

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

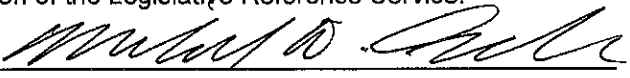
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

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.

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 9/22/14

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-.211 Motor Vehicle Registration Delinquency Penalty and Interest Charges

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to remove reference to Administrative Law Judge, specific subsections of the Code, and county licensing offices and to offer further clarification in certain areas.

RULE NO. & TITLE

810-5-1-.468 Refunds of Motor Vehicle Registration Fees

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION

The department proposes to amend the above rule to add the authority section for IFTA, and to remove subsections of the Code.

RULE NO. & TITLE

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

INTENDED ACTION: Amend rule

SUBSTANCE OF PROPOSED ACTION: The department proposes to amend the above rule to remove reference to Administrative Law Judge and specific subsections of the Code.

RULE NO. & TITLE

810-5-9-.14 Petition for Refund for Fees Erroneously Paid for IFTA Decals

INTENDED ACTION: Repeal rule

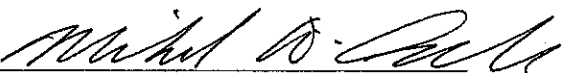
SUBSTANCE OF PROPOSED ACTION: The department proposes to repeal the above rule because similar refund provisions are also included in Rule 810-5-1-.468, Refunds of Motor Vehicle Registration Fees.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at **2:30 p.m. on Wednesday, November 5, 2014, Room 1203, First Floor**, Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama. Copies of the rule(s) can be obtained at ww.revenue.alabama.gov/rulehear.html.

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:
Wednesday, November 5, 2014

CONTACT PERSON AT AGENCY:
Patricia Toles
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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810-5-8-.08 Refunds of Mandatory Liability Insurance (MLI) Reinstatement Fees.

(1) Section 32-7A-12(h), Code of Alabama 1975, states **in part:** “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 §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.

(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~~ **by filing a notice of appeal** pursuant to §40-2A-7.

Author: Sherry Helms
Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a), Code of Alabama 1975
History: Adopted through APA March 22, 2001, effective April 26, 2001.
Amended: Filed May 6, 2011, effective June 10, 2011.
Amended: Filed October 23, 2012, effective November 27, 2012.