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State of Alabama Department of Revenue

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January 28, 2009

MEMORANDUM

2009-12

TO: All County License Plate Issuing Officials

FROM: Mike Gamble, Title Manager
Motor Vehicle Division 

SUBJECT: Revised Memo - Abandoned Motor Vehicle Rules and Forms

Please disregard memo 2009-11 and the attachments. Memo 2009-11 contained an out of date rule concerning abandoned motor vehicles and should not be distributed.

Enclosed are the most recent administrative rules and forms pertaining to the sale of abandoned motor vehicles. Also, please find attached a copy of form MVT 32-13, Abandoned Motor Vehicle Record Request, and form MVT 32-13B, Abandoned Motor Vehicle Bill of Sale. Please feel free to make copies to distribute to your customers.

If you should have any questions or concerns regarding this matter, please contact the Motor Vehicle Division Title Section at (334) 353-0477 or email titles@revenue.alabama.gov.

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.
- (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 filled in with a typewriter or printer (BLACK INK) and signed by the designated agent and the owner. The designated agent shall forward the application and all supporting documents to the department.
- (3) Supporting documents shall consist of the following:
 - (a) Outstanding certificate of title (if available).
 - (b) A 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 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 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 (c) 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 (c), and what steps were taken to give notice to such parties.
 - (f) Payment of the Title fee See Section 32-8-6 Code of Alabama 1975, as amended, for Schedule of Fees and Commissions.
- (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 the title application.
- (5) Should the current certificate of title to a motor vehicle sold pursuant to the provisions of the Alabama Abandoned Motor Vehicle Law, codified at Section 32-13-1, et seq., Code of Alabama 1975, as amended, be designated a "salvage" certificate of title, 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.
- (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.
- (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. (Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975) (New Rule: Filed December 27, 2006, effective January 31, 2007).

810-5-75-.31.02 Abandoned Motor Vehicle Record Request (Form MVT 32-13).

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

(2) The term "abandoned motor vehicle" as used in this regulation shall refer only to a motor vehicle as defined in Section 32-8-2, Code of Alabama 1975, as amended.

(3) Any person or firm in possession of an abandoned motor vehicle is required to give notice by certified mail to the current owner, secured parties, and lienholders of record at least 30 days prior to the date of the planned sale of the vehicle. Information regarding the name and address of the current owner, secured parties, and lienholders of record shall be obtained only from the department by submitting the following:

(a) A completed Form MVT 32-13- Abandoned Motor Vehicle Record Request.

1. Up to 10 vehicles may be listed per form using the vehicle identification numbers (VIN), year, make, model and Alabama license plate number (if vehicle has a license plate) of the vehicle(s).

2. Name of individual, company, association, or firm as well as the telephone number and address of the requestor must be provided.

3. Form must be signed by the party requesting the information, or a representative of the company, association, or firm requesting the information.

(b) Fee(s) (See Section 32-8-6, Code of Alabama 1975, as amended, for Schedule of Fees and Commissions for title records, and Regulation 810-5-1-.231 for registration records).

1. Payment of record search fee(s) shall be in certified funds (personal checks will not be accepted).

2. Payment of record search fee(s) may be in cash, if paid in person at the department's office (do not mail cash).

3. A record search fee(s) is due on each vehicle record requested on an Abandoned Motor Vehicle Record Request Form MVT 32-13 (nonrefundable or transferable).

4. Records will be provided on a certified Abandoned Motor Vehicle Record Request Response statement for the vehicle identification number (VIN) requested on an Abandoned Motor Vehicle Record Request Form MVT 32-13. It shall be the responsibility of the requesting party to submit an additional record search fee and a new Abandoned Motor Vehicle Record Request Form 32-13 to obtain a corrected Abandoned Motor Vehicle Record Request Response statement, if an incorrect vehicle identification number (VIN) is provided to the department.

5. Title and registration record search fees shall be charged for records requested on a vehicle required to be titled. Only a registration record search fee shall be charged for records requested on a vehicle not required to be titled (See Section 32-8-31, Code of Alabama 1975, as amended).

(4) Upon receipt of a properly completed Abandoned Motor Vehicle Record Request Form MVT 32-13 and the applicable record search fee, the department shall provide the requesting party a certified Abandoned Motor Vehicle Record Request Response statement containing a vehicle identification number (VIN) record of all current owner(s) and lienholder(s) information (name and addresses) on file for the vehicle.

