

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-.240

Rule Title: Permanent Trailer License Plates

 New X 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-.204 Placement of Motor Vehicle License Tags on Certain Motor Vehicles

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to allow the placement of license plates on the front of a truck or truck-tractor when a license plate cannot be displayed on the rear of the vehicle. In addition, the rule is being amended to remove obsolete language.

RULE NO. & TITLE

810-5-1-.205 Temporary Tags - Authorized Uses

INTENDED ACTION: Repeal an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the above rule due to the fact that the provisions of the rule is included in administrative rules 810-5-1-.227 and 810-5-1-.228.

RULE NO. & TITLE

810-5-1-.224 Fee Requirement for Certain Special Tags

INTENDED ACTION: Repeal an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the above rule due to the fact that the provisions of the existing rule is included in other administrative rules as well as the Code of Alabama 1975.

RULE NO. & TITLE

810-5-1-.227 The Issuance of Temporary License Tags/Registration Certificates by Dealers or Manufacturers of Mobile Homes, Trailer Coaches, Travel Trailers or House Trailers, and by Dealers Appointed by the

Department of Revenue as Designated Agents (Other than Probate Judges).

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to include the provisions of administrative rule 810-5-1-.227.05, which is being repealed. In addition, the department proposes to amend the title of the rule.

RULE NO. & TITLE

810-5-1-.227.05 Financial Institutions Issuance of Temporary License Tags/Registration Certificates

INTENDED ACTION: Repeal an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the above rule due to the fact that the provisions of the rule has been added to administrative rule 810-5-1-.227.

RULE NO. & TITLE

810-5-1-.228 The Issuance of Temporary License Tags/Registration Certificates by the Judge of Probate or Other County Official Authorized to Issue Motor Vehicle License Tags.

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes amend the above rule to include temporary tag receipt requirements.

RULE NO. & TITLE

810-5-1-.240 Permanent Trailer License Plates

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes amend the above rule to remove obsolete language and to allow licensing officials to revoke a permanent trailer registration in the local and state registration databases when the permanent trailer license plate is surrendered, in lieu of submitting a form to the department.

RULE NO. & TITLE

810-5-1-.400 Performance and Registration Information Systems Management (PRISM) Program Adopted in Alabama

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes amend the above rule to reflect changes that were made to the Performance & Registration Information Systems Management (PRISM) Program.

RULE NO. & TITLE

810-5-75-.31.02 Abandoned Motor Vehicle Record Request (Form MVT 32-13).

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes amend the above rule to allow an authorized representative of a person or firm in possession of an abandoned motor vehicle to provide written notice to the current owner, secured parties and lienholder regarding the planned sale of the vehicle. In addition, this rule is further amended to allow an Abandoned Motor Vehicle Record Request (MVT 32-13) to be submitted electronically through a service provider authorized by the department to provide motor vehicle records for this purpose.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 2:00 p.m. on Wednesday, June 11, 2014, Room 1203, First Floor, 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.

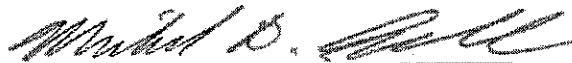
All interested parties may present their views in writing to the **Secretary of the Alabama Department of Revenue, Room 4131, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132** at any time during the thirty-five (35) day period following publication of the notice or by appearing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

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, June 11, 2014

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

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810-5-1-.240 Permanent Trailer License Plates.

~~(1) Multi-year trailer plates, except for a fleet of 50 or more rental utility trailers, have been eliminated by Act 2006-276. Accordingly, county issuing officials shall not revalidate multi-year trailer plates, except for rental utility trailers. Any trailer other than a rental utility trailer displaying an Alabama multi-year trailer plate on or after December 1, 2006 shall be considered as displaying an expired registration, and law enforcement may cite the operator for operating a trailer with an expired license plate.~~

~~(2) (1)~~ Permanent trailer license plates, in accordance with ~~Act 2006-276~~ Section 40-12-252, Code of Alabama 1975, may be issued to a truck trailer, tractor trailer or semitrailer.

