



JULIE P. MAGEE
Commissioner

State of Alabama Department of Revenue

(www.revenue.alabama.gov)
50 North Ripley Street
Montgomery, Alabama 36132

October 2, 2015

MICHAEL E. MASON
Assistant Commissioner

JOE W. GARRETT, JR.
Deputy Commissioner

CURTIS E. STEWART
Deputy Commissioner

MEMORANDUM

2015-024

TO: All Designated Agents

FROM: Sherry Helms, Registration Manager
Motor Vehicle Division

SUBJECT: Revision for Memo 2015-23

SCA

The Motor Vehicle Division met with the Department's Legal Division to obtain further clarification regarding the information provided for Question 5 in Memo 2015-23 dated September 30, 2015. The information provided is being revised and is outlined below.

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

Answer: There are no provisions in the statute to take action against the lien holder in this instance. If the vehicle owner has an Alabama certificate of title and his/her name has changed, the revisions to Code Section 32-8-30 mandate that an application for a corrected certificate of title must be completed. The registration can be issued upon completion of the application for corrected Alabama certificate of title. The licensing official must send written notification 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 lien holder, if the lien holder refuses to cooperate, or the outstanding title (if available). The title application and supporting documents must be submitted in accordance with the provisions of Code Section 32-8-35.

If the vehicle owner has a certificate of title issued by another jurisdiction, the title is being held by a lien holder, and his/her name has changed, the revisions to Code Section 32-8-30 would not apply because the vehicle is exempt from titling in this state (reference Code Section 32-8-31). In this instance, the vehicle owner would be required to provide the licensing official with legal documentation supporting the name change (i.e., marriage certificate, divorce decree, etc.) as well as identification that reflects the current legal name. In lieu of identification, the vehicle owner is permitted to complete an affidavit attesting to variances in the name. **Do not** prepare an application for corrected certificate of title. The registration must be issued in the current legal name which will be different from the name reflected on the out of state title.

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