(5) In the event department records contain no information for a vehicle identification number (VIN) submitted on an Abandoned Motor Vehicle Record Request Form MVT 32-13, the department shall provide the requesting party a certified Abandoned Motor Vehicle Record Request Response statement that the department has no record for the vehicle.

(6) It shall be the responsibility of any party selling an abandoned motor vehicle to provide the purchaser of an abandoned motor vehicle with the original Abandoned Motor Vehicle Record Request Response statement (either certifying current records or certifying that the department has no records) received from the department in response to the Abandoned Motor Vehicle Record Request Form MVT 32-13 submitted by the selling party. (Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975) (History: New rule: Filed March 17, 2004, effective April 21, 2004; Amended: Filed December 27, 2006, effective January 31, 2007).



ALABAMA DEPARTMENT OF REVENUE
MOTOR VEHICLE DIVISION

50 North Ripley Street • Room 1202 Gordon Persons Building

P.O. Box 327680 • Montgomery, AL 36132-7680 • mvrecords@revenue.alabama.gov

MVT 32-13 12/08

Abandoned Motor Vehicle Record Request

THIS FORM MAY BE DUPLICATED OR ADDITIONAL COPIES MAY BE OBTAINED FROM THE DEPARTMENT WEB SITE AT www.revenue.alabama.gov/motorvehicle/mvforms/mvt32_13.pdf

The undersigned hereby requests the current owner and lienholder information maintained by the Alabama Department of Revenue for the vehicle(s) listed below in order to comply with the notification requirements of the Abandoned Motor Vehicle Act, Code of Alabama 1975, Title 32, Chapter 13. The undersigned certifies that information received as a result of this request shall only be used to comply with the notification requirements of the Abandoned Motor Vehicle Act, Code of Alabama 1975, Title 32, Chapter 13, and that the information received shall be considered confidential under the federal Driver's Privacy Protection Act of 1994 (DPPA) (Title XXX of Public Law 103-322) as amended by Section 350 of Public Law 106-69. The federal Driver's Privacy Protection Act of 1994 (DPPA) (Title XXX of Public Law 103-322) as amended by Section 350 of Public Law 106-69 was enacted to protect the interest of individuals and their privacy by prohibiting the disclosure and use of personal information contained in motor vehicle registration and title records, except as authorized by such individuals or by law. Personal information is defined as "information that identifies a person, including an individual's social security number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information."

The fee for the title and registration records including owner and lienholder information is \$18.00 for each vehicle subject to the Alabama title law or \$3.00 for each vehicle not subject to the Alabama title law*. The required fees are collected in accordance with Code of Alabama 1975, Section 32-8-6(a)(7), and Department Rule and Regulation 810-5-1-.231. PAYMENT MAILED MUST BE IN CERTIFIED FUNDS PAYABLE TO THE ALABAMA DEPARTMENT OF REVENUE. PERSONAL CHECKS WILL NOT BE ACCEPTED. DO NOT MAIL CASH. Cash may be received at the cashier's counter located adjacent to Room 1202 in the Gordon Persons Building.

Please verify the vehicle identification number(s) and all other information prior to submitting the record request. An incorrect or illegible vehicle identification number will cause an incorrect record to be retrieved and will require that a new request form be executed and submitted with the fee for the correct vehicle search.

TYPE OR PRINT INFORMATION

Table with 5 columns: VEHICLE IDENTIFICATION NUMBER, YEAR, MAKE, MODEL, AL LICENSE PLATE NO. and 10 rows for data entry.

A. Total Number of Title/Registration Records X \$18.00 = \$ Total Record Fees Due.
*B. Total Number of Registration Records (non-titled vehicles only) X \$ 3.00 = \$ Total Record Fees Due.
C. Grand Total Record Fees (Payable to the Alabama Department of Revenue). A + B = \$

REQUESTING INDIVIDUAL, COMPANY, ASSOCIATION OR FIRM (TYPE OR PRINT)

() TELEPHONE NUMBER

ORIGINAL SIGNATURE OF REQUESTOR

DATE

ADDRESS

CITY

STATE

ZIP CODE

*NOTE: The Alabama title law does not apply to pre-1975 model vehicles, pre-1990 travel trailers, and single axle utility trailers (not more than 16 feet in length excluding the tongue and hitch) acquired on or after Jan. 1, 2004. Also, manufactured homes cannot be transferred under the Abandoned Motor Vehicle Act. Do not submit this request form for manufactured homes.