~~(a)~~ The term "semitrailer" is defined in Section 40-12-240~~(19)~~ and includes, but is not limited to, trailers commonly referred to as "gooseneck" trailers.

~~(b)~~ The term "truck trailer" as used in Section 40-12-252 refers to a trailer designed to be pulled behind a truck and the gross vehicle weight of the truck, trailer, and load combination exceeds 12,000 pounds.

~~(c)~~ The term "tractor trailer" is deemed to mean a trailer being towed by a "truck tractor" as defined in Section 40-12-240~~(25)~~. As Section 40-12-252 Act 2006-276 does not include utility trailers as qualifying vehicles, the law is to be interpreted as not authorizing the issuance of permanent trailer plates to utility trailers.

~~(d)~~ The term "utility trailer" is defined in Section 40-12-240 as "A trailer primarily designed to be drawn by a passenger car, pickup truck, or motorcycle, including luggage trailers, folding or collapsible camping trailers, and other small trailers of similar size and function, but shall not include boat trailers."

~~(e)~~ The phrase "drawn by" refers to a non-motorized vehicle being pulled or towed by a passenger car, pickup truck or motorcycle by attaching the tongue of the non-motorized vehicle to the trailer hitch located at the rear bumper of the passenger car, pickup truck or motorcycle.

~~(f)~~ A pickup truck is defined in Section 32-8-2~~(14.4)~~ as "A truck with not more than two axles and a gross weight not exceeding 12,000 pounds."

~~(3) (2)~~ In order for a registrant to obtain a permanent trailer license plate, an Alabama certificate of title must be applied for in the name of the current vehicle owner or the trailer must be titled in Alabama to the current vehicle owner. Truck trailers, tractor trailers, and semitrailers titled in other jurisdictions may be registered in Alabama with a permanent trailer plate based upon presentation of an out-of-state title listing the registrant as the owner or operator and the certificate of title is being held by a recorded lienholder. Additionally, ~~as Section 32-8-31 exempts trailers and semi-trailers that~~

~~are more than twenty (20) model years old are exempt designated 1974-year models or prior-year models~~ from the Alabama Uniform Certificate of Title and Anti-Theft Act, ~~such trailers and~~ may be registered with permanent trailer plates without an Alabama certificate of title being applied for or issued. Similarly, as Section 32-8-31 exempts a pole trailer as the term is defined in Section 32-8-2 from the provisions of the Alabama Uniform Certificate of Title and Antitheft Act, such trailers may be registered with permanent trailer plates without an Alabama certificate of title being applied for or issued.

~~(4)~~ (3) The fee for a permanent trailer license plate is a one (1) time, non-proratable registration fee of sixty dollars (\$60). In the event an owner elects to surrender a current and valid ~~annual~~ Alabama trailer license plate in order to secure a permanent trailer license, in accordance with Section 40-12-23~~(c)~~, the ~~county~~ issuing official shall determine the credit to be allowed by using monthly declining fees, and applying that credit to the sixty dollar fee for the permanent trailer license plate.

~~(5)~~ (4) The Department of Revenue is authorized to issue refunds in cases whereby the vehicle owner can provide to the satisfaction of the ~~county~~ license plate issuing official evidence that he/she erroneously registered a trailer with two (or more) permanent trailer license plates.

~~(6)~~ (5) The permanent trailer license plate issued in accordance with Section 40-12-252 cannot be transferred to another owner or trailer. As the term "owner" is defined in Section 40-12-240 to include a lessee with an option to purchase, if the lessee elects to exercise the purchase option, the plates shall continue to be displayed on the trailers even though there is a transfer of title from the lessor to lessee. If there is no purchase option, the permanent trailer license plates must be removed from the vehicles at the end of the lease agreement; provided, that if the lessor elects to lease the trailers to another Alabama based lease customer, the permanent license plates may remain on the trailers for use by the new lease customer (unless the new lease customer has a purchase option in the lease contract; if so, new permanent trailer plates must be secured in the name of the lease customer).

