

810-5-76-.02 Odometer Disclosure for Certificates of Title - Power of Attorney.
(REPEALED)

(1) The Federal Truth-in-Mileage Act of 1986 permits States to provide a power of attorney form for use by owners when transferring their motor vehicles, and their certificate of title is held by a duly recorded lienholder, or the certificate of title is lost, and a replacement certificate of title must be obtained. Such power of attorney can be used to disclose the vehicle's odometer reading in the assignment of title by the titled owner and will also permit the transferee to complete the assignment of title to the transferee. The odometer disclosure in the title assignment must be exactly as stated in the odometer disclosure made in the power of attorney.

(2) The Federal Truth-in-Mileage Act of 1986 mandates that the power of attorney, utilized to transfer a vehicle under the above conditions, be printed by a secure printing process. The Final Rule issued by the National Highway Traffic Safety Administration (NHTSA) regarding such secure P.O.A., defines an original P.O.A. in such a manner that allows for the use of a multiple-part secure power of attorney form where each part is considered to be an original when the copies are printed on secure paper. When a secure P.O.A. is utilized, all signatures (both seller and dealer) must be original on all parts of the secure P.O.A., not just the top part.

(3) MVT Form 8-4 is to be used for the purpose described above. Upon the sale of a vehicle by a dealership, or upon the declaration of a total loss by an Insurance Company where a MVT 8-4 secure P.O.A. has been utilized, the dealer or Insurance Company must follow the procedures as outlined herein for the following types of transactions:

A. If vehicle is sold at retail to an Alabama resident the original secure power-of-attorney must be submitted along with title application in new owner's name and outstanding title to the Motor Vehicle Division with appropriate fee and remittance advice.

B. If vehicle is sold at retail to a nonresident of Alabama the selling Alabama dealer must submit a copy (page 2-file copy) of the secure power-of-attorney (containing all original signatures) along with a copy of the title (front and back) to the Motor Vehicle Division. No fee is required. The original secure power-of-attorney and title should be given to the owner and/or lienholder, if required, for titling in the owner's resident state.

C. If vehicle is sold at wholesale to an Alabama dealer or a dealer outside of Alabama, the selling Alabama dealer must submit a copy (page 2-file copy) of the secure power-of-attorney (containing all original signatures) along with a copy of the title (front and back) to the Motor Vehicle Division. No fee is required. The original secure power-of-attorney and title should be given to the purchasing dealer.

D. If vehicle is declared to be a total loss by an Insurance Company and the Company subsequently satisfies the lienholder for the insured by the payment of such loss the Insurance Company may obtain a secure P.O.A. from the titled owner whereby the Insurance Company will be the purchaser and utilize the secure P.O.A. to complete assignment by registered owner. The original secure P.O.A. must be submitted along with MVT 41-1 application for a salvage title in the Insurance Company's name and outstanding title to the Motor Vehicle Division with appropriate fee and remittance advice.

Author: **Jonathan Lawrence Winston Hyte**
Authority: Federal Truth-in-Mileage Act of 1987
History: Filed with LRS April 20, 1992, certification filed
August 14, 1992, effective September 18, 1992.