

1 HB460  
2 210251-3  
3 By Representative Allen  
4 RFD: Agriculture and Forestry  
5 First Read: 25-FEB-21

8 SYNOPSIS: Under existing law, commercial motor  
9 vehicles are required to comply with federal motor  
10 carrier safety regulations as prescribed by the  
11 U.S. Department of Transportation. A commercial  
12 motor vehicle operated in intrastate commerce which  
13 does not equal or exceed 26,001 pounds with certain  
14 exceptions is exempt from the federal regulations.

15 This bill would exclude motor vehicles  
16 engaged in the intrastate transportation of logs or  
17 pulpwood and agricultural products between the  
18 point of harvest and the first point of processing  
19 from the regulations.

20 Under existing law, the total amount of the  
21 annual license tax and registration fee with  
22 respect to a truck or truck tractor owned and used  
23 by a farmer is limited to a maximum of \$250 for the  
24 class designated 80,001 pounds and over for up to  
25 four truck tractors.

26 This bill would delete the limitation on a  
27 reduced fee for only four truck tractors owned and

1 used by a farmer and an exclusion of truck tractors  
2 used on a hire basis.

3 The bill would further provide the annual  
4 license tax and registration fee and tags with  
5 respect to trucks owned and used for transporting  
6 forest products under certain conditions where the  
7 gross vehicle weight exceeds 42,000 pounds.

8  
9 A BILL  
10 TO BE ENTITLED  
11 AN ACT

12  
13 Relating to motor vehicles; to amend Section 32-9A-2  
14 of the Code of Alabama 1975, relating to commercial motor  
15 vehicles and compliance with federal motor carrier safety  
16 regulations of the U.S. Department of Transportation; to  
17 exclude motor vehicles engaged in the intrastate  
18 transportation of logs or pulpwood and agricultural products  
19 between the point of harvest and the first point of processing  
20 from the regulations; and to amend Section 40-12-248 of the  
21 Code of Alabama 1975, providing the annual license tax and  
22 registration fees for trucks and truck tractors based on the  
23 gross weight of the vehicles; to delete a limitation on the  
24 number of truck tractors of a certain weight class used by a  
25 farmer for transporting farm products which are eligible for a  
26 reduced fee; to provide for weight classes for trucks or truck  
27 tractors owned and used by any person for transporting forest

1 products under certain conditions where the gross weight of  
2 the truck or truck tractor exceeds 42,000 pounds; and to  
3 delete an exclusion of truck tractors of a certain weight  
4 class used for transporting forest products when the truck  
5 tractors are used for hire.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 32-9A-2 of the Code of Alabama  
8 1975, is amended to read as follows:

9 "§32-9A-2.

10 "(a) (1) Except as otherwise provided in subsection  
11 (b), no person may operate a commercial motor vehicle in this  
12 state, or fail to maintain required records or reports, in  
13 violation of the federal motor carrier safety regulations as  
14 prescribed by the U.S. Department of Transportation, 49 C.F.R.  
15 Part 107, Parts 171-180, Parts 382-387, and Parts 390-399 and  
16 as they may be amended in the future. Except as otherwise  
17 provided herein, this chapter shall not be construed to repeal  
18 or supersede other laws relating to the operation of motor  
19 vehicles.

20 "(2) a. No person may operate a commercial motor  
21 vehicle in this state in violation of 49 C.F.R. § 393.120, as  
22 amended, relating to load securement for certain metal coils.

23 b. No one owning, leasing, or allowing a commercial  
24 vehicle to be operated in this state shall knowingly or  
25 negligently be in violation of 49 C.F.R. § 393.120, as  
26 amended, relating to load securement for metal coils.

1           "(3) No person may knowingly or negligently own or  
2 lease or cause to be operated on any public highway, road,  
3 street, or other public right-of-way a commercial motor  
4 vehicle loaded with a metal coil in a manner that fails to  
5 comply with 49 C.F.R. § 393.120 and thereby allows a metal  
6 coil to drop, fall, spill, shift, or otherwise escape from the  
7 commercial vehicle onto any public highway, road, street, or  
8 any other public right-of-way.

