

### Transmittal Sheet For Notice Of Intended Action

Control: 810

Department or Agency: Revenue

Rule Nos: 810-5-1-.245

Rule Title: Non-Residents Operating Non-Commercial Vehicles into Alabama and Non -Residents Relocating to Alabama

New;  Amended;  Repealed;  Adopt by Reference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

**ALABAMA DEPARTMENT OF REVENUE  
Motor Vehicle**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE**

810-5-1-.245

Non-Residents Operating Non-Commercial Vehicles into Alabama and  
Non-Residents Relocating to Alabama

**INTENDED ACTION**

Amended

**SUBSTANCE OF**

**PROPOSED ACTION:**

Pursuant to the Red Tape Reduction Act 2013-88, this rule has been reviewed  
and is being amended to provide clarification of the proper operation of  
private passenger vehicles by non-residents of Alabama.

**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-.245 Non-Residents Operating Non-Commercial Vehicles into Alabama and Non-Residents Relocating to Alabama. **(REPEAL)**

(1) The provisions of this rule are applicable to non-commercial vehicles owned and operated by non-residents of Alabama when operated into Alabama. Noncommercial vehicles shall include privately owned and operated passenger automobiles, pickup trucks (not being used in a commercial endeavor), trailers, including travel, utility, and motor homes used strictly for recreational purposes.

(2) Section 40-12-262 (a), Code of Alabama 1975, is interpreted as authorizing someone relocating to Alabama to operate their vehicle(s) in Alabama for 30 consecutive calendar days displaying a current and valid license plate and registration to their vehicle(s) from their previous home residence.

(3) The vehicle owner(s) relocating to Alabama may operate their vehicle(s) in interstate and intrastate movements during the 30 day period, said period beginning on the day that the vehicle enters Alabama to be based in Alabama.

(4) The vehicle owner(s) may register the vehicle anytime during the 30 day period; provided, that on the 31st day, liability for Alabama motor vehicle registration fees attach, and, if not paid by the 31st day, motor vehicle registration penalties attach and must be paid when registering the vehicle(s). Provided, if the 31st day falls on a Saturday, Sunday, state holiday, or other day that the license plate issuing official's office is closed, the penalty will not attach if registration fees are paid on the next business day.

(5) If the non-resident enters the State of Alabama without vehicle registration issued to the vehicle owner from the vehicle owner's previous home jurisdiction, or if the out-of-state motor vehicle registration has expired, the provisions of Section 40-12-262.

(a) allowing a 30 day period to register the vehicle are not applicable, and the liability for Alabama registration fees attaches on the day the vehicle(s) enters the state, and if not paid on that date, delinquency penalties attach on the following day. Also, provisions requiring display of license plates are applicable on the day the vehicle enters the state, and law enforcement may cite the vehicle operator for operating the vehicle without registration when the vehicle enters the state. Furthermore, if the non-resident's out-of state vehicle registration expires after entering Alabama, but before the 30 day period ends, penalty and law enforcement sanctions become applicable on the day after the out-of-state registration expires.

(6) If a non-resident enters the State of Alabama without a license plate issued to the vehicle owner, but has been issued a temporary registration (which is properly displayed), the vehicle owner may legally operate the vehicle in Alabama as long as the temporary registration remains valid.

(7) In the event that a non-resident enters Alabama with a vehicle based in another jurisdiction, and that jurisdiction exempts from its registration requirements the type vehicle being operated into Alabama, it shall be the responsibility of the nonresident owner to prove to the satisfaction of law enforcement that the previous jurisdiction exempted such vehicles from registration. Provided, the vehicle must be registered in Alabama within the time frame specified in this rule.

(8) In the event the Alabama Department of Revenue enters into a motor vehicle registration reciprocity agreement with another jurisdiction(s) pursuant to Section 40-12-262, and the provisions of the reciprocity agreement conflict with the provisions of this rule, the provisions of the agreement shall prevail.

