

APA-1

Transmittal Sheet For Notice Of Intended Action

Control: 810

Department or Agency: Revenue

Rule Nos: 810-5-1-.208

Rule Title: National Guard Distinctive License Plates

New; Amended; Repealed; Adopt by Reference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 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.

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

Date 10/20/2017

APA-6
10/96

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

Control No. 810 Department or Agency REVENUE

Rule No: 810-5-1-.208

Rule Title: National Guard Distinctive License Plates

 New Amend X Repeal Adopt by Reference

NO
 YES

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
3. EFFECT OF THIS RULE ON COMPETITION:
4. EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA HERE THE RULE IS TO BE IMPLEMENTED:
6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
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:
8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

11. OTHER COMMENTS:

ALABAMA DEPARTMENT OF REVENUE
Motor Vehicle

NOTICE OF INTENDED ACTION

RULE NO. & TITLE

810-5-1-206 United States Armed Forces Reserve Distinctive License Plates
810-5-1-.208 National Guard Distinctive License Plates Disabled Veteran
810-5-1-.218 Distinctive License Plates

INTENDED ACTION

Repeal

SUBSTANCE OF PROPOSED ACTION:

The department proposes to repeal the above mentioned rules because the language is duplicated in rule 810-5-1-.201 regarding license plate fee exemptions.

RULE NO. & TITLE

810-5-8-.09 Identification Documentation Required for Registration

INTENDED ACTION

Amend

SUBSTANCE OF PROPOSED ACTION:

The department proposes to amend the above mentioned rule to remove language that requires identification to be presented during registration renewals in accordance with Act 2017- 242.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at **1:30 PM on Tuesday, December 12, 2017, Room 1203, First Floor**, Gordon Persons Building, located at 50 N Ripley Street, Montgomery, Alabama. 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 appear at the hearing to present their views.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, December 12, 2017

CONTACT PERSON AT AGENCY:

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


Michael D. Gamble, Secretary
Alabama Department of Revenue

810-5-1-.208 National Guard Distinctive License Plates. (Repeal)

(1) Active members of the Alabama National Guard, who are residents of Alabama, shall be entitled to claim a registration fee exemption for one passenger vehicle owned by an active guardsman.

(2) Retired members of the Alabama National Guard with twenty (20) years or more service, who are residents of Alabama, are also entitled to claim a registration fee exemption for one passenger vehicle owned by the retired member.

(3) The registration fee exemption shall apply to only one personally-owned, private passenger vehicle, pickup truck or pleasure motor vehicle. The exemption shall not apply to any vehicle exceeding 12,000 pounds, and shall not apply to, motorcycles, trailers, semitrailers, or motor vehicles used in the transportation of persons for hire. Additional distinctive National Guard license plates may be acquired by paying the regular privilege or license tax and registration fee as provided by law. Where an active member of the Alabama National Guard moves to another county and desires to purchase a National Guard military license plate, and the registration fee exemption has already been claimed in the prior county, the guard member shall present the National Guard identification card or Common Access Card, and the most recent copy of his or her Leave and Earnings Statement (LES) to the county license plate issuing official. This documentation will aid the license plate issuing official in ensuring that the individual qualifies to purchase the National Guard military license plate.

(4) To claim the exemption, the active National Guard member must present to the county license plate issuing official, a current Common Access Card (CAC) and an AGO Form 7 affidavit signed by the unit commander, confirming that the member/vehicle owner remains in the National Guard or State Guard and is entitled to the registration fee exemption.

(5) A retired member of the Alabama National Guard must present a United States Uniformed Services identification card and a NGB Form 22, or a Notice of Eligibility for Retired Pay at Age 60 as proof of retirement status.

(6) The passenger vehicle for which the National Guard distinctive license plate is sought shall be owned/operated by the member as evidenced by the member whose name appears on the title. The vehicle shall not be owned by a trust, corporation, LLC, spouse, dependent, etc.

(7) The registration fee exemption for the active and retired National Guard members may only be applied to the distinctive National Guard license plate or National Guard personalized distinctive license plate. Payment of the annual additional fee must be remitted to the county license plate issuing official before the personalized National Guard distinctive license plate may be issued.

(8) In the event a member of any Alabama National Guard unit, by virtue of military orders, is deployed outside Alabama, and thus is unable to personally provide to the county license plate issuing official their CAC and AGO Form 7 affidavit by his/her unit commander confirming that the member is on active military service and is thus entitled to an exemption under Section 40-12-244, Code of Alabama 1975, or other section of Alabama law providing for motor vehicle registration fee exemptions, the spouse, dependent or person granted power of attorney to conduct the business of the member may provide proof, as described below, that the member/vehicle owner/operator is in active military service, and the county license plate issuing official, relying on the proof provided, may authorize the registration fee exemption and issue the requested National Guard distinctive license plate for the member.

(9) In the event the Guard member is deployed outside Alabama, the proof document to be presented shall be the most recent copy of the serviceman's "Leave and Earnings Statement" (LES) or a copy of his/her mobilization orders, and the Guard member's spouse or dependent's military identification card.

Author: Billy Phillips, Brenda R. Coone

Authority: Sections 40-2A-7(a)(5) and 32-6-352, Code of Alabama 1975 History:

New rule: Filed July 29, 2003, effective September 2, 2003.

Amended: Filed October 28, 2005, effective December 2, 2005.

Amended: Filed April 9, 2010, effective May 14, 2010.

Amended: Filed May 6, 2011, effective June 10, 2011.