

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency Alabama Liquefied Petroleum Gas Board
Rule No. 530-X-2-14

Rule Title: LIQUEFIED PETROLEUM MOTOR FUEL FLAT RATE FEES
_____ New _____ Amend X 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? _____ NO

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 an 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 _____ *Mark Nelson*

Date April 15, 2014

(DATE FILED)
(STAMP)

APA-2
07/04

ALABAMA LIQUEFIED PETROLEUM GAS BOARD

NOTICE OF INTENDED ACTION

RULE NO. & TITLE:

530-X-2-14 "LIQUEFIED PETROLEUM MOTOR FUEL FLAT RATE FEES"

INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION: To delete administrative code related to motor fuel flat rate fees because it is already covered by Code of Alabama, 1975. Inclusion in the board's administrative code, in addition to the Code of Alabama, creates unnecessary redundancy and the need for APA actions even with minor law changes. All motor fuel fee issues are properly and adequately addressed in the Code of Alabama, 1975.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held July 2, 2014 at 10:00 a.m., at the AUM Center for Lifelong Learning, 75 TechnaCenter Drive, Montgomery, AL 36117.

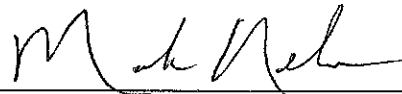
All interested parties may present their views in writing to the Administrator of the Alabama Liquefied Petroleum Gas Board, P.O. Box 1742, Montgomery, AL 36102-1742, (334-241-8887), or via email at mark.nelson@lpgb.alabama.gov. Individuals may also submit their views at the public hearing.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

July 02, 2014 at the scheduled Public Hearing

CONTACT PERSON AT AGENCY:

Mark Nelson, Administrator
777 S. Lawrence St., Suite 100
Montgomery, AL 36104
Telephone: 334-241-8887
Fax: 334-240-2255
Email: mark.nelson@lpgb.alabama.gov



Mark Nelson, Administrator
Alabama Liquefied Petroleum Gas Board

REPEAL

530-X-2-.14 LIQUEFIED PETROLEUM MOTOR FUEL FLAT RATE FEES. In lieu of an excise tax on liquefied petroleum gas used to propel motor vehicles over the highways of this state, there is hereby levied an annual flat rate fee on the following vehicles which require a motor vehicle license using liquefied petroleum gas as fuel:

(1) Passenger automobile, pickup trucks under one ton	\$75.00
(2) Flatbed trucks, vans and trucks one ton or over	\$85.00
(3) Bobtail trucks	\$150.00
(4) Tractor/trailer units	\$175.00

(a) Every person owning and/or operating such vehicles shall make application for and obtain an annual decal from the Liquefied Petroleum Gas Board which shall serve as an identification marker that said flat fee has been paid. Each decal issued by the Liquefied Petroleum Gas Board shall not exceed a cost of \$5.00. The decal shall be in such form and of such size as the Liquefied Petroleum Gas Board shall prescribe. Such decal shall be attached or affixed to the vehicle in the place and manner prescribed by the Liquefied Petroleum Gas Board. The first decals, provided for in this act shall be issued October 1, 1980 for a term of six months and thereafter the term of the decals shall begin at April 1 of each year and expire on March 31 of the following year. If any passenger automobile or truck is acquired, LPG system installed, or vehicle put in operation after September 30, the fee shall be one half the flat fees stated in Section 1.

(b) Every person required to make application for and receive a decal under this act shall at the time of making said application remit to the Liquefied Petroleum Gas Board the total amount of the flat fee due, plus the cost of the decal issued. The proceeds of the flat fee shall be deposited by the Liquefied Petroleum Gas Board in the State Treasury to the credit of the Public Road and Bridge Fund. The proceeds of the decal issuance fee shall be deposited in the State Treasury to the credit of the Liquefied Petroleum Gas Board. Any administration costs relating to such decals shall be paid by the Liquefied Petroleum Gas Board from such fees collected. Said costs are hereby appropriated from the Liquefied Petroleum Gas Board Fund.

(c) The Liquefied Petroleum Gas Board is authorized to promulgate any rules and regulations necessary to carry out the provisions of this act.

(d) Any person who fails to obtain a current decal within (30) thirty days of the date said decal is required as provided in this act, shall be liable for a penalty of 20% of the fee required at the date decal is purchased in addition to the fee. Said penalty shall be paid at the same time and in the same manner as the flat fee; and such penalty shall be deposited by the Liquefied

Petroleum Gas Board in the State Treasury, to the credit of the Liquefied Petroleum Gas Board Fund.

(e) If an out of state vehicle comes to a propane dealer in the state of Alabama to purchase fuel, the dealer must collect in lieu of any fees levied by this act, an amount equal to the current Alabama Motor Fuel tax in effect and remit these funds to the Alabama LP-Gas Board before the 20th of the following month after the date of the sale.

(f) Any vehicles owned and operated by the state or any incorporated municipality therein or any vehicle not requiring a license plate or motor vehicle license, including but not limited to, fork lift trucks and agricultural vehicles shall not be subject to the provisions of this act.

(g) All LP-gas motor fuel filling stations shall have a sign displayed that is legible and in plain view of the general public. The sign shall read, "All motor vehicles licensed in Alabama that use LP-gas as a motor fuel are required by law to have displayed, a current LP-gas motor fuel decal purchased through the Alabama LP-Gas Board. The price of the decal covers the Alabama Motor Fuel Tax for the year of issuance. Operation of an LP-gas powered vehicle licensed in Alabama, upon the public roads and highways of Alabama, without the required decal subjects the owner and/or operator to a fine of up to \$1000.00 and/or up to six months in the County Jail."

Adopted October 2, 1980 as Alabama Liquefied Petroleum Gas Board Regulation No. 13.

Author:

Statutory Authority: Code of Ala. 1975, §9-17-105.

History: Filed September 13, 1982.