

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

Control No. 810 Department or Agency REVENUE

Rule No: **810-5-1-.244**

Rule Title: **Proration of Motor Vehicle Registration Fees.**

 New **XX** Amend Repeal Adopt by Reference

X This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE: **n/a**
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE: **n/a**
3. EFFECT OF THIS RULE ON COMPETITION: **n/a**
4. EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: **n/a**
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED: **n/a**
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE: **n/a**
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: **n/a**
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON: **n/a**
9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH: **n/a**
10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: **n/a**
11. OTHER COMMENTS:

APA-2
11/96

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 an existing rule

SUBSTANCE OF PROPOSED ACTION:

The department proposes to amend an existing rule to reflect changes to Section 40-12-264, Code of Alabama 1975, which creates a dealer transit license plate.

RULE NO. & TITLE:

810-5-1-.244

Proration of Motor Vehicle Registration Fees

INTENDED ACTION:

Amend an existing rule

SUBSTANCE OF PROPOSED ACTION:

The department proposes to amend an existing rule to reflect the provisions of Section 40-12-264, Code of Alabama 1975, which prohibits the proration of dealer license plate registration fees.

RULE NO. & TITLE:

810-5-1-.468

Refunds of Motor Vehicle Registration Fees

INTENDED ACTION:

Amend an existing rule

SUBSTANCE OF PROPOSED ACTION:

The department proposes to amend an existing rule to reflect the provisions of Section 40-12-264, Code of Alabama 1975, which prohibit refunds of registration fees paid for dealer or dealer transit license plates.

RULE NO. & TITLE:

810-5-1-.227.03

Dealer/Manufacturer License Plate Violations, Penalties

INTENDED ACTION:

Repeal an existing rule

SUBSTANCE OF PROPOSED ACTION:

The department proposes to repeal the above rule due to the passage of Act 2011-554, which provides dealer license plate violations and penalties.

RULE NO. & TITLE:

810-5-1-.482

Classification Codes for License Plates

INTENDED ACTION:

Repeal an existing rule

SUBSTANCE OF PROPOSED ACTION:

The department proposes to repeal the above rule due to the fact that an administrative rule that simply reflects the creation of each new license plate classification is unnecessary.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

A public hearing will be held at 10:00 a.m. on Wednesday, October 12, 2011, 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, October 12, 2011

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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810-5-1-.244 Proration of Motor Vehicle Registration Fees.

(1) "Proration of registration fees" as used in this rule refers to a motor vehicle owner paying registration fees for a period less than 12 calendar months. Proration of fees may occur when someone acquires a motor vehicle in a month other than their designated renewal month, and pays to the license plate issuing official monthly-prorated fees from the date the motor vehicle was acquired through the designated renewal month. Additionally, registration fees are prorated when a vehicle is brought into the state and registered for the first time.

(2) The phrase "stored in this state" as used in Code of Ala. 1975, Section 40-12-258, ~~as amended by Act 2004-292, Acts of Alabama~~, shall be deemed to mean that a vehicle has not been used or operated on the public highways of this state and the vehicle remained in this state during the current registration period.

(3) "Reregistration" as used in Section 40-12-258, ~~as amended by Act 2004-292, Acts of Alabama~~, shall be deemed to mean the vehicle owner securing subsequent Alabama vehicle registrations.

(4) Section 40-12-258 provides that license taxes and registration fees associated with the reregistering of motor vehicles that have been stored in this state and not operated on the public highways shall not be prorated. Section 40-12-259, ~~as amended by Act 2004-292~~, provides that license taxes and registration fees for newly acquired vehicles, or vehicles brought into this state for the first time may be prorated. The non-proration prohibition of Section 40-12-258 does not apply to the reregistration of farm trucks, farm truck tractors, vintage vehicles, self-propelled campers or house cars.

(5) The provisions of ~~Act 2004-292~~ Section 40-12-258 do not prohibit the proration of registration fees when reregistering a vehicle in the following situations:

(a) In the event that an owner had legally registered their vehicle in another jurisdiction due to the vehicle having been based in that jurisdiction, and, upon returning the vehicle to Alabama, subsequently seeks to register the vehicle in Alabama.

(b) In a case where a vehicle with a valid registration is stolen and later recovered and reregistered.

(c) When an owner sells a motor vehicle, and later has to repossess the vehicle.

(c) When surviving spouses are registering in their name for the first time vehicles previously registered in the name of their now deceased spouses, provided the surviving spouses were not listed as joint owners on the certificates of title.

(e) In situations where registrants are changing classification of license plates (e.g., from a F1 to a P1 plate) during the registration year.

(f) In situations where a last name change occurs that changes the registrant's designated renewal month.

