

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENUE

Rule Nos. 810-5-75-31

Rule Title: Title Procedure - Transfer Of Title For Vehicle Under The Abandoned Motor Vehicle Act - Bill of Sale (Form MVT 32-13B)

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 Michael D. Powell

Date 9/22/14

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-.31

Rule Title: Title Procedure - Transfer Of Title For Vehicle Under The Abandoned Motor Vehicle Act  
- Bill of Sale (Form MVT 32-13B).

           New   X   Amend            Repeal            Adopt by Reference

- NO This rule has no economic impact.  
 YES 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**

810-5-75-.31                      Title Procedure - Transfer Of Title For Vehicle Under The  
Abandoned Motor Vehicle Act -- Bill of Sale (Form MVT 32-  
13B)

**INTENDED ACTION:**        Amend rule

**SUBSTANCE OF PROPOSED ACTION:** The department proposes to amend the title of the  
above rule, remove out dated language, and further clarify the procedures for obtaining a  
certificate of title pursuant to Chapter 13, Title 32, Code of Alabama 1975.

**RULE NO. & TITLE**

810-5-75-.40                      Requirements for Names and Signatures on Title Applications,  
Title Assignments and Motor Vehicle Registrations

**INTENDED ACTION:**        Amend rule

**SUBSTANCE OF PROPOSED ACTION:** The department proposes to amend the above rule  
to provide further clarification that the vehicle owner's first name (or variance thereof) and last  
name are required to be shown on the title documentation.

810-5-9-.10                      IFTA Quarterly Fuel Use Tax Returns

**INTENDED ACTION:**        Amend rule

**SUBSTANCE OF PROPOSED ACTION:** The department proposes to amend the above rule  
to offer further clarification in filing the IFTA Quarterly Fuel Use Tax Returns.

810-5-9-.13                      Cancellation, Suspension, or Revocation of an IFTA Account  
License

**INTENDED ACTION:**        Amend rule

**SUBSTANCE OF PROPOSED ACTION:** The department proposes to amend the

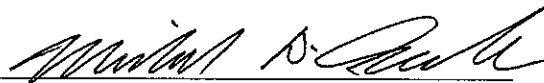
title of the above rule, remove reference to the Administrative Law Division, and to provide further clarification.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** A public hearing will be held at **2:30 p.m. on Wednesday, November 5, 2014, Room 1203, First Floor, Gordon Persons Building**, located at 50 N Ripley Street, Montgomery, Alabama. Copies of the rule(s) can be obtained at [ww.revenue.alabama.gov/rulehear.html](http://ww.revenue.alabama.gov/rulehear.html).

All interested parties may present their views in writing to the **Secretary of the Alabama Department of Revenue, Room 4131, 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:**  
Wednesday, November 5, 2014

**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

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810-5-75-.31 ~~Title Procedure - Transfer Of Title For Vehicle Under The Abandoned Motor Vehicle Act — Bill of Sale (Form MVT 32-13B).~~

~~(1) — The term "department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.~~

~~(1) (2)~~ The designated agent submitting an application for a certificate of title for a motor vehicle sold as an "abandoned motor vehicle" shall complete an ~~MVT 5-1C or~~ MVT 5-1E (Application for Title). The application must be properly completed filled in with a typewriter or printer (BLACK INK) and signed by the designated agent and the owner. The designated agent shall ~~forward~~ submit the application and all supporting documents to the department.

~~(2) (3)~~ Supporting documents shall consist of the following:

(a) Outstanding certificate of title (if available).

~~(b)~~ Abandoned motor vehicle notarized bill-of-sale (Form MVT 32-13B) from the seller of the abandoned motor vehicle to the purchaser. The ~~notarized~~ bill of sale shall contain the following information:

1. Complete Vehicle Description;
2. Date Abandoned;
3. Date and Location of Sale;
4. Name of newspaper and dates of publication;
5. Dates certified mail was sent to owner(s), registrant(s), secured party (parties), and lienholder(s) of record (if any);
6. ~~Information on n~~Net proceeds of sale of abandoned motor vehicle; and
7. Buyer and seller information.

(c) The original certified Abandoned Motor Vehicle Record Request Response statement (MVT 32-13R) either identifying the name and address of the current owners, registrants, secured parties, or lienholders of record, or documenting that the department has no record concerning the current owners, registrants, secured parties, and lienholder for the motor vehicle provided to the seller by the department in response to the filing of an Abandoned Motor Vehicle Record Request Form MVT 32-13 ~~either identifying the name and address of the current owners, secured parties, or lienholders of record, or the original certified Abandoned Motor Vehicle Record Request Response statement from the department that the department has no record of the vehicle.~~

(d) The original certified mail return receipt forms ~~or equivalent documentation as determined by the department~~ evidencing that all parties (owners and lienholders) ~~as disclosed on the original certified Abandoned Motor Vehicle Record Request Response statement referenced above in paragraph (e) listed on the MVT 32-13R~~ were notified, or notification was attempted.

~~(e) If no owner and/or lienholder records are found in response to the filing of an Abandoned Motor Vehicle Record Request Form MVT 32-13, then the seller must provide a written statement as to what steps were taken to reasonably determine the name(s) of the owner(s) and lienholder(s) of record mentioned in the Abandoned Motor Vehicle Record Request Response referenced above in subparagraph (e), and what steps were taken to give notice to such parties.~~

~~(e) (f) Payment of the Title fee as provided for in See Section 32-8-6, Code of Alabama 1975, as amended, for Schedule of Fees and Commissions.~~

~~(3) (4) If the party making the sale failed to provide notice, or did not attempt to provide notice to the owners, secured parties, and lienholders of record, the department shall not process reject the title application. The seller may appeal the department's decision in accordance with Section 40-2A-8 (a), Code of Alabama 1975.~~

~~(4) (5) Should the current certificate of title to a motor vehicle sold pursuant to the provisions of the Alabama as Aabandoned Motor Vehicle Law, codified at, as defined in Section 32-13-1, et seq., Code of Alabama 1975, as amended, be designated have a "salvage" brand, certificate of the subsequent title, must also carry this brand. or if department records 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 32-8-87, Code of Alabama 1975, as amended, and a "rebuilt" Alabama certificate of title is issued.~~

~~(6) The implementation date of Act 2006-414 is July 1, 2006. Any application for a certificate of title to a vehicle sold as an abandoned motor on or after July 1, 2006, shall comply with the provisions of Act 2006-414.~~

~~(5) (7) Every purchaser of an abandoned motor vehicle shall title the vehicle in their name. This includes a purchaser who may be a licensed motor vehicle dealer.~~

~~(6) (8) In the event that there is a net sale balance on the MVT 32-13B greater than \$0, the seller must remit the net sale balance to the county license plate issuing official in the county where the sale occurred for deposit into the county general fund. A copy of the MVT 32-13B must also accompany the remittance of the net sale balance. The seller must obtain a receipt for deposit of these funds from the county license plate issuing official and, within ten (10) days,~~

provide the buyer with a copy of the receipt. A copy of the receipt must accompany the MVT 32-13B when the buyer makes application for certificate of title.

Author: **Don Clemons**, Jonathan Lawrence, ~~Winston Hyte~~  
Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975  
History: Amended: Filed March 17, 2004, effective April 21, 2004.  
New Rule: Filed December 27, 2006, effective January 31, 2007.