

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 381 Department or Agency Alabama Law Enforcement Agency

Rule No. 760-X-1-23

Rule Title: Mandatory Liability Insurance

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? -----No

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? n/a

Does the proposed rule have an 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 Stam Stahler

Date 03/21/17

(DATE FILED)
(STAMP)

APA-2
07/04

Alabama Law Enforcement Agency

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Law Enforcement Agency

RULE NO. & TITLE:

760-X-1.23
Mandatory Liability Insurance

INTENDED ACTION:

Add rule

SUBSTANCE OF PROPOSED ACTION:

A driver operating a motor vehicle is required to comply with the Mandatory Motor Vehicle Liability Insurance Law, Code of Ala. 1975, §32-7A-4. A driver involved in a motor vehicle incident who was not in compliance with the Mandatory Motor Vehicle Liability Insurance Law and who was not given a criminal citation for said noncompliance shall be subjected to the penalties provided in Code of Ala. 1975, §41-27-40 through 41-27-48. This proposed action will set up the procedures for the review of motor vehicle incidents to determine whether the driver and/or vehicle was covered by insurance at the time of the incident.

TIME, PLACE, MANNER OF PRESENTING VIEWS:


Written or oral comments may be directed to Casey Bates, Legal Division, P.O. Box 1511, Montgomery, Alabama 36102-1511, (334) 353-1289.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

May 5, 2017

CONTACT PERSON AT AGENCY:

Casey Bates
Assistant Attorney General
P.O. Box 1511
Montgomery, Alabama 36102-1511



Stan Stabler

760-X-1-.23 Mandatory Liability Insurance NEW RULE.

A driver operating a motor vehicle is required to comply with the Mandatory Motor Vehicle Liability Insurance Law, Code of Ala. 1975, §32-7A-4. A driver involved in a motor vehicle incident who was not in compliance with the Mandatory Motor Vehicle Liability Insurance Law and who was not given a criminal citation for noncompliance shall be subject to the penalties provided in Code of Ala. 1975, §41-27-40 through 41-27-48.

(1) Definitions and Abbreviations

(a) ALEA – The Alabama Law Enforcement Agency

(b) Civil Penalty – A penalty imposed for a violation of the Mandatory Motor Vehicle Liability Insurance Law

(c) Driver – An operator of a motor vehicle who is involved in a motor vehicle incident

(d) Insurance – Liability insurance required pursuant to Code of Ala. 1975, §32-7A-4

(e) MLI – Mandatory Motor Vehicle Liability Insurance Law. Chapter 7A, Title 32, Code of Ala. 1975

(f) Motor Vehicle Incident – An incident involving the operator of a motor vehicle where a traffic citation was issued by a law enforcement officer or the operator of a motor vehicle was involved in an accident and an accident report was filed

(g) OIVS – Online Insurance Verification System, Code of Ala. 1975, §32-7B-2

(h) UTTC – Uniform traffic ticket and complaint, Code of Ala. 1975, §12-12-53

(2) Procedure for Determination of Violation

(a) After a motor vehicle incident, every UTTC and accident report issued or filed will be reviewed to determine whether the driver had insurance, and if the driver did not have insurance, whether the driver was given a citation for no insurance at the time of the motor vehicle incident. If a driver did not have insurance and was not issued a citation for failure to comply with MLI, the vehicle and tag information will be run through OIVS to confirm the vehicle being driven was not in compliance with MLI.

(b) If a driver is found to be driving in violation of MLI and the driver was not issued a citation at the time of the motor vehicle incident, a civil penalty will be assessed by ALEA. Notification of the civil penalty will be mailed to the driver via first class U.S. Mail to the address in ALEA's records or an address otherwise available to ALEA on the citation or accident report.

(3) Procedures for the Administrative Resolution of the Notice of Assessment of a Civil Penalty

(a) A driver assessed a civil penalty will be notified of the civil penalty and that his or her driver's license will be suspended for ninety (90) days unless he or she does any of the following:

1. Pays the civil penalty within forty-five (45) days of the notice mail date.

(i) A payment may be made by mailing a money order to Alabama Interactive Department #SF 66, PO Box 830525, Birmingham, AL 35283-0525 or by Visa or MasterCard by visiting <http://MLI.ALEA.GOV>.

(ii) A payment of the civil penalty cannot be made at an ALEA office.

2. Requests a sixty (60) day extension to pay the civil penalty within forty-five (45) days of the notice mail date. The driver must sign a written settlement agreeing to pay the civil penalty before an extension is granted.

(i) A driver may not ask for a hearing once an extension is requested.

3. Appeals the civil penalty by filing a notice of appeal with the agency within forty-five (45) days of the notice mail date.

(b) The civil penalty must be paid before a person's driver's license can be reinstated.

(c) ALEA must receive a reinstatement fee for a driver to obtain a driver's license once a driver's license is suspended.

(4) Administrative Hearing

(a) A driver who appeals the assessment of the civil penalty is entitled to an administrative hearing. In all administrative hearings conducted pursuant to a request under Code of Ala. 1975, §41-27-43, the Hearing Officer designated by the Secretary, in addition to all other matters required by law to be determined, shall ascertain whether the motor vehicle being operated at the time of a motor vehicle incident was in compliance with MLI.

(b) A request for an administrative hearing may be made by visiting www.alea.gov/hearingrequest, or by written request either faxed to the number listed on the civil penalty notification or mailed to Driver License Hearing Unit, P.O. Box 1471, Montgomery, AL 36102-1471.

(c) The request shall be received by the department within forty-five (45) days of the notice mail date. Failure to request an administrative hearing within the prescribed time shall constitute a waiver of the person's right to an administrative hearing and judicial review.

(d) If an appeal is timely made, the suspension of the driver's license shall be stayed until the result of the hearing is final.

(e) The hearing shall be scheduled as quickly as practicable and not more than thirty (30) days after the filing of the request for a hearing.

(f) The hearing shall be held at a location designated by the Secretary unless the parties agree to a different location.

(g) ALEA shall provide a written notice of the time and place of the hearing to the party requesting the hearing at least five (5) days prior to the scheduled hearing, unless the parties agree to waive this requirement.

(h) The hearing shall be before a driver license hearing officer or other hearing officer appointed by ALEA.

(i) The hearing will be strictly administrative in nature, and will be informal.

(j) The sole issue at the hearing will be whether the motor vehicle being operated at the time of the motor vehicle incident was in compliance with MLI.

(k) The driver license hearing officer or other hearing officer appointed by ALEA may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant documents.

(l) The driver license hearing officer or other hearing officer appointed by ALEA shall make a final

determination that either upholds the civil penalty or withdraws the civil penalty.

(m) If a driver is found to be driving in violation of MLI the civil penalty must be paid within fifteen (15) days of the noncompliance letter. The driver will receive a ninety (90) day suspension of his or her driver's license for failure to pay the civil penalty within the prescribed time.

(n) Within thirty-five (35) days of the issuance of a final order, a person may file a petition in the circuit court of the county where the offense occurred, the county of the driver's residence or Montgomery County for judicial review.

Author: Casey N. Bates

Statutory Authority: Code of Ala. 1975, §§32-2-9; 41-27-40 through 41-27-48.

History: Filed _____