(6) Fees associated with the issuance of "permanent license plates" shall not be prorated. "Permanent license plates" as used in this rule refers to those categories of plates issued pursuant to the provisions of Sections 40-1 2-250 and 40-12-252(c) with no expiration dates. "Permanent license plates" are not renewed and are displayed on vehicles until the vehicles are sold, junked, or otherwise destroyed. "Permanent license plates" will be issued to vehicles owned by the State, a county, a municipality, a public utility department (PUD), or volunteer fire departments. Additionally, "Permanent license plates" are issued to truck trailers, tractor trailers, and semitrailers, upon request of registrants.

(7) Registration fees levied for dealer, motorcycle dealer, dealer transit and manufacturer license plates issued pursuant to the provisions of Section 40-12-264 shall not be prorated.

~~(7)~~**(8)** In situations where an owner stores their vehicle prior to the designated renewal month, or the vehicle is not otherwise operated on the public highways of Alabama during or after the designated renewal month, then the owner shall provide proof of such storage or vehicle non-use when reregistering the vehicle. If the license plate issuing official is satisfied that the vehicle was not operated, then the registration penalty (or transfer penalty) shall not be charged; however, in accordance with **Act 2004-292 Section 40-12-258**, non-prorated registration fees shall be charged. Proof of storage documents includes, but is not limited to:

(a) An affidavit completed by the vehicle owner, neighbor or staff of the storage facility.

(b) A receipt(s) indicating payment to a **garage or** storage facility.

(b) A letter from appropriate military official on military letterhead indicating that the serviceman stored his vehicle at a military base.

~~(8)~~**(9)** In the event a motor vehicle is removed from service prior to the beginning of the registration year, and remains out of service throughout the entire registration year, then the owner, when reregistering the vehicle will be subject to registration fees for the registration year when the vehicle is placed back into service. Example: Anderson places his automobile in storage in December 2004 and it remains in storage until June 2006. When registering the vehicle in June 2006, Anderson will pay registration fees only for the period February 1, 2006 through January 31, 2007 because the vehicle was out of service for the entire 2005 registration year, and was placed back into service during the 2006 registration year. It is important to note that if the vehicle was stored in this state, ad valorem tax must be remitted for each year Anderson owned the vehicle regardless of whether the vehicle was operated on the

public highways of this state unless Anderson is registering the vehicle pursuant to Section 40-12-290.

~~(9)(10) Act 2004-292 also exempts f~~ Farm trucks and farm truck tractors are exempt from the non-proration provisions of Section 40-12-258. In order to qualify for prorated reregistration fees, the owner of the truck or truck tractor registered with farm plates must provide proof to the satisfaction of the license plate issuing official that the vehicle(s) in question was not previously operated on the public highways of this state in the registration year for which the vehicle registration is sought. This exemption applies only to farm vehicles registered with the distinctive farm truck (F1-F3) and farm truck tractor (F4) license plates. Registration fees charged and collected upon the registration of newly acquired farm trucks and farm truck tractors may be prorated.

~~(10)(11)~~ When reregistering a vehicle with a farm plate, the previous registration does not have to be with a farm plate in order to qualify for prorated reregistration fees. For example, Winslow has a truck with a gross vehicle weight of 16,000 pounds registered with an X1 license plate for the period December 1, 2005 through November 30, 2006. The truck is removed from service in November 2006. In January 2007, Winslow desires and qualifies for a F1 license plate. Winslow would pay prorated F1 registration fees for the registration period January 1, 2007 through November 30, 2007 (11 months fees).

~~(11)(12)~~ Self propelled campers or house cars, commonly known as motor homes, are also exempt from the non-proration provisions of Section 40-12-258. In order to qualify for prorated reregistration fees, the owner of the motor home must provide proof to the satisfaction of the license plate issuing official that the motor home was not previously operated on the public highways of this state in the registration year for which the vehicle registration is sought. Registration fees charged and collected upon the registration of newly acquired motor homes may be prorated.

~~(12)(13) Act 2004-292 contains an exemption for "vintage vehicles."~~ "Vintage vehicles" are also exempt from the non-proration provisions of Section 40-12-258. The term "vintage vehicles" refers to any vehicles registered or subject to registration pursuant to Section 40-12-290 et seq. Anyone in the process of rebuilding or reconstructing a "vintage vehicle" when registering the vehicle with a license plate provided for under Section 40-12-290 et seq. will only pay the non-prorated vintage vehicle registration fee. No registration penalty shall apply.

Author: James Starling Johnny L. Newman
Authority: Sections 40-2A-7(a)(5), 40-12-258 and 40-12-259, Code of Alabama 1975
History: New rule: Filed March 30, 2007, effective May 4, 2007.