

1 HB215
2 153888-2
3 By Representatives DeMarco, Mask and McClurkin
4 RFD: Public Safety and Homeland Security
5 First Read: 07-FEB-13

1
2 ENROLLED, An Act,

3 Relating to motor vehicles; to amend Sections
4 32-6-111.2, 32-6-64, 32-6-67, 32-6-68, 32-6-270, 32-6-272,
5 32-6-58, and 32-7A-17, Code of Alabama 1975; to distribute the
6 net proceeds from the sale of National Guard license plates to
7 the National Guard Foundation and provide for the use of the
8 funds; to authorize the Commissioner of Revenue to prescribe
9 the manner in which persons make application and remit funds
10 for the commitment to purchase process for specialty license
11 plates; to specify that a sponsoring organization that fails
12 to achieve the required number of commitments may not submit
13 another application for a period of one year; to authorize the
14 Legislative Oversight Committee on License Plates to consider
15 license plate applications for the creation of license plate
16 categories for motorcycles; to provide that an application for
17 the creation of a motorcycle license plate category would be
18 for Quantity Class 2 only; to provide that if the sponsoring
19 organization is applying for passenger car plate and
20 motorcycle plate categories, separate applications would be
21 required to be filed; to provide that the number of
22 commitments to purchase for both passenger car and motorcycle
23 license plate categories would be required to be obtained
24 before the categories would be established and commitments
25 could not be combined in order to reach the required

1 threshold; to allow the approval of distinctive license plates
2 for out-of-state colleges and universities by the legislative
3 oversight committee after obtaining the certain minimum
4 commitments to purchase; to provide for the distribution of
5 the fees from the distinctive license plate to the State
6 General Fund; to provide that a retired volunteer firefighter
7 retired from a volunteer fire department in another state
8 would be eligible to obtain a distinctive firefighter motor
9 vehicle tag; to provide for the issuance of a distinctive law
10 enforcement memorial license plate; to provide for an
11 additional fee for the license plate and distribution of the
12 proceeds of the additional fee; to provide for the design of
13 the tag; to delete the specific weight reference and to
14 generally require an applicant to furnish proof of payment of
15 any federal heavy vehicle excise tax imposed by Title 26,
16 United States Code §4481, on certain motor vehicles prior to
17 the licensing official issuing, transferring, or renewing any
18 motor vehicle registration and license plate for the motor
19 vehicles; to provide that when renewing a motor vehicle
20 registration that contains more than one individual or entity
21 listed thereon as a registrant, the valid driver's license or
22 identification card number, a department approved federal
23 identifying number, national driver's license, or the federal
24 employer identification number for only one of the individuals
25 or entities listed as a registrant would be required to be

1 included within the motor vehicle registration records in the
 2 state and county databases; and to repeal Section 40-12-267,
 3 Code of Alabama 1975, which provides for expiration dates of
 4 licenses issued, which are no longer applicable for certain
 5 commercial motor vehicles.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 32-6-111.2, 32-6-64, 32-6-67,
 8 32-6-68, 32-6-270, and 32-6-272, Code of Alabama 1975, are
 9 amended to read as follows:

10 "§32-6-111.2.

11 "The net proceeds of the additional revenues derived
 12 from sales of the tags or plates provided pursuant to Section
 13 32-6-111.1, less administrative costs, including the cost of
 14 production of the plates, shall be distributed by the judge of
 15 probate or license commissioner to the state Comptroller. The
 16 state Comptroller shall distribute the proceeds to the
 17 National Guard ~~Historical Society~~ Foundation. The ~~society~~
 18 Foundation shall use these funds ~~for society education~~
 19 ~~programs and for the administration and the preservation of~~
 20 ~~museum artifacts of the Alabama National Guard Museum~~ in
 21 furtherance of its program and purposes.

22 "§32-6-64.

23 "(a) (1) The design of license plates, including all
 24 emblems, slogans, symbols, or characters appearing on the
 25 plates, shall be by regulation as promulgated by the Revenue

1 Commissioner, and as otherwise specified by law. The face of
 2 the license plate to be displayed shall be fully treated with
 3 a reflective material which will increase the nighttime
 4 visibility and legibility of the plate.

