

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENUE

Rule Nos. 810-5-8-.04

Rule Title: Registration Denial-Mandatory Liability Insurance Law

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 

Date 8/22/2012

APA-6  
10/96

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

Control No. 810 Department or Agency REVENUE

Rule No: **810-5-8-.04**

Rule Title: **Registration Denial-Mandatory Liability Insurance Law**

New  Amend  Repeal  Adopt by Reference

This rule has no economic impact.

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 WHERE 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**

810-5-8-.04                      Registration Denial-Mandatory Liability Insurance Law

**INTENDED ACTION:**      Amend an existing rule

**SUBSTANCE OF PROPOSED ACTION:**    The department proposes to amend the above rule to comply with the provisions of Act 2011-688 which addresses changes in the mandatory liability insurance law.

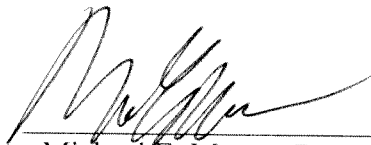
**TIME, PLACE, MANNER OF PRESENTING VIEWS:**    A public hearing will be held at **2:00 p.m. on Wednesday, October 10, 2012, in the Office of the Legal Division, Room 3114, Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama.** Copies of the rule(s) can be obtained at [www.revenue.alabama.gov/rulehear.html](http://www.revenue.alabama.gov/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:**  
Wednesday, October 10, 2012

**CONTACT PERSON AT AGENCY:**

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



Michael E. Mason, Deputy Commissioner  
Alabama Department of Revenue

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810-5-8-.04 Registration Denial–Mandatory Liability Insurance Law.

(1) If a vehicle owner(s), or someone authorized to register a motor vehicle on behalf of the owner(s), informs the license plate issuing official that the vehicle is not insured pursuant to Section 32-7A-4, Code of Alabama 1975, (and the vehicle is not exempt from insurance requirements), the license plate issuing official shall refuse to register the motor vehicle(s).

~~(2) If a vehicle owner, or someone authorized to register a motor vehicle on behalf of the vehicle owner, fails or refuses to affirm that the vehicle(s) for which registration is being sought is insured, the license plate issuing official shall refuse to register the motor vehicle(s).~~

~~(3)~~(2) If a vehicle owner(s) or someone authorized to register a motor vehicle on behalf of another the owner(s), submits a renewal application through the mail, in person or via the internet (online) without affirmation evidence of insurance, the license plate issuing official shall refuse to register the motor vehicle(s).

~~(4) In the event someone other than the vehicle owner is authorized to register a vehicle, and that individual does not know if the vehicle is insured in accordance with Alabama law, the license plate issuing official shall refuse to register the vehicle until the authorized individual is able to positively affirm that the vehicle is insured.~~

~~(5)~~(3) In the event that a vehicle owner(s), or someone authorized to register a motor vehicle on behalf of the vehicle owner(s), informs the license plate issuing official that the motor vehicle is insured by an insurer not authorized to do business in Alabama ~~insures the vehicle~~, the license plate issuing official shall refuse to register the vehicle.

~~(6) In the event that a vehicle owner(s), or someone authorized to register a motor vehicle on behalf of the vehicle owner(s), informs that the vehicle(s) for which registration is sought is exempt from insurance requirements, pursuant to Section 32-7A-5, the license plate issuing official may require evidence that an exemption is applicable to the vehicle(s), and, if no evidence is provided, the license plate issuing official may refuse to register the vehicle until such evidence of exemption is produced and provided to the official.~~

~~(7)~~(4) If a license plate issuing official denies registration, and subsequently the vehicle owner(s), or someone authorized to register a motor vehicle on behalf of the vehicle owner(s), ~~is able to affirm~~ provides evidence that the vehicle(s) is insured to the satisfaction of the official, then the official may issue the registration. If the delay in registering the vehicle places the vehicle owner(s) into a delinquency situation, the appropriate penalties, interest, etc., must be collected as a prerequisite to the issuance of the registration. Furthermore, if the registration is denied, the vehicle owner(s) may

incur law enforcement sanctions if the vehicle is operated with an expired registration or without registration credentials.

~~(8)(5)~~ If a vehicle owner(s), or someone authorized to register a motor vehicle on behalf of the owner(s), **fails is unable** or refuses to provide the **valid unexpired state issued** driver's license ~~state and~~ number, **non-driver's identification number, national driver's license number, federal employer identification number or department assigned number for the each** vehicle owner reflected on the vehicle title **or vehicle registration if the vehicle is exempt from titling**, the license plate issuing official shall refuse to register the vehicle as requested. ~~The driver's license number, non-driver's license number, or the federal employer identification number (FEIN) should be captured in the motor vehicle registration database.~~

~~(9)(6)~~ License plate issuing officials shall deny registration or transfer of any license **plate shown on the listing of vehicle owners whose when the registrations have has** been suspended ~~as provided in administrative rule 810-5-1-237~~. The license plate issuing official is not authorized to issue a new license plate or replacement license plate to the vehicle **until the registration is reinstated**.

~~(10)(7)~~ License plate issuing officials shall deny registration to any vehicle owner(s) who attempts to avoid the registration suspension and payment of reinstatement fees by transferring vehicle ownership to another entity, such as a corporation or one's spouse or dependent,;

~~(11)(8)~~ The decision by the license plate issuing official to deny registration which has been suspended by the Department for failing to maintain motor vehicle liability insurance may not be appealed. This is because the vehicle owner(s) **had has** already been afforded the opportunity to appeal the decision by the Department to suspend the registration as provided under Section 32-7A-3(d), which allows the owner(s) a 30 calendar day period to appeal a suspension "after the rendition of any suspension."

~~(12)~~ **In the event it is determined that a vehicle owner, or someone authorized to register a motor vehicle on behalf of the vehicle owner, provides an affirmation of insurance when the vehicle is not insured, vehicle owner, upon conviction, may be subject to the sanctions of Section 40-12-8 for "knowingly making a false affidavit or certificate in connection with...anything in this state for which a license is required...."**

Author: Sherry Helms  
Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a), Code of Alabama 1975  
History: New rule: Filed March 22, 2001, effective April 26, 2001.  
Amended: Filed May 6, effective June 10, 2011.