

1 HB234
2 181181-1
3 By Representatives Faulkner and Fridy
4 RFD: Judiciary
5 First Read: 14-FEB-17

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8 SYNOPSIS: Under existing law, the sale of an abandoned
9 motor vehicle may be contested by filing a notice
10 of appeal with the Alabama Tax Tribunal or in the
11 circuit court in the county where the sale is
12 scheduled to occur. This bill would remove the
13 Alabama Tax Tribunal from the appeals process and
14 require that all appeals be filed in the circuit
15 court in the county where the sale is scheduled to
16 occur or has occurred.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 To amend Section 32-13-4, Code of Alabama 1975, to
23 require a notice of appeal to contest the sale of an abandoned
24 motor vehicle be filed in the circuit court in the county
25 where the sale is scheduled to occur.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 32-13-4, Code of Alabama 1975, is
2 amended to read as follows:

3 "§32-13-4.

4 "(a) The current owners, registrants, secured
5 parties, and lienholders of record, if any, of a motor
6 vehicle, prior to the sale, may contest the sale of the motor
7 vehicle pursuant to this chapter by filing a notice of appeal
8 with the ~~Alabama Tax Tribunal pursuant to subsection (a) of~~
9 ~~Section 40-2A-8, or in the~~ circuit court in the county where
10 the sale is scheduled to occur.

11 "(b) (1) If no application for hearing is timely
12 made by the current owners, registrants, secured parties, or
13 lienholders of record, if any, for the motor vehicle, the
14 motor vehicle may be sold at the time and place designated in
15 the notice of sale and any personal property or items
16 contained in the vehicle may be disposed of in a manner
17 determined by the person or entity conducting the sale.

18 "(2) If application for a hearing is timely made by
19 the current owners, registrants, secured parties, or
20 lienholders of record, if any, for the motor vehicle, then all
21 such parties shall be provided notice by the ~~Alabama Tax~~
22 ~~Tribunal or the~~ circuit court. The ~~Alabama Tax Tribunal or~~
23 circuit court shall conduct a hearing to determine if the
24 motor vehicle is an abandoned motor vehicle as defined by this
25 chapter and whether proper notices were provided pursuant to
26 subsection (d) of Section 32-8-84 and this chapter. The motor

1 vehicle shall not be sold pending the decision by the ~~Alabama~~
2 ~~Tax Tribunal~~ or circuit court.

3 "(3) If the ~~tribunal~~ or circuit court judge
4 determines that the motor vehicle was abandoned and that
5 proper notice or notices were issued, the motor vehicle may be
6 sold as an abandoned motor vehicle after notice of the sale as
7 prescribed in Section 32-13-3.

8 "(4) Any contest regarding the sale of an abandoned
9 motor vehicle, after the sale has occurred, shall be filed in
10 the circuit court in the county where the sale occurred. Any
11 contest regarding the reasonable cost of repair, towing,
12 storage, and all reasonable expenses incurred in connection
13 with the sale shall be filed in the circuit court in the
14 county where the sale is scheduled or has occurred."

15 Section 2. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or upon its otherwise becoming law.