5 "(2) Characters on the license plate which designate
 6 the county of issuance shall be numeric, and all numerals on
 7 the license plates shall be no smaller than two and
 8 three-fourths inches in height. The following numbering scheme
 9 shall be used:

10 "a. Jefferson County, 1; Mobile County, 2;
 11 Montgomery County, 3.

12 "b. All other counties shall be ranked
 13 alphabetically and assigned consecutive numbers beginning with
 14 4 and concluding with 67.

15 "c. The Department of Revenue shall be responsible
 16 for the numbering of distinctive license plates and shall
 17 establish a system to minimize duplication of license plate
 18 numbers. License plates that shall be approved for manufacture
 19 under subsection (b) shall be numbered or personalized.

20 "(b) ~~Effective January 1, 1997, the~~ The sponsoring
 21 organization of any new or reissued distinctive license plate
 22 that is not of a college or university or ~~an existing a~~
 23 military category shall assure a minimum quantity of 250
 24 registrations in order for the proposed plate to qualify for

1 production consideration by the legislative oversight
 2 committee under the provisions of Section 32-6-67.

3 "(1) The procedure to assure the quantity minimum
 4 for a distinctive license plate shall be as follows:

5 "a. The sponsoring organization shall apply to the
 6 Department of Revenue for approval for the proposed
 7 distinctive license plate from the legislative oversight
 8 committee. A sponsoring organization that desires to submit an
 9 application both for a passenger car and a motorcycle license
 10 plate category shall submit an application for each category.

11 At the time of application, the sponsoring organization shall
 12 submit a design for the plate or logo for the quantity class
 13 being applied for as described below:

14 "1. Quantity Class 1 (250 to 999 registrations). A
 15 new distinctive license plate category, or an existing
 16 distinctive license plate to be reissued, in which
 17 registrations are estimated to be at least 250, but less than
 18 1,000, shall be in conformity with the design approved by the
 19 legislative oversight committee for license plates in this
 20 quantity class. This plate shall include a space designated on
 21 the left side of the license plate, not exceeding two and
 22 one-half inches in width and height, in which an appropriate
 23 emblem, slogan, or logo design may be applied to represent the
 24 organization for whom the distinctive license plate is issued.
 25 The distinctive license plate may contain, either at the top

1 or bottom of the license plate, opposite the state name, the
2 name of the distinctive license plate category or group. Each
3 proposed emblem, slogan, symbol, or logo shall be subject to
4 the approval of the legislative oversight committee.

5 "2. Quantity Class 2 (1,000 or greater
6 registrations). This quantity class may use the logo system
7 described for Quantity Class 1, or may use a unique design for
8 the entire plate which is approved by the legislative
9 oversight committee and meets all other design and manufacture
10 requirements of Alabama law. All requests for the creation of
11 motorcycle license plate categories shall be submitted for
12 Quantity Class 2 only. If a sponsoring organization is
13 applying for both passenger car license plate and motorcycle
14 license plate categories, commitments of 1,000 or more plates
15 shall be obtained for each category before the category is
16 created. Commitments to purchase for each license plate
17 category shall not be combined in order to reach the required
18 threshold. Passenger and motorcycle license plate categories
19 shall be of the same design.

20 "b. After the legislative oversight committee
21 approval and notification to the Department of Revenue, the
22 department shall also coordinate with the Comptroller to
23 establish funding procedures for deposit and maintaining
24 monies held pending issuance of the new category of license
25 plates.

1 "c. Each person desiring to register a vehicle in
2 the new category shall make application ~~through the~~
3 ~~appropriate county issuing official~~ and shall remit, as a
4 commitment to purchase, the additional fee associated with the
5 license plate category in a manner as prescribed by rule of
6 the Commissioner of Revenue. Any credit card processing fee
7 associated with the transaction shall be paid by the person
8 making the commitment to purchase the distinctive license
9 plate and shall be nonrefundable.

