

810-5-75-.64 Unclaimed/Abandoned Vehicles

(1) A person or in possession of an unclaimed motor vehicle must electronically report the unclaimed vehicle through a portal provided by the department within five (5) calendar days from the date the motor vehicle first was considered unclaimed. The term person includes every individual, firm, partnership, association, estate, trust, or corporation, and the receiver, assignee, agent, administrator, or other representative of any of them. The following is considered an unclaimed motor vehicle:

a. A motor vehicle left unattended on a public road or highway for more than 48 hours.

b. A motor vehicle, not left on private property for repairs, that has remained on private or other public property for a period of more than 48 hours without the consent of the owner or lessee of the property.

c. A motor vehicle, left on private property for repairs, that has not been reclaimed within 48 hours from the latter of either the date the repairs were completed or the agreed upon redemption date.

(2) Upon receiving the report of an unclaimed motor vehicle, the department will place a sixty (60) day hold on the Alabama title record, in order to protect the reporting entity's interest in the motor vehicle. The hold will not allow an application for an Alabama title to be processed unless the vehicle is sold as abandoned or the reporting person has notified the department through the portal that the vehicle has been redeemed by the recorded owner or lienholder of record.

(3) Within five (5) calendar days from the date the motor vehicle was reported as unclaimed through the department's portal, the person in possession of the motor vehicle shall use the National Motor Vehicle Title Information System (NMVTIS) to determine the state in which the motor vehicle is titled and/or registered in order to submit a records request to the state of record.

(4) If the motor vehicle is titled and/or registered in Alabama, the person in possession of the motor vehicle must request an abandoned motor vehicle record through the department's Records Request Portal and electronically pay the required fees as provided under §32-8-6, Code of Ala. 1975, and receive a Motor Vehicle Record Request Response statement (MVT 32-13R). If the motor vehicle is titled or registered in another state, the person in possession of the motor vehicle shall obtain the equivalent certified motor vehicle record from the state of record.

(5) Within five (5) calendar days of receiving the certified record from the state of record, the reporting person must report the owner and lienholder of record through the department's portal, and the person in possession of the motor vehicle must send a notice of possession to the owner and lienholder of record via certified mail return receipt (i.e. domestic return receipt, electronic delivery confirmation receipt, electronic return receipt, etc.) or equivalent documentation evidencing that all parties (owners and

lienholders) listed on the certified motor vehicle record were notified, or notification was attempted.

(6) §32-13-3, Code of Ala. 1975, provides the person in possession of the motor vehicle must maintain records of each motor vehicle sold for a period of three (3) years from the date of sale, and is subject to verification by the department. These records must include:

a. Copies of the notices sent to the previous motor vehicle owner and lienholder of record, along with evidence that the notices were sent by certified mail.

b. Any associated National Motor Vehicle Title Information System (NMVTIS) records and owner and lienholder records received from any state pursuant to § 32-8-84, Code of Ala. 1975.

(7) Motor vehicle reports of unclaimed motor vehicle records will be available to the public through the department's portal as provided under §32-8-84, Code of Ala. 1975, and will be maintained for a period of five (5) years from the date the report is filed with the department.

(8) A motor vehicle, as defined in §32-8-2, Code of Ala.1975, that has been unclaimed for not less than 30 calendar days from the date the notice was sent to the owner and lienholder of record, or if no owner or lienholder of record could be determined, has been unclaimed for not less than 30 calendar days will be considered an "abandoned motor vehicle." The term "abandoned motor vehicle" also includes any attached aftermarket equipment installed on the motor vehicle that replaced factory installed equipment.

(9) Public auction of an abandoned motor vehicle.

a. At least thirty-five (35) calendar days prior to the sale of the abandoned motor vehicle, the reporting person must provide a notice of public auction through the department's portal.

b. Within five (5) calendar days of the receipt of the notice of public auction, the department will send a notice of termination to the current owner(s) and lienholder(s) of record with notice of the sale and appeal rights.

c. The auction must be publicized once a week for two consecutive weeks in a publication of local circulation in the county where the sale is to occur. In counties in which no newspaper is published, notice must be posted in a conspicuous place at the courthouse. The first publication or posting, as the case may be, must be at least 30 calendar days before the date of sale.

d. At least thirty-five (35) calendar days after the notice of public auction is provided to the department, the abandoned motor vehicle may be sold on the date, time, and location of the auction provided in the notice. The department's portal must be used to create an Abandoned Motor Vehicle Bill of Sale (MVT 32-13B).

