

APA-2
11/96

ALABAMA DEPARTMENT OF REVENUE
Motor Vehicle Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-5-1-.204 Placement of Motor Vehicle License Tags on Certain Motor Vehicles

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to allow the placement of license plates on the front of a truck or truck-tractor when a license plate cannot be displayed on the rear of the vehicle. In addition, the rule is being amended to remove obsolete language.

RULE NO. & TITLE

810-5-1-.205 Temporary Tags - Authorized Uses

INTENDED ACTION: Repeal an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the above rule due to the fact that the provisions of the rule is included in administrative rules 810-5-1-.227 and 810-5-1-.228.

RULE NO. & TITLE

810-5-1-.224 Fee Requirement for Certain Special Tags

INTENDED ACTION: Repeal an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the above rule due to the fact that the provisions of the existing rule is included in other administrative rules as well as the Code of Alabama 1975.

RULE NO. & TITLE

810-5-1-.227 The Issuance of Temporary License Tags/Registration Certificates by Dealers or Manufacturers of Mobile Homes, Trailer Coaches, Travel Trailers or House Trailers, and by Dealers Appointed by the

Department of Revenue as Designated Agents (Other than Probate Judges).

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to include the provisions of administrative rule 810-5-1-.227.05, which is being repealed. In addition, the department proposes to amend the title of the rule.

RULE NO. & TITLE

810-5-1-.227.05 Financial Institutions Issuance of Temporary License Tags/Registration Certificates

INTENDED ACTION: Repeal an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the above rule due to the fact that the provisions of the rule has been added to administrative rule 810-5-1-.227.

RULE NO. & TITLE

810-5-1-.228 The Issuance of Temporary License Tags/Registration Certificates by the Judge of Probate or Other County Official Authorized to Issue Motor Vehicle License Tags.

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes amend the above rule to include temporary tag receipt requirements.

RULE NO. & TITLE

810-5-1-.240 Permanent Trailer License Plates

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes amend the above rule to remove obsolete language and to allow licensing officials to revoke a permanent trailer registration in the local and state registration databases when the permanent trailer license plate is surrendered, in lieu of submitting a form to the department.

RULE NO. & TITLE

810-5-1-.400 Performance and Registration Information Systems Management (PRISM) Program Adopted in Alabama

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes amend the above rule to reflect changes that were made to the Performance & Registration Information Systems Management (PRISM) Program.

RULE NO. & TITLE

810-5-75-.31.02 Abandoned Motor Vehicle Record Request (Form MVT 32-13).

INTENDED ACTION: Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes amend the above rule to allow an authorized representative of a person or firm in possession of an abandoned motor vehicle to provide written notice to the current owner, secured parties and lienholder regarding the planned sale of the vehicle. In addition, this rule is further amended to allow an Abandoned Motor Vehicle Record Request (MVT 32-13) to be submitted electronically through a service provider authorized by the department to provide motor vehicle records for this purpose.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 2:00 p.m. on Wednesday, June 11, 2014, Room 1203, First Floor, 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.

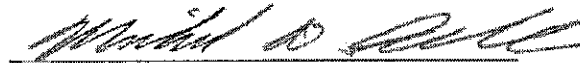
All interested parties may present their views in writing to the Secretary of the Alabama Department of Revenue, Room 4131, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132 at any time during the thirty-five (35) day period following publication of the notice or by appearing at the hearing.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, June 11, 2014

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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810-5-1-.228 The Issuance of Temporary License Tags/ and Registration Certificates by the Judge of Probate or Other County Official Authorized to Issue Motor Vehicle License Tags License Plate Issuing Officials.

(1) For the purposes of this regulation "~~Judge of Probate~~" License Plate Issuing Official shall be deemed to include any ~~county~~-official authorized and required by law to issue motor vehicle license tags.

(2) Each ~~Judge of Probate~~ License Plate Issuing Official, upon request to the Department of Revenue, Motor Vehicle Division, shall ~~be shipped~~ provide a supply of temporary tags and registration certificates for issuance in accordance with the provisions of ~~Act 79-847~~ Section 32-6-213, Code of Alabama 1975.

(3) ~~Judges of Probate~~ License Plate Issuing Officials are not required to pay for temporary tags in advance, but are to remit the sum of \$1.50 for each temporary tag issued to the Department of Revenue, Motor Vehicle Division. The balance of the \$2.25 fee collected for each temporary tag is to be distributed in accordance with the provisions of Section 32-6-215.