10 "d. The ~~issuing official~~ Department of Revenue shall
11 deduct from the additional fee and retain a two and one-half
12 percent commission ~~as provided by law~~. The balance shall be
13 forwarded to the Comptroller to be retained in escrow, until
14 such time as the revenue received is equal to or greater than
15 the minimum amount required to issue license plates in that
16 category. If, after one year from the date of notification of
17 approval by the legislative oversight committee, the number of
18 subscribers for a category fails to reach 250 for Quantity
19 Class 1, or fails to reach 1,000 for Quantity Class 2, ~~upon~~
20 ~~notification by the Department of Revenue~~, the Comptroller
21 shall pay the money in escrow to the sponsoring organization
22 and no further consideration for production of this proposed
23 distinctive plate shall be made under this application. In
24 addition, the sponsoring organization may not submit another
25 application for a distinctive license plate for a period of

1 one year from the date the commitment to purchase period
2 ended.

3 "e. ~~Upon notification by the Comptroller to~~
4 determination by the Department of Revenue that a sufficient
5 number of applications for a plate category has been received,
6 the department shall initiate the ordering processes for
7 design and manufacture of the approved license plate. At that
8 time, the Comptroller shall pay out of the escrow account the
9 amounts referred to in Section 32-6-68.

10 "(2) Notwithstanding any other provisions to the
11 contrary, except where specifically provided by subsection
12 (b), ~~effective January 1, 1997,~~ no series of distinctive
13 license plates shall be reissued unless the following
14 requirements are met:

15 "a. For Quantity Class 1 distinctive license plates,
16 there shall have been issued in the prior license year a
17 minimum of 250 license plates.

18 "b. For Quantity Class 2 distinctive license plates,
19 there shall have been issued in the prior license year a
20 minimum of 1,000 license plates.

21 "(3) The use of distinctive license plate categories
22 shall be limited to use on passenger cars, pick-up trucks ~~of~~
23 ~~not more than 8,000 pounds gross weight,~~ and self-propelled
24 campers or house cars, and motorcycles. Notwithstanding the
25 foregoing, a sponsoring organization desiring to establish a

1 license plate category for motorcycles may do so only if the
2 requisite number of commitments to purchase for Quantity Class
3 2 is obtained for motorcycle license plates.

4 "(c) (1) The Department of Corrections is directed to
5 supply all license plates and revalidation devices required
6 under this subdivision. The amounts charged by the Department
7 of Corrections for the manufacture of revalidation devices
8 shall not be less than that charged for the manufacture of
9 license plates on a per item basis.

10 "(2) The Department of Corrections shall maintain an
11 accurate system of record-keeping which shall trace and
12 account for the handling and distribution of each plate and
13 revalidation device throughout the manufacturing process until
14 the items are distributed to each county.

15 "(d) After the five-year license plate has been in
16 use for a period of three years the Department of Corrections
17 shall manufacture all subsequent license plates for the
18 remaining two years of the period from a metal of less
19 durability and quality than the metal used in manufacturing
20 the five-year license plates.

21 "(e) The amendatory language in this section shall
22 not become operative as to license plate applications until
23 January 1, 2014, or as otherwise provided by rule of the
24 department.

25 "§32-6-67.

1 "(a) There is created a legislative committee to
2 oversee the implementation and administration of this Article
3 2, except Subdivision 1 of Division 1. The committee shall be
4 composed of three members of the House of Representatives and
5 a county license plate issuing official, who shall be
6 appointed by and serve at the pleasure of the Speaker of the
7 House, and three members of the Senate and a county license
8 plate issuing official, who shall be appointed by and serve at
9 the pleasure of the Lieutenant Governor, the Director of the
10 Alabama Criminal Justice Information Center, the Director of
11 Public Safety, and the President of the Probate Judges
12 Association. The Department of Revenue shall designate a
13 representative and the Department of Corrections shall
14 designate a representative of Alabama Correctional Industries
15 as nonvoting and advisory members to the committee. The chair,
16 who shall be picked by the members of the committee from the
17 legislative members on the committee, shall have the authority
18 to call meetings of the committee when he or she deems it
19 necessary or as otherwise provided in this section.

20 "(b) The committee shall:

21 "(1) Meet not less than once every six months.

22 "(2) Require that a simple majority of committee
23 voting members be in attendance for conducting whatever
24 business requires committee action.

1 "(3) Establish guidelines for the qualification of
2 organizations which may sponsor a new or continued issuance of
3 a license plate category, or may benefit from that issuance.

4 "(4) Approve, disapprove, or indefinitely postpone,
5 by a vote of two-thirds of the members present at a committee
6 meeting, a request for a new license plate category.

