

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENUE

Rule Nos. 810-5-1-441

Rule Title: Application for Apportioned Registration

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?

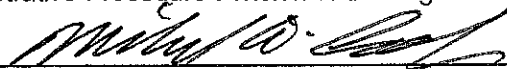
No

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 3/18/16

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-.441

Rule Title: Application for Apportioned Registration

 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:

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

810-5-9-.05	Credentials in Lieu of IFTA Decals
810-5-9-.06	Request for Additional IFTA Decals
810-5-9-.12	IFTA Replacement Decals
810-5-1-.460	Situations Where Registrants are to Return Apportioned Registration License Plates and/or Cab Cards.

INTENDED ACTION: Repeal rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the above rules because relevant information is being incorporated into other administrative rules.

RULE NO. & TITLE

810-5-9-.03	Application for IFTA License
-------------	------------------------------

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to clarify that IFTA license credentials can be submitted electronically and to direct the applicant to the IFTA website for required elements of the IFTA license application.

RULE NO. & TITLE

810-5-9-.01	International Fuel Tax Agreement
-------------	----------------------------------

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to direct registrants to the International Fuel Tax Agreement (IFTA) website to view IFTA governing documents.

RULE NO. & TITLE

810-5-9-.09	IFTA Decals
-------------	-------------

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to provide instructions to obtain IFTA Decals, including additional decals, replacements and temporary decal permits and also to clarify that requests can be submitted electronically.

RULE NO. & TITLE

810-5-1-.438 International Registration Plan

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to remove obsolete language and to provide that the IRP documents are available on the IRP website.

RULE NO. & TITLE

810-5-1-.440 Department of Revenue to Issue Apportioned License Plates

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to clarify that IRP applications can be submitted electronically and to provide instruction regarding the maximum weight for which a vehicle can be registered.

RULE NO. & TITLE

810-5-1-.441 Application for Apportioned Registration

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to provide instructions regarding application for IRP registration.

RULE NO. & TITLE

810-5-1-.454 Temporary Evidence of Apportioned Registration (TEAR)

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to provide guidance regarding the issuance of temporary evidence of apportioned registration (TEAR) and to clarify that applications can be submitted electronically.

RULE NO. & TITLE

810-5-1-.471 Alabama Registration Reciprocity Agreements

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to remove reference to the previous address of the Motor Vehicle Division.

RULE NO. & TITLE

810-5-1-.469 Suspension, Cancellation, and/or Revocation of Apportioned License Plates and Cab Cards

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to provide that appeals should now be made to the Alabama Tax Tribunal.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 2:30 p.m. on Thursday, May 19, 2016, Room 1203, First Floor, Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama. Copies of the rule(s) can be obtained at <http://revenue.alabama.gov/analysis/upcoming-rule-hearings.cfm>

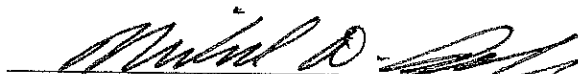
All interested parties may present their views in writing to the **Secretary of the Alabama Department of Revenue, Room 4131, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132** at any time following publication of the notice up until the conclusion of the hearing. Interested parties may also appear at the hearing to present their views.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, May 19, 2016

CONTACT PERSON AT AGENCY:

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



Michael D. Gamble, Secretary
Alabama Department of Revenue

0987APC.INT

810-5-1-.441 Applicant's Responsibility to Timely File Complete Application for Apportioned Registration.

- (1) The Commissioner of Revenue is aware that an applicant for apportioned registration cannot remit payment for apportionable fees until said fees have been determined by the Department of Revenue, therefore, the following procedures are adopted as a fair and equitable policy for the submission and payment of registration fees under the International Registration Plan (IRP).
- (2) It is the applicant's responsibility to properly complete all forms and to submit all documents necessary to register vehicles under ~~apportioned registration agreement~~ the IRP. If necessary information is missing from submitted applications, the application will be rejected as incomplete.
- (3) Applications rejected as incomplete will not be considered as received until completed and returned to the Department of Revenue.
- (4) Merely filing an ~~International Registration Plan~~ IRP application does not constitute authorization to operate an apportionable vehicle. It is necessary for the applicant to secure either permanent or temporary operating authorization before legally operating any relevant vehicle.
- (5) Upon receipt of the complete application, the Department of Revenue will compute registration fees based upon the date the vehicle was ~~purchased or leased~~ purchased, traded, exchanged or otherwise acquired. An ~~International Registration Plan~~ IRP billing notice will be prepared and provided to the applicant. In the event the date that the vehicle was delivered ~~delivery date~~ is later than the date of purchase or the acquisition date, the applicant shall attach ~~a sworn, notarized statement to the application giving the date of delivery~~ an affidavit of non-use in accordance with Administrative Rule 810-5-1-.244.
- (6) Payment for ~~International Registration Plan~~ IRP billings are due upon receipt and must be received by the Department of Revenue within ten (10) days of the billing date, except for the billings for apportioned license plate renewals. Payment for license plate renewal billings must be received by the expiration date of the registrant's assigned renewal month.
- (7) ~~Alabama law (§Section 32-6-65) and 40-12-260~~ requires that a penalty be assessed for the delinquent registration of a motor vehicle.
- (8) ~~Alabama law (§Section 40-1-44 2-10)~~ requires that interest on delinquent license tax and registration fees levied on motor vehicles shall be charged beginning after the period allowed for registration or renewal.
- (9) ~~International Registration Plan~~ IRP billings ~~should~~ must be paid using certified funds. Certified funds include, but are not limited to the following:
 - (a) Cashier's check;

- (b) Money order;
- (c) Certified bank check;
- (d) Credit card;
- (e) Debit card;
- (f) ~~Wire service instrument~~ Online payment (i.e. echeck, etc.); or
- (g) Cash. ~~Cash payments should only be made in person~~ (in person).

~~(10) — If personal or company checks are submitted for payment of apportioned registration fees, the license plates and cab cards will not be issued until thirty (30) days after the remittance has been deposited.~~

~~(11) — Personal or company checks will be accepted as payment for apportioned registration fees if the registrant has filed a surety bond with the Department of Revenue. The bond shall be in such form and amount as approved by the department, and shall be executed by a surety company licensed and duly authorized to do business in Alabama. Such bond shall be payable to the Alabama Department of Revenue.~~

Author: Sherry Helms

Authority: ~~§§Section~~ 40-2A-7(a)(5), and 32-6-56, ~~32-6-61, 32-6-65, 40-12-10 and 40-12-260~~), Code of Alabama 1975.

History: Amended: Filed June 30, 2006, effective August 4, 2006.