(9) In the event a vehicle owner in the U.S. military, or his/her spouse is assigned by virtue of military orders to an Alabama location, and when entering Alabama is displaying a current and valid out-of-state plate issued in the jurisdiction where the serviceman, or his/her spouse was previously based, said vehicle owner may operate the vehicle displaying the out-of-state registration for the 30 day period authorized by Section 40-12-262. Note that this provision is applicable in situations where the serviceman, or his/her spouse is operating with a license plate issued in the jurisdiction where he or she was previously based by virtue of military orders — if registered in the serviceman's home of record jurisdiction, Alabama will honor the registration, in accordance with the Servicemembers Civil Relief Act, as long as the registration is current and valid. Furthermore, Alabama will honor a current and valid license plate issued by the U.S. military to servicemen's vehicles when stationed outside the United States during this 30 day period.

(10) In accordance with policy positions of the American Association of Motor Vehicle Administrators (AAMVA), Alabama will honor current and valid out-of-state license plates on vehicles being operated by non-resident students attending colleges and universities within Alabama. This includes students involved in intern programs.

**Author:** James Starling  
**Authority:** Sections 40-2A-7(a)(5) and 40-12-262(a), Code of Alabama 1975  
**History:** **New rule:** Filed March 30, 2007, effective May 4, 2007.  
**Amended:** Filed August 27, 2010, effective October 1, 2010  
**Repealed and New:** Filed December 20, 2021.

810-5-1-.245      Operation of Private Passenger Vehicles by Non-Residents  
(NEW)

(1) The provisions of this rule are applicable to operation of private passenger vehicles in Alabama when owned and operated by non-residents. Private passenger vehicles shall include privately owned and operated passenger automobiles, motorcycles, pickup trucks, trailers, including travel, utility, and motor homes used strictly for recreational purposes.

(2) Grace Period for Non-Residents. Pursuant to §40-12-262(a), Code of Ala. 1975, a non-resident may operate their vehicle(s) in Alabama for 30 consecutive calendar days with a current and valid license plate and registration from their previous jurisdiction of residence.

(a) The 30-day grace period begins on the day the vehicle first enters Alabama. The vehicle owner must register the vehicle within the 30-day grace period. Motor vehicle registration penalties and interest are due on the 31<sup>st</sup> day. Provided however, if the 31<sup>st</sup> day falls on a Saturday, Sunday, state holiday, or other day that the licensing office is closed, penalty and interest will not be due until the next business day.

(b) If the non-resident operates a vehicle in Alabama without a current and valid vehicle registration issued by the vehicle owner's previous jurisdiction of residence, Alabama registration fees attach on the day the vehicle(s) enters the state, and if not paid on that date, delinquency penalties attach the following day. Law enforcement may issue a citation for operating the vehicle without current and valid registration when the vehicle enters the state, or when the vehicle registration expires anytime during the 30-day grace period.

(3) Temporary Registrations. A non-resident owner may operate a vehicle in Alabama without a license plate issued to the vehicle owner with a properly displayed current and valid temporary registration.

(4) Reciprocity Agreements. Vehicles exempt from registration in the non-resident owner's jurisdiction of residence may be operated in Alabama if permitted under the conditions of a registration reciprocity agreement with Alabama. It shall be the responsibility of the non-resident owner to prove to the satisfaction of law enforcement that the non-resident owner jurisdiction of residence exempted such vehicles from registration. Provided, the vehicle must be properly registered in Alabama within the time frame specified in this rule.

In the event the department enters into a motor vehicle registration reciprocity agreement with a jurisdiction pursuant to §40-12-262, Code of Ala. 1975, and the

provisions of the reciprocity agreement conflict with the provisions of this rule, the provisions of the agreement shall prevail.

(5) Military Service Members. A U.S. military service member, or their spouse or dependent assigned by virtue of military orders to an Alabama location, may operate a vehicle with a current and valid license plate and registration issued in the jurisdiction of residence in accordance with the Service Members Civil Relief Act, provided compliance with mandatory liability insurance laws.

(6) Non-Resident Students. In accordance with policy positions of the American Association of Motor Vehicle Administrators (AAMVA), Alabama will honor current and valid out-of-state license plates and registrations on vehicles operated by non-resident students attending colleges and universities within Alabama, provided compliance with mandatory liability insurance laws. This includes students involved in intern programs.

**Author:** James Starling

**Authority:** §§ 40-2A-7(a)(5) and 40-12-262, Code of Ala.1975. Service Members Civil Relief Act

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