7 "(c) Decisions of the committee concerning approval,
8 disapproval, or indefinite postponement of further action on a
9 proposed distinctive license plate shall be interpreted to be
10 the intent of the entire body of the Legislature, and
11 separate, specific action by the Legislature concerning a
12 distinctive license plate proposal shall not be considered.

13 "(d) The committee shall not consider for approval
14 applications from the following types of organizations:

15 "(1) Out-of-state colleges and universities except
16 as provided in subsection (e).

17 "(2) Private businesses, business organizations, or
18 commercial entities of any type.

19 "(3) Public schools K-12, junior colleges, and
20 technical schools, exclusive of the Helping Schools Tag as
21 established in Sections 32-6-300 and 32-6-301.

22 "(4) Groups within high schools, junior colleges,
23 universities, and technical schools, such as band boosters,
24 athletic boosters, and the like.

25 "(5) Unions.

1 "(6) Political organizations.

2 "(7) Religious organizations.

3 "(8) Groups that promote racial or social
4 disharmony.

5 "(9) Public officials.

6 "(e) The committee may consider and approve an
7 application for a distinctive license plate for an
8 out-of-state college or university, upon submission of an
9 application pursuant to Section 32-6-64.

10 "~~(e)~~ (f) Upon the request of the chair, the Secretary
11 of the Senate and the Clerk of the House shall provide
12 clerical assistance necessary for the work of the committee.

13 "~~(f)~~ (g) The committee members who are members of the
14 Legislature shall be entitled to, and shall receive, the same
15 daily legislative compensation, expense allowances, per diem,
16 and other compensation which they receive while in legislative
17 session for each weekday, Monday through Friday, during any
18 week in which the committee actually meets. The
19 non-legislative members of the committee shall be entitled to,
20 and shall receive, the same per diem and expenses that are
21 paid to state employees.

22 "§32-6-68.

23 "(a) ~~Effective January 1, 1997, each~~ Each new
24 distinctive license plate issued shall require, in addition to

1 the standard registration fee, an additional annual fee of
2 fifty dollars (\$50).

3 "(b) The additional license plate fee as provided
4 for in subsection (a) shall be distributed in the following
5 manner:

6 "(1) Two and one-half percent commission, provided
7 by Section 40-12-269(a) (1).

8 "(2) Manufacturing costs of one dollar and fifty
9 cents (\$1.50) to the Department of Corrections.

10 "(3) Administrative costs of one dollar (\$1) to the
11 Department of Revenue.

12 "(4) State shares of five dollars (\$5) shall be
13 transmitted to the state Comptroller for deposit into the
14 Penny Trust Fund as established by Amendment 512 of the
15 Constitution of Alabama of 1901.

16 "(5) The remainder of the additional fee shall be
17 distributed to the sponsoring organization or as otherwise
18 provided under the terms of the application approved by the
19 legislative oversight committee; except that the remainder of
20 the additional fee after the distributions provided in
21 subdivisions (1) through (3) shall be distributed to the State
22 General Fund when a distinctive license plate is for an
23 out-of-state college or university as provided in subsection
24 (e) of Section 36-6-67.

1 "(c) The distribution of fees for tags which were
2 authorized by legislative act before January 1, 1998, shall
3 continue in effect, any other provision of law to the contrary
4 notwithstanding.

5 "§32-6-270.

6 "(a) As used in this division, unless the context
7 clearly requires a different meaning: "Firefighter" means a
8 current member or members of, or a retired member or members
9 from, a paid, part-paid or volunteer fire department of a
10 city, town, county, or other subdivision of the state or
11 civilian federal firefighters or of a public corporation
12 organized for the purpose of providing water, water systems,
13 fire protection services, or fire protection facilities in the
14 state; and such words shall include the chief, assistant
15 chief, wardens, engineers, captains, firemen, and all other
16 officers and employees of such departments who actually engage
17 in fire fighting or in rendering first aid in case of
18 drownings or asphyxiation at the scene of action.