9           "(4)a. No motor carrier may initiate or terminate in  
10 this state the commercial transport of metal coils, as defined  
11 in 49 C.F.R. § 393.120, unless the commercial vehicle operator  
12 is certified in proper load securement as provided in 49  
13 C.F.R. § 393.120. Certification shall be conducted according  
14 to standards published by the ~~Department of Public Safety~~  
15 Alabama State Law Enforcement Agency and certified by the  
16 motor carrier and the driver on forms provided by the  
17 department.

18           "b. The operator of a commercial motor vehicle  
19 involved in the commercial transport of metal coils subject to  
20 this subdivision shall be certified in proper load securement  
21 as provided in 49 C.F.R. § 393.120.

22           "(5) Except as it relates to subdivision (3), no law  
23 enforcement officer may make an arrest or issue a citation  
24 under this chapter unless he or she has satisfactorily  
25 completed, as a part of his or her training, the basic course  
26 of instruction developed by the Commercial Vehicle Safety  
27 Alliance. Those law enforcement officers authorized to enforce

1 this chapter shall annually receive in service training  
2 related to commercial motor vehicle operations, including, but  
3 not limited to, training in current federal motor carrier  
4 safety regulations, safety inspection procedures, and  
5 out-of-service criteria. The annual training requirements  
6 shall be designated and specified by the director. An officer  
7 qualified under this section to make an arrest or issue a  
8 citation pursuant to subdivision (3) may arrest or issue a  
9 citation to the driver of a commercial motor vehicle without a  
10 warrant and without witnessing the violation personally if,  
11 upon personal investigation, the officer has reasonable cause  
12 to believe that a violation has occurred.

13 "(b) Notwithstanding subsection (a) or any other  
14 provision of law to the contrary:

15 "(1) Amendments to the hours of service regulations  
16 ~~promulgated~~ adopted by the U.S. Department of Transportation  
17 at 68 Federal Register 22456, April 28, 2003 and effective  
18 June 27, 2003, shall not apply to utility service vehicles as  
19 defined at 49 C.F.R. § 395.2, not including television cable  
20 or community antenna service vehicles, which are owned or  
21 operated by utilities regulated by the Public Service  
22 Commission or electric cooperatives and which are engaged  
23 solely in intrastate commerce in this state until June 27,  
24 2006, provided the amendments are valid and remain in effect  
25 as of that date. Hours of service regulations that are  
26 applicable in this state immediately prior to June 27, 2003,  
27 shall remain applicable to utility service vehicles engaged

1 solely in intrastate commerce in this state until June 27,  
2 2006. If the U.S. Department of Transportation issues an  
3 official finding that this provision may result in the loss of  
4 federal Motor Carrier Safety Assistance Program funding, the  
5 department may ~~promulgate~~ adopt regulations providing for  
6 earlier implementation of the amendments to the federal hours  
7 of service regulations. If federal law or regulations are  
8 amended at any time to exempt utility service vehicles from  
9 the hours of service requirements, any exemption shall be  
10 effective in this state immediately for the duration of the  
11 federal exemption.

12 "(2) The department may ~~promulgate regulations~~ adopt  
13 rules suspending the effective date for up to three years  
14 after adoption of any motor carrier safety regulation by the  
15 U.S. Department of Transportation as applied to vehicles  
16 engaged solely in intrastate commerce in this state, provided  
17 that the suspension does not result in the loss of federal  
18 Motor Carrier Safety Assistance Program funding.

19 "(3) The department may enter into agreements with  
20 state and local emergency management agencies and private  
21 parties establishing procedures for complying with 49 U.S.C. §  
22 31502(e) and federal regulations ~~promulgated~~ adopted thereto  
23 at 49 C.F.R. § 390.23 which provide an exemption from the  
24 hours of service regulations during certain emergencies.

