

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENUE

Rule Nos. 810-5-75-.27

Rule Title: TITLE PROCEDURE - First Title For Vehicles Reconstructed With Glider Kits For A Vehicle To Be Titled That Has Been Reconstructed With A Glider Kit, The Glider Kit Must Be Designated By The Manufacturer On The Manufacturer's Certificate Of Origin A 1975 Or Subsequent Year Model. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended

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 *[Handwritten Signature]*

Date 7/20/12

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

Control No. 810 Department or Agency REVENUE

Rule No: **810-5-75-.27**

Rule Title: Title Procedure - First Title For Vehicles Reconstructed With Glider Kits For A Vehicle To Be Titled That Has Been Reconstructed With A Glider Kit, The Glider Kit Must Be Designated By The Manufacturer On The Manufacturer's Certificate Of Origin A 1975 Or Subsequent Year Model. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

 New X 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:

**ALABAMA DEPARTMENT OF REVENUE
Motor Vehicle Division**

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-5-1-.230 The Sale of License Plates for Truck Tractors Limited to Travel within 15 Miles of its Domiciled Corporate Limits

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to provide procedures regarding the issuance of license plates to truck-tractors and tractors operated by certified motor carriers within 15 miles of the incorporated municipality in which the vehicle is domiciled. The rule is being amended to allow a truck-tractor and tractor displaying this restricted license plate to operate at the unladen weight of the vehicle with a temporary tag when the vehicle is being transferred from one incorporated municipality to another incorporated municipality. The temporary tag will be obtained prior to operation and shall be issued by the county license plate issuing official of the county in which the vehicle is presently domiciled. In addition, the department proposes to modify the title of the rule.

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 to include the provision that utility trailers are not required to be inspected by license plate issuing officials prior to registration. In addition, the department proposes to modify the title of the rule.

RULE NO. & TITLE

810-5-8-.08 Refunds of Mandatory Liability Insurance (MLI) Reinstatement Fees

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The purpose of the above amendment is to change a code reference cited in the rule to conform to the provisions of Act 2011-688.

RULE NO. & TITLE

810-5-8-.09 Identification Numbers

INTENDED ACTION: Adopt a new rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to adopt the above new rule which will provide for department assigned identification numbers for vehicle registrants who are unable to provide a valid, unexpired driver's license or an identification card number.

RULE NO. & TITLE

810-5-75-.27 TITLE PROCEDURE - First Title For Vehicles Reconstructed With Glider Kits For A Vehicle To Be Titled That Has Been Reconstructed With A Glider Kit, The Glider Kit Must Be Designated By The Manufacturer On The Manufacturer's Certificate Of Origin A 1975 Or Subsequent Year Model. 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 the procedures for obtaining first title for a vehicle assembled with a glider kit. In addition, the department proposes to modify the title of the rule.

RULE NO. & TITLE

810-5-75-.41 Dealer Required To Title Vehicle - Title Application Submitted to Department and is Returned to Dealer Because Transfer of Vehicle was not Consummated. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

INTENDED ACTION: Repeal an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the above rule because the requirement is no longer necessary due to the ability to track ownership electronically through the electronic title application processing system (ETAPS).

RULE NO. & TITLE

810-5-75-.48 Title Procedures - Defining "Junk", "Parts Only" and "Scrap" Vehicles and Requiring Notice

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule which clarifies the procedures for reporting the transfer of a motor vehicle for the purpose of dismantling or recycling it into metallic scrap.

RULE NO. & TITLE

810-5-75-.68 Title Procedure –Exemptions from Titling

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule which provides exemptions from titling motor vehicles and clarifies exemptions from titling manufactured homes.


TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m. on Wednesday, September 12, 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, September 12, 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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810-5-75-.27 Title Procedure - First Title For A Vehicles Reconstructed With A Glider Kit For A Vehicle To Be Titled That Has Been Reconstructed With A Glider Kit, The Glider Kit Must Be Designated By The Manufacturer On The Manufacturer's Certificate Of Origin A 1975 Or Subsequent Year Model. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) A glider kit is defined as a new vehicle without a power train (engine, transmission, drive train and rear axles). A glider kit comes with a manufacturer's certificate of origin (MCO) from the manufacturer and may or may not have a conforming seventeen digit vehicle identification number (VIN) and is designed to use a power train (engine, transmission, drive train and rear axles) from an existing vehicle.

(1) Designated agent completes form MVT 5-1e (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by designated agent and owner.

(2) Supporting Documents:

(2) The following documents shall accompany the owner's application for certificate of title:

(a) If ~~the~~ power train for the new glider kit (~~1975 or later year model~~) was removed from a ~~1974 year model or prior~~ year model vehicle that is exempt from titling, the following documents are required:

1. ~~Certified m-M~~ **Manufacturer's certificate of origin for new glider kit properly assigned to owner.**

2. ~~Notarized a~~ **Affidavit stating that the applicant is the recorded owner of the vehicle, from which the power train was removed, providing (including identification of the vehicle by vehicle identification number, year, make, and model), etc., and also stating if there is a lien on the power train, who the lienholder is and the lienholder's address that there is no lien on the vehicle from which the power train was removed.**

3. ~~Certified cC~~ **Copies of the applicant's owner's registration receipts for the last two years covering the vehicle from which the power train was removed. In lieu of copies of the registration receipts, the owner may provide printouts of registration records for the vehicle from the state in which the vehicle was registered for the last two years.**

4. If the power train was obtained from a vehicle which was not owned by the applicant, a ~~notarized~~ **bill-of-sale covering such the power train must be attached in lieu of the documents as provided for in subsection 2(a)(3) of this rule. This The**

notarized bill-of-sale shall contain the vehicle identification number, year, make and model of the vehicle from which the power train was removed. If the **component** parts of the power train were purchased individually, a **notarized** bill-of-sale covering each **component** part must be furnished. The **notarized** bill-of-sale shall contain the identifying vehicle identification number, if assigned by the manufacturer, (serial number) and trade name of the **component** part.

5. **Notarized a**ffidavit by the person reconstructing the vehicle stating what was done to reconstruct the ~~truck or truck tractor~~ vehicle and that said vehicle is now in operable condition.

(b) If the power train for the new glider kit (~~1975 or later year model~~) was removed from a ~~1975 year model or subsequent~~ year model vehicle that is subject to titling the following supporting documents are required:

1. ~~Certified m~~Manufacturer's certificate of origin for new glider kit properly assigned to owner.

2. ~~Form MVT 17-1 (Report of Scrapped, Dismantled or Destroyed Vehicle), outstanding Copy of the certificate of title in the name of the owner, vehicle identification number plate, license plate on the for the~~ vehicle from which the power train was removed ~~if they have not been surrendered previously according to Sections 17 or 41 of Act 765. (See note.)~~.

3. If the power train was obtained from a vehicle which was not titled in the applicant's name, a **notarized** bill-of-sale covering such power train must be attached in lieu of a copy of the certificate of title as provided for in subsection (2)(b)(2) of this rule. If the **component** parts of the power train were purchased individually, a **notarized** bill-of-sale covering each **component** part must be furnished. The bill-of-sale shall contain the vehicle identification number, if assigned by the manufacturer, of the component part.

4. **Notarized a**ffidavit by the person reconstructing the vehicle stating what was done to reconstruct the ~~truck or truck tractor~~ vehicle and that said vehicle is now in operable condition. ~~c. Fee of \$4.00.~~

(3) The vehicle identification number to be shown on the application for certificate of title shall be the vehicle identification number shown on the manufacturer's certificate of origin covering issued for the glider kit.

~~(4) NOTE: An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall indicate same on the back of the certificate of title and shall within seventy-two (72) hours cause the certificate of title, the vehicle identification number plate and the motor vehicle license plate to be mailed or delivered to the Department. (§32-8-3(a)(2))~~

(4) The year, make and model of the vehicle constructed with a glider kit shall be the year, make and model as designated on the manufacturer's certificate of origin for the glider kit.

(5) Any vehicle constructed with a glider kit shall have the certificate of title branded with the notation "RECONSTRUCTED." Such brand shall be carried forward to any subsequent certificate of title issued for the vehicle.

Author: Mike Gamble

Authority: Sections 40-2A-7(a)(5), 32-8-3(b)(2), 32-8-35(c) and 32-8-39(a)(6), Code of Alabama 1975

History: Adopted through APA 1982.