

### Transmittal Sheet For Notice Of Intended Action

Control: 810 Department or Agency: Revenue  
Rule Nos: 810-5-1-.205  
Rule Title: Commitment to Purchase 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New;  Amended;  Repealed;  Adopt by Reference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 relate to or effect any matter of litigation which the agency is a party to concerning the subject matter of the proposed 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 09/20/2021

REC'D & FILED  
SEP 20 2021  
LEGISLATIVE SVC AGENCY

**ALABAMA DEPARTMENT OF REVENUE  
Motor Vehicle**

**NOTICE OF INTENDED ACTION**

**RULE NO. & TITLE**

810-5-1-.205

Commitment to Purchase Distinctive License Plates

**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 update formatting and to remove specific registrant requirements submitted through the precommitment portal.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** A public hearing will be conducted at **01:30 PM on Tuesday, November 09, 2021** 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, November 09, 2021

**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

(1) Under the authority provided by ~~Section~~ §32-6-64, Code of Ala.~~abama~~ 1975, each person desiring to register a vehicle in a new license plate category shall make application and shall remit, as a commitment to purchase, the additional fee associated with the license plate category in a manner as prescribed by rule of the Commissioner of Revenue. Applications for commitments to purchase a distinctive license plate (i.e. pre-commitment) shall be submitted electronically through a pre-commitment portal that is available on the Ddepartment's website.

~~(2) The applicant shall provide the following information through the portal:~~

- ~~(a) Registrant name (individual or business)~~
- ~~(b) Registrant email address~~
- ~~(c) Registrant mailing address~~
- ~~(d) Registration telephone number~~
- ~~(e) Registrant county of residence~~
- ~~(f) Current Alabama license plate number or~~
- ~~(g) Vehicle identification number (VIN)~~
- ~~(h) Vehicle make~~
- ~~(i) Vehicle model~~
- ~~(j) Vehicle year~~

~~(3)~~ (2) The applicant will be required to pay for the pre-commitment application using a credit card. As provided by ~~Section~~ §32-6-64, Code of Ala.~~abama~~ 1975, any credit card processing fee associated with the transaction shall be paid by the person making the commitment to purchase the distinctive license plate and shall be nonrefundable. When payment is received, the applicant will receive an email with the pre-commitment payment receipt.

~~(4)~~ (3) The Ddepartment shall deduct from the additional fee for distinctive license plates and retain a two and one-half percent commission. The balance shall be forwarded to the Comptroller to be retained in escrow, until such time as the revenue received is

equal to or greater than the minimum amount required to issue license plates in that category, or the distinctive license plate fails to receive the required number of pre-commitments during the one year commitment to purchase period.

~~(5)~~ **(4)** If the distinctive license plate sponsoring organization requires the applicant to substantiate qualification eligibility ~~in order~~ to obtain the distinctive license plate, the applicant will be required to provide proof of eligibility prior to payment. Upon the ~~D~~department's receipt of the application, the applicant will receive an email with instructions for submission of proof of eligibility. Proof of eligibility may be provided to the ~~D~~department, or the sponsoring organization may electronically verify an applicant's eligibility through the ~~D~~department's pre-commitment portal. Proof of eligibility may include the following:

- (a) Membership card<sub>7</sub>,
- (b) Letter from the chapter president identifying the applicant as a member of the organization<sub>7</sub>,
- (c) Any other documentation as prescribed by statute or the ~~D~~department.

~~(6)~~ **(5)** Sponsoring organizations may apply for commitments to purchase the distinctive license plate category on behalf of their supporters. Supporters must complete form MVR 32-6-64CP and provide the completed form to the sponsoring organization. The sponsoring organization will complete the electronic pre-commitment application and remit payment through the pre-commitment portal. The sponsoring organization will be required to maintain the completed MVR 32-6-64CP forms for a period of five (5) years for audit purposes.

~~(7)~~ **(6)** Upon determination by the ~~D~~department that a sufficient number of applications for a distinctive license plate category has been received (250 for ~~q~~Quantity eClass 1, or 1,000 for ~~q~~Quantity eClass 2), the department shall initiate the ordering processes for design and manufacture of the approved license plate. The applicant will receive an email with a license plate redemption voucher and redemption instructions.

~~(8)~~ **(7)** If, after one year from the date the commitment to purchase period begins, the number of pre-commitments for a distinctive license plate category fails to reach 250 for Quantity Class 1, or fails to reach 1,000 for Quantity Class 2, the Comptroller shall pay the money in escrow to the sponsoring organization and no further consideration for production of the proposed distinctive plate shall be made under this application. In addition, the sponsoring organization may not submit another application for a distinctive license plate for a period of one year from the date the commitment to purchase period ended.

~~(9)~~ **(8)** If it is determined that the distinctive license plate category did not meet the required number of commitments to purchase, the applicant will be directed to the sponsoring organization with any questions or refund requests.

~~(10)~~ **(9)** If a pre-commitment application is submitted in error, the applicant will be required to submit a refund request, if applicable, to the sponsoring organization. When the refund is approved by the sponsoring organization, the pre-commitment application will be cancelled, and the number of pre-commitment applications received for the plate category will be adjusted.

~~(11)~~ **(10)** In order to redeem a pre-commitment, the applicant must present the pre-commitment voucher to the ~~licensing license plate issuing~~ official in the county where the applicant resides. ~~The licensing License plate issuing~~ officials will redeem the pre-commitment voucher through the pre-commitment portal and submit a request to manufacture the license plate through the Department's Plate Reservation and Ordering System (PROS). The ~~licensing license plate issuing~~ official will issue a temporary registration to the registrant and the license plate will be shipped to the registrant, or the ~~licensing license plate issuing~~ official's office.

**Author:** Sherry Helms.  
**Authority:** Sections ~~§~~40-2A-7(a)(5), 32-6-64, and 32-6-64(b)(1)c, Code of Alabama 1975.  
**History:** **New Rule:** Filed January 18, 2017, effective March 4, 2017.  
**Amended:** Filed September 20, 2021; effective