25 "(4) The department may ~~promulgate regulations~~ adopt  
26 rules granting any waiver, variance, or exemption permitted  
27 under 49 U.S.C. § 31104(h) and federal regulations ~~promulgated~~

1 adopted thereto at 49 C.F.R. §§ 350.339-350.345, provided that  
2 the waiver, variance, or exemption does not result in the loss  
3 of federal Motor Carrier Safety Assistance Program funding and  
4 does not take effect unless approved by the U.S. Department of  
5 Transportation if that approval is required.

6 "(5) A commercial motor vehicle operated in  
7 intrastate commerce which does not equal or exceed 26,001  
8 pounds, except a motor vehicle, regardless of weight, which is  
9 designed or used to transport 16 or more passengers, including  
10 the driver, or which is used in the transportation of  
11 hazardous materials and required to be placarded pursuant to  
12 49 C.F.R. Part 172, Subpart F, shall be exempt from the  
13 federal motor carrier regulations otherwise made applicable in  
14 this state pursuant to subsection (a). For purposes of this  
15 subdivision, commercial motor vehicle means a commercial motor  
16 vehicle as defined in 49 C.F.R. § 390.5.

17 "(6) For purposes of those provisions of 49 C.F.R. §  
18 395 providing for exemptions from the hours of service  
19 requirements of that section respecting the operation of motor  
20 vehicles for the transportation of agricultural commodities as  
21 contemplated in that section, the planting and harvesting  
22 season for this state is defined by the Legislature as the  
23 period from April 1 of each calendar year to March 31 of the  
24 next succeeding calendar year.

25 "(7) This chapter does not apply to motor vehicles  
26 engaged in the intrastate transportation of logs or pulpwood



1 or agricultural products, including livestock, between the  
2 point of harvest and the first point of processing.

3 "(c) Nothing in this section as amended by Act  
4 2008-336 shall be interpreted to exempt any person from the  
5 obligations to operate a motor vehicle in a safe and proper  
6 manner or to observe the rules of the road, nor shall any  
7 provision of this section as amended by Act 2008-336 be  
8 interpreted to immunize any person from civil liability for  
9 actionable conduct.

10 "(d) ~~The Department of Public Safety~~ Alabama State  
11 Law Enforcement Agency shall publish standards for training  
12 drivers of commercial motor vehicles in proper load securement  
13 for metal coils as provided in 49 C.F.R. § 393.120 and provide  
14 for certification of drivers of commercial motor vehicles  
15 carrying metal coils."

16 Section 2. Section 40-12-248 of the Code of Alabama  
17 1975, is amended to read as follows:

18 "§40-12-248.

19 "(a) For each truck or truck tractor using the  
20 public highways of this state, annual license taxes and  
21 registration fees based on the gross vehicle weight in pounds  
22 are imposed and shall be charged. For the purposes of this  
23 section, the term "gross vehicle weight" shall mean the empty  
24 weight of the truck or truck tractor plus the heaviest load to  
25 be carried and, in the case of combinations, shall be deemed  
26 to include also the empty weight of the heaviest trailer with  
27 which the power unit shall be placed in combination, plus the

1 heaviest load to be carried. No tolerance or margin of error  
2 shall be allowable under this section, except as provided in  
3 subsection (b).

4 "(b) For each truck or truck tractor using the pub-  
5 lic highways of this state, the annual license taxes and reg-  
6 istration fees herein imposed (i) shall consist of the base  
7 amount applicable to the truck or truck tractor under the  
8 schedule of base amounts set forth in this subsection, plus  
9 (ii) the additional amount, if any, applicable to the truck or  
10 truck tractor under the schedule of additional amounts set  
11 forth in this subsection:

12 SCHEDULE OF BASE AMOUNTS

13

14 Gross Vehicle	
15 Weight in Pounds	Base Amount
16 0 to 8,000	\$10.70
17 8,001 to 10,000	17.50
18 10,001 to 12,000	52.50
19 12,001 to 18,000	85.00
20 18,001 to 26,000	117.50
21 26,001 to 33,000	150.00
22 33,001 to 42,000	260.00

