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810-5-1-.201. Exemptions from Privilege or License Tax and Registration Fee at Time of Registration or Re-registration.

- (1) Anyone claiming the exemption from the privilege or license tax and registration fee levied on automobiles and motor vehicles by the State of Alabama must claim the exemption at the time of registration or re-registration of the vehicle.
- (2) Anyone not claiming an exemption at time of registration will not be entitled to a refund of registration fees subsequently claimed.
- (3) Anyone qualifying for an exemption after having registered his or her motor vehicle must wait until his or her next registration period to claim the exemption; provided, if the exemption is a permanent exemption, such as a Prisoner of War exemption under Section 32-6-250, upon surrender of the current license plate, the qualified individual may be issued the requested exemption plate and will not be subject to future payments of fees (but no refund of fees paid for the surrendered plate shall be made).
- (4) Anyone entitled to an exemption who qualifies for and elects to receive a distinctive license plate that has an additional fee is not exempt from the payment of the additional fee.
- (5) Section 32-6-254 provides a permanent exemption to surviving spouses for the distinctive license plates authorized under Section 32-6-250; provided the exemption ends at his or her remarriage. The exemption is applicable even if the exemption was not available during the lifetime of the service member, or if the service member did not choose to exercise the exemption/secure the distinctive license plate. (Authority: Sections 40-2A-7(a)(5), Code of Alabama 1975 (Adopted through APA effective July 30, 1982; Amended: Filed October 28, 2005, effective December 2, 2005)

810-5-1-.202. Personalized License Tags - Rejection of Objectionable Language or Symbols.

- (1) WHEREAS, the Department of Revenue is authorized by statute to promulgate rules and regulations relating to the use and operation of a private passenger or pleasure motor vehicle before the owner thereof can obtain a personalized license tag, the Department of Revenue shall determine whether or not to manufacture and issue the license plate as applied for.
- (2) IT IS THEREFORE ORDERED that no license plate be manufactured and issued which contains objectionable language or symbols which are considered by the

Department of Revenue to be offensive to the peace and dignity of the State of Alabama. (Adopted July 22, 1982) (Authority: §§40-2-11 and 32-6-151)

810-5-1-.204. Placement of Motor Vehicle License Tags on Certain Motor Vehicles.

- (1) The Commissioner of Revenue is of the opinion that Act 143 of the 1961 Legislature, now Section 32-6-51 Code of Alabama 1975, has certain conflicts in regard to the placement of license plates on trucks or truck tractors.
- (2) In order to comply with the legislative intent of Act 143 which requires the license plates to be conspicuous and "plainly visible", the Department of Revenue mandates that the placement of license plates issued for truck tractors as defined in Section 40-12-240, as amended, be displayed on the front of the truck tractors (excluding motor homes).
- (3) Owners or operators of trucks as defined in Section 40-12-240, as amended, may display the license plate in the front of the vehicle when:
 - (a) The license plate is rendered difficult to read because of the truck bumpers, or truck lift or other permanent obstruction.
 - (b) The license plate is subject to being bent, defaced, mutilated because of the commodity hauled or the use made of the truck.
 - (c) The license plate is subject to being covered with dirt, chemicals, etc., because of vehicle design or use (i.e. dump trucks, trash or garbage trucks).
- (4) The license plate required of all other motor vehicles shall be placed on the rear of such vehicle as provided by said Act. (Adopted October 1, 1962, amended July 23, 1982, amended May 30, 1989, amended September 18, 1992) (Authority: §§40-2-11, 40-12-272, Code of Alabama 1975.)

810-5-1-.205. Temporary Tags - Authorized Uses.

- (1) Act No. 79-817, 1979 Regular Session of the Alabama Legislature, was enacted for the purpose of providing temporary tags to purchasers of motor vehicles under certain conditions. The Act also provides for three distinct and temporary type tags to be used by such issuing agents. For the Probate Judges, License Commissioners, and Directors of Revenue who are already designated agents under the Title Law, it is only necessary that they file an application with this office using their designated agent's number under the Title Section to become a designated agent to issue temporary tags primarily to vehicles to be licensed out-of-state. However, if for any reasonable and valid reason the Judges need to issue more than one temporary tag to any one individual they are allowed to do so under this Act so long as the temporary period does not exceed sixty days. All issuing agents will be held accountable for those tags assigned to them by license number for accounting purposes. The same applies to tag receipts.
- (2) The dealers will be furnished a distinctive type tag. The dealers are only authorized to issue temporary tags to those persons who purchase a motor vehicle for titling and registration in another state. Each such dealer can only issue one temporary tag to the same individual for the same vehicle. This also applies to manufacturers and dealers in mobile homes who will have a third distinctive type motor vehicle tag to be issued only to vehicles which will be licensed out-of-state.
- (3) The Act further provides that mobile home manufacturers and dealers in mobile homes must post a continuing bond in an amount not less than \$5,000.00 or in lieu of such bond such manufacturer or dealer may file a condensed balance sheet as of a date not more than three months prior to July 1, of each year evidencing a net worth of not less than \$25,000.00.
- (4) The Department of Revenue, Motor Vehicle Division, will furnish all forms, receipts, and temporary tags to be used by the issuing agents. The price of each tag is \$2.25 as shown on the remittance advice form and each designated agent, manufacturer, or dealer shall remit to the Department of Revenue, Motor Vehicle Division, on the remittance advice form the sum of \$1.50 for each temporary tag issued. The balance of

fee (\$.75) shall be remitted to the County Commission of the county in which the tag is issued. The \$.75 to be paid to the county is an issuance fee and no additional fees are to be collected by the issuing authority. The remittance advice form will be in three parts and the original of the form is to be remitted to the Department of revenue along with fees listed thereon. The second copy is to be furnished to county in which issued along with county remittance and the third copy is to be retained by the issuing agent for a period of one year from date of issuance for accounting purposes by the Examiners of Public Accounts. The receipt forms will be in triplicate with the original to be sent to the Department of Revenue, Motor Vehicle Division, the second copy to the purchaser, and the third copy to be retained by the issuing agent for accounting purposes. These tags are cardboard tags and should be posted by the purchaser in the rear window of the motor vehicle for which it was purchased. The information to be written on the tag by each issuing agent shall be in ink showing the date issued, date expiring, and such other information as is required on the temporary license tag. All issuing agents are requested to forward the remittance to this office by the 10th of the month following date issued. (Adopted September 24, 1979, amended July 30, 1982) (Authority: §40-2-11 and 32-6-218)

810-5-1-.206 Military Exemptions and the United States Armed Forces Reserve Distinctive License Plates.

(1) Active members of the United States Armed Forces Reserve, who are residents of Alabama, shall be entitled to claim a registration fee exemption for one passenger vehicle owned by the active member of a reserve unit.

(2) The registration fee exemption shall apply to only one passenger vehicle to include trucks with gross vehicle weights not exceeding 8,000 pounds. Passenger vehicles shall not include self-propelled campers or house cars, motorcycles, trailers, semitrailers, or motor vehicles used in the transportation of persons for hire. Additional distinctive license plates may be acquired after payment of the required registration fees, and taxes. Where an active member of the United States Armed Forces Reserve moves to another county and desires to purchase a U.S. Armed Forces Reserve military license plate, and the registration fee exemption has already been claimed in the prior county, the reserve member shall present the active reserve identification card or Common Access Card, and the most recent copy of his or her Leave and Earnings Statement (LES) to the county license plate issuing official. This documentation aids the license plate issuing official in ensuring that the individual qualifies to purchase the U.S. Armed Forces Reserve military license plate.

(3) The U.S. government began issuing modified United States military identification cards in October 2004 referred to as Common Access Cards (CAC). The new cards do not contain a status field for military personnel which means that one cannot view the new cards to determine whether an individual is in the National Guard, Reserves, or is active duty military. The new cards are issued to new enlistments, persons receiving promotions, and military personnel receiving replacement cards for other reasons. Previously issued cards containing the status field will remain valid until October 2007 or until the cards expire, whichever comes first.

(4) To claim the exemption, the active reserve member must present, to county license plate issuing official, an active reserve identification card or Common Access Card, and an affidavit signed by the unit commander confirming the reservist/vehicle owner remains in military service and is entitled to the registration fee exemption.

(5) The passenger vehicle for which the United States Armed Forces Reserve distinctive license plate is sought shall be owned by the active reserve member as evidenced by the reservist's name appearing on the title. The vehicle not be owned by a trust, corporation, LLC, spouse, dependent, etc.

(6) The registration fee exemption for the active reserve member may be applied to a standard passenger license plate or other distinctive license plate categories in addition to the active reserve license plate category. Active reserve members desiring to acquire a distinctive license plate other than the United States Armed Forces Reserve plate must pay the additional fee applicable to the license plate category requested prior to acquiring the distinctive license plate.

(7) United States Armed Forces Reserve license plates are renewed under the staggered registration system. Reservists are to renew in the month assigned by law according to the first letter of the individual reservist's last name.

(8) When a vehicle owned by an active reserve member is sold, junked, or otherwise disposed of, the active reserve license plate shall be removed from the vehicle, and shall remain with the active reserve member. Should the active reserve member acquire another vehicle, the United States Armed Forces Reserve license plate may be transferred to the other vehicle upon payment of the transfer fee to the county license plate issuing official.

(9) While an Alabama resident may qualify for the registration fee exemption, ad valorem tax must be remitted to the county license plate issuing official prior to issuance of a United States Armed Forces Reserve license plate, standard license plate or other distinctive license plate for which the registration exemption is applied.

(10) In the event a member of any United States Armed Forces Reserve unit, by virtue of military orders is deployed outside Alabama, and thus unable to personally provide to the county license plate issuing official an active reserve identification card or Common Access Card, and is otherwise entitled to an exemption under Section 40-12-244, Code of Alabama 1975, or other section of Alabama law providing for registration fee exemptions for members of any United States Armed Forces Reserve unit on active military duty, the spouse, dependent or person granted power of attorney to conduct business on behalf of the reservist, may provide proof, as described below, that reservist/vehicle owner is on active duty in military service, and the county license plate issuing official, relying on the proof provided, may authorize the registration fee exemption and issue the requested United States Armed Forces Reserve distinctive license plate, standard license plate, or other distinctive license plate for the reservist.

(11) In the event the reservist is deployed, the proof document to be presented shall be the most recent copy of the reservist's "Leave and Earnings Statement" (LES) or a copy of his/her mobilization orders, and the reservist's spouse or dependent's military identification card.

(Authority: Sections 40-2A-7(a)(5) and 32-6-352, Code of Alabama 1975) (History: Adopted through APA July 29, 2003, effective September 2, 2003; Amended: Filed October 28, 2005, effective December 2, 2005)

(1)

810-5-1-.207. Disabled Veterans - Uses and Transferability of Distinctive Tags.

(1) For the sake of uniformity and standardization, upon implementation of Act 81-933, of the First Special Session of the Alabama Legislature, the Revenue Department shall issue the distinctive "disabled veterans" license plate required by this Act to all disabled veteran applicants qualified for the issuance of license plates under Code of Alabama, 1975, as amended, Sections 32-6-130, 40-12-244, and 40-12-254.

