

Alabama Department of Revenue

News Release

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Recent Legislative Session Brings Changes to Alabama's Abandoned Vehicle Law

Montgomery, July 24, 2003—If you plan to sell an abandoned vehicle, there are some important changes you need to be aware of concerning Alabama's abandoned vehicle law, effective Sept. 1.

According to the Alabama Department of Revenue, the Alabama Legislature recently amended key provisions of Alabama's 1971 abandoned vehicle law by placing certain disclosure requirements upon anyone offering an abandoned vehicle for sale.

An "abandoned vehicle" refers to a vehicle that has been left by an 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. An "abandoned vehicle" also includes any vehicle, 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 or residential district.

The new law, Act 2003-402, becomes effective Sept. 1, 2003, and details specific notification procedures that sellers of abandoned vehicles must follow before a vehicle may be offered for sale. Specifically, the seller must:

- Request the Alabama Department of Revenue (ADOR) to conduct a title search of the abandoned vehicle to determine the current owner of the vehicle and any lienholders of record for the vehicle.
- Notify the owner of record and any lienholders by certified mail of the intent to sell the vehicle under the provisions of Alabama's abandoned vehicle law.
- Publish 10 days prior to the sale a notice advertising the sale in a newspaper of general circulation.

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- File a copy of the "Report of Sale" with the register or clerk of the circuit court of the county in which the sales occurs.
- Provide the buyer with a copy of a "Report of Sale" within 10 days from the date of the vehicle's purchase. The purchaser of the vehicle must present the "Report of Sale" and a notarized bill of sale to the county license plate issuing authority in order for the vehicle to be titled and registered in the purchaser's name.

The "Report of Sale" must contain the following information:

- Name and addresses of the owners, secured parties, and lienholders of record.
- Date on which certified mail was sent to these parties notifying them of the intended sale.
- Time and place of the sale.
- Amount for which the abandoned motor vehicle was sold.
- Amounts deducted from the sale price for repair, towing, and storage expenses.
- Amount paid to the register or clerk of the circuit court.
- The name of the newspaper in which the notice of sale was published as required by Section 32-13-4(b), *Code of Alabama 1975*; the dates of publication; and the cost of publication.

If the seller cannot identify the owner(s) or lienholder(s) of the vehicle through a title search, then the seller is required to publish 30 days before the sale date a notice of intent to sell the abandoned vehicle, with a second notice following the next week.

Newspaper publication requirements are detailed in Section 32-13-4(b), *Code of Alabama 1975*, relating to the sale notice's publication dates and frequency.

Act 2003-402 provides that if the person making the sale failed to provide notice, or did not attempt to provide notice by certified mail to the owners, secured parties, and lienholders of record, then the sale of the abandoned vehicle would be void and the owners, secured parties, and lienholders of record would retain ownership, security interests and lien rights to the vehicle.

“With the passage of Act 2003-402, provisions in Alabama’s abandoned vehicle law have now been strengthened to offer greater protection to vehicle owners and others with a security interest in abandoned vehicles. Sellers of abandoned vehicles must now evidence their notification efforts before an abandoned vehicle can be sold, titled, or registered to another person,” explained State Revenue Commissioner Dwight Carlisle.

Approximately 18,000 vehicles are sold annually under provisions of Alabama’s abandoned vehicle law.

For more information concerning Alabama’s abandoned vehicle law and recent changes in the law, contact the Motor Vehicle Division at (334) 242-9000 or visit the department’s Web site at www.ador.state.al.us.

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