1	42,001 to 55,000	292.50
2	55,001 to 64,000	325.00
3	64,001 to 73,280	357.50
4	73,281 to 80,000	407.50
5	80,001 or over	445.00

6 SCHEDULE OF ADDITIONAL AMOUNTS

7		
8	Gross Vehicle	
9	Weight in Pounds	Additional Amount
10	0 to 8,000	\$2.30
11	8,001 to 10,000	17.50
12	10,001 to 12,000	52.50
13	12,001 to 18,000	85.00
14	18,001 to 26,000	117.50
15	26,001 to 33,000	150.00
16	33,001 to 42,000	260.00
17	42,001 to 55,000	292.50
18	55,001 to 64,000	325.00
19	64,001 to 73,280	357.50
20	73,281 to 80,000	407.50

1           80,001 or over

445.00

2                   "The total amount of the annual license tax and  
3 registration fee shall be limited with respect to trucks or  
4 truck tractors owned and used by a farmer for transporting  
5 farm products or the personal property of the farmer for use  
6 on his or her farm to a maximum of thirty dollars (\$30) where  
7 the gross vehicle weight of the truck does not exceed 30,000  
8 pounds; to a maximum of eighty-five dollars (\$85) where the  
9 gross vehicle weight of the truck exceeds 30,000 pounds, but  
10 does not exceed 42,000 pounds; and to a maximum of two hundred  
11 fifty dollars (\$250) where the gross vehicle weight of the  
12 truck or truck tractor is up to and including the class  
13 currently designated 80,001 pounds or over; ~~provided,~~  
14 ~~however, a farmer shall be entitled to pay this reduced annual~~  
15 ~~license tax and registration fee for four truck tractors; for~~  
16 ~~each additional truck tractor the annual license tax and~~  
17 ~~registration fee shall be determined from the "schedule of~~  
18 ~~base amounts" and "the schedule of additional amounts" based~~  
19 ~~on the gross vehicle weight in pounds; and the~~ The annual  
20 license tax and registration fee shall be limited with respect  
21 to trucks owned and used by any person for transporting forest  
22 products from the point of severance to a sawmill, to a  
23 papermill, or to a concentration yard to a maximum of forty  
24 dollars (\$40) where the gross vehicle weight of the truck does  
25 not exceed 30,000 pounds and to a maximum of sixty-five

1 dollars (\$65) where the gross vehicle weight exceeds 30,000  
2 pounds, but does not exceed 42,000 pounds~~7~~. ~~The reduced annual~~  
3 ~~license tax and registration fee shall not be available for~~  
4 ~~truck tractors used on a for hire basis.~~ Where the gross  
5 vehicle weight of a truck or truck tractor owned and used by  
6 any person for transporting forest products from the point of  
7 severance to a sawmill, to a papermill, or to a concentration  
8 yard exceeds 42,000 pounds, the annual license tax and  
9 registration fee for the restricted tags shall consist of the  
10 base amount applicable to the truck tractor under the schedule  
11 base amounts set forth in this subsection, plus the additional  
12 amount applicable to the truck or truck tractor under the  
13 schedule of additional amounts set forth in this subsection.

14 "For purposes of enforcement of farm truck license  
15 tags~~7~~ or of forest products truck license tags ~~for trucks that~~  
16 ~~do not exceed 42,000 pounds in gross vehicle weight,~~ all  
17 scaled weight shall be allowed a tolerance or a margin of  
18 error of 10 percent of the true gross or axle weights to allow  
19 for any climatic conditions.

20 "For each truck tractor which is operated by a  
21 certificated motor carrier and which is operated exclusively  
22 within 15 miles of the corporate limits of the incorporated  
23 municipality in which it is customarily domiciled, but not  
24 including vehicles operating beyond the borders of Alabama,  
25 and which is registered in the county in which it is  
26 customarily domiciled, a total annual license tax and

1 registration fee of three hundred dollars (\$300) is imposed  
2 and shall be charged.