(10) Effective January 1, 2020, § 32-13-3, Code of Ala. 1975, provides if the seller of an abandoned motor vehicles is not a bonded agent pursuant to §§ 32-8-34, 40-12-398, or 40-12-414, Code of Ala. 1975, then the purchaser must post a bond pursuant to §32-8-36, Code of Ala. 1975, in order to obtain title to the motor vehicle.

(11) Should the current certificate of title to a motor vehicle sold as abandoned, have a "salvage" brand, the subsequent title, must also carry this brand. The purchaser of a "salvage" abandoned motor vehicle shall not be permitted to register the motor vehicle, or to operate it upon the highways of Alabama until such time as the motor vehicle is restored by a licensed rebuilder and inspected by the department as required by §32-8-87, Code of Ala. 1975, and a "rebuilt" Alabama certificate of title is issued. Pursuant to §32-8-87, Code of Ala. 1975, a motor vehicle for which a certificate of title has been issued by any state with the notation of junk, parts car, parts only, nonrebuildable, or when a certificate of destruction or bill of sale has been issued for transfer of the vehicle with similar language shall be considered to be a junk vehicle and shall not be titled in this state.

(12) If the motor vehicle is returned to the owner or lienholder, the entity who reported the motor vehicle as "unclaimed" must report the redemption of the motor vehicle through the department's portal within five (5) calendar days of the return of the motor vehicle.

(13) The department's portal will provide a message to the reporting person if the unclaimed motor vehicle is reported stolen. The department will suspend the issuance of an MVT 32-13B until the department learns of the motor vehicle recovery or that the report of its theft or conversion was erroneous.

(14) A person may only utilize the department's portal when a motor vehicle is deemed to be unclaimed/abandoned. The portal may not be utilized to circumvent the requirement that the seller of a motor vehicle, other than an abandoned motor vehicle, provide the buyer with a properly assigned certificate of title.

(15) Every purchaser of an abandoned motor vehicle shall title the vehicle in their name, including a purchaser who may be a licensed motor vehicle dealer. In accordance with §32-13-3, Code of Ala. 1975, licensed automotive dismantler and parts recyclers or secondary metals recyclers may utilize the MVT 32-13B in lieu of surrendering the certificate of title for the purpose of reporting a motor vehicle being dismantled or recycled into metallic scrap for remelting purposes.

(16) § 32-13-6, Code of Ala. 1975, provides if there is any net sale balance on the MVT 32-13B greater than \$0, the seller must remit the net sale balance to the licensing official in the county where the sale occurred for deposit into the county

general fund, except any Class 2 municipality that owns and operates an impound facility and sells the motor vehicles at public auction. In such case the proceeds from the sale must be retained by the municipality and deposited into the general fund of the municipality; provided, that the costs must in no event exceed the customary charges for like services in the community where the sale is made. 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.

(17) Failure to report a motor vehicle as unclaimed or failure to notify the owner and lienholder of record, if any, will result in the forfeiture of all claims and liens for the motor vehicle's garaging, parking, and storage prior to the time the motor vehicle is reported as unclaimed in accordance with § 32-8-84, Code of Ala. 1975.

(18) Anyone who makes a false statement regarding the sale of an abandoned motor vehicle or, anyone, who aids, abets, induces, procures, or causes the commission of an act in violation of §32-13-10, Code of Ala. 1975, commits a Class C felony.

(19) Any contest regarding the sale of an abandoned motor vehicle may be appealed by filing a notice of appeal in the circuit court in the county where the sale is scheduled to occur or has occurred in accordance with § 32-13-4, Code of Ala. 1975. Once the notice of the appeal is provided to the department, an administrative stop shall be placed on the title record until such time as the circuit court makes a determination regarding title to the motor vehicle or the appeal is dismissed.

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