

### Transmittal Sheet For Notice Of Intended Action

Control: 810 Department or Agency: Revenue  
Rule Nos: 810-5-1-.243  
Rule Title: Registering Trucks With Gross Weights Up To 12,000 Pounds

New;  Amended;  Repealed;  Adopt by Reference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 result from the absence of the proposed rule? N/A

Are all the 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 relate to or effect any matter of litigation which the agency is a party to concerning the subject matter of the purposed rule? No

\*\*\*\*\*  
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.  
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#### 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 Services Agency .

Signature of certifying officer  
Date 03/18/2022



REC'D & FILED

MAR 18 2022

LEGISLATIVE SVC AGENCY

**ALABAMA DEPARTMENT OF REVENUE  
Motor Vehicle**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE**

810-5-1-.243

Registering Trucks With Gross Weights Up To 12,000 Pounds

**INTENDED ACTION**

New, Repealed

**SUBSTANCE OF  
PROPOSED ACTION:**

Pursuant to the Red Tape Reduction Act 2013-88, this rule has been reviewed and is being repealed and replaced to remove outdated references to Act 2006-356, and streamline the format of the rule to provide clarified guidance on the registration of pick-up trucks for personal and agricultural use.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** A public hearing will be conducted at **01:30 PM on Tuesday, May 10, 2022** via web-conference. To participate in the upcoming web-conference public hearing please contact the Tax Policy and Governmental Affairs Division at [Taxpolicy@revenue.alabama.gov](mailto:Taxpolicy@revenue.alabama.gov) or 334-242-1380 to obtain the appropriate sign-in information for a specific public hearing date. Copies of the rule(s) can be obtained at <http://www.revenue.alabama.gov/tax-policy/>.

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 following publication of the notice up until the conclusion of the hearing. Interested parties may also may present their views during the web-conference.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

Tuesday, May 10, 2022

**CONTACT PERSON AT AGENCY:**

Meagan Barrett

Alabama Department of Revenue  
4131 Gordon Persons Building  
Montgomery, Alabama 36132  
(334) 242-1380



Mary Martin Mitchell, Secretary  
Alabama Department of Revenue

**810-5-1-.243 Registering Trucks With Gross Weights Up To 12,000 Pounds.  
(REPEAL)**

(1) Section 40-12-248(c), Code of Ala. 1975, requires the owner of a truck to make an affidavit declaring the gross vehicle weight of the truck at time of registration. Effectively, this affidavit is accomplished by the applicant informing the issuing official of the gross weight of the truck, and the official indicating the weight on the Motor Vehicle Registration Tag and Tax Receipt.

(2) Act 2006-356 allows the owner of a pick-up truck as defined in Section 32-8-2, Code of Ala. 1975, to register the truck used for personal or agricultural purposes based on the empty (or unladen) weight of the vehicle only without regard to the heaviest load to be carried including the heaviest load to be carried on any trailer used in combination with the truck. Accordingly, anyone qualified to register his or her pick-up truck under the provisions of Section 40-12-248, as amended, by Act 2006-356 shall certify the empty (or unladen) weight of the truck only, and shall exclude the weight of any trailer (and its load) used in combination with the truck. The Department interprets the language used in Act 2006-356 regarding the registration of trucks used for personal or agricultural use as excluding the weight of the driver and passengers within the truck, the weight of luggage, fuel, tools, and heaviest load to be carried in the bed of the pickup truck; also, excluded is the weight of any towed vehicle or equipment, and any load carried in the towed vehicle. Any weight passed from the trailer through the trailer tongue to the truck shall also not be included in the declared gross weight, provided the pickup truck has been registered for personal or agricultural use only.

(3) Section 32-8-2 defines the term "pickup truck" as "a truck with not more than two axles and a gross weight not exceeding 12,000 pounds." The two axle limitation does not include the axles of any attached trailer.

(4) The Department interprets the amended language of Act 2006-356 as authorizing the owner of a pick-up truck using the vehicle for "agricultural use" to register the vehicle for the empty (or unladen) weight of the truck only, even if the agricultural use could normally be considered as a commercial use of the vehicle. Accordingly, agricultural use shall be deemed by the Department to include the use of the truck by a farmer, by a cotton gin, by a farmer's cooperative, etc., solely to transport raw agricultural products to be processed, but does not include the transportation of processed agricultural products, such as canned vegetables, frozen meat, processed milk, etc.

(5) In the event a truck is used by the owner for both personal and commercial use, the truck shall be registered based on the gross vehicle weight of the truck as provided in Section 40-12-248 (a). This is true even in situations where the truck is used for commercial use only one time during the registration period.

(6) The provisions of Act 2006-356 is an exception to the established principle of truck registration based on combined gross weight as employed by most U.S.

jurisdictions. Accordingly, it is suggested that the owner of a truck registered pursuant to Act 2006-356 carry within the vehicle a copy of Act 2006-356 for presentation to law enforcement if stopped for improper registration.

(7) In the event that someone is cited by Department of Revenue enforcement officers for the improper registration of a pickup truck, when registering the vehicle the owner will be subject to the penalty provided for in Code Section 40-12-249 for the difference in registration fees. Also, the operator may be subject to a court fine if convicted of improper registration.

(8) Personal use includes the towing of a rented trailer used in moving one's personal possessions.

Author: Billy Phillips  
Authority: Code of Ala. 1975, §§40-2A-7(a)(5), 40-12-248.  
History: New Rule: Filed January 29, 2007; effective March 5, 2007.

#### 810-5-1-.243 Registering Pick-up Trucks for Personal or Agricultural Use (NEW)

(1) Section 32-8-2, Code of Ala. 1975, defines the term "pick-up truck" as "a truck with not more than two axles and a gross weight not exceeding 12,000 pounds." The two-axle limitation does not include the axles of any attached trailer.

(2) Gross Vehicle Weight (GVW) Requirements. § 40-12-248, Code of Ala. 1975, requires the owner of a truck or truck tractor using the public highways of this state to file a statement to the local official declaring the GVW of the truck at time of registration. GVW is indicated on the Motor Vehicle Registration Tag and Tax Receipt by the local official.

(3) Exemption. § 40-12-248, Code of Ala. 1975, provides that pickup trucks used for agricultural or personal use only, the GVW shall be calculated as the empty weight of the pick-up truck only, without regard to the heaviest load to be carried including the heaviest load to be carried on any trailer used in combination with the truck. The GVW excludes the weight of the driver and passengers within the pick-up truck, the weight of luggage, fuel, tools, and heaviest load to be carried in the bed of the pickup truck; also, excluded is the weight of any towed motor vehicle or equipment, and any load carried in the towed motor vehicle. Any weight passed from the trailer through the trailer tongue to the pick-up truck shall also not be included in the declared GVW, provided the pick-up truck has been registered is being used for personal or agricultural use only.

Note. Agricultural use is defined in paragraphs a. and b. of § 41-14-51(1), Code of Ala. 1975. Agricultural use shall be deemed by the Department to include the use of the truck by a farmer, by a cotton gin, by a farmer's cooperative, etc., solely to transport

raw agricultural products to be processed, but does not include the transportation of processed agricultural products, such as canned vegetables, frozen meat, processed milk, etc.

**Author:** David Baxley

**Authority:** §§32-8-2, 40-2A-7(a)(5), 40-12-248 and 41-14-51, Code of Ala. 1975.

**History:** **Repeal and New:** Filed March 18, 2021; effective