19 "(b) As used in this division, the term "retired
20 volunteer firefighter" means someone that has retired from
21 performing the required duties of a firefighter on a voluntary
22 basis at a certified volunteer fire department, wherein, those
23 duties were performed for at least 10 years and the person has
24 attained the age of 55 years old. Notwithstanding any other
25 provision of this division, the term "retired volunteer

1 firefighter" includes a volunteer firefighter who is a
2 resident of this state and who has retired from a volunteer
3 fire department in another state and who otherwise meets the
4 requirements of this subsection.

5 "§32-6-272.

6 "(a) The distinctive license plates here provided
7 for shall be prepared by the Commissioner of Revenue and shall
8 be issued through the judge of probate, license commissioner,
9 or other license issuing official of the several counties of
10 the state in like manner as are other motor vehicle license
11 plates or tags and such officers shall be entitled to their
12 regular fees for such service.

13 "(b) The Alabama Forestry Commission shall prepare a
14 list of all members of certified volunteer fire departments
15 and the Firefighters' Personnel Standards and Education
16 Commission shall prepare a list of all members of paid or
17 part-paid fire departments. The Alabama Forestry Commission
18 shall also add to the list any retired volunteer firefighter
19 retired from a volunteer fire department in another state who
20 submits proof to the commission of eligibility pursuant to
21 this division. The Forestry Commission and the Firefighters'
22 Personnel Standards and Education Commission shall submit to
23 the judge of probate, license commissioner, or other license
24 issuing official of each county by December 1 of each year the
25 lists of members of fire departments.

1 "(c) An applicant for a distinctive plate shall
2 present to the issuing official proof of his or her
3 identification, and the firefighter shall be issued the
4 requested number of distinctive license plates or tags upon
5 the payment of the regular license fee for tags, as provided
6 by law, but shall not be required to pay the three dollar (\$3)
7 fee. The distinctive license plates or tags so issued shall be
8 used only upon and for personally-owned, private, passenger
9 vehicles, to include station wagons and pick-up trucks,
10 registered in the name of the firefighter making application
11 therefor, and when so issued to the applicant shall be used
12 upon the vehicle for which issued in lieu of the standard
13 license plates or license tags normally issued for such
14 vehicle.

15 "(d) Any person who joins a volunteer, paid, or
16 part-paid fire department after December 1 of any year or any
17 person who is mistakenly omitted from the lists prepared as
18 described above may obtain a distinctive plate by presenting
19 to the license issuing official proof of his or her membership
20 in a fire department by means of a certificate signed by the
21 chief of the department on a form prescribed by the Alabama
22 Forestry Commission.

23 "(e) Anyone who is proven to have either falsely
24 obtained or certified an individual to obtain a distinctive
25 firefighter license plate shall be guilty of a Class C

1 misdemeanor, and upon conviction, shall be punished according
2 to law.

3 "(f) A distinctive license plate shall be provided,
4 upon written request, to a widow or widower of either of a
5 paid, part-paid, or a volunteer firefighter who dies in the
6 line of duty. For purposes of this subsection, a death in the
7 line of duty is determined by a circumstance in which a
8 municipal firefighter's death would result in a death benefit
9 under Section 11-43-144."

10 Section 2. (a) Notwithstanding Sections 32-6-64,
11 32-6-67, and 32-6-68, Code of Alabama 1975, upon application
12 to the judge of probate or license commissioner, compliance
13 with motor vehicle registration and licensing laws, payment of
14 regular fees required by law for license plates for private
15 passenger or pleasure motor vehicles, and payment of an
16 additional annual fee of fifty dollars (\$50), owners of motor
17 vehicles who are residents of Alabama shall be issued
18 distinctive law enforcement memorial license plates.

19 (b) These plates shall be valid for five years, and
20 may then be replaced with either conventional, personalized,
21 or new law enforcement memorial license plates.

22 (c) Payment of required license fees and taxes for
23 the years during which a new plate is not issued shall be
24 evidenced as provided in Section 32-6-63, Code of Alabama
25 1975.

1 (d) Officials from the State Law Enforcement
2 Memorial in Anniston, Alabama, may submit a design of the
3 plate honoring law enforcement officers killed in the line of
4 duty. The design shall be approved by the Department of
5 Revenue and the Legislative Oversight Committee for License
6 Plates prior to production. Section 32-6-54, Code of Alabama
7 1975, shall not apply to the plates designed pursuant to this
8 section.