(2) This shall be a permanent license plate, designed in accordance with Act 81-933 of the First Special Session of the 1980 Legislature and this license plate shall be revalidated each year as required by Act 80-631, 1980 Regular Session of the Alabama Legislature (The Staggered Registration System) for private passenger motor vehicles.

(3) The disabled veteran's license plates are not transferable between persons. A disabled veteran who has properly qualified and has been issued a distinctive "disabled veteran" license plate, upon selling his vehicle, shall remove the license plate from the vehicle. The purchaser (transferee) of the vehicle shall purchase a new license plate for the vehicle, unless specifically exempt from same.

(4) The disabled veteran can deliver his distinctive disabled veteran license plate to the Probate Judge or other county official authorized and required by law to issue license plates and have his distinctive license plates reassigned to his replacement motor vehicle. (Adopted August 2, 1982) (Authority: §§40-12-272 and 32-6-131)

810-5-1-.208 Military Exemptions and the National Guard Distinctive License Plates.

(1) Active members of the Alabama National Guard, who are residents of Alabama, shall be entitled to claim a registration fee exemption for one passenger vehicle owned by an active guardsman.

(2) Retired members of the Alabama National Guard with twenty (20) years or more service, who are residents of Alabama, are also entitled to claim a registration fee exemption for one passenger vehicle owned by the retired member.

(3) The registration fee exemption shall apply to only one personally- owned, private passenger vehicle to include trucks with gross vehicle weights not exceeding 8,000 pounds. Passenger vehicles shall not include self-propelled campers or house cars, motorcycles, trailers, semitrailers, or motor vehicles used in the transportation of persons for hire. Additional distinctive National Guard license plates may be acquired by paying the regular privilege or license tax and registration fee as provided by law. Where an active member of the Alabama National Guard moves to another county and desires to purchase a National Guard military license plate, and the registration fee exemption has already been claimed in the prior county, the guard member shall present the National Guard identification card or Common Access Card, and the most recent copy of his or her Leave and Earnings Statement (LES) to the county license plate issuing official. This documentation will aid the license plate issuing official in ensuring that the individual qualifies to purchase the National Guard military license plate.

(4) The U.S. government began issuing modified United States military identification cards in October 2004 referred to as Common Access Cards (CAC). The new cards do not contain a status field for military personnel which means that one cannot view the new cards to determine whether an individual is in the National Guard, Reserves, or is active duty military. The new cards are issued to new enlistments, persons receiving promotions, and military personnel receiving replacement cards for other reasons. Previously issued cards containing the status field will remain valid until October 2007 or until the cards expire, whichever comes first.

(5) To claim the exemption, the active National Guard member must present to the county license plate issuing official, a proper identification card and an affidavit signed by the unit commander, confirming that the member/vehicle owner remains in the National Guard or State Guard and is entitled to the registration fee exemption.

(6) A retired member of the Alabama National Guard must present proper identification and a NGB Form 22, or a Notice of Eligibility for Retired Pay at Age 60 as proof of retirement status.

(7) The passenger vehicle for which the National Guard distinctive license plate is sought shall be owned by the member as evidenced by the member's name appearing on the title. The vehicle shall not be owned by a trust, corporation, LLC, spouse, dependent, etc.

(8) The registration fee exemption for the active and retired National Guard member may only be applied to the distinctive National Guard license plate or National Guard personalized distinctive license plate. Payment of the additional fee must be remitted to the county license plate issuing official before the National Guard personalized distinctive license plate may be issued.

(9) When the vehicle owned by the active or retired member is sold, junked, or otherwise disposed of, the distinctive National Guard license plate shall be removed from the vehicle, and shall remain with the member. Should the member acquire another vehicle, the distinctive National Guard license plate may be transferred to the other vehicle upon payment of the appropriate transfer fee to the county license plate issuing official.

(10) In the event a member of any Alabama National Guard unit, by virtue of military orders, is deployed outside Alabama, and thus is unable to personally provide to the county license plate issuing official the affidavit by his/her unit commander confirming that the member is on active military service and is thus entitled to an exemption under Section 40-12-244, Code of Alabama 1975, or other section of Alabama law providing for motor vehicle registration fee exemptions, the spouse, dependent or person granted power of attorney to conduct the business of the member may provide proof, as described below, that the member/vehicle owner is in active military service, and the county license plate issuing official, relying on the proof provided, may authorize the registration fee exemption and issue the requested National Guard distinctive license plate for the member.

(11) In the event the Guard member is deployed outside Alabama, the proof document to be presented shall be the most recent copy of the serviceman's "Leave and Earnings Statement" (LES) or a copy of his/her mobilization orders, and the Guard member's spouse or dependent's military identification card. (Authority: Sections 40-2A-7(a)(5) and 32-6-352, Code of Alabama 1975) (History: Adopted through APA July 29, 2003, effective September 2, 2003; Amended October 28, 2005, effective December 2, 2005)

810-5-1-.209 Helping Schools Distinctive License Plates.

(1) Owners of all motor vehicles, who are residents of Alabama, shall be entitled to purchase a Helping Schools distinctive license plate. The registrant shall pay an annual additional fee as provided by law to secure the license plate. This fee shall be paid in addition to the regular registration fee that applies to the type of motor vehicle being registered as well as all applicable taxes.

(2) Owners of private passenger vehicles, to include pickup trucks of not more than 8,000 pounds gross vehicle weight, self-propelled campers or house cars, motorcycles or motor driven cycles may request either a pre-numbered or personalized Helping Schools distinctive license plate. If a pre-numbered plate is issued, the registrant shall receive a registration receipt, license plate, and validation decals at the time of registration.

(3) If a personalized plate is requested, the registrant shall receive a registration receipt, sixty (60) day temporary bearing the personalized message, and validation decals at the time of registration. Once the plate is manufactured, it will be shipped to the registrant or to the county tag office, if requested by the issuing official.

(4) Owners of commercial motor vehicles who desire to display the Helping Schools distinctive license plate shall comply with all rules and regulations governing commercial vehicles to include numbering schemes, when applicable.

(5) The Department of Revenue may alter the design of the Helping Schools distinctive license plate as may be necessary for issuance on all types of motor vehicles.

(6) Registrants may designate the school district for which they desire the net proceeds to be distributed. The county tag issuing official shall distribute the additional fee less the cost of production of the plate to the designated district. When a registrant fails to designate a school district or indicates no preference, the funds shall be distributed to the school district in which the funds were generated. The net proceeds will be used to purchase classroom supplies and equipment in grades K-12 of the public schools in the district.

Authority: Section 40-2A-7(a)(5), Code of Alabama 1975. History: New rule: Filed March 30, 2004, effective May 4, 2004.

810-5-1-.210 Extending the Period for Use of Standard and Distinctive License Plates.

(1) The term “standard license plates” as used in this rule shall be deemed to include the following license plate categories:

- (a) Passenger automobile license plates;
- (b) License plates for trucks with gross weights not exceeding 12,000 pounds;
- (c) License plates for utility and travel trailers;
- (d) License plates for motor homes with gross weights not exceeding 12,000 pounds.

1. The term “distinctive license plates” as used in this rule shall be deemed to include collegiate license plates as authorized under Section 32-6-150 and the various multi-year military and other specialty plates authorized under Chapter 6 of Title 32 and Chapter 12 of Title 40.

(2) This rule shall not pertain to the following categories of license plates:

- (a) Apportioned
- (b) State, county or municipal government (including motorcycles)
- (c) Public Utility Departments
- (d) Temporary (including Manufacturer Temporary)
- (e) Volunteer Fire Departments
- (f) Federal Government Loaned Vehicles
- (g) National Guard (including disability access)
- (h) Purple Heart (including disability access)
- (i) Prisoner of War (including disability access)
- (j) Medal of Honor Recipient (including disability access)
- (k) Vintage Vehicle (including motorcycle)
- (l) Consular Official
- (m) USS Alabama Battleship Commission
- (n) Standard motorcycle
- (o) Manufacturer
- (p) Dealer (including dealer motorcycle)
- (q) Trailer
- (r) Ambulance/Hearse
- (s) Commercial Bus
- (t) Taxi
- (u) Rental Trailer
- (v) Trucks with gross weights exceeding 12,000 pounds
- (w) Farm trucks
- (x) Forest products trucks
- (y) Motor homes (exceeding 12,000 pounds gvw)

(3) Under the authority of Section 32-6-53, Code of Alabama 1975, and pursuant to the issuance of a proclamation of emergency under date of February 19, 2004 by Governor Bob Riley, the Commissioner of Revenue hereby extends the period of use of standard and distinctive license plates for a two-year period; accordingly, the issuance of the next series of standard license plates shall be delayed until the period January 1, 2009 through November 30, 2009, and the current series of standard license plates (“Stars Fell on Alabama”) shall be extended until the new series is issued.

(4) Any new distinctive license plate categories created either by legislative action or through the pre-commitment process as provided in Chapter 6 of Title 32, on or after January 1, 2004, shall be valid for a period of five (5) years as provided in Section 32-6-62. Furthermore, any existing distinctive license plate category which is due to be reissued during the period from January 1, 2005 through December 31, 2007 will be extended for an additional two-year period.

(5) The extension herein provided refers to the use of the metal license plate, and does not extend the period for annual reregistration of the vehicle. Vehicle owners shall continue to timely renew their registrations in their designated renewal month, including payment of ad valorem taxes, issuance fees, and registration fees, and shall be issued revalidation decals to be attached to the license plates.

(6) Anyone acquiring a vehicle subject to registration in Alabama during the period beginning January 1, 2007 and extending through December 31, 2008, desiring a standard license plate, shall be issued the license plate series that was originally issued beginning January 1, 2002 (the “Stars Fell on Alabama” series).

(7) In the event the license plate becomes illegible or deteriorates to the condition that law enforcement could have difficulty reading the license plate or determining the type of license plate, the owner shall return to his or her license plate issuing official, and upon surrender of the original license plate and payment of the appropriate fee, secure a replacement license plate as authorized under Section 40-12-265. (Authority: Sections 40-2A-7(a)(5) and 32-6-53, Code of Alabama 1975) (History: Adopted through APA June 18, 2004, effective July 23, 2004)

810-5-1-.210.01 Motor Vehicle Registration Expiration Dates and Registration Periods.

(1) Active members of the Alabama National Guard, who are residents of Alabama, shall be entitled to claim a registration fee exemption for one passenger vehicle owned by an active guardsman.

(2) Retired members of the Alabama National Guard with twenty (20) years or more service, who are residents of Alabama, are also entitled to claim a registration fee exemption for one passenger vehicle owned by the retired member.

(3) The registration fee exemption shall apply to only one personally- owned, private passenger vehicle to include trucks with gross vehicle weights not exceeding 8,000 pounds. Passenger vehicles shall not include self-propelled campers or house cars, motorcycles, trailers, semitrailers, or motor vehicles used in the transportation of persons for hire. Additional distinctive National Guard license plates may be acquired by paying the regular privilege or license tax and registration fee as provided by law. Where an active member of the Alabama National Guard moves to another county and desires to purchase a National Guard military license plate, and the registration fee exemption has already been claimed in the prior county, the guard member shall present the National Guard identification card or Common Access Card, and the most recent copy of his or her Leave and Earnings Statement (LES) to the county license plate issuing official. This documentation will aid the license plate issuing official in ensuring that the individual qualifies to purchase the National Guard military license plate.