~~(7)~~ (6) For the following situations, any person acquiring ownership of a trailer(s) displaying a permanent trailer plate is required to surrender the license plate(s) to his/her ~~county~~ license plate issuing official, who, in accordance with paragraph ~~(8)~~ (7) below, shall notify the Department of Revenue of the receipt of the license plate:

(a) The trailer is sold or otherwise transferred to a new owner(s) – exception: see paragraph ~~(6)~~ (5) above;

(b) The trailer is repossessed;

(c) The trailer is abandoned;

(d) The trailer is acquired by an insurer as a salvage vehicle;

~~(8) (7)~~ The owner is required, in the case of transfer of ownership, to remove the permanent trailer license plate from the vehicle and surrender the license plate to the ~~county~~ license plate issuing official and no credit or refund of registration fees shall be allowed upon surrender. The ~~county~~ license plate issuing official will retain the surrendered license plates for audit purposes. Furthermore, upon receipt of surrendered permanent trailer license plates, the ~~county~~ license plate issuing official must revoke the registrations ~~notify the Department of Revenue of the receipt of the plates in a manner prescribed by the Department in order for the Department to indicate on~~ in the licensing officials' registration database and must include the revocation record in the data upload to the state registration database that the permanent trailer license plates are no longer in use; ~~provided, that after one year from notation on the database, the registration records for surrendered license plates may be removed by the Department.~~

~~(9) (8)~~ If the owner must re-register the trailers outside Alabama, the owner is to remove the Alabama permanent license plates from the vehicles and return the plates to the ~~county license plate issuing official of the county where the trailers are based.~~ The ~~county~~ license plate issuing official who will revoke the registration, retain the surrendered license plate for audit purposes, and, as in paragraph ~~(8) (7)~~ above, notify the Department of the receipt of the permanent license plates.

~~(10) (9)~~ Trailer owners are not required to retain within the vehicle a current and valid Alabama Motor Vehicle Registration Tag and Tax Receipt. See Section 40-12-260~~(b)(4)~~, which specifies that registration receipts must be maintained for "self-propelled" vehicles.

~~(11) (10)~~ County-I License plate issuing officials will enter "~~9999~~" "12/31/9999" on the Alabama Motor Vehicle Registration Tag and Tax Receipt, in the expiration date field to indicate the non-expiration for all permanent trailer license plate registrations. When issuing registrations to lessors, the lessee's address shall be shown on the registration receipt.

~~(12) (11)~~ Pursuant to Section 40-12-265~~(b)~~, if a license plate or tag is lost or stolen, or becomes so mutilated as to make it illegible, the owner of the vehicle must file with the county license plate issuing official an application setting forth the facts that the plate or tag has been lost, mutilated, or destroyed and upon payment of the fee specified by law, a replacement license plate shall be issued. Provided, that if mutilated, the permanent trailer license plate shall be revoked and surrendered, and, in accordance with paragraph ~~(8) (7)~~ above, the Department of Revenue notified of the surrender of the license plate.

~~(13) (12)~~ Pursuant to Section 40-12-252~~(c)(4)~~, the owner of any truck trailer, tractor trailer, or semitrailer who chooses to purchase a permanent license plate shall annually assess the property between October 1 and prior to January 1 on a Business Personal Property Return (ADV-40) in the county in which the truck trailer, tractor trailer, or semitrailer is based. If the trailer is based in a different county than originally

registered and ownership of the vehicle has not changed, the permanent trailer plate shall not be surrendered to the ~~county~~ license plate issuing official. The owner shall provide sufficient proof to the ~~county~~ assessing official in the county in which the vehicle was previously based, that the trailer base has changed, prior to the ~~county~~ assessing official removing the trailer from its tax rolls. The Business Personal Property return (ADV-40) shall be filed in the county in which the trailer is currently based in accordance with Section 40-12-253~~(a)~~**(3)**.

Author: James Starling, Billy R. Phillips
Authority: Sections 40-2A-7(a)(5) and 40-12-252(c), Code of Alabama 1975
History: New rule: Filed December 27, 2006, effective January 31, 2007.
Amended: Filed May 4, 2007, effective June 8, 2007.
Amended: Filed April 21, 2010, effective May 26, 2010.
Amended: Filed May 6, 2011, effective June 10, 2011.