9 (e) The plates shall be issued, printed, and
10 processed like other distinctive and personalized plates
11 provided for in this chapter.

12 (f) The additional revenues derived from the sales
13 of the distinctive motor vehicle license plates shall be
14 distributed as follows: Twenty-five dollars (\$25) of the
15 additional fee to the State Law Enforcement Memorial in
16 Anniston, Alabama, and twenty-five dollars (\$25) of the
17 additional fee to the State General Fund.

18 Section 3. Sections 32-6-58 and 32-7A-17, Code of
19 Alabama 1975, are amended to read as follows:

20 "§32-6-58.

21 "(a) All judges of probate, license commissioners,
22 and other officials authorized by law to register motor
23 vehicles and issue motor vehicle license plates and to perform
24 other duties in connection with the issuance of motor vehicle
25 license plates shall refuse to ~~register a motor vehicle having~~

1 ~~a gross weight of 33,000 pounds or more and shall refuse to~~
2 ~~issue any motor vehicle registrations and license plate for~~
3 ~~such motor vehicle plates and shall refuse to transfer any or~~
4 ~~renew motor vehicle registrations and license plates for such~~
5 ~~motor vehicles unless the applicant furnishes proof of~~
6 ~~payment, in the form prescribed by the Secretary of the United~~
7 ~~States Treasury, that ~~the~~ any federal heavy vehicle excise tax~~
8 ~~imposed by Title 26, United States Code §4481, has been paid.~~

9 "(b) The Department of Revenue ~~is empowered to~~ may
10 ~~adopt such~~ rules and regulations ~~as it may deem~~ necessary for
11 the proper administration of this section.

12 "§32-7A-17.

13 "(a) License plate issuing officials shall not
14 register or re-register a motor vehicle or transfer the
15 license plates if the registration is suspended pursuant to
16 Section 32-7A-12.

17 "(b) Notwithstanding subsection (a), upon the
18 request of the registrant, the license plate issuing official
19 shall reinstate a registrant's suspended registration at such
20 time the registrant meets the provisions of reinstatement
21 provided for by this chapter.

22 "(c) No vehicle registration or renewal thereof
23 shall be issued to any motor vehicle unless the license plate
24 issuing official receives satisfactory evidence of insurance
25 or verification of motor vehicle liability insurance through

1 the online insurance verification system, liability insurance
2 bond, or deposit of cash that provides the minimum motor
3 vehicle insurance coverage required by Section 32-7-6 or is
4 exempted under Section 32-7A-5. Verification by the license
5 plate issuing official shall be made in a manner as prescribed
6 by the department.

7 "(d) All officials authorized by law to issue motor
8 vehicle license plates shall obtain, when issuing or
9 transferring motor vehicle registrations, the registrant's
10 valid state issued driver's license or identification card
11 number, a department approved federal identifying number,
12 national driver's license, or for a company or other entity,
13 the federal employer identification number, for inclusion
14 within the motor vehicle registration records in the state and
15 county databases provided these numbers shall not be included
16 on the motor vehicle registration receipts. The department has
17 the additional authority to assign an identifying number to
18 vehicle registrants in order to document compliance with this
19 chapter. This information shall be used by the department in
20 the administration of this chapter. Notwithstanding the
21 provisions of this subsection, when renewing a motor vehicle
22 registration that contains more than one individual or entity
23 listed as a registrant for a motor vehicle, a valid state
24 issued driver's license or identification card number,
25 department approved federal identifying number, national

1 driver's license, or, for a company or other entity, a federal
2 employer identification number for only one of the individuals
3 or entities listed as a registrant must be included within the
4 motor vehicle registration records in the state and county
5 databases when renewing the motor vehicle registration."

6 Section 4. Section 40-12-267, Code of Alabama 1975,
7 is repealed.

8 Section 5. Sections 1 and 2 of this act shall become
9 effective January 1, 2014, and Sections 3 and 4 of this act
10 shall become effective immediately following its passage and
11 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 10-APR-13, as amended.

Jeff Woodard
Clerk

| | | |
|--------|-----------|-------------------------------|
| Senate | 20-MAY-13 | Amended and Passed |
| House | 20-MAY-13 | Concurred in Senate Amendment |