— FEES ARE NOT REFUNDABLE OR TRANSFERABLE TO ANOTHER RECORD REQUEST —



ALABAMA DEPARTMENT OF REVENUE
 MOTOR VEHICLE DIVISION
Abandoned Motor Vehicle Bill of Sale

MVT 32-13B
 (6/06)

This form may only be used to transfer ownership of an abandoned motor vehicle sold pursuant to Title 32, Chapter 13, Code of Alabama 1975

COMPLETE VEHICLE DESCRIPTION:

VIN: _____

Year: _____ Make: _____ Model: _____

Date Abandoned*: _____ Date of Sale: _____ Location of Sale: _____

Dates on which the notice of sale was published as required by Title 32, Chapter 13-3(b), **Code of Alabama 1975:**

Name of Newspaper/Courthouse Posting: _____

Date of 1st Publication/Courthouse Posting: _____ (must at least thirty (30) days prior to date of sale)

Date of 2nd Publication/Courthouse Posting: _____ (must be one (1) week from date of 1st publication)

CHECK ONE OF THE FOLLOWING:

Attached is the original Form MVT 32-13R, Abandoned Motor Vehicle Record Request Response, obtained from the Department of Revenue identifying the current owner(s), registrant(s), secured party (parties), or lienholder(s) of record of the abandoned motor vehicle and the original certified mail return receipts proving that notice was given or attempted to be given at least thirty (30) days prior as required by Title 32, Chapter 13-4(a), **Code of Alabama 1975.**

Date on which certified mail was sent to the:

Owner(s) of Record: _____

Registrant(s) of Record (if any): _____

Secured Party (Parties) or Lienholder(s) of Record: _____

Attached is the original Form MVT 32-13R, Abandoned Motor Vehicle Record Request Response, obtained from the Department of Revenue indicating that the department has no record of the current owners, registrants, secured parties, or lienholders of record for the abandoned motor vehicle. By signature and notarization below, seller attests that notice was given or attempted to be given as required by Title 32, Chapter 13-4(b), **Code of Alabama 1975.**

INFORMATION ON NET PROCEEDS OF SALE OF ABANDONED MOTOR VEHICLE:

- 1 Sale Price of Abandoned Motor Vehicle \$ _____
- 2 Amount of Repair \$ _____
- 3 Towing Expenses \$ _____
- 4 Storage Expenses \$ _____
- 5 Other \$ _____
- 6 Total Amount Deducted from Sale Price (total lines 2 through 5) \$ _____
- 7 Net Sale Balance (line 1 minus line 6 – if zero or less, enter -0-) (This amount shall be paid to the county licensing official for deposit into the county general fund and a copy of the receipt of such funds must accompany this form.) \$ _____

Buyer's Name: _____

Buyer's Address: _____

The seller hereby certifies that this vehicle was sold to the buyer listed above as an abandoned motor vehicle in accordance with the provisions of Title 32, Chapter 13, **Code of Alabama 1975.** The seller also hereby certifies that the above information is true and correct and the seller is aware that a false statement made on this document, with intent to defraud, is a criminal offense under the Alabama Uniform Certificate of Title and Antitheft Law as codified in Title 32, Chapter 8, **Code of Alabama 1975.**

Seller's Signature: _____ Sworn to and subscribed before me,

Seller's Name: _____ this _____ day of _____, _____.

Seller's Address: _____ Notary Public: _____

**See reverse side of form.*

Alterations or illegible information void this form.

Definition of an Abandoned Motor Vehicle under Alabama Law

Section 32-13-1, Code of Alabama 1975, defines an abandoned motor vehicle* as follows:

- (1) 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 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 lessee 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 shall commence on the date of posting of the notice on the vehicle.

* NOTE: Section 32-8-2, Code of Alabama 1975, defines a motor vehicle as either:

- a. Every automobile, motorcycle, mobile trailer, semitrailer, truck, truck tractor, trailer and other device that is self-propelled or drawn, in, upon, or by which any person or property is or may be transported or drawn upon a public highway except such as is moved by animal power or used exclusively upon stationary rails or tracks.
- b. Every trailer coach and travel trailer manufactured upon a chassis or undercarriage as an integral part thereof drawn by a self-propelled vehicle.

A manufactured home is not defined as a motor vehicle under Section 32-8-2, and cannot be transferred as an abandoned motor vehicle.