HB392

ZNUHRKW-1

By Representative Robbins

RFD: Judiciary

First Read: 02-Apr-24

SYNOPSIS:

Under existing law, when the owner of a motor vehicle becomes deceased and the deceased owner's estate does not require probate, any individual who is next of kin to, and one of the heirs of, the deceased owner may submit to the Alabama Department of Revenue, Motor Vehicle Division, a title application accompanied by an affidavit and a copy of the deceased owner's death certificate, along with a completed replacement certificate or a completed assignment form in order to have the title of the vehicle transferred to himself or herself. The next of kin may acquire title in this manner without providing proof of his or her relationship to the deceased or notifying any other heirs who may be entitled to claim an interest in the vehicle.

This bill would prohibit the department from transferring any ownership interest in a deceased owner's motor vehicle unless the decedent's estate is administered by a probate court or circuit court, is part of a summary distribution by a judge of probate, or distributed pursuant to an affidavit signed by all of the decedent's heirs without the probate of the decedent's estate.

This bill would further provide that an affiant

who provides a false statement in an affidavit signed by heirs of a decedent related to the transfer of any ownership interest in a decedent's motor vehicle commits perjury in the third degree.

A BILL

TO BE ENTITLED

AN ACT

Relating to transfer of motor vehicle title; to prohibit the Department of Revenue from transferring any ownership interest in a motor vehicle of a deceased owner except under certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Department of Revenue shall not assign or transfer any ownership interest in a motor vehicle of a deceased owner unless the decedent's estate is administered in a probate court or circuit court, distributed according to an order entered by a judge of probate directing a summary distribution of the owner's estate, pursuant to the Alabama Small Estates Act, Sections 43-2-690 through 43-2-696, Code of Alabama 1975, or distributed pursuant to an affidavit signed by all of the decedent's heirs without the probate of the decedent's estate.

(b) An affiant who swears falsely in an affidavit as a decedent's heir under subsection (a) commits perjury in the third degree pursuant to Section 13A-10-103, Code of Alabama

1975.

Section 2. This act shall become effective on October 1, 2024.