

Transmittal Sheet For Notice Of Intended Action

Control: 810
Rule Nos: 810-5-1-.207
Rule Title: Motor Vehicle Wreckers

Department or Agency: Revenue

New; Amended; Repealed; Adopt by Reference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.

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-.207

Motor Vehicle Wreckers

INTENDED ACTION

Amended

SUBSTANCE OF

PROPOSED ACTION:

This rule has been reviewed pursuant to the Red Tape Reduction Act 2013-88 and is being amended to incorporate language referencing the issuance of the restricted wrecker license plate and to make format changes for a more concise topic flow.

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 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) Section 40-12-248, Code of Alabama 1975, provides that a motor vehicle wrecker, commonly known as a tow truck, which is used primarily to move, tow or recover disabled motor vehicles or used for impoundment purposes, shall be licensed and registered based on the gross vehicle weight of the wrecker only, without regard to the gross vehicle weight of any motor vehicle to be towed by the wrecker.

(2) The license tax and registration fee shall be based on the gross vehicle weight of the wrecker which includes the empty (unladen) weight of the wrecker fully equipped and serviced for operation including the weight of any add-on equipment, tools, spare tires, fuel, and passengers.

(3) A wrecker will be issued a restricted "wrecker" license plate for the proper weight classification declared by the vehicle owner upon the payment of the license tax and registration fee.

(4) Definitions.

(a) The term "wrecker" is a motor vehicle constructed or permanently adapted and primarily used for the purpose of moving, lifting, towing, transporting, and recovering a disabled motor vehicle.

(b) The term "motor vehicle" includes every vehicle which is self-propelled, every vehicle which is propelled by electric power, and every vehicle that is drawn by a self-propelled vehicle, including every trailer and semitrailer, as provided by §40-12-240, Code of Ala. 1975.

(c) The term "disabled" means the motor vehicle is incapable of being self-operated.

(d) The term "impound" means to seize and retain in legal custody.

~~**(2) A wrecker is constructed or permanently adapted primarily for the purpose of lifting, towing and transporting a disabled motor vehicle.**~~

(3) (5) Types of Wreckers. Five general types of wreckers are in common usage, usually based on the type or size of vehicle to be towed:

(a) Boom - not specifically used for towing. Many trucks are equipped with an adjustable boom winch for recovering vehicles that are in a ditch, culvert, over an embankment, or any place the wrecker cannot be safely backed-up to.

(b) Hook and chain (also known as a "sling" or "belt lift") - chains are looped around the vehicle frame or axle, which is drawn aloft by a boom winch to rest against a pair of heavy rubberized mats so the vehicle can be towed on its other axle. Slings are sometimes used for towing vehicles that have been in an accident or have one or two of the front or rear wheels missing or for pickup trucks and other vehicles that have steel bumpers.

(c) Wheel Lift - evolved from the hook and chain technology to produce a large metal yoke that can be fitted under the front or rear wheels to cradle them, drawing the front or rear end of the vehicle clear of the ground by a pneumatic or hydraulic hoist so it can be towed. This apparatus generally picks up the drive wheels of the vehicle (i.e. the front wheels if it is front wheel drive, the rear wheels if it is rear wheel drive) touching only the tires.

(d) Flatbed (also called a Rollback or a Slide) - the entire back of the truck is fitted with a bed that can be hydraulically inclined and moved to ground level, allowing the vehicle being towed to be placed on it under its own power or pulled by a winch.

(e) Integrated (also referred to as a "Self Loader" Snatcher, Quick Pick or Repo Truck) — boom and wheel-lift integrated into one unit. Used in light duty trucks to repossess vehicles or move illegally parked vehicles. Most have controls for the apparatus inside the cab of the tow truck to make quick pickup possible without the inconvenience of exiting the truck to hook up the vehicle. Heavy duty trucks are also manufactured with integrated lift.

These are the most common arrangements, but are by no means exclusive, as there are flatbed units that offer a wheel-lift, boom trucks that can recover but not tow, and wheel-lift units that offer a combination boom with sling.

~~(4) A wrecker is primarily used to move, tow or recover disabled motor vehicles or used for impoundment purposes. The term "motor vehicle" includes every vehicle which is self-propelled, every vehicle which is propelled by electric power, and every vehicle that is drawn by a self-propelled vehicle, including every trailer and semitrailer, as provided by §40-12-240(7). The term "disabled" means the motor vehicle is incapable of being self-operated. The term "impound" means to seize and retain in legal custody.~~

~~(5) The license fee shall be based on the gross vehicle weight of the wrecker which includes the empty (unladen) weight of the wrecker fully equipped and serviced for operation including the weight of any add-on equipment, tools, spare tires, fuel and passengers.~~

Author: James P. Starling
Authority: Sections ~~§§~~40-2A-7(a)(5), 40-12-240, and 40-12-248, Code of Ala.bama 1975
History: **New Rule:** Filed March 28, 2012, effective May 2, 2012.
Amended: Filed September 20, 2021; effective