TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 810 Department or Agency REVEN	UE	
Rule Nos. 810-5-7552		
Rule Title: Designated Agent-Dealer, Financial Instit	tution and Pawnshop Ap	pointments
New; _XX _Amend;Repeal;Adopt	t 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?	<u>No</u>	
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 propose note prepared in accordance with subsection (f) of Sectio	ed rule is required to be a on 41-22-23, <u>Code of Alaba</u>	ccompanied by a fiscal ama 1975.

Certification of Authorized Official	· ~ ~ ~ ~ ~ ~ ~ ~ ~ * * * * * * * * * *	*********
certify that the attached proposed rule has been proposed fullenable. Chapter 22, Title 41, Code of Alabama 1975 and that it he Administrative Procedure Division of the Legislative R	osed in full compliance wi conforms to all applicable Reference Service.	th the requirements of filing requirements of
Signature of certifying officer	1	
Date		

APA-6 10/96

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

Control N	o. <u>810</u>	Department or Ag	ency <u>REVENUE</u>	<u> </u>	
Rule No:	810-5-75	52			
Rule Title Company A	: Designa appointments	ted Agent - Dealer, Fin	nancial Institution, and	l Pawnshop and Insurance	
	_New	Amend	Repeal	Adopt by Reference	
● NO ○ YES	This rule This rule	e has no economic e has an economic	impact. impact, as explair	ed below:	
1.	NEED/E	XPECTED BENEF	IT OF RULE:		
2.	EFFICIE	BENEFITS OF RUENT, AND FEASIBLE STA	LE MEANS FOR A	LE IS THE MOST EFFECT LLOCATING RESOURCE	ΓIVE S
3.	EFFECT	OF THIS RULE O	N COMPETITION	:	
4.	EFFECT THE GE IMPLEM	OGRAPHICAL ARE	N COST OF LIVIN EA WHERE THE I	IG AND DOING BUSINES RULE IS TO BE	S IN
5.	EFFECT AREA H	OF THIS RULE OF ERE THE RULE IS	N EMPLOYMENT TO BE IMPLEME	IN THE GEOGRAPHICAL NTED:	,
6.	SOURCE ENFORC	E OF REVENUE TO CING THIS RULE:	D BE USED FOR I	MPLEMENTING AND	
7.	AFFECTI	ED PERSONS, INC	CLUDING ANALYS	C IMPACT OF THIS RULE SIS OF PERSONS WHO W BENEFIT FROM THE BUI	. / 11 1

- 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-.237

Mandatory Liability Insurance (MLI) Registration Reinstatement

Procedures

INTENDED ACTION:

Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to address code changes effective January 1, 2013 related to reinstating a suspended registration and revoking registration on stored/inoperable vehicles.

RULE NO. & TITLE

810-5-8-.10

Mandatory Liability Insurance (MLI) Procedures for Random

Sampling, Questionnaire Form, and Notice of Suspension

INTENDED ACTION:

Amend an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to address code changes effective January 1, 2013 related to the Department's questionnaire/notice of suspension procedures and how responses are to be handled. In addition, the department proposes to amend the title of the rule.

RULE NO. & TITLE

810-5-75-.52

Designated Agent-Dealer, Financial Institution and Pawnshop

Appointments

INTENDED ACTION:

Amend an existing rule

<u>SUBSTANCE OF PROPOSED ACTION:</u> The department proposes to amend the above rule to permit insurance companies, legally authorized to do business in Alabama and having a place of business in Alabama, to become designated agents of the Department. As designated agents, these companies could then utilize the electronic title application processing system

(ETAPS) to apply for certificates of title. In addition, the department proposes to amend the title of the rule.

RULE NO. & TITLE

810-14-1-.23

Refunds of Motor Vehicle Registration Fees

INTENDED ACTION:

Repeal an existing rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the above rule due to the fact that similar refund provisions are also included in Administrative Rule 810-5-1-.468, Refunds of Motor Vehicle Registration Fees; therefore, this rule is no longer necessary.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m. on Thursday, December 6, 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:

Thursday, December 6, 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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- 810-5-75-.52 Designated Agent Dealer, Financial Institution, and Pawnshop and Insurance Company Appointments.
- (1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.
- (2) Every dealer as defined in Section 32-8-2 (2), Code of Alabama 1975, as amended, shall be a designated agent of the Department. A dealer may make application on form MVT 4-1 to become a designated agent of the Department. If the application is approved by the Commissioner of Revenue, the applicant shall enter into a bond with a corporate surety authorized to do business in this state as surety thereon, approved by the Commissioner of Revenue, payable to the State of Alabama in a sum to be determined by the Department, but in no event less than ten thousand dollars (\$10,000), conditioned on the faithful performance of its duties under the Act. (Bond form MVT 4-3 is provided by the Department.).
- (3) A financial institution making mortgage loans on motor vehicles or a pawnshop licensed to enter into pawn transactions for motor vehicle certificates of title, legally authorized to do business in Alabama and having a place of business in Alabama, may make application on form MVT 4-2 to become a designated agent of the Department. If the application is approved by the Commissioner of Revenue, the applicant shall enter into a bond with a corporate surety authorized to do business in this state as surety thereon, approved by the Commissioner of Revenue, payable to the State of Alabama in a sum to be determined by the Department, but in no event less than ten thousand dollars (\$10,000), conditioned on the faithful performance of its duties under the Act. (Bond form MVT 4-3 is provided by the Department.)
- (4) An insurance company, legally authorized to do business in Alabama and having a place of business in Alabama, may make application on form MVT 4-2 to become a designated agent of the Department. If the application is approved by the Commissioner of Revenue, the applicant shall enter into a bond with a corporate surety authorized to do business in this state as surety thereon, approved by the Commissioner of Revenue, payable to the State of Alabama in a sum to be determined by the Department, but in no event less than ten thousand dollars (\$10,000), conditioned on the faithful performance of its duties under the Act. (Bond form MVT 4-3 is provided by the Department.)
- (4) (5) The Department shall not appoint an out of state dealer, or financial institution, or pawnshop or insurance company as a designated agent of the Department. Designated agents of the Department located outside the State of Alabama that were qualified prior to January 1, 2004, may continue to operate as a

designated agent of the Department as long as they comply with the requirements of Chapter 8, Title 32 of the Code of Alabama 1975, as amended. Should the designated agent license of an out of state designated agent be cancelled, the designated agent cannot be reinstated.

Author:

Mike Gamble

Authority:

Sections 40-2A-7(a)(5), and 32-8-3(b)(2) and 32-8-34(c), Code of

Alabama 1975

History:

New rule: Filed May 18, 2004, effective June 22, 2004. Amended: Filed April 21, 2010, effective May 26, 2010.

Amended: Filed January 6, 2011, effective February 10, 2011.