(4) The U.S. government began issuing modified United States military identification cards in October 2004 referred to as Common Access Cards (CAC). The new cards do not contain a status field for military personnel which means that one cannot view the new cards to determine whether an individual is in the National Guard, Reserves, or is active duty military. The new cards are issued to new enlistments, persons receiving promotions, and military personnel receiving replacement cards for other reasons. Previously issued cards containing the status field will remain valid until October 2007 or until the cards expire, whichever comes first.

(5) To claim the exemption, the active National Guard member must present to the county license plate issuing official, a proper identification card and an affidavit signed by the unit commander, confirming that the member/vehicle owner remains in the National Guard or State Guard and is entitled to the registration fee exemption.

(6) A retired member of the Alabama National Guard must present proper identification and a NGB Form 22, or a Notice of Eligibility for Retired Pay at Age 60 as proof of retirement status.

(7) The passenger vehicle for which the National Guard distinctive license plate is sought shall be owned by the member as evidenced by the member's name appearing on the title. The vehicle shall not be owned by a trust, corporation, LLC, spouse, dependent, etc.

(8) The registration fee exemption for the active and retired National Guard member may only be applied to the distinctive National Guard license plate or National Guard personalized distinctive license plate. Payment of the additional fee must be remitted to the county license plate issuing official before the National Guard personalized distinctive license plate may be issued.

(9) When the vehicle owned by the active or retired member is sold, junked, or otherwise disposed of, the distinctive National Guard license plate shall be removed from the vehicle, and shall remain with the member. Should the member acquire another vehicle, the distinctive National Guard license plate may be transferred to the other vehicle upon payment of the appropriate transfer fee to the county license plate issuing official.

(10) In the event a member of any Alabama National Guard unit, by virtue of military orders, is deployed outside Alabama, and thus is unable to personally provide to the county license plate issuing official the affidavit by his/her unit commander confirming that the member is on active military service and is thus entitled to an exemption under Section 40-12-244, Code of Alabama 1975, or other section of Alabama law providing for motor vehicle registration fee exemptions, the spouse, dependent or person granted power of attorney to conduct the business of the member may provide proof, as described below, that the member/vehicle owner is in active military service, and the county license plate issuing official, relying on the proof provided, may authorize the registration fee exemption and issue the requested National Guard distinctive license plate for the member.

(11) In the event the Guard member is deployed outside Alabama, the proof document to be presented shall be the most recent copy of the serviceman's "Leave and Earnings Statement" (LES) or a copy of his/her mobilization orders, and the Guard member's spouse or dependent's military identification card. (Authority: Sections 40-2A-7(a)(5) and 32-6-352, Code of Alabama 1975) (History: Adopted through APA July 29, 2003, effective September 2, 2003; Amended October 28, 2005, effective December 2, 2005)

810-5-1-.211 Motor Vehicle Registration Delinquency Penalty and Interest Charges.

(1) Penalties for the late registration of a motor vehicle are codified in Sections 40-12-260(a)(5) and 32-6-65(b), Code of Alabama 1975, as amended by Act 2004-529. Additionally, a penalty under Section 40-12-249(b) is applicable to anyone operating a vehicle with an improper class license plate. This rule does not address the penalty provisions of Section 40-12-255(b) involving manufactured homes.

(2) Act 2004-529, effective August 1, 2004, increases the number of days to register a newly acquired vehicle from ten (10) days to twenty (20) days. The Department of Revenue construes the provisions of Section 40-12-260(a)(4)a., where the Code, after the Act 2004-529 amendment, continues to indicate a 10-day period for vehicle transfers, as being in error, and that registrants, effective August 1, 2004, have 20 days from date of purchase or acquisition to register a newly acquired vehicle without penalty. The Department takes this position based on Alabama court decisions where it was held that the bill's synopsis indicate the legislative intent, and decisions that have held that if a particular code section contains conflicting information, the later data is to be considered the intent of the Legislature.

(3) The Department of Revenue interprets the 20-day provisions of Act 2004-529 as being effective for any motor vehicle **registered August 1, 2004 or thereafter**. Therefore, if a motor vehicle is acquired in the month of July 2004, and the 10-day "grace period" to register the vehicle ends in the month of August 2004, license plate issuing officials shall construe the new law as extending the 10-day grace period to 20 days. Example: a new vehicle is acquired on July 26, 2004. The ten-day period to register the vehicle begins on July 27, 2004 and extends into August. Thus, because Act 2004-529 becomes effective on August 1, 2004, the purchaser is given an additional 10 days to register his newly acquired vehicle.

(4) In determining the 20-day penalty free period, the day the vehicle was actually acquired is not included in the calculations (see Section 1-1-4, Code of Alabama 1975 and opinion of the Attorney General to Honorable Walker Hobbie, Judge of Probate, Montgomery County, under date of November 14, 1980). Thus issuing officials, in calculating the 20-day "grace period" must begin counting using the day following the purchase or acquisition date.

(5) In calculating the 20 day penalty and interest "grace period," if the 20th day falls on a Saturday, Sunday, holiday, or any day that the county issuing office is closed, the vehicle owner may register his or her vehicle the next business day without penalty and interest charges as per Alabama law.

(6) If someone is issued a current and valid Alabama temporary license plate(s) before the 20-day penalty and interest "grace period" expires for his or her newly acquired vehicle, penalty and interest are not to be charged if the vehicle is registered while the temporary plate(s) remains valid. The temporary plate must have been acquired prior to the delinquent period.

(7) If someone is issued a current and valid temporary license plate for his or her newly acquired vehicle in another jurisdiction, penalty and interest shall not be charged when registered while the temporary plate is valid, even if the 20th day occurs before the temporary plate expires. Provided, the temporary plate acquired from another jurisdiction must have been secured within the 20-day “grace period” from date purchased or acquired.

(8) Section 32-6-65(b), in defining the phrase “late registration of a motor vehicle” uses the phrase “date of purchase or acquisition.” There are many ways one may **acquire** a motor vehicle, including:

- (a) Gift,
- (b) Prize,
- (c) Divorce settlement,
- (d) Estate settlement.

(9) It is the responsibility of anyone acquiring a vehicle to prove to the satisfaction of the license plate issuing official the date the vehicle was acquired, if the vehicle was operated with a temporary license plate, and any other factor that would assist the issuing official in determining when the registration fee liability attaches, and if delinquency penalty and interest charges are due.

(10) Situations sometimes occur where the **date of purchase** is different from the **date of acquisition**. In cases where the registrant can document to the issuing official that the newly acquired vehicle was not received by the owner until a date subsequent to the purchase date, penalty and interest shall not be charged if the vehicle is registered within 20 days of the acquisition date. Example: Someone acquiring a new truck from a dealership, as part of the purchase contract, requires the dealer to paint the truck and add special equipment, and such changes result in the new owner not taking possession of the truck until several days after the date shown on the title application as the purchase date.

(11) Situations sometimes occur where a purchaser will acquire a motor vehicle, have it delivered by the selling dealership to the purchaser’s location, where it is stored until weeks or months later when the purchaser needs to place the vehicle into service. If the purchaser documents to the license plate issuing official that the vehicle was delivered by the seller and not subsequently operated on the public highways prior to the vehicle being registered, the issuing official shall charge no late registration penalty or interest.

(12) Under provisions of the Alabama Certificate of Title and Antitheft Act, a salvage motor vehicle may be rebuilt and operated on the public highways. In such cases, upon inspection and the issuance of an application for certificate of title for the rebuilt vehicle by the Department of Revenue, the vehicle shall be registered within 20 days of the date shown on the application for certificate of title without penalty or interest charges attaching (unless the registration fee liability does not attach, for example, if the rebuilt vehicle is acquired by and immediately placed into dealer inventory).

(13) There are situations where owners acquire motor vehicles to be used exclusively on private property and not on the “public highway” as that term is defined in Section 40-12-240. In the event the owner needs to operate the vehicle on the public highways, before operating, the owner must first register the vehicle – there is no 20-day grace period in such cases. In the event the vehicle is operated on the public highways without the registration having been acquired before operation, delinquency penalties and interest charges are due when the vehicle is subsequently registered. Provided, the Department does not interpret vehicle operation on the public highways to include a movement directly from one side of a public highway to the opposite side of the highway (for example, to move the vehicle from plant sites directly across the highway from each other).

(14) In the event someone leases a motor vehicle, the lease date is the date of acquisition, and the registration fee liability attaches on the lease date, unless the lessor or lessee can provide evidence that the lessee did not receive control and possession of the vehicle on the lease date.

(15) In the event a licensed motor vehicle dealer moves a vehicle from his/her vehicle sales inventory to be used as daily rental vehicle, the motor vehicle dealer shall certify to the issuing official the date that the vehicle was placed into the rental inventory, or the date that the vehicle was first used as a rental vehicle, whichever date is first, in order for the issuing official to determine if delinquency penalty and interest charges accrue. This same requirement is applicable if the vehicle is removed from dealer inventory for use as a service vehicle, etc.

(16) In the event a **manufacturer of motor vehicles** elects to sell a motor vehicle to the employee of the manufacturer or direct to a retail customer, the liability for registration fees would begin at the date of purchase or acquisition, with the purchaser having the 20-day grace period to acquire registration.

(17) In accordance with the opinion of the Attorney General issued to the Honorable Larry Prince, Tax Assessor, Franklin County, under date of June 2, 1993, during the 20-day period a newly acquired vehicle may be operated without a current and valid Alabama license plate being displayed on the vehicle, if the owner has not secured a new registration for the vehicle.

(18) In accordance with the provisions of Section 40-12-260(b)(1)(2) and (3), during the 20-day grace period from purchase date or acquisition date, the operator of the newly acquired vehicle must retain with the vehicle the ownership document(s) authorized in these law subsections for possible presentation to law enforcement. Provided, if the person acquiring the vehicle has a current and valid license plate formerly registered to another vehicle he/she previously owned, said license plate may be affixed to newly acquired motor vehicle.

(19) If the newly acquired motor vehicle is a truck or truck tractor with a gross weight exceeding 10,000 pounds, or is a commercial bus, while the registration may be

secured without penalty during the 20-day period following the date of purchase or acquisition, operation of the truck, truck tractor or commercial bus on the public highways, without a current and valid license plate may subject the operator to law enforcement sanctions; particularly, if the vehicle is operated outside the State of Alabama.

(20) If the owner of a newly acquired motor vehicle seeks to register the vehicle by transferring the current and valid registration from a vehicle he/she continues to own, in accordance with the provisions of Section 40-12-260, such transfer cannot be made. If, however, the owner can document to the satisfaction of the license plate issuing official that the previously owned vehicle was sold or otherwise disposed of prior to the acquisition of new vehicle, the transfer may be made. Provided, if the owner of the newly acquired vehicle can document to the satisfaction of the license plate issuing official that the previously registered vehicle was junked or destroyed thereby rendering it inoperable, although he or she continues to own the vehicle, prior to the acquisition of the new vehicle, the issuing official may transfer the license plate from said vehicle to the newly acquired vehicle within the 20-day period without registration penalty or interest charges.

