TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVEN	IUE	
Rule Nos. 810-5-1227.03		
Rule Title: <u>Dealer/Manufacturer License Plate Violat</u>	ions, Penalties	
New;Amend;XX _Repeal;Adop		· · · · · · · · · · · · · · · · · · ·
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 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 note prepared in accordance with subsection (f) of Section ***********************************		ompanied by a fiscal a 1975.
I certify that the attached proposed rule has been proposed Chapter 22, Title 41, Code of Alabama 1975 and that it could be the Administrative Procedure Division of the Legislative Ref	ed in full compliance with onforms to all applicable fil erence Service.	the requirements of ling requirements of
Signature of certifying officer		
Date 8/19/11		<u> </u>

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

	(======================================	
Co	ontrol No. 810 Department or Agency REVENUE	
Ru	lle No: 810-5-1227.03	
Rule Title: Dealer/Manufacturer License Plate Violations, Penalties.		
·	NewAmendXXRepealAdopt by Reference	
Χ	This rule has no economic impact.	
	This rule has an economic impact, as explained below:	
1.	NEED/EXPECTED BENEFIT OF RULE: Rule is unnecessary due to Act 2011-554.	
2.	COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: n/a	
3.	EFFECT OF THIS RULE ON COMPETITION: n/a	
4.	EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: n/a	
5.	EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: n/a	
6.	SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE: n/a	
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: n/a	
8.	UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: n/a	

- 9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: n/a
- 10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: n/a
- 11. OTHER COMMENTS:

ALABAMA DEPARTMENT OF REVENUE Motor Vehicle Division

NOTICE OF INTENDED ACTION

RULE NO. & TITLE:

810-5-1-.211

Motor Vehicle Registration Delinquency Penalty and Interest Charges

INTENDED ACTION:

Amend an existing rule

<u>SUBSTANCE OF PROPOSED ACTION:</u> The department proposes to amend an existing rule to reflect changes to Section 40-12-264, <u>Code of Alabama 1975</u>, which creates a dealer transit license plate.

RULE NO. & TITLE:

810-5-1-.244

Proration of Motor Vehicle Registration Fees

INTENDED ACTION:

Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend an existing rule to reflect the provisions of Section 40-12-264, Code of Alabama 1975, which prohibits the proration of dealer license plate registration fees.

RULE NO. & TITLE:

810-5-1-.468

Refunds of Motor Vehicle Registration Fees

INTENDED ACTION:

Amend an existing rule

<u>SUBSTANCE OF PROPOSED ACTION:</u> The department proposes to amend an existing rule to reflect the provisions of Section 40-12-264, <u>Code of Alabama 1975</u>, which prohibit refunds of registration fees paid for dealer transit license plates.

RULE NO. & TITLE:

810-5-1-.227.03

Dealer/Manufacturer License Plate Violations, Penalties

INTENDED ACTION:

Repeal an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the above rule due to the passage of Act 2011-554, which provides dealer license plate violations and penalties.

RULE NO. & TITLE:

810-5-1-.482

Classification Codes for License Plates

INTENDED ACTION:

Repeal an existing rule

SUBSTANCE OF PROPOSED ACTION: the fact that an administrative rule that simply reflects the creation of each new license plate classification The department proposes to repeal the above rule due to

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m. on Wednesday, October 12, 2011, 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

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, October 12, 2011

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

0860APC.INT

810-5-1-.227.03 <u>Dealer/Manufacturer License Plate Violations, Penalties.</u> (REPEALED)

- (1) Any person who willfully uses a dealer or manufacturer license plate in violation of subsection 1" of Section 40-12-264, Code of Alabama 1975, as amended, shall be subject to an Alabama Department of Revenue imposed penalty of not less than one hundred dollars (\$100), and not more than three hundred dollars (\$300) for
- (2) Violations of the use of dealer and manufacturer license plates include, but are not limited to the following:
 - (a) Use of dealer or manufacturer license plates on rental or lease vehicles.
 - (b) Use of dealer or manufacturer license plates on tow trucks and wreckers.
 - (c) Use of dealer or manufacturer license plates on service vehicles.
- Use of dealer license plates on vehicles which are not in the vehicle inventory of the dealership, or that are not being used in a high school driver education
- (e) Use of the dealer or manufacturer license plates on vehicles not owned by (including dealership/manufacturer); provided, that a dealer license plate may be used on a vehicle in cases where the vehicle owner enters into a consignment sales contract with
- (3) This penalty shall be applied so that it increases in severity with second and third offenses. For the first offense, the penalty shall be \$100. For the second offense, the penalty shall be \$200. For the third offense, the penalty shall be \$300. For the fourth and subsequent offenses the penalty shall be \$300.
- (4) Anyone to whom the Department levies a penalty under this section may appeal the levy to the Administrative Law Division as provided under Section 40-2A-9.

Author:

Johnny Newman

Authority:

Section 40-12-264, Code of Alabama 1975

History:

New rule filed September 30, 1997, effective date November 4, 1997.