3 "The total amount of the annual license tax and reg-  
4 istration fee shall be limited to the following schedule for  
5 all self-propelled campers or house cars, but a self-propelled  
6 camper or a house car whose weight does not exceed 8,000  
7 pounds, shall be subject to the provisions of Section  
8 40-12-273(b):

9 SCHEDULE OF BASE AMOUNTS

10

11	Gross Vehicle	
12	Weight in Pounds	Base Amount
13	0 to 8,000	\$10.70
14	8,001 to 12,000	25.00
15	12,001 to 18,000	50.00
16	18,001 to 26,000	87.50
17	26,001 to 33,000	137.50
18	33,001 to 42,000	250.00

19 SCHEDULE OF ADDITIONAL AMOUNTS

20

1	Gross Vehicle	
2	Weight in Pounds	Additional Amount
3	0 to 8,000	\$2.30
4	8,001 to 12,000	25.00
5	12,001 to 18,000	50.00
6	18,001 to 26,000	87.50
7	26,001 to 33,000	137.50
8	33,001 to 42,000	250.00

9                   "(1) Notwithstanding the other provisions of this  
10 section, a pickup truck as defined in Section 32-8-2, which is  
11 used for personal or agricultural use and which is not  
12 operated for commercial purposes, shall be licensed and  
13 registered based on the gross weight of the vehicle only  
14 without regard to the heaviest load to be carried including  
15 the heaviest load to be carried on any trailer used in  
16 combination with the truck, and, for purposes of this  
17 subdivision, the term "gross vehicle weight in pounds" as used  
18 in this subsection means the gross weight of the vehicle only  
19 without regard to the heaviest load to be carried including  
20 the heaviest load to be carried on any trailer used in  
21 combination with the truck.

22                   "(2) Notwithstanding the other provisions of this  
23 section, a motor vehicle wrecker, commonly known as a tow  
24 truck, which is used primarily to move, tow, or recover

1 disabled motor vehicles or used for impoundment purposes,  
2 shall be licensed and registered based on the gross vehicle  
3 weight of the wrecker only without regard to the gross vehicle  
4 weight of any motor vehicle to be towed by the wrecker.

5 "(c) Every person making application for license  
6 under this section to use a truck or truck tractor on the  
7 public highways of this state shall be required to ~~make an~~  
8 ~~affidavit~~ file a statement declaring the gross vehicle weight  
9 of the truck or truck tractor ~~and file the affidavit~~ with the  
10 judge of probate, or other county licensing officer, in the  
11 county in which the application is made. Upon payment of the  
12 applicable motor vehicle license tax or registration fee, the  
13 license to use the truck or truck tractor on the public  
14 highways of this state shall be limited to the gross vehicle  
15 weight so declared by the owner, which shall be deemed to  
16 constitute the allowable gross vehicle weight for which the  
17 vehicle is licensed.

18 "After having obtained a license under this section  
19 with respect to any truck or truck tractor, the owner thereof  
20 may during the then current tax year voluntarily increase the  
21 allowable gross vehicle weight for which the vehicle is  
22 licensed by ~~making~~ filing a new ~~affidavit~~ statement declaring  
23 the vehicle's gross weight, applying for a new license  
24 applicable to the appropriate gross vehicle weight  
25 classification, surrendering the license plates or tags  
26 previously obtained, and paying the difference between the  
27 fees applicable to a license for the higher weight



1 classification desired and the fee in respect of the license  
2 so surrendered. The license classification of a truck or truck  
3 tractor may not be decreased, however, except once a year at  
4 the time new license tags or plates are purchased for the  
5 truck or truck tractor."

6 Section 3. Section 1 of this act shall become  
7 effective immediately following its passage and approval by  
8 the Governor, or its otherwise becoming law. Section 2 of this  
9 act shall become effective on the first day of the third month  
10 following its passage and approval by the Governor, or its  
11 otherwise becoming law.