(4) Under the provisions of Section 32-6-213, Code of Alabama 1975, ~~Judges of Probate~~ License Plate Issuing Officials are authorized "to issue a temporary license tag and a temporary registration certificate to the owner of a motor vehicle to be licensed in this state when, due to circumstances, a permanent license tag cannot immediately be issued or when, in the judgment of the ~~Probate Judge~~ License Plate Issuing Official... just cause exists for the issuance of such temporary license tag and registration certificate." With regard to this section, "just cause" has been determined by the Commissioner of Revenue to exist in -- but not limited to -- the following instances:

(a) when the purchaser of a motor vehicle does not receive from the selling individual, dealer, or firm the certificate of title or other documents necessary for application for title or for proof of ownership for a non-titled vehicle;

(b) when the ~~seller of a~~ Alabama motor vehicle dealer delays in furnishing the buyer with an owner's permit copy of an application for title.

(5) "Just cause" according to Section 32-6-213 does not exist when, in the judgment of the ~~Judge of Probate~~ License Plate Issuing Official, the applicant for temporary registration is resorting to that measure in an effort to avoid remission of regular registration fees, casual sales tax, or ad valorem tax in full.

(6) On temporary registration receipts issued for trucks or truck tractors weighing twelve thousand and one (12,001) pounds or more, ~~Judges of Probate~~ License Plate Issuing Officials shall affix the notation "UNLADEN WEIGHT ONLY." Law enforcement agencies shall consider the operation of a truck or truck tractor with a temporary Alabama license plate/registration at a weight exceeding the unladen (empty) weight of that truck or truck tractor plus the weight of the passengers and their personal luggage

as operation without a valid license plate/registration; anyone convicted of such a violation shall be subject to sanctions under Section 32-6-219, Code of Alabama 1975.

(7) The License Plate Issuing Official, in issuing the temporary tag, must print the following information on the Temporary Tag Receipt, Form MVR: 32-6-211: the temporary tag number, the vehicle owner and the owner's address, the vehicle make, vehicle identification number, model year, type vehicle, date issued, the License Plate Issuing Official's name and by whom the tag and receipt were issued. Any erasures or other alterations of the required information on the Temporary Tag Receipt will render the document void.

(7)(8) Each Judge of Probate License Plate Issuing Official, upon issuance of a temporary tag, shall forward the original copy of the registration certificate information in subsection (7) to the Department of Revenue, Motor Vehicle Division, "by the close of business the next business day" in accordance with Section 40-12-258, Code of Alabama 1975.

(9) The Temporary Tag Receipt shall be retained within the motor vehicle to which the temporary tag was issued for the time period that the temporary tag is valid.

(8)(10) Probate Judges License Plate Issuing Officials will be held accountable for temporary tags and registration receipts assigned to and received by them. If any temporary tags assigned to and acknowledged as received by a Probate Judge License Plate Issuing Official are determined to be missing, the required registration fees for said tags must be remitted as required by Section 32-6-215.

(9)(11) Probate Judges License Plate Issuing Officials, in issuing temporary tags, shall print, in ink, on the temporary tag itself complete information as to expiration date, vehicle ownership, make, model, year, vehicle identification numbers, issuing official's signature and name and date of issuance. Any erasures or other alterations of the information required on a temporary tag or registration receipt will render it void, and of no value to the person or vehicle described thereon.

(40)(12) Each temporary tag is to be displayed by its purchaser in the rear window of the vehicle for which it was purchased. If secured for a commercial vehicle or a vehicle lacking a rear window, the temporary tag is to be posted in a location conspicuous to law enforcement officers, for example, in the normal tag frame for a mobile home.

(14)(13) A Judge of Probate License Plate Issuing Official, in his/her discretion, may, at one time, issue up to three (3) temporary license plates to one vehicle owner/lessee for one motor vehicle. In so doing, the Probate Judge License Plate Issuing Official shall indicate the beginning and ending effective dates on each of the temporary license plates issued.

Author: James Starling Johnny L. Newman

Authority: Sections 40-2A-7(a)(5), 32-6-56, 32-6-213, 40-12-263, and
32-6-218, Code of Alabama 1975

History: Adopted September 7, 1983.
Amended December 20, 1988.
Amended: Filed November 23, 1994, effective December 28, 1994.