(21) In the event an Alabama resident acquires a motor vehicle in another state, and operates the vehicle in that jurisdiction, or outside the State of Alabama, for days, weeks, or months, perhaps using temporary plates from the jurisdiction where vehicle was purchased, the 20-day penalty free period shall begin on the day following the date the vehicle enters the State of Alabama, as the registration fee liability attaches upon vehicle operation upon Alabama public highways.

(22) Generally, any vehicle subject to registration fee or ad valorem tax exemption is not exempt from penalty and interest charges. However, vehicle owners, under laws providing for exemption of "charges of any nature whatsoever" (such as Section 40-9-12) are exempt from penalty and interest charges.

(23) The Department of Revenue interprets the \$15 penalty levied under Section 32-6-65(b) for "the failure to register the vehicle within 20 calendar days of the date of purchase or acquisition" as being applicable when the vehicle owner has no current and valid Alabama license plate that can be transferred to the newly acquired vehicle. In the case where the vehicle owner has a current and valid Alabama license plate which was removed from a vehicle that was sold, junked or destroyed, and fails to transfer said license plate to the newly acquired vehicle within 20 days of purchase or acquisition, only the transfer penalty imposed under Section 40-12-260 (a)(5) shall be applicable.

(24) Section 32-6-65(b) provides for a \$15 penalty for anyone failing to renew his or her vehicle registration during his or her designated renewal month. In the event a motor vehicle owner has a current and valid Alabama license plate that may be transferred to a newly acquired vehicle, and fails to do so within the 20-day grace period, and also fails to timely renew his or her vehicle registration in the designated renewal

month, both the \$15 transfer penalty and the \$15 penalty authorized under Section 32-6-65 (b) for failure to timely renew shall be applicable.

(25) If the last day of the registrant's renewal month(s) falls on a Saturday, Sunday, holiday, or other day that the issuing office is closed, the registrant may renew his or her vehicle registration without penalty or interest charges during the next business day.

(26) Some Alabama counties send renewal notices to persons previously registering their motor vehicles in that county. The failure of any county to offer this service, or the failure of the renewal notice to be received by the vehicle owner does not serve to waive the penalty or interest charges levied under Alabama law.

(27) Section 40-12-10(f) provides that a license-issuing official cannot "fail to collect such penalties when issuing such license." However, anyone determined to be subject to a registration law penalty may, after paying the penalty, elect to request a hearing with the Department of Revenue's Administrative Law Division to seek a refund of the penalty charges.

(28) The Department of Revenue interprets the penalty provisions found in Sections 40-12-260 and 32-6-65 as not being applicable when the following registrations are issued:

(a) State, county, municipal government, Public Utility Department vehicles. Vehicles owned by volunteer fire department license plates as authorized under Section 40-12-250.

(b) U.S. Government Loaned Vehicles.

(c) Dealer and dealer motorcycle plates and Manufacturer plates (see Section 40-12-264).

(d) Temporary license plates.

(29) Under the provisions of Section 40-12-262, a non-resident moving to the State of Alabama with a current and valid out-of-state registration has 30 days following the date the vehicle enters the state to obtain an Alabama registration. Anyone failing to timely register their vehicle is subject to a registration penalty under Section 32-6-65(b). Note that this 30-day period is based on the vehicle owner having a current and valid out-of-state registration; if not, the vehicle must be registered immediately. Provided, if the vehicle is exempt from registration in its former base jurisdiction, registration for the vehicle must be accomplished within 20 days following the date the vehicle enters the state.

(30) Section 40-12-249(b) provides for a 25% penalty on the difference between fees paid and fees due when someone is cited with operating a vehicle with the incorrect

class of license plate. This penalty refers to situations where the registrant's vehicle is improperly registered with a lower weight license plate category than required, or when the registrant is operating a vehicle with one class license plate when another class license plate is required.

(31) In situations where a vehicle is operated during the renewal month(s) after the previous registration expired with an improper class license plate, the operator can be cited for improper license plate for the previous registration year, with the 25% penalty applicable. Additionally, the registrant would owe registration fees for the proper classification of license plate for the current registration period.

(32) In the event a person acquires a vehicle in a month other than their designated renewal month, and registers it with an improper classification license plate, the 25% penalty shall be based on the difference between the prorated fees for the license plate classification that should have been obtained beginning for the month the vehicle was acquired, and the prorated fees for the license plate classification that was obtained.

(33) Section 40-12-10(d) authorizes the collection of a citation fee when a "Notice to Obtain License Plate" is issued, and requires that the issuing official collect the citation fee "before issuing any license."

(34) The term "citation" as used in Section 40-12-249(b) refers to the "Notice to Obtain License Plate" as authorized in Section 40-12-10, and does not refer to Uniform Traffic Tickets.

(35) Section 40-12-10(e) requires the license plate issuing official to collect interest when issuing a delinquent motor vehicle registration. Interest charges are calculated based on the provisions of Section 40-1-44, with the Department of Revenue providing notice of interest rate changes to the license plate issuing officials. (Adopted through APA November 2, 2004, effective December 7, 2004)(Authority: Sections 40-2A-7(a)(5), 32-6-61, 32-6-65, 40-12-242, 40-12-260 and 40-12-264, Code of Alabama 1975)

810-5-1-.212. Uses and Transferability of U.S.S. Alabama Battleship Commission Distinctive Tags.

(1) WHEREAS, Section 40-2-11 empowers the Commissioner of Revenue to supervise and control the administration of the various tax and license laws of the State of Alabama and

(2) WHEREAS, Section 32-6-55 provides that special tags be issued to the Chairman of the USS Alabama Battleship Commission and

(3) WHEREAS, the special tags issued to the individual and not to the vehicle the following procedures are hereby adopted.

(4) The distinctive license plates issued under this division shall not be transferable as between motor vehicle owners, and in the event the owner of a vehicle bearing such distinctive plates shall sell, trade, exchange or otherwise dispose of same, such plates shall be retained by the owner to whom issued and by him returned to the Judge of Probate or License Commissioner of the county who shall receive and account for same in the manner stated below. In the event such owner shall acquire by purchase, trade,

exchange or otherwise a vehicle for which no standard plates have been issued during the current license year, the Judge of Probate or License Commissioner of the county shall, upon being furnished by the owner thereof proper certification of the acquisition of such vehicle and the payment of the motor vehicle license tax due upon such vehicle, authorize the transfer to said vehicle of the distinctive license plates previously purchased by such owner, which plates shall authorize the operation of said vehicle for the remainder of the then current license year. In the further event the owner of such distinctive plates shall acquire by purchase, trade, exchange or otherwise a vehicle for which standard plates have been issued during the current license year, the Judge of Probate or License Commissioner shall upon proper certification of such owner and upon delivery to such official of the standard plates previously issued for such vehicle, authorize the owner of such newly-acquired vehicle to place the distinctive plates previously purchased by him upon such vehicle and to use same thereon for the remainder of the then current license year. Such notice of transfer of ownership shall be made of record by the Judge of Probate or the License Commissioner.

(5) Any person acquiring by purchase, trade, exchange or otherwise any vehicle formerly bearing such distinctive plates shall be authorized, upon certification of such fact to the Judge of Probate or License Commissioner of the county and the payment of the fee now required by law, to purchase standard replacement plates for such vehicle which shall authorize the operation of such vehicle by the new owner for the remainder of the license year. (Adopted August 5, 1982) (Authority: §§40-2-11, 32-6-56, 32-6-151 and 40-12-272)

810-5-1.215. Vintage Vehicle License Plates; Issuance of; Use of; Transferring; Other Provisions.

(1) The Department of Revenue considers the following activities of the owner or operator of a vehicle displaying a Vintage Vehicle license plate as satisfying the requirements of Section 40-12-290, Code of Alabama 1975, as to vehicle use; either if

(a) The vehicle is operated on the streets or highways for the purpose of moving the vehicle to a location for maintenance or repair, or

(b) The vehicle is operated in "club activities, exhibitions, tours, parades," and can be driven to these locations for the purposes of attending these events or activities. For purposes of Section 40-12-290, the term "club activities" shall refer to the sponsored activities of Vintage Vehicle owner organizations, such as the Antique Automobile Club of America, or the Model A Club of America. The term "exhibitions" shall be deemed to refer to public displays of Vintage Vehicles and shall include antique car shows within or without this state. The term "tours" shall be deemed to be an organized trip comprised of several Vintage Vehicles to a predetermined location(s). The term "parades" is deemed to be a public procession on a festive or ceremonial occasion.

(2) The Department of Revenue considers the following activities by an owner or operator of a vehicle displaying a Vintage Vehicle license plate to be outside the criteria of legal use and in conflict with the provisions of Section 40-12-290, et seq., as amended:

(a) The use of the Vintage Vehicle license plate on a vehicle that is being driven to school, to work, shopping, etc.

(b) The use of a vehicle displaying a Vintage Vehicle license plate in any type commercial enterprise.

(c) The use of Vintage Vehicle license plate on a bus (with or without passenger seats), even if privately owned and operated. Also, Section 40-12-290 does not authorize use on trailers, ambulances, taxis, or any other type vehicle not specifically identified in this section.

(3) Section 40-12-290(d) contains the following phrase: "which weighs not more than 26,000 pounds gross weight." The Vintage Vehicle license plate may be properly used on a truck or truck tractor having a manufacturers gross weight rating over 26,000 pounds, if

the actual weight of the vehicle does not exceed 26,000 pounds (including driver, and any passengers). The 26,000-pound limitation is not applicable to fire trucks registered with Vintage Vehicle license plates.

(4) Under the provisions of Section 40-12-290, county license plate issuing officials may not issue or transfer antique license plates after September 30, 1996, and, beginning October 1, 1997, all antique license plates become invalid. Owners of vehicles to whom antique license plates were properly issued (or transferred) prior to October 1, 1996, may continue to operate the vehicles in accordance with Regulation No. 810-5-1-.215.01 during the period October 1, 1996 through September 30, 1997.

(5) Under Section 40-12-290(4), an owner of a vehicle displaying an antique license plate may, beginning October 1, 1996, exchange said license plate in favor of the Vintage Vehicle license plate, if the vehicle is at least 30 years old, and is operated within the provisions of the Vintage Vehicle law. In that this subsection uses the phrase "without payment," the county issuing officials shall not charge the authorized registration fees, ad valorem taxes or issuance fees. The exchange provisions established by this subsection are not applicable to owners of vehicles who acquire standard or other distinctive license plates; and such owners acquiring standard or other distinctive license plates shall not be required to surrender their antique license plates. The exchange provisions authorized under this section are valid during the period October 1, 1996 through September 30, 1997; after that date, antique plates may not be exchanged because credit can not be given for an invalid license plate. The exchange provisions are not mandatory; a registrant may elect to retain the antique license plate as a keepsake, and pay the established fee for a Vintage Vehicle license plate.

(6) An ad valorem tax lien attached on October 1, 1996, to all vehicles previously registered as Antique Vehicles and which do not qualify to receive Vintage Vehicle license plates. Section 40-12-293, Code of Alabama, 1975, provides that vehicles registered with Vintage Vehicle license plates shall be exempt from ad valorem taxation. Vehicles in excess of 30 years of age which are not registered with Vintage Vehicle plates will be subject to ad valorem taxation.

