

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 810 Department or Agency REVENUE

Rule Nos. 810-5-75-.68

Rule Title: Title Procedure -Exemptions from Titling

 New; XX 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

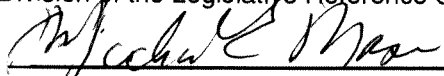
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have any economic impact? Yes

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 7/20/12

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

Control No. 810 Department or Agency REVENUE

Rule No: 810-5-75-.68

Rule Title: Title Procedure -Exemptions from Titling

 New X Amend Repeal Adopt by Reference

- NO
 YES

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. **NEED/EXPECTED BENEFIT OF RULE:**
The amended rule exempts certain motor-driven cycles from titling. The amended rule will alleviate issues involving the titling of these vehicles.
2. **COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:**
It is anticipated that there will be an annual reduction of approximately \$15,000 (1,000 vehicles * \$15 title fee) in title fees. However, it is anticipated that the reduction in revenue will be offset by an increase in registration fees for motor-driven cycles that could not be previously registered due to titling issues.
3. **EFFECT OF THIS RULE ON COMPETITION:**
None
4. **EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**
None
5. **EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA HERE THE RULE IS TO BE IMPLEMENTED:**
None
6. **SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:**
None

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:
Unable to determine at this time.
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
Unable to determine at this time.
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
None
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:
None
11. OTHER COMMENTS:
None

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.

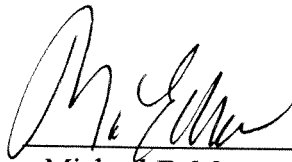
TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m. on Wednesday, September 12, 2012, in the Office of the Legal Division, Room 3114, Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama. Copies of the rule(s) can be obtained at www.revenue.alabama.gov/rulehear.html.

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-.68 Title Procedure –Exemptions from Titling.

(1) Effective January 1, 2012, no certificate of title shall be issued for any trailer, semi-trailer, travel trailer, or utility trailer more than twenty (20) model years old. This exemption is applicable on January 1 of each year and applies to all trailers, semi-trailers, travel trailers, and utility trailers with a model year, as designated by the manufacturer, older than twenty (20) years from the current calendar year.

(a) Example: As of January 1, 2012, all 1991 and prior year model trailers, semi-trailers, travel trailers, and utility trailers are exempt from the titling provisions of Chapter 8, Title 32, Code of Alabama 1975.

(2) Effective January 1, 2012, no certificate of title shall be issued for any motor vehicle more than thirty-five (35) model years old. This exemption is applicable on January 1 of each year and applies to all motor vehicles with a model year, as designated by the manufacturer, older than thirty-five (35) years from the current calendar year.

(a) Example: As of January 1, 2012, all 1976 and prior year motor vehicles are exempt from the titling provisions of Chapter 8, Title 32, Code of Alabama 1975.

(3) Effective January 1, 2012, no certificate of title shall be issued for a low speed vehicle. A low speed vehicle is defined as a four-wheeled motor vehicle with a top speed of not greater than 25 miles per hour, a gross vehicle weight rating (GVWR) of which is less than 3,000 pounds and complying with the safety standards provided in 49 C.F.R. Section 571.500. The term includes neighborhood electric vehicles.

(4) Effective January 1, 2013, no certificate of title shall be issued for a motor-driven cycle as defined in Section 32-1-1.1, Code of Alabama 1975. A motor-driven cycle is defined as every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower nor to exceed 150 cubic centimeter engine displacement, and weighs less than 200 pounds fully equipped, and every bicycle with motor attached.

(4) (5) No title records will be maintained by the Department of Revenue for any motor vehicle or manufactured home exempted from titling under the provisions of Chapters 8 or 20 of Title 32, Code of Alabama 1975, or any rules promulgated thereunder.

(a) Example: As of January 1, 2012, the title records for the following motor vehicles will no longer be maintained due to the motor vehicles being exempt from titling by statute or rules promulgated thereunder:

1. Trailers more than twenty (20) model years which would include all 1991 and prior year model trailers.

2. Manufactured homes more than twenty (20) model years old which would include all 1991 and prior year manufactured homes.

3. Motor vehicles more than thirty-five (35) model years old which would include all 1976 and prior year model motor vehicles.

4. All low speed vehicles as ~~specified defined~~ in ~~paragraph section~~ (3) of this rule.

5. All motor-driven cycles as defined in section (4) of the rule (effective January 1, 2013).

Author: Mike Gamble

Authority: Sections 40-2A-7(a)(5), 32-8-3(b)(2), 32-20-3(b)(2) and 32-8-31(13), Code of Alabama 1975

History: New rule: Filed November 18, 2011, effective December 23, 2011.