

APA-1

Transmittal Sheet For Notice Of Intended Action

Control: 810

Department or Agency: Revenue

Rule Nos: 810-5-1-.218

Rule Title: Disabled Veteran 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New; Amended; Repealed; Adopt by Reference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

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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-.218

Rule Title: Disabled Veteran 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-.218 Disabled Veteran Distinctive License Plates. (Repeal)

(1) Disabled veterans may qualify for the Disabled Veteran license plate under the provisions of Sections 32-6-130, 40-12-254 and 40-12-244, Code of Alabama 1975.

(2) An explanation of the qualifications under each code section as well as the types of vehicles the plates may be displayed upon is as follows:

(a) Section 32-6-130 provides a disabled veteran distinctive license plate for private passenger automobiles, pickup trucks or pleasure motor vehicles (i.e., recreational vehicles) to be issued to disabled veterans who are residents of this state and who are suffering a physical disability which requires that any motor vehicle he or she operates be equipped with special mechanical control devices or whose physical disability exceeds 50 percent for a fee of \$5.00. Additional distinctive license plates may be purchased by the disabled veteran under this section by the payment of the \$5.00 fee for each additional license plate so desired. Veterans qualifying for the \$5.00 distinctive license plate may display the license plate on all weight pleasure motor vehicles. There is no limit on the number of disabled veteran license plates issued.

(b) Under the provisions of Section 40-12-254, a disabled veteran who owns a vehicle which has been all or partly paid for with funds furnished by the administrator of Veterans Affairs may obtain (1) one registration fee and ad valorem tax exempt disabled veteran distinctive license plate. Additional disabled veteran distinctive license plates may not be obtained by the disabled veteran under this section. Veterans qualifying for a disabled veteran license plate under this section may display the license plate on private passenger automobiles, pickup trucks, or pleasure motor vehicles (i.e., recreational vehicles) not exceeding 12,000 pounds gross vehicle weight.

(c) Section 40-12-244 provides that a disabled veteran, with a service connected disability, who was an Alabama resident at the time of entering service, and who is still an Alabama resident at the time of applying for a registration fee exempt license plate, he or she may obtain (1) one registration fee exempt disabled veteran distinctive plate for a private passenger automobile, pickup truck or pleasure motor vehicle (i.e., recreational vehicle), not exceeding 12,000 pounds. Additional disabled veteran distinctive license plates may not be obtained by the disabled veteran under this section.

(3) Disabled veterans applying for a disabled veteran distinctive license plate must provide the county licensing official with one of the following documents issued by the Department of Veteran Affairs: an affidavit certifying the percentage of disability to the veteran; certification from the Physical Evaluation Board (PEB); or

certification from the Medical Evaluation Board (MEB).

Author: James Starling

Authority: Sections 40-2A-7(a)(5), 40-2-11, 32-6-131 and 40-12-272, Code of Alabama 1975

History: Adopted through APA August 10, 1982.

Amended: Filed January 6, 2011, effective February 10, 2011.

Amended: Filed August 27, 2014, effective October 1, 2014.