

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

Control No. 810 Department or Agency REVENUE

Rule No: **810-5-1-.227.03**

Rule Title: **Dealer/Manufacturer License Plate Violations, Penalties.**

New 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: **Rule is unnecessary due to Act 2011-554.**
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.

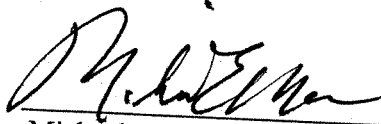
All interested parties may present their views in writing to the Deputy Commissioner of the Alabama Department of Revenue, Room 4112, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132 at any time during the thirty-five (35) day period following publication of the notice or by appearing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

0860APC.INT

810-5-1-.227.03 Dealer/Manufacturer License Plate Violations, Penalties.
(REPEALED)

(1) Any person who willfully uses a dealer or manufacturer license plate in violation of subsection 1" of Section 40-12-264, Code of Alabama 1975, as amended, shall be subject to an Alabama Department of Revenue imposed penalty of not less than one hundred dollars (\$100), and not more than three hundred dollars (\$300) for each violation.

(2) Violations of the use of dealer and manufacturer license plates include, but are not limited to the following:

- (a) Use of dealer or manufacturer license plates on **rental** or **lease** vehicles.
- (b) Use of dealer or manufacturer license plates on **tow trucks** and **wreckers**.
- (c) Use of dealer or manufacturer license plates on **service vehicles**.
- (d) Use of dealer license plates on vehicles which are **not in the vehicle inventory** of the dealership, or that are not being used in a high school driver education program.
- (e) Use of the dealer or manufacturer license plates on vehicles **not owned** by the dealer/manufacturer (including vehicles previously sold by the dealership/manufacturer); provided, that a dealer license plate may be used on a vehicle in cases where the vehicle owner enters into a consignment sales contract with the dealer.

(3) This penalty shall be applied so that it increases in severity with second and third offenses. For the first offense, the penalty shall be \$100. For the second offense, the penalty shall be \$200. For the third offense, the penalty shall be \$300. For the fourth and subsequent offenses the penalty shall be \$300.

(4) Anyone to whom the Department levies a penalty under this section may appeal the levy to the Administrative Law Division as provided under Section 40-2A-9.

Author: Johnny Newman
Authority: Section 40-12-264, Code of Alabama 1975
History: New rule filed September 30, 1997, effective date November 4, 1997.