

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENUE

Rule Nos. 810-5-8-.08

Rule Title: Refunds of Mandatory Liability Insurance (MLI) Reinstatement Fees

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

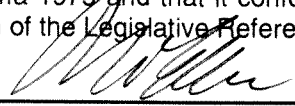
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

\*\*\*\*\*  
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.

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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 7/20/12

APA-6  
10/96

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

Control No. 810 Department or Agency REVENUE

Rule No: 810-5-8-.08

Rule Title: Refunds of Mandatory Liability Insurance (MLI) Reinstatement Fees

           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:

**ALABAMA DEPARTMENT OF REVENUE  
Motor Vehicle Division**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE**

810-5-1-.230            The Sale of License Plates for Truck Tractors Limited to Travel within 15 Miles of its Domiciled Corporate Limits

**INTENDED ACTION:**        Amend an existing rule

**SUBSTANCE OF PROPOSED ACTION:**    The department proposes to amend the above rule to provide procedures regarding the issuance of license plates to truck-tractors and tractors operated by certified motor carriers within 15 miles of the incorporated municipality in which the vehicle is domiciled. The rule is being amended to allow a truck-tractor and tractor displaying this restricted license plate to operate at the unladen weight of the vehicle with a temporary tag when the vehicle is being transferred from one incorporated municipality to another incorporated municipality. The temporary tag will be obtained prior to operation and shall be issued by the county license plate issuing official of the county in which the vehicle is presently domiciled. In addition, the department proposes to modify the title of the rule.

**RULE NO. & TITLE**

810-5-1-.247            Guidelines for Vehicle Identification Number (VIN) Inspections

**INTENDED ACTION:**        Amend an existing rule

**SUBSTANCE OF PROPOSED ACTION:**    The department proposes to amend the above rule to include the provision that utility trailers are not required to be inspected by license plate issuing officials prior to registration. In addition, the department proposes to modify the title of the rule.

**RULE NO. & TITLE**

810-5-8-.08            Refunds of Mandatory Liability Insurance (MLI) Reinstatement Fees

**INTENDED ACTION:**        Amend an existing rule

**SUBSTANCE OF PROPOSED ACTION:**    The purpose of the above amendment is to change a code reference cited in the rule to conform to the provisions of Act 2011-688.

**RULE NO. & TITLE**

810-5-8-.09 Identification Numbers

**INTENDED ACTION:** Adopt a new rule

**SUBSTANCE OF PROPOSED ACTION:** The department proposes to adopt the above new rule which will provide for department assigned identification numbers for vehicle registrants who are unable to provide a valid, unexpired driver's license or an identification card number.

**RULE NO. & TITLE**

810-5-75-.27 TITLE PROCEDURE - First Title For Vehicles Reconstructed With Glider Kits For A Vehicle To Be Titled That Has Been Reconstructed With A Glider Kit, The Glider Kit Must Be Designated By The Manufacturer On The Manufacturer's Certificate Of Origin A 1975 Or Subsequent Year Model. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

**INTENDED ACTION:** Amend an existing rule

**SUBSTANCE OF PROPOSED ACTION:** The department proposes to amend the above rule to clarify the procedures for obtaining first title for a vehicle assembled with a glider kit. In addition, the department proposes to modify the title of the rule.

**RULE NO. & TITLE**

810-5-75-.41 Dealer Required To Title Vehicle - Title Application Submitted to Department and is Returned to Dealer Because Transfer of Vehicle was not Consummated. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

**INTENDED ACTION:** Repeal an existing rule

**SUBSTANCE OF PROPOSED ACTION:** The department proposes to repeal the above rule because the requirement is no longer necessary due to the ability to track ownership electronically through the electronic title application processing system (ETAPS).

**RULE NO. & TITLE**

810-5-75-.48 Title Procedures - Defining "Junk", "Parts Only" and "Scrap" Vehicles and Requiring Notice

**INTENDED ACTION:** Amend an existing rule

**SUBSTANCE OF PROPOSED ACTION:** The department proposes to amend the above rule which clarifies the procedures for reporting the transfer of a motor vehicle for the purpose of dismantling or recycling it into metallic scrap.

**RULE NO. & TITLE**

810-5-75-.68 Title Procedure –Exemptions from Titling

**INTENDED ACTION:** Amend an existing rule

**SUBSTANCE OF PROPOSED ACTION:** The department proposes to amend the above rule which provides exemptions from titling motor vehicles and clarifies exemptions from titling manufactured homes.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** A public hearing will be held at 10:00 a.m. on Wednesday, September 12, 2012, 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](http://www.revenue.alabama.gov/rulehear.html).

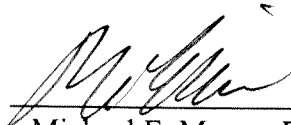
All interested parties may present their views in writing to the **Deputy Commissioner of the Alabama Department of Revenue, Room 4112, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132** at any time during the thirty-five (35) day period following publication of the notice or by appearing at the hearing.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

Wednesday, September 12, 2012

**CONTACT PERSON AT AGENCY:**

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

  
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Michael E. Mason, Deputy Commissioner  
Alabama Department of Revenue

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810-5-8-.08 Refunds of Mandatory Liability Insurance (MLI) Reinstatement Fees.

(1) Section 32-7A-~~9(h)~~**12(h)**, Code of Alabama 1975, states "Refunds of reinstatement fees, less the retained fees, shall be granted in cases of duplicate payment, or as approved by the department. Anyone who is denied a refund of the reinstatement fee may appeal the denial to the administrative law judge pursuant to **Section §40-2A-7**, Code of Alabama 1975."

(2) Anyone seeking the refund of reinstatement fees paid shall complete a Petition for Refund of Mandatory Liability Insurance (MLI) Reinstatement Fees (Form MV-MLI-008) and submit the form to the Department for processing. In completing the form, detail must be provided as to the reason the requester believes that he/she is entitled to the refund and any supporting evidence must be provided (for example, provide copies of two separate remittances for the reinstatement of the same vehicle).

(3) The Department shall deny requests for refunds of reinstatement fees if the reinstatement fee was due for the verification date, **and then the following occurs:**

- ~~(a) The vehicle has been sold.~~
- ~~(b) The vehicle's ownership was changed to another entity, such as a corporation or one's spouse or dependent, and the vehicle is now covered by liability insurance.~~
- ~~(c) The vehicle has been moved to a location outside Alabama, and is now registered in another jurisdiction.~~
- ~~(d) The vehicle has been wrecked and totaled, is junked, or is placed into storage.~~
- ~~(e) The petitioner, after having paid the reinstatement fee, and after having provided proof of insurance, is subsequently canceled by his/her insurance company and thus is not able to legally operate the vehicle.~~
- ~~(f) Other situations where reinstatement fees were paid for an uninsured, suspended vehicle registration.~~

(4) If the Department denies the refund request, the petitioner shall be informed in writing of the denial. The petitioner may then appeal the denial to the Administrative Law Judge pursuant to **Section §40-2A-7**.

Author: Sherry Helms  
Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)  
History: Adopted through APA March 22, 2001, effective April 26, 2001.  
Amended: Filed May 6, 2011, effective June 10, 2011.