

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENUE

Rule Nos. 810-5-75-40

Rule Title: Requirements for Names and Signatures on Title Applications, Title Assignments and Motor Vehicle Registrations

New; Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?

No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?

Yes

Is there another, less restrictive method of regulation available that could adequately protect the public?

No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?

N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?

Yes


Does the proposed rule have any economic impact?

No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 12/15/15

APA-6
10/96

**ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))**

Control No. 810 Department or Agency REVENUE

Rule No: 810-5-75-.40

Rule Title: Requirements for Names and Signatures on Title Applications, Title Assignments and Motor Vehicle Registrations

 New X Amend Repeal Adopt by Reference

- NO
 YES

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

3. EFFECT OF THIS RULE ON COMPETITION:

4. EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA HERE THE RULE IS TO BE IMPLEMENTED:

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

11. OTHER COMMENTS:

APA-2
11/96

**ALABAMA DEPARTMENT OF REVENUE
Motor Vehicle**

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-5-75-.40 Requirements for Names and Signatures on Title Applications, Title Assignments and Motor Vehicle Registrations.

INTENDED ACTION: Amend above rule

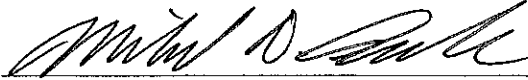
SUBSTANCE OF PROPOSED ACTION: The Department proposes to amend the above rule to provide requirements for names and signatures on applications for certificates of title and corresponding vehicle registration.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at **2:30 p.m. on Thursday, February 11, 2016, Room 1203, First Floor, Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama.** Copies of the rule(s) can be obtained at <http://revenue.alabama.gov/analysis/upcoming-rule-hearings.cfm>

All interested parties may present their views in writing to the **Secretary of the Alabama Department of Revenue, Room 4131, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132** at any time during the thirty-five (35) day period following publication of the notice or by appearing at the hearing.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Thursday, February 11, 2016

CONTACT PERSON AT AGENCY:
Timothy Sanders
Alabama Department of Revenue
4131 Gordon Persons Building
Montgomery, Alabama 36132
(334) 242-1380


Michael D. Gamble, Secretary
Alabama Department of Revenue

810-5-75-.40 Requirements for Names and Signatures on Title Applications, Title Assignments and Motor Vehicle Registrations.

- (1) An application for a certificate of title, accompanied by the required supporting documents which reflect two (2) owners, shall have the **current legal** names of both owners shown on the application. Two (2) owners joined by the conjunction “and” or with no conjunction between the names shall have tenancy in common ownership rights and both owners shall be required to sign the title application. Two (2) owners joined by the conjunction “or” or “and/or” shall have joint tenancy ownership rights with rights of survivorship and only one (1) owner shall be required to sign the title application. No more than two (2) owners shall be listed on an application for certificate of title.
- (2) An assignment of title which reflects two (2) owners joined by the conjunction “and” or with no conjunction between the names shall have tenancy in common ownership rights, and both owners shall be required to sign the title assignment. Two (2) owners joined by the conjunction “or” or “and/or” shall have joint tenancy ownership rights with rights of survivorship and only one (1) owner shall be required to sign the title assignment.
- (3) The name of the owner(s) to be shown on the application for certificate of title shall be the **current** legal name of the owner(s) of the motor vehicle ~~or~~ **manufactured home** for which a certificate of title is requested **as provided by Sections 32-8-35 and 32-8-39, Code of Alabama 1975.** Variances in the owner’s first name shall not affect the legality of the name and the inclusion or omission of a title, middle name or initial, suffix or hyphenated name shall not affect the legality of the owner’s name. **However, the owner’s first name, or variance thereof, and last name are required to be shown on the application for certificate of title.** Note that the owner’s name must be in agreement on all title documents and any variance(s) in the owner’s name between title documents will require that the owner provide an affidavit attesting to the variance(s). **The affidavit must be notarized, unless witnessed by a designated agent.** If the owner is doing business under a trade name, the trade name may be shown following the **current legal** name of the **individual** owner.
- (4) The **current legal** name(s) of the owner(s) or operator(s) shown on the **Alabama** application for certificate of title and **Alabama** certificate of title

shall be identical to the name(s) of the owner(s) or operator(s) shown on the registration for the motor vehicle.

- (5) If the current legal name of the owner or operator has changed, and the certificate of title is issued by another state and is being held by a lienholder, and the vehicle is not required to be titled in this state as provided by 32-8-31, the owner or operator must provide evidence of the current legal name, which shall be shown on the vehicle registration.**

Author: **Jay Starling**, Sherry Helms, Mike Gamble, Jonathan Lawrence

Authority: Sections 40-2A-7(a) (5) and 32-8-3(a) (2), Code of Alabama 1975

History: Adopted through APA 1982.

Amended: Filed January 28, 2010, effective March 4, 2010.

Amended: Filed June 27, 2012, effective August 1, 2012.

Amended: Filed January 23, 2015, effective February 27, 2015