

APA-1
11/96

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENUE

Rule Nos. 810-5-1-238

Rule Title: Registration of Motor Vehicles Not Subject to Titling

XX 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 *Michael D. Goble*

Date 4/23/13

APA-6
10/96

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

Control No. 810 Department or Agency REVENUE

Rule No: 810-5-1-.238

Rule Title: Registration of Motor Vehicles Not Subject to Titling

New Amend Repeal Adopt by Reference

NO

This rule has no economic impact.

YES

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 Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-5-1-.238 Registration of Motor Vehicles Not Subject to Titling

INTENDED ACTION: Adopt a new rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to adopt the above rule to provide guidelines regarding the registration of motor vehicles that are not subject to titling in Alabama.

RULE NO. & TITLE

810-5-1-.247 Vehicle Identification Number (VIN) Inspections

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to clarify requirements related to Form MVT5-10.

RULE NO. & TITLE

810-5-75-.21 TITLE PROCEDURE - First Lien or Security Interest Releases on Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended

INTENDED ACTION: Repeal and Replace

SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the existing language in the above rule and replace it with new language to provide procedures for releasing the first lien or security interest recorded on a certificate of title and to provide procedures for maintaining the continuous perfection of liens of security interests otherwise released pursuant to Section 32-8-64.2, Code of Alabama 1975.

RULE NO. & TITLE

810-5-75-.39 Altered Documents. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to expand the definition of altered documents. In addition, the department proposes to amend the title of the rule.

RULE NO. & TITLE

810-5-75-.42 Dealer Records. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to clarify dealer recordkeeping requirements for motor vehicle dealers. In addition, the department proposes to amend the title of the rule.

RULE NO. & TITLE

810-5-75-.15 Title Procedure - Application for Replacement Alabama Certificate of Title (Form MVT 12-1).

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to clarify the process for applying for a replacement certificate of title by all parties other than designated agents of the department. In addition, the department proposes to amend the title of the rule.

RULE NO. & TITLE

810-5-75-.68 Title Procedure - Exemption from Titling

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to provide guidance in determining whether a motor-driven cycle meets the requirements for title exemption.


TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 2:00 p.m. on Tuesday, June 11, 2013, in the Office of the Legal Division, Room 3114, Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama. Copies of the rule(s) can be obtained at www.revenue.alabama.gov/rulehear.html.

All interested parties may present their views in writing to the Deputy Commissioner of the Alabama Department of Revenue, Room 4112, 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:
June 11, 2013

CONTACT PERSON AT AGENCY:

Patricia Toles
Alabama Department of Revenue
4131 Gordon Persons Building
Montgomery, Alabama 36132
(334) 242-1380


Michael D. Gamble, Secretary
Alabama Department of Revenue

0894APC.INT

810-5-1-.238 Registration of Motor Vehicles Not Subject to Titling. **(NEW RULE)**

(1) The following motor vehicles are generally not manufactured to comply with federal and state statutes, rules, and regulations governing safety, emissions, and antitheft standards, and cannot be titled or registered in Alabama unless they meet the requirements in paragraph two (2) below:

(a) A dune buggy is defined as an open chassis off-road recreational vehicle primarily designed or modified for off-road use on sand dunes or beaches. A dune buggy may also be referred to as a rail buggy, air buggy or sand rail.

(b) A golf cart is defined as an off-road recreational vehicle primarily designed and manufactured for use on a golf course for sporting or recreational purposes.

(c) A Utility Task Vehicle (UTV) or Recreational Off Highway Vehicle (ROV) is defined as a motorized off-road vehicle designed to travel on four or more non-highway tires, with a steering wheel, non-straddle seating, seat belts, an occupant protective structure, and engine displacement up to 1,000cc.

(d) An All-Terrain Vehicle (ATV) also known as a quad, quad bike, three-wheeler, or four-wheeler, is defined as a vehicle that travels on low-pressure tires, with a seat that is straddled by the operator, along with handlebars for steering control. Engine sizes usually range from 49 to 1,000 cc (3 to 61 cubic inches).

(2) In order to determine if a motor vehicle not subject to titling may be registered, the license plate issuing official must physically inspect the vehicle and vehicle ownership documentation to verify one of the following before issuing a license plate or transferring a registration:

(a) The motor vehicle must have a 17 digit VIN which conforms to National Highway Safety and Traffic Administration (NHTSA) standards, except motor vehicles manufactured prior to 1981.

(b) The manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) must state that the vehicle complies with the Federal Motor Vehicle Safety Standards (FMVSS). The MSO, title or bill of sale may reflect that the vehicle is for off road use only, which indicates that the vehicle is not intended for use on the public roadways.

(c) A certification label meeting the requirements of 49 CFR Part 567 that, among other things, identifies the vehicle's manufacturer (i.e., the actual assembler of the vehicle), the vehicle's date of manufacture (month and year), and containing the following statement: "This vehicle conforms to all applicable FMVSS in effect on the date of manufacture shown above."

(3) A mini-truck as defined in Section 40-12-240, Code of Alabama 1975, is exempt from titling; however, a mini-truck license plate may be issued a mini-truck license plate that is restricted to non-interstate use (§32-6-59).

(4) A motor-driven cycle as defined in Section 32-1-1.1, Code of Alabama 1975, is exempt from titling; however, a motor-driven cycle may be issued a motorcycle license plate.

(5) A low speed vehicle (LSV) as defined in administrative rule 810-5-75-.68, is exempt from titling; however, a LSV may be issued a passenger vehicle license plate if the LSV complies with FMVSS as provided in 49 C.F.R. Section 571.500. Note: a LSV is not a golf cart.

(6) Imported motor vehicles may not be titled or registered unless the vehicle is determined to be in compliance with FMVSS by the NHTSA or a registered importer as provided by 49 C.F.R. Section 591. Imported motor vehicles that are 25 model years old or older are not subject to FMVSS and may be titled and registered with proper ownership documentation.

(7) All motor vehicles not subject to titling that are eligible to be registered must have proper ownership documentation. This documentation includes a bill of sale, court order, properly assigned certificate of origin or certificate of title or any other documentation as specified by the Department.

Author: James Starling
Authority: Section 40-2A-7(a)(5), Code of Alabama 1975
History: