

APA-1
11/96

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENUE

Rule Nos. 810-8-5-.18

Rule Title: Bond Claim for Automotive Dismantler and Parts Recyclers

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 *Michael D. Gull*

Date 4/23/13

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

Control No. 810 Department or Agency REVENUE

Rule No: 810-8-5-.18

Rule Title: Bond Claim for Automotive Dismantler and Parts Recyclers

New Amend Repeal Adopt by Reference

- NO This rule has no economic impact.
 YES 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:

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**ALABAMA DEPARTMENT OF REVENUE
Business & License Tax Division**

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-8-5-.03 Fee for Costs Incurred in Providing Copies of Privilege/Regulatory License Records

INTENDED ACTION: Amend the above rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to correct the division's name and to include fees for costs incurred for requested license and buyer's identification card information. In addition, the department proposes to amend the title of the rule.

810-8-5-.17 Surety Bond for Automotive Dismantler and Parts Recyclers

INTENDED ACTION: Adopt new rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to adopt the above rule to establish the required information for dismantler surety bonds.

810-8-5-.18 Bond Claim for Automotive Dismantler and Parts Recyclers

INTENDED ACTION: Adopt new rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to adopt the above rule to establish procedures for filing a claim against an automotive dismantler's bond.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at **2:00 p.m. on Thursday, June 13, 2013, 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:

June 13, 2013

CONTACT PERSON AT AGENCY:

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



Michael D. Gamble, Secretary
Alabama Department of Revenue

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810-8-5-.18 Bond Claim for Automotive Dismantler and Parts Recyclers. **(NEW RULE)**

(1) PURPOSE: Section 40-12-414, Code of Alabama 1975, states that the bond shall be approved by the Commissioner of Revenue, payable to the State of Alabama, in favor of any person who shall recover any judgment for any loss as a result of any violation of the conditions of an automotive dismantler and parts recycler. This rule establishes the procedures to be followed for making a bond claim with the Commissioner.

(2) JUDGMENT REQUIRED: In order to make a bond claim, a claimant must first secure a final judgment from a court of competent jurisdiction.

(3) COLLECTION EFFORT: A person wishing to make a bond claim must exhaust all available remedies in attempting to collect the judgment, prior to making a bond claim with the Commissioner.

(4) REQUIRED DOCUMENTS: The following items must be submitted to the Commissioner in order for a bond claim to be processed:

(a) A complaint relating to the violation of any provisions of law relating to the conduct of the business of an automotive dismantler and parts recycler.

(b) A final judgment relating to the complaint in item (a) above. The judge rendering such must sign the judgment. No certificate or any other document that is not signed by the judge will be accepted.

(c) A description of efforts made to enforce the judgment; along with a statement of all amounts recovered, or a statement that no amount has been recovered.

(5) CLAIM PROCEDURES: The following procedures will be followed when processing bond claims:

(a) Upon receipt and review of the required documents, the Department will determine if the automotive dismantler and parts recycler has in fact violated the provisions of Title 40, Chapter 12, Article 9, as evidenced by the documents presented.

(b) If additional information is required, the plaintiff will be contacted.

(c) Upon receipt of the properly completed documentation, the Department shall file a claim with the surety company of record. The maximum amount of the claim filed cannot exceed the value of the bond.

(d) Upon receipt of the claim, the surety company has 30 days to remit the payment or request an extension to further investigate the claim.

(e) The surety company may request additional information from the plaintiff to substantiate the claim.

(f) Upon determination that the claim is valid, the surety company shall remit payment to the Alabama Department of Revenue.

(g) The Department shall endorse the check from the surety company and mail it to the plaintiff.

(h) If the surety company fails to respond by the deadline, a claim may be forwarded to the Department's Legal Division for further action.

Author: Alisa G. Johnson

Authority: Sections 40-2A-7(a)5 and Title 40, Chapter 12, Article 9, Code of Alabama 1975

History: