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MEMORANDUM

2015-023

TO: All Designated Agents

FROM: Sherry Helms, Registration Manager
Motor Vehicle Division SCH

SUBJECT: Legal Name Requirements for Titling and Registering Motor Vehicles

The Motor Vehicle Division received the following questions from designated agents regarding the provisions of Act 2015-362 related to legal name requirements for titling and registering motor vehicles. This portion of the act becomes effective October 1, 2015. Clarification was requested from the Department's Legal Division and the following scenarios are offered to provide guidance on when applications for corrected certificates of title are required.

1. Amendments to Section 32-8-30, Code of Alabama 1975, require that if the owner's legal name has changed from the name recorded on the certificate of title, an application for a corrected certificate of title must be made to reflect the owner's current legal name. Registrations cannot be renewed until an application for a corrected title has been made.
 - a. **Question:** If the owner's name on the certificate of title is "Bill Jones", but Mr. Jones' identification lists his name as "William Robert Jones III", is an application for corrected certificate of title required before the registration can be renewed?

Answer: No, an application for corrected certificate of title is not required because Mr. Jones' legal name has not changed. Section 32-8-30 requires an application for a corrected certificate of title if the vehicle owner's legal name changes. Since Mr. Jones' legal name did not change, the registration can be renewed and no corrected application for certificate of title is required.

- b. **Question:** Jane Elizabeth Doe Brooks has a certificate of title that reads, "Jane Doe". Is she required to complete an application for corrected certificate of title to reflect her current legal name? It is important to note that Jane has married since her title was issued and "Brooks" is her married name.

Answer: Yes, an application for corrected certificate of title is required because Jane's legal name did change. Section 32-8-30 requires an application for corrected certificate of title if the vehicle owner's legal name changes. Since Jane's legal name did change from Doe to Brooks, an application for corrected certificate of title to reflect her current last name, Brooks, is required before the registration can be renewed. The registration will then be issued to reflect the current legal last name.

2. Amendments to Section 32-8-35 require the “current legal name” to appear on the application for first certificate of title.
 - a. Mr. Jones purchases a new vehicle and is applying for first certificate of title. The identification for the vehicle owner states that his name is “William Robert Jones III”. The designated agent prepares the title application in the name of “W. R. Jones.”

1. **Question:** Is the name on the application for certificate of title required to match the name on the identification presented?

Answer: The term “current legal name” is not defined in the statute. The Department of Revenue’s legal counsel has advised that in the example above, “W.R. Jones” would likely meet the definition of “current legal name” in accordance with the law as long as it was not submitted for a fraudulent purpose. The vehicle owner must present identification that proves he/she is the individual listed on the application for certificate of title or submit an affidavit attesting to the variance in the names.

2. **Question:** Are variations in the first and middle names acceptable?

Answer: Yes, variations in the first and middle names are acceptable. In the example above, if the vehicle owner submits that his legal name is “W.R. Jones”, then his application meets the requirements of Code Section 32-8-35.

3. **Question:** Are suffixes required to be included on the application for certificate of title as well as the title?

Answer: No, suffixes are not part of a person’s legal name and therefore are not required to be on the application for certificate of title or certificate of title.

- b. **Question:** Is the phrase “current legal name” synonymous with “vehicle owner’s full name”?

Answer: While the current legal name may contain the vehicle owner’s full name, it may not be the full name as it appears on the identification presented by the owner. Therefore, the phrase “current legal name” and “vehicle owner’s full name” could be the same but does not necessarily have to be the same.

3. **Question:** In accordance with the provisions of Act 2015-362, may the registration be renewed without the creation of an application for corrected certificate of title when the name on the title and registration is hyphenated and the name on the identification document does not contain a hyphen or vice versa?

Answer: Yes, the registration can be renewed without creating an application for corrected certificate of title provided the discrepancy between the names is a variance and not a change in the legal name (i.e. marriage, divorce, etc.). The vehicle owner must present identification that proves he/she is the individual listed on the title application or title or submit an affidavit attesting to the variance in the names. For example, the driver’s license reflects Mary Jones Smith (without hyphen) and the registrant states that her legal name is Mary Jones-Smith. It is

important to note that for persons whose culture dictates that their surnames appear in a different order, they must either present identification which lists the surnames in the order they claim is their legal name or they must submit an affidavit attesting to the variance.

4. **Question:** The name on the identification is “William Robert Jones III”, and the name on the out of state title which is being held by a lien holder has a variance in the first and middle names. The vehicle is not required to be titled in this state. Must the registration be issued in the name that appears on the identification or the name as it appears on the out of state title?

Answer: The registration will be issued in the name as it appears on the out of state title. In the case of a variance between the name on the identification and the name on the title, the owner must present identification that proves he/she is the individual listed on the application for certificate of title or title or submit an affidavit attesting to the variance in the names.

5. **Question:** What recourse does a vehicle owner have when the lien holder refuses to cooperate in the process of applying for a corrected title?

Answer: **There are no provisions in the statute to take action against the lienholder in this instance.** The statute requires that an application for corrected certificate of title be completed when the owner’s legal name changes. For current Alabama certificates of title, the licensing official shall complete an application for corrected certificate of title. A registration can then be issued to the vehicle owner. The licensing official must send written notice to the lienholder requesting the outstanding title. The application should be submitted to the Department along with either a copy of the correspondence sent to the lienholder, if the lienholder refuses to cooperate, or the outstanding title (if available).

If the title is issued by another jurisdiction and is being held by a lienholder, the licensing official will follow all of the steps above except the primary supporting document will be the out of state title.

For any questions related to titling requirements, please contact the Motor Vehicle Division Titles Section at: titles@revenue.alabama.gov. For any questions related to registration only requirements, please contact the Registration Section at: tags@revenue.alabama.gov.