jurisdiction, submit a copy of registration and bill of sale in lieu of title with this completed form.

*Note: Pursuant to rule 810-5-75-.48, this form shall be completed by the owner acquiring the vehicle.*