(7) October 1 shall be considered as the beginning of a new model year for vehicles registered as Vintage Vehicles. For example, on October 1, 1996, a 1967 year model vehicle will qualify for Vintage Vehicle license plates; on October 1, 1997, a 1968 year model qualifies, etc.

(8) In issuing the Vintage Vehicle license plates, county issuing officials are to collect the \$10.00 registration fee, the issuance fee, any applicable penalty or interest charges due, and any ad valorem taxes due. As provided in Section 5 above, anyone exchanging an antique license plate may be issued the Vintage Vehicle license plate "without payment."

(9) Anyone seeking to transfer a Vintage Vehicle registration into his/her name must provide proof of ownership, must certify that the vehicle continues to qualify as a Vintage Vehicle; and will be used in accordance with the provisions of the Vintage Vehicle Law (Section 40-12-290 et seq.), pay the appropriate transfer fee and any casual sales tax due; and, must request the transfer within the time specified in Section 40-12-260, Code of Alabama 1975, as amended, or be subject to the transfer penalty.

(10) Vehicles manufactured in the United States before 1954 may not have vehicle identification numbers, and thus are to be registered using the vehicle's motor number.

(11) Applicants will complete an application (form #MVR 40-12-290), in which the vehicle owner certifies that he/she is the true owner of the vehicle, the vehicle description is accurate, the identification number is correct, the vehicle meets the requirements within Section 40-12-290 to obtain the Vintage Vehicle license plate, and, if applicable, the owner is exchanging an antique license plate as a credit to obtain the Vintage Vehicle license plate. Additionally, the person(s) seeking to register the vehicle may be required to prove ownership by providing such documents as a bill of sale, a motor vehicle registration in the registrant's name, or a previously issued insurance policy for the vehicle in the applicant's name.

(12) Under Section 40-12-290(d), to qualify as a Vintage Vehicle, the vehicle must have "the original or substantially similar vehicle body, chassis, engine, and transmission as designated for that make, model, year, and age vehicle." The Department interprets this language to require that the vehicle must have either the original parts and engine, or must have the vehicle or vehicle parts restored to the point that the vehicle/parts appear to be the original vehicle. The vehicle must not have been shortened/lengthened/raised/lowered from its original size when manufactured.

Furthermore, this subsection does not authorize the issuance of Vintage Vehicle license plates to vehicles with mechanical parts and accessories of a later year model vehicle. For example, a 1928 "Model A" Ford does not have a high performance engine, mag tires, and advanced stereo equipment. Also, "replica" or "kit cars," which are generally fiberglass reproductions of earlier year model vehicles, do not qualify for Vintage Vehicle license plates.

(13) In the event the Vintage Vehicle license plate becomes faded or mutilated, or otherwise difficult to read, or is lost or stolen, the owner shall apply for a replacement Vintage Vehicle license plate, which shall be issued from the inventory of Vintage Vehicle license plates maintained by the county issuing officials. The vehicle owner shall pay the replacement fee provided under Section 40-12-265, Code of Alabama, 1975, and shall surrender the faded or mutilated Vintage Vehicle license plate.

(14) When issuing standard license plates to a vehicle owner convicted of violating the Vintage Vehicle Law, the issuing official shall not allow credit for any registration fee paid by the registrant when obtaining the Vintage Vehicle license plate. Additionally, the issuing official shall collect registration fees, plus penalty and interest charges, from the date that the Vintage Vehicle license plate was issued; provided, that the maximum liability for prior registration fees may not exceed three years. Officials shall also collect ad valorem taxes as if the vehicle owner had not previously qualified for an ad valorem exemption upon obtaining the Vintage Vehicle license plate.

(15) In the event that someone, having obtained Vintage Vehicle license plates, decides that he/she wants to begin using the vehicle in the same manner as a vehicle displaying standard license plates, the owner may, prior to such use, obtain the standard license plates by paying the appropriate registration fee to their designated renewal month, and display the standard license plate on the vehicle. In such cases, it will be necessary to surrender the Vintage Vehicle license plate, provided, the owner shall not receive a credit against the standard license plate for fees paid for the Vintage Vehicle license plate. Ad valorem taxes will begin accruing at the time that the standard license plates are obtained. (Authority: Sections 40-12-290 and 40-12-293 Code of Alabama, 1975) (Effective March 3, 1997.)

810-5-1-.216. Uses and Transferability of Special Tags Issued to Members of the Alabama Association of Rescue Squads, Inc..

(1) WHEREAS, Section 32-6-170 provides that special tags be issued to members of volunteer Rescue Squads who are member squads of the Alabama Association of Rescue Squads, Inc. and WHEREAS, the special tags are issued to the individual and not to the vehicle the following procedures are hereby adopted.

(2) The distinctive license plates issued under this division shall not be transferable as between motor vehicle owners, and in the event the owner of a vehicle bearing such plates shall be retained by the owner to whom issued and by him returned to the Judge of Probate or License Commissioner of the county who shall receive and account for same in the manner stated below. In the event such owner shall acquire by purchase, trade, exchange or otherwise a vehicle for which no standard plates have been issued during the current license year, the Judge of Probate or License Commissioner of the county shall, upon being furnished by the owner thereof proper certification of the acquisition of such vehicle and the payment of the motor vehicle of the distinctive license plates previously purchased by such owner, which plates shall authorize the operation of said

vehicle for the remainder of the then current license year. In the further event the owner of such distinctive plates shall acquire by purchase, trade, exchange or otherwise a vehicle for which standard plates have been issued during the current license year, the Judge of Probate or License Commissioner shall upon proper certification of such owner and upon delivery to such official of the standard plates previously issued for such vehicle, authorize the owner of such newly-acquired vehicle to place the distinctive plates previously purchased by him upon such vehicle and to use same thereon for the remainder of the then current license year. Such notice of transfer of ownership shall be made of record by the Judge of Probate or the License Commissioner.

(3) Any person acquiring by purchase, trade, exchange or otherwise any vehicle formerly bearing such distinctive plates shall be authorized, upon certification of such fact to the Judge of Probate or License Commissioner of the county and the payment of the fee now required by law, to purchase standard replacement plates for such vehicle which shall authorize the operation of such vehicle by the new owner for the remainder of the license year. (Adopted August 6, 1982) (Authority: §40-2-11, §32-6-172, §40-12-272)

810-5-1-.217. Uses and Transferability of Special Distinctive Tags Issued to Members of Shrine Motorcycle Clubs, Corps, or Units.

(1) WHEREAS, Section 32-6-190 provides that special tags be issued to Shrine motorcycle clubs, and corps and units and WHEREAS, the special tags are issued to the individual and not to the vehicle the following procedures are hereby adopted.

(2) The distinctive license plates issued under this division shall not be transferable as between motor vehicle owners, and in the event the owner of a vehicle bearing such distinctive plates shall sell, trade, exchange or otherwise dispose of same, such plates shall be retained by the owner to whom issued and by him returned to the Judge of Probate or License Commissioner of the county who shall receive and account for same in the manner stated below. In the event such owner shall acquire by purchase, trade, exchange or otherwise a vehicle for which no standard plates have been issued during the current license year, the Judge of Probate or License Commissioner of the county shall, upon being furnished by the owner thereof proper certification of the acquisition of such vehicle and the payment of the motor vehicle license tax due upon such vehicle, authorize the transfer to said vehicle of the distinctive license plates previously purchased by such owner, which plates shall authorize the operation of said vehicle for the remainder of the then current license year. In the further event the owner of such distinctive plates shall acquire by purchase, trade, exchange or otherwise a vehicle for which standard plates have been issued during the current license year, the Judge of Probate or License Commissioner shall upon proper certification of such owner and upon delivery to such official of the standard plates previously issued for such vehicle, authorize the owner of such newly-acquired vehicle to place the distinctive plates previously purchased by him upon such vehicle and to use same thereon for the remainder of the then current license year. Such notice of transfer of ownership shall be made of record by the Judge of Probate or the License Commissioner.

(3) Any person acquiring by purchase, trade, exchange or otherwise any vehicle formerly bearing such distinctive plates shall be authorized, upon certification of such fact to the Judge of Probate or License Commissioner of the county and the payment of the fee now required by law, to purchase standard replacement plates for such vehicle which shall authorize the operation of such vehicle by the new owner for the remainder of the license year. (Adopted August 6, 1982) (Authority: §40-2-11, §32-6-190, §40-12-272)

810-5-1-.218. Design and Transferability of Distinct License Tags Issued to Disabled Veterans.

- (1) WHEREAS, Code of Alabama 1975, Section 40-12-244 and Section 40-12-254 provide for free tags to be issued to disabled veterans, and WHEREAS, Code of Alabama 1975, Section 32-6-130, provides for a distinctive tag to be issued to disabled veterans who meet the qualifications set forth under this section for a fee of \$5.00, and
- (2) WHEREAS, Act No. 81-933 of the First Special Session of the 1981 Alabama Legislature provides that all disabled veterans' tags be of a certain distinctive color, the following procedures are hereby adopted.
- (3) Any disabled veteran tag issued under the provisions of any of the above referred to sections of the Code of Alabama 1975 shall be a distinctive tag manufactured in accordance with the provisions set forth in Act No. 81-933 which are; the left half of the tag will be red with the words "Disabled Veteran" printed thereon. The right half of the tag will be blue with the sequential numeral of the tag printed thereon, as prescribed by the Department of Revenue. All letters and numerals shall be white.
- (4) Section 32-6-130 provides a distinctive tag to be issued to disabled veterans who are a resident of this state and who are suffering a physical disability which requires that any motor vehicle he operates be equipped with special mechanical control devices or whose physical disability exceeds 50 percent for a fee of \$5.00. Additional distinctive tags may be purchased by the disabled veteran under this section by the payment of the \$5.00 fee for each additional tag so desired.
- (5) 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 one free tag. or If a disabled veteran, 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 free tag, and does not qualify under the provisions of Section 40-12-254, he may obtain one free tag under the provisions of Section 40-12-244.
- (6) No disabled veteran shall be issued more than one free distinctive tag.
- (7) The distinctive license plates issued under this division shall not be transferable as between motor vehicle owners, and in the event the owner of a vehicle bearing such distinctive plates shall sell, trade, exchange or otherwise dispose of same, such plates shall be retained by the owner to whom issued and by him returned to the Judge of Probate or License Commissioner of the county who shall receive and account of same in the manner stated below. In the event such owner shall acquire by purchase, trade, exchange or otherwise a vehicle for which no standard plates have been issued during the current license year, the Judge of Probate or License Commissioner of the county shall, upon being furnished by the owner thereof proper certification of the acquisition of such vehicle and the payment of the motor vehicle license tax due upon such vehicle, authorize the transfer to said vehicle of the distinctive license plates previously purchased by such owner, which plates shall authorize the operation of said vehicle for the remainder of the then current license year. In the further event the owner of such distinctive plates shall acquire by purchase, trade, exchange or otherwise a vehicle for which standard plates have been issued during the current license year, the Judge of Probate or License Commissioner shall upon proper certification of such owner and upon delivery to such official of the standard plates previously issued for such vehicle, authorize the owner of such newly-acquired vehicle and to use same thereon for the remainder of the then current license year. Such notice of transfer of ownership shall be made of record by the Judge of Probate or the License Commissioner.
- (8) Any person acquiring by purchase, trade, exchange or otherwise any vehicle formerly bearing such distinctive plates shall be authorized, upon certification of such fact to the Judge of Probate or License Commissioner of the county and the payment of the fee now required by law, to purchase standard replacement plates for such vehicle which shall authorize the operation of such vehicle by the new owner for the remainder of the license year. (Adopted August 10, 1982) (Authority: §40-2-11, §32-6-131, §40-12-272)

810-5-1-.219. Design, Placement and Proper Use of Monthly and Annual Decals.

(1) Section 32-6-60, Code of Alabama, 1975, (as amended) provides for a tab, disc or other device suitable for attaching to said motor vehicle tags or license plates and shall be issued upon the payment of the annual license tax and the satisfaction of all other registration requirements as prescribed by law.

(2) After the requirements for registration have been met, the Department of Revenue shall issue either one or two decals to be affixed to a license plate which was required to be revalidated by decal(s). The decal(s) will indicate the month assigned for registration and the validation year.

(3) In order for the Department of Revenue to be uniform in the implementation and administration of Section 32-6-61 of the Code of Alabama 1975, all apportioned license plates which are issued "single" decals shall have the decal affixed to the right decal pocket of the license plate. All other license plates which are required to be revalidated by decals shall have their assigned "month" decal affixed to the left decal pocket and their assigned "year" decal affixed to the right decal pocket. (Adopted September 21, 1994) (Authority: §§40-2-11 and 32-6-65, Code of Alabama, 1975)

810-5-1-.220. Medal of Honor Winners and Prisoners of War Distinctive Tags, Replacement of.

(1) WHEREAS, Act No. 81-699 of the 1981 Regular Session of the Alabama Legislature, and Act No. 82-571 of the 1982 Regular Session of the Alabama Legislature provides a free and distinctive license plate to residents of Alabama who are Medal of Honor recipients and to residents of Alabama who were former Prisoners of War, and
(2) WHEREAS, these distinctive license plates are provided to the recipients for life, the following procedure is hereby adopted.

(a) In the event a recipient has a license plate, which becomes mutilated to the extent that it loses its identity, the Department of Revenue shall have a replacement license plate manufactured identical to the license plate so mutilated and forward to same to the Probate Judge or other county official of the recipient's county of residence, who is authorized by law to issue license plates. The recipient will then surrender the mutilated tag to the issuing authority who will, upon receipt of same, issue the replacement tag to the recipient. The issuing authority will forward the mutilated tag to the Revenue Department, Motor Vehicle and License Tax Division, for destruction. (Adopted August 10, 1982) (Authority: §40-2-11, §32-6-255)

810-5-1-.222. Distinctive License Plates Issued to the Licensee Not Transferable Unless Plate is Qualified Distinctive Type.

(1) "The Alabama Uniform Certificate of Title and Antitheft Act", within Sections 32-8-48 and 32-8-87, Code of Alabama, 1975, (as amended), requires the surrender of the motor vehicle license plates on vehicles to be scrapped, dismantled or destroyed by an owner or on motor vehicles declared to be a "total loss" as defined in Section 32-8-87.

(2) These sections of law do not apply to "distinctive" motor vehicle license plates considered by law and by the Department of Revenue to be issued to the person by special qualifications, which license plates are not transferrable between persons.

(3) The distinctive license plates issued to the owner and not to the motor vehicle which has been scrapped, dismantled, destroyed or declared a total loss shall be removed by the person to whom it was issued and, subsequently, delivered to the Probate Judge or other county official authorized and required by law to issue license plates. The licensing official shall re-assign this license plate to a replacement motor vehicle upon payment of applicable fees. (Adopted August 10, 1982) (Authority: §§40-2-11, 40-12-272, 32-8-3(a)(2))

810-5-1-.223. Off-the-Road Equipment - Definitions and Exemptions.

(1) WHEREAS, Section 40-12-240, sub-section 19, Code of Alabama 1975, defines the term "truck" as every self-propelled motor vehicle designed and used primarily for the transportation of property in or upon its own structure, every self-propelled motor vehicle of the types known as "campers" and "house cars" and every vehicle of the type commonly called a wrecker, which is used to move disabled motor vehicles for repair, storage and other purposes, and

(2) WHEREAS, Section 40-12-251, Code of Alabama 1975, "motor tractors" provides for each motor tractor used on the highways of this state there shall be paid a license or privilege tax of \$100.00; provided, however, that this license shall not be collected for a tractor when run on a highway to be transferred from one point to another for use on a farm with or without a "small trailer" or with or without a "semi-trailer," or when used on the highway for transferring what is commonly known as a "portable sawmill" or a "well-boring outfit," or when used on the highway by a farmer for the purpose of transporting to and from his farm farm products or products to be used on his farm, and

(3) WHEREAS, there are continuing questions arising as to what constitutes what is commonly referred to as "off-the-road equipment" the following regulation is hereby adopted.

(4) In addition to those exemptions contained in Section 40-12-251 the term "off-the-road equipment" shall include machines occasionally moved on highways from one job site to another, but not designed to transport property over the highways, and are not subject to the requirements for licensing as a motor vehicle. (Ref. Attorney General Opinion December 2, 1974 "Off the Road Vehicles") (Adopted August 11, 1982) (Authority: §§40-2-11, 40-12-272)

810-5-1-.224. Fee Requirement for Certain Special Tags.

(1) WHEREAS, certain tags are issued to individuals free of the regular tag fees, and WHEREAS, some of these individuals desire to purchase "special" tags (Example; Amateur Radio, Personalized, etc.), which tags required an additional fee, the following procedure is hereby adopted.

(2) Any individual, who is entitled to the free regular tag fees for passenger cars and pickups up to 8,000 pounds, who wishes to purchase a "special" tag may do so by paying the additional fee required under the specific section providing for such tag, if purchased on an annual basis (Example: \$3.00 for the Amateur tag or \$50.00 for the Prestige tag).

(3) If purchased on a monthly declining basis, only the appropriate number of months fees shall be credited and collected to license the individual's vehicle to his month of renewal. (Adopted August 12, 1982) (Authority: §§40-2-11, 40-12-272, 32-6-71, 32-6-91, 32-6-131, 32-6-218)

810-5-1-.225 Handicapped Parking Privileges - Evidence of Qualifications and Enforcement Procedures.

(1) Handicap Parking Credentials. Evidence of qualification shall be either a removable windshield placard or a temporary removable windshield placard as shown in 23CFR § 1235 (1991), or the handicap license plate as provided in Section 40-12-300, Code of Alabama 1975. The removable windshield placards or temporary removable windshield placards shall be designed in accordance with 23CFR § 1235.2 [d] and [e].

(2) Credentials issued prior to January 1, 1997. The handicap decal issued in accordance with the provisions of Section 32-6-230, et seq., Code of Alabama 1975, shall not be issued after December 31, 1996, and shall not be recognized as a valid handicapped parking credential after December 1, 1997. Also, any handicap license plate

issued under the provisions of Section 40-12-300, et seq., prior to January 1, 1997, shall not be revalidated on or after January 1, 1997. Furthermore, any handicap placard or handicap license plate issued prior to January 1, 1997, becomes null and void after December 1, 1997. Any decal issued by a military installation, municipal government, or eleemosynary institution shall not be recognized as a valid handicap parking credential.

(3) Re-issuance of Handicap Parking Credentials. Effective January 1, 1997, county license plate issuing officials shall accept completed applications (Form MVR:32-6-230- "Application for Handicapped Parking Privileges") from persons with disabilities (and from organizations transporting persons with disabilities - see paragraph (10) below) for handicap license plates and/or removable windshield placards or temporary removable windshield placards. Counties will no longer accept Form MVR:81-695 as their authority to issue handicapped parking credentials. Upon presentation of the Application, the issuing authority shall verify that the Application has been properly completed (see paragraph (4) below) by the person with disabilities and by the Physician. When issuing removable windshield placards, the issuing authority shall indicate in the designated space the number shown on the placard, or the handicap license plate number, or both, and the fees collected. The fee shall be \$1.25 per removable windshield placard issued.

(4) Qualifications to receive Handicap Parking Credentials. To qualify for handicap credentials, the person with disabilities (or their legal guardian) must have the following portions of the Application (Form MVR:32-6-230) completed:

- (a) Name of the person with disabilities,
- (b) Street and mailing address of the person with disabilities,
- (c) Telephone number of the person with disabilities,
- (d) Designation of the type(s) of handicapped parking credentials requested,
- (e) The signature of the person with disabilities (or of their legal guardian) and date signed.

Furthermore, the "Physician's Certification" portion of the Application must be completed prior to the presentation of the Application to the county license plate issuing official. The physician shall:

1. Certify if the disability is long-term or a temporary disability,
2. If a temporary disability, the physician shall specify the length of the disability (not to exceed six months),
3. The physician shall provide his/her telephone number, and give his/her city, and state where licensed,
4. The physician shall check the disability or disabilities in the "Requirements" portion of the Application to indicate which criteria the person with disabilities is qualified under the federal regulations to receive handicap parking credentials. In signing the Application the physician shall certify that the person with disabilities meets the criteria shown under 23CFR §1235.2[b](1991); to wit, "Persons with disabilities which limit or impair their ability to walk means persons who, as determined by a license physician:
 - (i) Cannot walk two hundred feet without stopping to rest; or
 - (ii) Cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
 - (iii) Are restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
 - (iv) Use portable oxygen; or
 - (v) Have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or
 - (vi) Are severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition."

(5) Display of Placards. The placards issued prior to January 1, 1997 should be displayed in the right rear window of the vehicle visible to the street where possible and if not possible, displayed on the front dash of the vehicle and visible to the street, if possible. Removable windshield placards issued beginning, January 1, 1997, shall "be displayed in such a manner that it may be viewed from the front and rear of the vehicle by hanging it from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard." {23CFR §1235.4[c](1991)} It is NOT required that a motor vehicle being used by a person with disabilities display both the handicap license plate and the placard.

(6) Additional placards. Many persons with disabilities, as defined under 23CFR §1235.2[b] (1991) (see paragraph (4)(e)4. above), do not own a motor vehicle; therefore, in accordance with 23CFR §1235.4[a] (1991), such individuals may request one (1) additional removable windshield placard [note that this extra placard is applicable only to persons with disabilities that do not have the distinctive handicap license plate(s)].

(7) When credentials may be used. A motor vehicle may be parked in a handicap parking space only when the vehicle is then being used to transport or is being operated by, the person with disabilities to whom the handicap license plate and/or placard was issued; provided, that an organization qualified under paragraph (10) of this rule, and displaying the distinctive handicap license plate may also park in a designated handicap parking space when being used to transport persons with disabilities.

(8) "Temporarily handicapped individual" defined - Physician determination of length of issuance. In accordance with 23CFR §1235.5[b] (1991), the definition of "temporarily handicapped individual" found in Section 32-6-230 shall not be used, and the following definition shall be used: any person having a temporary (for a period up to six months) disability as defined in 23CFR §1235.2[b] (1991) (see paragraph (4)(e)4. above). The licensed physician shall, on the Form MVR: 32-6-230 - "Application for Handicapped Parking Privileges," provide the beginning and ending dates for the temporary removable windshield placard to be valid, not to exceed six months from the date of issuance. The county license plate issuing official shall exercise care in issuing the temporary removable windshield placard as to not issue a temporary removable placard valid for a period of time exceeding that authorized by the licensed physician as shown on the "Application for Handicapped Parking Privileges."

(9) Periodic Renewal of Removable Windshield Placards. Removable windshield placards and handicap license plates issued under the provisions of this regulation shall, in accordance with 23CFR §1235.4[a] (1991), be subject to "periodic renewal," which is to be based on the five (5) year renewal cycle for standard passenger/pickup truck license plates as provided under Section 32-6-61, Code of Alabama 1975. For example, any person with disabilities whose first letter of their last name begins with the letters "A" or "D" will be issued a placard expiring in the same designated renewal month that the following five year passenger series will be issued (such as January 2002 in this example).

(10) Recertification. Upon expiration, the person with disabilities would be required to reapply by obtaining a completed "Recertification for Handicapped Parking Privileges" (Form MVR: 32-6-230 [A], signed by the person with disabilities to whom the previous removable windshield placard was issued, which is to be provided to the county license plate issuing official before a new removable windshield placard, or handicap license plate shall be issued. However, the Commissioner may elect to require all persons with disabilities to be recertified by a licensed physician (using Form MVR:32-6-230) before handicapped parking credentials may be re-issued.

(11) Fee for Issuance of Removable Windshield Placards/Replacement Placards. The county license plate issuing official shall charge the \$1.25 issuance fee provided by law for issuing motor vehicle license plates/revalidation decals when issuing the removable windshield placard or temporary removable windshield placard, which fee shall be retained by the county and deposited into the county treasury. In the event that the placard is lost or stolen, or becomes mutilated, a replacement placard may be issued

upon application to the county license plate issuing official, and completion of the replacement placard affidavit on the reverse of the "Application for Handicapped Parking Privileges" and payment of the appropriate issuance fee.

(12) Issuance procedures/maintenance of Application Forms. In issuing the removable windshield placards, the counties shall record on Form #MVR:32-6-230 the issued placard number. This form shall be maintained by the issuing official for audit by the Examiners of Public Accounts, and in order to provide information to law enforcement agencies inquiring as to whom the placard was issued; also, the form must be maintained to be compared with Form #32-6-230(A) when re-issuing handicap parking credentials. Likewise, when re-issuing the removable windshield placard(s) or the handicap license plates, the counties shall record on Form #MVR:32-6-230[A] the newly issued placard number. Counties are to file these forms in placard number sequence in order to be able to advise law enforcement officials as to whom a specific placard was issued.

(13) Manufacturing Fee. In accordance with 23CFR §1235.3[c] (1991) county license plate issuing officials shall not collect the \$3.00 additional manufacturing fee authorized under Section 40-12-300 when issuing the handicap license plates.

(14) Handicap Reciprocity. In accordance with 23CFR §1235.8 (1991) Alabama "shall recognize removable windshield placards, temporary removable windshield placards and special license plates which have been issued by issuing authorities of other states and countries, for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities which limit or impair their ability to walk" for any person with disabilities who is temporarily in this state and who is not required to obtain Alabama license plates.

(15) Misuse of Handicapped Parking Privileges. Anyone parking in handicapped parking spaces with expired removable windshield placards, expired temporary removable windshield placards, or expired handicap license plates, or otherwise violating the Alabama handicap parking laws as provided under Section 32-6-233, shall, upon conviction, be guilty of a Class B misdemeanor as provided in Section 32-6-233, Code of Alabama 1975.

(16) Obtaining of Handicap License Plates by Organizations or Governmental Entities. 23CFR §1235.3[b] (1991) reads that, "Upon application of an organization, each state shall issue special license plates for the vehicle registered in the applicant's name if the vehicle is primarily used to transport persons with disabilities which limit or impair their ability to walk. The application shall include a certification by the applicant, under criteria to be determined by the state, that the vehicle is primarily used to transport persons with disabilities which limit or impair their ability to walk." Accordingly, effective January 1, 1997, the distinctive handicap license plates may be issued to nursing homes, commissions on aging, special schools for persons with disabilities, and similar organizations when an official of the organization certifies on the "Application for Handicapped Parking Privileges" under the "Organizations Only" portion that the vehicle is being primarily used to transport persons with disabilities (note that the "Physician's Certification" portion of the Application is NOT to be completed by the Organization). If county license plate issuing officials have reservations regarding the issuance of handicap license plates to an organization, the official may request, in writing, from the organization a description of the mission, purposes, etc. of the organization, and how the vehicle is to be, or is being used. Such organizations may recertify upon expiration of the handicap license plates by completing Form MVR: 32-6-230(A). If the organization is a state, county or municipal governmental entity, which requires governmental license plates under the provisions of Section 40-12-250, Code of Alabama 1975, said governmental agency may request the Department of Revenue to issue governmental license plates containing the International Symbol of Access. Law enforcement agencies shall honor the parking privileges of these organizations displaying license plates with the International Symbol of Access issued pursuant to this section, unless it is determined that the vehicles displaying the handicap license plates are not being properly used.

(17) Handicap Motorcycle License Plates. Any person with disabilities who owns and operates a motorcycle may choose to secure a distinctive handicap motorcycle license

plate for his motorcycle(s). The plate shall contain the International Symbol of Access in accordance with the federal regulations. As with standard handicap license plates, the registrant shall pay standard registration fees. Anyone qualifying under provisions of this regulation for handicap parking credentials may surrender their current and valid standard motorcycle license plate in favor of the handicap motorcycle license plate.

(18) License Physician Defined. The term "licensed physician" as used in this regulation shall be deemed to mean a doctor of medicine or a doctor of osteopathy licensed to practice medicine or a person employed by the U.S. government as a doctor of medicine or doctor of osteopathy to practice medicine. (Authority: §40-2A-7(a)(5), Code of Alabama 1975) (Amended September 17, 1997, effective date October 22, 1997.)

810-5-1-.226. Department Requirements for Accurate Registration Information.

(1) WHEREAS, the Department of Revenue, Motor Vehicle and License Tax Division, is required by law to maintain accurate motor vehicle registration records by license tag number, and WHEREAS, the uniform registration and transfer receipts received from the counties are being altered in the space for current year tag number to include letters, numbers and information other than the actual current tag number.

(2) This information causes confusion and problems for data entry operators and causes erroneous letters and numbers to be entered into the computer network resulting in the inability for the Revenue Department, law enforcement officers and others to retrieve information from the actual tag number which appears on a motor vehicle; therefore, the following procedures are hereby adopted:

(a) REGULAR PLATES - All motor vehicle registration and transfer receipts for regular license plates shall not include any information in the space provided for current license number except the actual numbers and letters which appear on the tag. Also, there shall be no 0's or any other characters used for spacing. The current license number shall include no more nor no less information than the number appearing on the license plate.

(b) SPECIAL PLATES - All motor vehicle registration and transfer receipts for motor vehicles issued special license plates shall include a special prefix in the space for current year tag number for abbreviation purposes or to identify the special registration. These are as follows (special prefix underscored):

1. Antique Vehicle: AV, plus actual plate number
2. Consular Official: CON, plus actual plate number
3. Disabled Veterans: DV, plus actual plate number
4. National Guard, NG, plus actual plate number
5. Shrine Motorcycle: SHM, plus actual plate number

(c) All other special license plate numbers shall appear on the registration and transfer receipt in the space for current year tag number identical to the number as shown on the license plate. (Adopted August 17, 1982) (Authority: §§40-2-11, 40-12-272)

810-5-1-.227. The Issuance of Temporary License Tags/Registration Certificates by Dealers or Manufacturers of Mobile Homes, Trailer Coaches, Travel Trailers or House Trailers, and by Dealers Appointed by the Department of Revenue as Designated Agents (Other than Probate Judges).

(1) For the purposes of this regulation, each reference to "agent" shall apply to manufacturers or dealers of mobile homes, trailer coaches, travel trailers, or house trailers who have qualified under the provisions of Section 32-6-212 to issue temporary license tags and registration certificates in accordance with Act 79-817. Furthermore, the term "agent" shall include motor vehicle dealers who have been appointed as "designated agents" as defined in Section 32-8-2 who elect to issue temporary tags and registration certificates. For purposes of this regulation the term "agent" shall not include Probate Judges or License Commissioners.

(2) Each agent will obtain temporary tags and registration certificates from the Department of Revenue, Motor Vehicle Division. Agents shall remit a fee of \$2.25 for each temporary tag requested.

(3) The Department, upon receipt of the remittance, shall forward the temporary tags to the agent. Furthermore, the Department will be responsible for the distribution of the portion of the \$2.25 fee which accrues to the county where the temporary tag is issued.

(4) If an agent deems it necessary to void a temporary tag(s) a credit should be claimed when ordering subsequent temporary tags. All voided temporary tags and registration certificates for same shall be forwarded to the Department of Revenue, Motor Vehicle Division, by the close of business the next business day.

(5) If an agent should decide to cease the issuing of temporary tags, all unissued tags must be returned to the Department of Revenue, Motor Vehicle Division, and an application for refund for fees previously paid may be filed with the Department.

(6) The agent, upon issuing of a temporary tag, shall forward the original copy of the registration certificate to the Department of revenue, Motor Vehicle Division, by the close of business the next business day in accordance with Section 40-12-258, Code of Alabama 1975.

(7) Agents, in issuing temporary tags, shall print, in ink, complete information as to vehicle ownership, make, model, vehicle identification numbers and date of issuance. Any erasures or other alterations of the information required on a temporary tag or registration receipt will render it void, and of no value to the person or vehicle described thereon.

(8) Temporary tags are to be displayed by the purchaser in the rear window of the vehicle for which it was purchased. If secured for a commercial vehicle, the temporary tag is to be posted in a location conspicuous to law enforcement officers, for example, in the normal tag frame for a mobile home. (Alabama Dept. of Revenue Motor Vehicle Division, Robert B. McCain; adopted September 7, 1983; effective date October 14, 1983.) (Authority: §32-6-218)

810-5-1-.227.03. Dealer/Manufacturer License Plate Violations, Penalties.

(1) Any person who willfully uses a dealer or manufacturer license plate in violation of subsection "1" of Section 40-12-264, Code of Alabama 1975, as amended, shall be subject to an Alabama Department of Revenue imposed penalty of not less than one hundred dollars (\$100), and not more than three hundred dollars (\$300) for each violation.

(2) Violations of the use of dealer and manufacturer license plates include, but are not limited to the following:

(a) Use of dealer or manufacturer license plates on rental or lease vehicles.

(b) Use of dealer or manufacturer license plates on tow trucks and wreckers.

(c) Use of dealer or manufacturer license plates on service vehicles.

(d) Use of dealer license plates on vehicles which are not in the vehicle inventory of the dealership, or that are not being used in a high school driver education program.

(e) Use of the dealer or manufacturer license plates on vehicles not owned by the dealer/manufacturer (including vehicles previously sold by the dealership/manufacturer); provided, that a dealer license plate may be used on a vehicle in cases where the vehicle owner enters into a consignment sales contract with the dealer.

