

APA-1

Transmittal Sheet For Notice Of Intended Action

Control: 810

Department or Agency: Revenue

Rule Nos: 810-5-1-.234

Rule Title: Personalized License Plates

New; Amended; Repealed; Adopt by Reference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 result from the absence of the proposed rule? N/A


Are all the 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 08/15/2016

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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-.234

Rule Title: Personalized License Plates

 New X 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
Motor Vehicle Division**

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-5-1-.234 Personalized License Plates

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to update personalized license plate procedures and to provide appeal rights for denial of objectionable personalized messages.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 1:30 p.m. on Thursday, October 6, 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://www.revenue.alabama.gov/analysis/rules.cfm>.

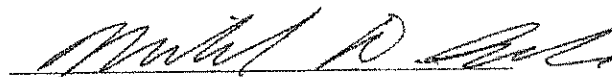
All interested parties may present their views in writing to the **Secretary of the Alabama Department of Revenue, Room 4131, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132** at any time following publication of the notice up until the conclusion of the hearing. Interested parties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

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, October 6, 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

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810-5-1-.234. ~~Transferring Personalized And Collegiate License Plates; Procedures For Issuance Of A Combined Personalized/Collegiate License Plate And Departmental Responsibilities Therein; Providing For Replacement Tags.~~

(1) An Alabama resident may obtain a personalized license plate by:

(a) Making application for said plate through the license plate issuing official of his/her county of residency.

(b) Obtaining approval by the Department of the requested license plate message through the license plate issuing official's office of his/her county of residency.

(c) Paying any additional fees provided by law, plus any standard fees due.

(d) Upon approval, the personalized license plate will be manufactured and shipped to the registrant.

(2) In accordance with Section 32-6-64, Code of Alabama 1975, the design of license plates, including all emblems, slogans, symbols, or characters appearing on the plates, shall be by rule as promulgated by the Commissioner of Revenue, and as otherwise specified by law. Therefore, no license plate may be manufactured and issued which contains objectionable language or symbols which are considered by the Department to be offensive to the peace and dignity of the State of Alabama.

~~(1)(3)~~ A person to whom a personalized ~~or collegiate~~ license plate has been issued pursuant to §§ 32-6-150, et seq., may elect to surrender said license plate to the Judge of Probate ~~or other~~ license plate issuing official and request either a standard license plate or a distinctive license plate. The issuing official may reissue the ~~surrendered~~ personalized license plate message to another person upon receipt of a letter from the message holder immediately releasing the message and collection of ~~upon collecting~~ the additional fee plus any standard fees due. ~~The issuing official must inform the Department of Revenue by telephone of the reissuance. If the registration for a personalized license plate is not renewed for two (2) consecutive license years, the personalized license plate message may be assigned to another registrant.~~

~~(2)(4)~~ In accordance with Section 32-6-154, Code of Alabama 1975, the following type situations, personalized ~~or collegiate~~ license plates may only be transferred in the following situations registrants will not be required to pay the additional fee upon the transfer of the license plate:

~~(a) In situations where~~ When the vehicle is individually owned and the owner acquires a new vehicle ~~which is to be titled;~~

- ~~1. both to the registrant and his/her spouse, or~~
- ~~2. which is titled in the name of the registrant and to another individual.~~

(b) ~~In cases where~~When there is joint ownership of a vehicle, and the ownership of that vehicle (or a newly acquired vehicle) changes to individual ownership by one of the original vehicle owners parties.

(c) ~~In cases where~~When a vehicle owner trades for another vehicle which is subsequently to be titled in the name of a business which is a single sole proprietorship owned by the original of the vehicle owner.

(d) When the vehicle and license plate are transferred to a spouse or child.

~~(3)(5)~~ The term "pleasure motor vehicle", as used in § Sections 32-6-150, as amended, and § 32-6-130, Code of Alabama 1975 as amended, shall include those type vehicles commonly known as "motor homes," but shall not include motorcycles or non-self-propelled vehicles.

~~(4) In accordance with Act 88-127, a four-year college or university electing to participate in the collegiate license plate program may authorize the Department of Revenue, in writing to issue a combination personalized collegiate license plate. This type of license plate, hereafter referred to as a prestige license plate, will be issued through the county license plate issuing officials upon payment of the additional fee provided under Act 88-127 or subsequent legislation.~~

~~(5) Those four-year colleges or universities authorizing the issuance of a prestige license plate will pay for the manufacturing costs of producing the prestige license plates as determined by the Board of Corrections as provided by Act 88-127. Subsequently the Department of Revenue will bill the participating schools on a monthly basis for the number of prestige license plates ordered to be manufactured.~~

(6) The maximum number of alphanumeric characters permitted on a personalized, ~~collegiate or prestige~~ license plate shall be seven (7), and may be further limited so that alphanumeric characters on a prestige license plate shall not obscure the approved design. Provided, however, that the The Department of Revenue shall reject requests that will result in duplication of a personalized, ~~collegiate or prestige~~ license plate message as provided under Section 32-6-153, Code of Alabama 1975.

(7) Anyone who has ~~either~~ a personalized, ~~collegiate or prestige~~ license plate may elect to change to another ~~personalized, collegiate or prestige~~ license plate category with the same personalized message. If so, the registrant will be required to pay the additional fee as provided under Section §32-6-150, Code of Alabama 1975 as amended, and surrender the current license plate if not expired.

~~(8) An Alabama resident may obtain a personalized or prestige license plate by:~~

~~(a) Making application for said plate through the Judge of Probate or other license plate issuing official of his/her county or residency.~~

~~(b) Obtaining approval by the Department of Revenue of the requested license plate.~~

~~(c) Paying the additional fee provided under '32-6-150, as amended, plus any standard fees due.~~

~~(9)(8) The county license plate issuing official will issue, without charge, a sixty (60) day temporary license plate which shall be displayed until the requested license plate is received.~~

~~(10) In the event a personalized, collegiate or prestige license plate is lost, stolen, damaged or, becomes mutilated, the owner shall make application for replacement and pay the fee required by law for said replacement license plate. The Department of Revenue shall have manufactured a duplicate of the original for shipment to the registrant. In cases of mutilation, the original license plate is must be surrendered to the county license plate issuing official.~~

(9) The license plate issuing official may reissue a personalized license plate that has been revoked upon collecting the standard fee and additional fee as provided under Section 32-6-150, Code of Alabama 1975.

(10) If a personalized license plate message is rejected by the Department, the applicant may submit a request for review in writing to the Department. The denial or revocation of a personalized license plate message by the Department may be appealed by filing a notice of appeal with the Alabama Tax Tribunal pursuant to Section 40-2A-8, Code of Alabama 1975.

Author: Johnny L. Newman and Jay Starling.
Authority: Sections 40-2A-7(a)(5) and 32-6-151, Code of Alabama 1975.
History: Filed January 13, 1989, effective March 29, 1989.