

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 810 Department or Agency REVENUE

Rule Nos. 810-5-1-.207

Rule Title: Motor Vehicle Wreckers

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 [Signature]

Date 1/20/12

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

Control No. 810 Department or Agency REVENUE

Rule No: **810-5-1-.207**

Rule Title: **Motor Vehicle Wreckers**

XX New _____ Amend _____ Repeal _____ Adopt by Reference

X This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: **n/a**
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: **n/a**
3. EFFECT OF THIS RULE ON COMPETITION: **n/a**
4. EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: **n/a**
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: **n/a**
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE: **n/a**
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: **n/a**
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: **n/a**
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: **n/a**
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: **n/a**
11. OTHER COMMENTS:

APA-2
11/96

ALABAMA DEPARTMENT OF REVENUE
Motor Vehicle Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE: 810-5-1-.207 Motor Vehicle Wreckers

INTENDED ACTION: Adopt new rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to adopt the above rule to provide guidance regarding the new motor vehicle wrecker classification created by Act 2011-540.

RULE NO. & TITLE: 810-5-1-.212 Undercover License Plates

INTENDED ACTION: Adopt new rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to adopt the above rule to provide guidelines and procedures when issuing undercover license plates to law enforcement agencies.

RULE NO. & TITLE: 810-5-1-.247 Guidelines for Vehicle Identification Number (VIN) Inspections

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule due to the provisions of Act 2010-579 which exempt vehicles registered in this state in the previous two calendar years from a physical inspection by the county licensing official.

RULE NO. & TITLE: 810-5-8-.07 Vehicles Exempt from the Mandatory Liability Insurance Law

INTENDED ACTION: Adopt new rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to adopt the above rule to exempt vehicles covered by a blanket liability insurance policy or commercial automobile liability insurance policy from the Mandatory Liability Insurance Law verification process.

RULE NO. & TITLE: 810-5-75-.34 Title Procedure – Title Obtained Under Surety Bond

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to provide uniform amounts for surety bonds that are being posted to obtain certificates of title. By establishing uniform surety bond amounts, the surety bond request process can be standardized and integrated into the electronic title application processing system (ETAPS).


TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m. on Wednesday, March 7, 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.

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, March 7, 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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810-5-1-.207 Motor Vehicle Wreckers **(NEW RULE)**

(1) Section 40-12-248, Code of Alabama 1975, provides that a motor vehicle wrecker, commonly known as a tow truck, which is used primarily to move, tow or recover disabled motor vehicles or used for impoundment purposes, shall be licensed and registered based on the gross vehicle weight of the wrecker only without regard to the gross vehicle weight of any motor vehicle to be towed by the wrecker.

(2) A wrecker is constructed or permanently adapted primarily for the purpose of lifting, towing and transporting a disabled motor vehicle.

(3) Five general types of wreckers are in common usage, usually based on the type or size of vehicle to be towed:

(a) Boom - not specifically used for towing. Many trucks are equipped with an adjustable boom winch for recovering vehicles that are in a ditch, culvert, over an embankment, or any place the wrecker cannot be safely backed-up to.

(b) Hook and chain (also known as a "sling" or "belt lift") - chains are looped around the vehicle frame or axle, which is drawn aloft by a boom winch to rest against a pair of heavy rubberized mats so the vehicle can be towed on its other axle. Slings are sometimes used for towing vehicles that have been in an accident or have one or two of the front or rear wheels missing or for pickup trucks and other vehicles that have steel bumpers.

(c) Wheel Lift - evolved from the hook and chain technology to produce a large metal yoke that can be fitted under the front or rear wheels to cradle them, drawing the front or rear end of the vehicle clear of the ground by a pneumatic or hydraulic hoist so it can be towed. This apparatus generally picks up the drive wheels of the vehicle (i.e. the front wheels if it is front wheel drive, the rear wheels if it is rear wheel drive) touching only the tires.

(d) Flatbed (also called a Rollback or a Slide) - the entire back of the truck is fitted with a bed that can be hydraulically inclined and moved to ground level, allowing the vehicle being towed to be placed on it under its own power or pulled by a winch.

(e) Integrated (also referred to as a "Self Loader" Snatcher, Quick Pick or Repo Truck) - boom and wheel-lift integrated into one unit. Used in light duty trucks to repossess vehicles or move illegally parked vehicles. Most have controls for the apparatus inside the cab of the tow truck to make quick pickup possible without the inconvenience of exiting the truck to hook up the vehicle. Heavy duty trucks are also manufactured with integrated lift.

These are the most common arrangements, but are by no means exclusive, as there are flatbed units that offer a wheel-lift, boom trucks that can recover but not tow, and wheel-lift units that offer a combination boom with sling.

(4) A wrecker is primarily used to move, tow or recover disabled motor vehicles or used for impoundment purposes. The term "motor vehicle" includes every vehicle which is self-propelled, every vehicle which is propelled by electric power, and every vehicle that is drawn by a self-propelled vehicle, including every trailer and semitrailer, as provided by §40-12-240(7). The term "disabled" means the motor vehicle is incapable of being self-operated. The term "impound" means to seize and retain in legal custody.

(5) The license fee shall be based on the gross vehicle weight of the wrecker which includes the empty (unladen) weight of the wrecker fully equipped and serviced for operation including the weight of any add-on equipment, tools, spare tires, fuel and passengers.

Author: James P. Starling
Authority: Sections 40-2A-7(a)(5) and 40-12-248, Code of Alabama 1975
History: