

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENUE

Rule Nos. 810-5-1-400

Rule Title: Performance and Registration Information Systems Management (PRISM) Program Adopted in Alabama

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 1/20/16

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-.400

Rule Title: Performance and Registration Information Systems Management (PRISM) Program
Adopted in Alabama.

_____ 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

810-5-1-.215 Vintage Vehicle License Plates

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to offer clarification regarding the issuance of vintage vehicle license plates.

RULE NO. & TITLE

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

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to provide that registrants may now appeal to the Alabama Tax Tribunal.

RULE NO. & TITLE

810-5-1-.226 Department Requirements for Accurate Registration Information

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to clarify requirements for licensing officials regarding submission of registration records to the department.

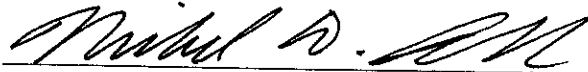
TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at **2:30 p.m. on Thursday, March 10, 2016, Room 1203, First Floor**, Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama. Copies of the rule(s) can be obtained at <http://revenue.alabama.gov/analysis/upcoming-rule-hearings.cfm>

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 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:
Thursday, March 10, 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-.400 Performance and Registration Information Systems Management (PRISM) Program Adopted in Alabama.

(1) On June 16, 2003, the Department of Revenue, in cooperation with the Department of Public Safety, entered into an agreement with the Federal Motor Carrier Safety Administration to administer the joint federal/state program known as the Performance and Registration Information Systems Management (PRISM) to promote motor carrier safety.

(2) The Department, in administering the International Registration Plan (IRP), shall not issue or transfer motor vehicle registrations and license plates for commercial motor vehicles to any motor carrier or vehicle owner who has been prohibited from operating by a federal and/or state agency responsible for motor carrier safety.

(3) The Department, with notice, shall suspend or revoke the registrations and license plates for commercial motor vehicles, issued to any motor carrier or vehicle owner who has been prohibited from operating by a federal or state agency responsible for motor carrier safety.

(4) The Department shall reject applications for commercial motor vehicles registrations if the U.S. Department of Transportation Number (USDOT#) and/or Taxpayer Identification Number (TIN) of the motor carrier and of the entity responsible for motor carrier safety for each vehicle is not provided, or if the submitted information does not match information from the federal or state agency responsible for motor carrier safety records. Anyone providing false or fraudulent information herein required may be subject to suspension or revocation of his or her motor vehicle registrations and license plates.

(5) A motor carrier or vehicle owner(s) registering a commercial motor vehicle in Alabama ~~under the International Registration Plan~~ shall submit the documents shown below, as required:-;

(a) Documentation as to who is responsible for the safety fitness of the fleet(s) or vehicle(s) being registered (i.e. operational lease agreement);

(b) The ~~U.S. Department of Transportation Number (USDOT#)~~ of the motor carrier and of the fleet or vehicle owner(s) if different from the motor carrier;

(c) The ~~Taxpayer Identification Number (TIN)~~ of the motor carrier and of the owner(s) of the fleet or vehicle(s) being registered;

(d) Such other information as required, or may be hereinafter required, by the Department or federal agency or state agency responsible for motor carrier safety.

(e) The Department shall indicate on the motor vehicle registration database the suspended or revoked status of commercial motor vehicle registrations.

(f) The terms “commercial motor vehicle,” “commerce” and “motor carrier” as used in this regulation shall be as defined in both Section 32-9A-1, Code of Alabama 1975, and the Federal Motor Carrier Safety Regulations found in 49CFR Part 390.5, as currently defined, or hereinafter defined.

(6) Any motor carrier who is denied registration pursuant to Alabama’s participation in the PRISM program through this rule, or whose registration(s) are suspended or revoked pursuant to this rule may appeal to the ~~Administrative Law Judge~~ Alabama Tax Tribunal pursuant to Section 40-2A-8, Code of Alabama 1975. Provided, during the appeal process, the Department may not issue or transfer registrations to a motor carrier who has been prohibited from operating by a federal/state agency, and, during the appeal process, any registrations previously issued by the Department shall be suspended or revoked.

Author: ~~Tyies-Fleeting~~ Sherry Helms
Authority: Sections 40-2A-7(a)(5) and 32-6-56, Code of Alabama 1975.
History: Adopted September 28, 1982.
Amended September 28, 1983.
Repealed: Filed June 27, 2001, effective August 1, 2001.
New Rule: Filed November 4, 2003, effective December 9, 2003.
Amended: Filed August 27, 2014, effective October 1, 2014.