TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVENU	JE	
Rule Nos. 810-8-504		
Rule Title: Investigation Procedures for Open Assign	ment of Title	
New;Amend;XXRepeal;Adopt b	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	
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Does the proposed rule have any economic impact?	No	
If the proposed rule has an economic impact, the propos note prepared in accordance with subsection (f) of Section	ed rule is required to be acon 41-22-23, Code of Alaba	ccompanied by a fiscal ma 1975.
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Certification of Authorized Official		
I certify that the attached proposed rule has been prop Chapter 22, Title 41, Code of Alabama 1975 and that it the Administrative Procedure Division of the Legislative F	conforms to all applicable	th the requirements of filing requirements of
Signature of certifying officer		
Date $\frac{5/21/12}{}$		

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

Control No	. 810	Department or	Agency	REVENU	<u>JE</u>			
Rule No:	810-8-50	4						
Rule Title:	Investig	ation Procedures fo	r Open A	ssignment of 1	Title .			
	New	Amend	X	_Repeal		Adopt by F	Reference	
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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

810-5-12-.04

Investigation Procedures for Open Assignment of Title

INTENDED ACTION:

Adopt a new rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to promulgate the above rule to provide the investigative procedures and penalties for open title assignments.

RULE NO. & TITLE

810-8-5-.04

Investigation Procedures for Open Assignment of Title

INTENDED ACTION:

Repeal an existing rule

<u>SUBSTANCE OF PROPOSED ACTION:</u> The department proposes to repeal the above rule due to the fact that it is being superseded by proposed New Rule 810-5-12-.04.

RULE NO. & TITLE

810-5-1-.217

License Plate Design Specifications

INTENDED ACTION:

Adopt a new rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to promulgate the above rule to provide specifications on license plate designs.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 2:00 p.m. on Wednesday, July 11, 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.

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, July 11, 2012

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

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810-8-5-.04 Investigation Procedures for Open Assignment of Title. (REPEALED)

- (1) An open title is defined in Section 40-12-396(b)(3), <u>Code of Alabama 1975</u>, as "...accepting open assignment of title and/or bill of sale for a motor vehicle which is not completed by identifying said licensee as the purchaser or assignee of the motor vehicle." The following procedures will be utilized when it is determined a licensed motor vehicle dealer is accepting open titles in violation of the code.
- (2) A Notice of Statutory Non-Compliance will be issued giving the taxpayer ten calendar days from the date of the notice to comply.
- (a) A list of all open title(s) will be made reflecting the issuing state, title number, vehicle identification number, make a model of the vehicle, and other information as deemed necessary.
 - (b) A copy of the front and back of each open title will be obtained.
- (3) Revisit the licensed motor vehicle dealer after the expiration of the ten calendar day period. If the dealer is then in compliance, no further action will be pursued. However, if the dealer is found to still be in possession of open title(s), an investigation report will be delivered to the Manager of the License Section for evaluation. Based upon the findings, the dealer may be assessed a \$1,000 penalty for willful failure to comply under Section 40-12-29, Code of Alabama 1975. An action to revoke the licensed motor vehicle dealer's license may be initiated.
- (4) Should a dealer previously given a Notice of Statutory Non-Compliance be in possession of open titles(s) in the future, a Notice of Statutory Non-Compliance will be issued to the licensed motor vehicle dealer to take effect upon date of the notice. This offense shall be considered willful failure to comply and a \$1,000 penalty will be assessed under Section 40-12-29. An action to revoke the licensed motor vehicle dealer's license may also be initiated.
- (5) The motor vehicle dealer will be provided a copy of his appeal rights under Section 40-2A-8, Code of Alabama 1975, when action to revoke his license is taken.

Author:

Mike Gamble

Authority:

Sections 40-2A-7(a)(5, 40-12-29, and 40-12-396, Code of Alabama 1975.

History:

Adopted through APA effective November 19, 1998.