(3) This penalty shall be applied so that it increases in severity with second and third offenses. For the first offense, the penalty shall be \$100. For the second offense, the penalty shall be \$200. For the third offense, the penalty shall be \$300. For the fourth and subsequent offenses the penalty shall be \$300.

(4) Anyone to whom the Department levies a penalty under this section may appeal the levy to the Administrative Law Division as provided under Section 40-2A-9. (Authority: Section 40-12-264, Code of Alabama 1975) (Adopted November 4, 1997)

810-5-1-.227.04. Memorandum of Understanding Between the Department of Human Resources and the Department of Revenue.

(1) The Department of Revenue may allow access into the Department's motor vehicle registration and certificate of title databases to the Alabama Department of Human Resources. The purpose of this access is limited to assisting the Department of Human Resources in carrying out its functions in regard to the Food Stamp, Family Assistance, Medicaid for Low Income Families, and Child Support Enforcement programs.

(2) The Department of Human Resources agrees to be responsible for the access and dissemination of data by personnel within its department. The Department of Human Resources agrees to require its personnel to sign a Disclosure Statement acknowledging that the use of the data is to be confined solely to the legitimate administration of its programs. Personnel within the Department of Human Resources are to be advised that use of such data for other purposes could be a violation of the federal Driver's Privacy Protection Act; also, that the improper use of the information could constitute a violation of the Alabama Computer Crime Act. (Authority: Section 40-2A-7(a)(5), Code of Alabama 1975) (Adopted through APA effective February 9, 2000.)

810-5-1-.227.05. Financial Institutions Issuance of Temporary License Tags/Registration Certificates.

(1) The Department of Revenue may, pursuant to Section 32-8-34, Code of Alabama 1975, elect to appoint financial institutions located within this state as designated agents to issue Temporary License Tags/Registration Certificates.

(2) Financial institutions authorized as designated agents to issue temporary licenses may use the Temporary License Tags/Registration Certificates only on the authorized financial institution's repossessed motor vehicles. Proper use of such tags would be to allow potential purchasers of these vehicles to test-drive or otherwise demonstrate to their satisfaction the suitability of the authorized financial institution's repossessed motor vehicles. Moreover, the financial institutions may use the temporary tags to move repossessed vehicles to repair locations, or to different locations for the purpose of selling the vehicles (such as to a motor vehicle dealer or auto auction).

(3) The temporary license tag may be issued for any type motor vehicle; however, if the vehicle is a truck or truck tractor, and if the vehicle has a gross weight exceeding twelve thousand pounds, the financial institution shall affix the notation "UNLADEN WEIGHT ONLY."

(4) The qualified financial institution may only obtain temporary license tags and temporary tag receipts from the Department of Revenue, Motor Vehicle Division. The financial institution shall remit a fee of \$2.25 for each temporary license tag requested.

(5) The qualified financial institution in issuing a temporary license tag/registration certificate, shall print, in ink, on the temporary tag itself in the format prescribed by the Department of Revenue the following: expiration date, vehicle ownership, make, year, vehicle identification number, model or type, issuing official's signature and name and date of issuance. Any erasures or other alterations of the information required on a temporary license tag will render the document void, and of no value to the person or vehicle described thereon.

(6) In the event a qualified financial institution considers it necessary to void a temporary tag(s), a credit may be claimed when ordering subsequent temporary tags. All voided temporary tags and registration certificates must be forwarded to the Department of Revenue, Motor Vehicle Division, by the close of business the following business day.

(7) In the event a qualified financial institution ceases the issuance of temporary tags, all unused tags and temporary tag receipts must be returned to the Department of Revenue,

Motor Vehicle Division, and a refund may be obtained for fees previously paid by filing an application with the Department.

(8) A temporary tag must be displayed in the rear window of any passenger vehicle for which it was acquired. If obtained for a vehicle lacking a rear window, then the temporary tag must be posted in a location conspicuous to law enforcement officers.

(9) The qualified financial institution, in issuing the temporary tag, must print the following information on the Temporary Tag Receipt, Form MVR: 32-6-211: the temporary tag number, the vehicle owner and the owner's address, the vehicle make, vehicle identification number, model year, type vehicle, date issued, the financial institution's name and by whom the tag and receipt were issued. Any erasures or other alterations of the required information on the Temporary Tag Receipt will render the document void, and of no value to the person or vehicle described thereon.

(10) The original (registrant's) part of the completed Temporary Tag Receipt, Form MVR: 32-6-211, shall be retained within the motor vehicle to which the temporary tag was issued for the 20 day time period that the temporary tag is valid.

(11) The financial institution after issuing a temporary tag, must forward the second part (Department's) of the completed Temporary Tag Receipt, Form MVR: 32-6-211, to the Department of Revenue, Motor Vehicle Division, not later than the 10th day of the month succeeding the month the registration was issued as is provided in Section 40-12-260(a)(4)(b), Code of Alabama 1975. The third (designated agent's) part of the receipt is to be retained by the financial institution for audit purposes.

(12) Section 32-6-214, Code of Alabama 1975, provides that each temporary license tag is valid 20 days from the day of issue and must be used only on the vehicle for which issued and no temporary license tag shall be renewed nor shall successive temporary license tags be issued in connection with the same vehicle. (Authority: Sections 40-2A-7(a)(5) and 32-6-218, Code of Alabama 1975) (Adopted through APA effective December 15, 1999.)

810-5-1-.227.06 Memorandum of Understanding Between the Alabama Emergency Management Agency and the Department of Revenue.

(1) The Department of Revenue may allow access into the Department's motor vehicle registration and certificate of title databases to the Alabama Emergency Management Agency. The purpose of this access is limited to assisting the Emergency Management Agency in carrying out its functions in regard to processing disaster applications under the Individual and Family Grant Program.

(2) The Emergency Management Agency agrees to be responsible for the access and dissemination of data by personnel within its agency. The Emergency Management Agency agrees to require its personnel to sign a Disclosure Statement acknowledging that the use of the data is to be confined solely to the legitimate administration of its programs. Personnel within the Emergency Management Agency are to be advised that use of such data for other purposes could be a violation of the federal Driver's Privacy Protection Act; also, that the improper use of the information could constitute a violation of the Alabama Computer Crime Act. (Authority: Section 40-2A-7(a)(5) (History: Adopted through APA effective September 19, 2000)

810-5-1-.227.07 Memorandum of Understanding Between the Alabama Department of Environmental Management and the Alabama Department of Revenue.

(1) The Alabama Department of Revenue (ADOR) may allow access into the ADOR's motor vehicle registration and certificate of title database to the Alabama Department of Environmental Management (ADEM). The purpose of this access is limited to determining

identity and ownership of vehicles observed during surveillance of illegal dumps within the State of Alabama.

(2) ADOR may allow access to the ADOR scrap tire environmental fee registration database to ADEM. The purpose of this access is for ADEM to determine compliance by tire dealers and retailers with the Alabama Scrap Tire Environmental Quality Act.

(3) ADEM agrees to be responsible for the access and dissemination of data by personnel within its agency. ADEM agrees to require its personnel with access to motor vehicle registration and certificate of title data or to the scrap tire environmental fee registration data to sign a "Non-Employee Confidentiality and Disclosure Statement" (Form COM-103) acknowledging that the use of the data is confined solely to the legitimate administration of its programs. These disclosure documents must be on file with the ADOR and a copy must be with the employee's personnel folder kept by ADEM. For the purposes of this rule, the word "personnel" shall be deemed to include employees of ADEM, vendors, contractors, subcontractors, and anyone with access to the data supplied by the ADOR.

(4) ADEM agrees to inform ADEM personnel with access to motor vehicle registration and certificate of title data provided pursuant to this memorandum of understanding that use or allowing the use of this data for reasons/uses other than the purpose(s) adopted in this MOU could be in violation of the Federal Driver's Privacy Protection Act, and could subject ADEM to federal sanctions. ADEM further agrees to inform personnel that anyone whose personal information is improperly released, or anyone who is injured due to the improper release of personal information contained within the motor vehicle registration or certificate of title databases, may bring a civil action in a U.S. District Court against the person and/or entity that wrongfully released the information.

(5) ADEM, in entering into this memorandum of understanding, agrees that if ADEM personnel release information contrary to the Federal Driver's Privacy Protection Act, such improper release shall be the responsibility of the person wrongfully releasing the data, with ADOR not responsible for the consequences of this improper action.

(6) ADEM shall advise ADEM personnel that the improper use of the information could constitute a violation of the Alabama Computer Crime Act and/or the provisions of Section 40-2A-10, Code of Alabama 1975.

(7) ADEM further agrees to provide the names of the individual(s) granted access to data pursuant to this agreement, and to promptly update the Department when there are additions or deletions to this listing of authorized individuals.

ADOR shall establish security standards for the data received by ADEM pursuant to the memorandum of understanding, which may include the audit of the receiving agency to ensure that the information is being properly secured.

Authority: Sections 40-2A-7(a)(5), Code of Alabama 1975. History: New rule: Filed January 6, 2004, effective February 10, 2004.

810-5-1-.228. The Issuance of Temporary License Tags/Registration Certificates by the Judge of Probate or Other County Official Authorized to Issue Motor Vehicle License Tags.

(1) For the purposes of this regulation "Judge of Probate" shall be deemed to include any county official authorized and required by law to issue motor vehicle license tags.

(2) Each Judge of Probate, upon request to the Department of Revenue, Motor Vehicle Division, shall be shipped a supply of temporary tags and registration certificates for issuance in accordance with the provisions of Act 79-817.

(3) Judges of Probate are not required to pay for temporary tags in advance, but are to remit the sum of \$1.50 for each temporary tag issued to the Department of Revenue, Motor Vehicle Division. The balance of the \$2.25 fee collected for each temporary tag is to be distributed in accordance with the provisions of Section 32-6-215.

(4) Under the provisions of Section 32-6-213, Code of Alabama 1975, Judges of Probate are authorized "to issue a temporary license tag and a temporary registration certificate to the owner of a motor vehicle to be licensed in this state when, due to circumstances, a permanent license tag cannot immediately be issued or when, in the judgement of the Probate Judge ... just cause exists for the issuance of such temporary license tag and registration certificate." With regard to this section, "just cause" has been determined by the Commissioner of Revenue to exist in -- but not limited to -- the following instances:

(a) when the purchaser of a motor vehicle does not receive from the selling individual, dealer, or firm the certificate of title or other documents necessary for application for title or for proof of ownership;

(b) when the seller of a motor vehicle delays in furnishing the buyer with an application for title.

(5) "Just cause" according to Section 32-6-213 does not exist when, in the judgement of the Judge of Probate, the applicant for temporary registration is resorting to that measure in an effort to avoid remission of regular registration fees, casual sales tax, or ad valorem tax in full.

(6) On temporary registration receipts issued for trucks or truck tractors weighing twelve thousand and one (12,001) pounds or more, Judges of Probate shall affix the notation "UNLADEN WEIGHT ONLY." Law enforcement agencies shall consider the operation of a truck or truck tractor with a temporary Alabama license plate/registration at a weight exceeding the unladen (empty) weight of that truck or truck tractor plus the weight of the passengers and their personal luggage as operation without a valid license plate/registration; anyone convicted of such a violation shall be subject to sanctions under Section 32-6-219, Code of Alabama 1975.

(7) Each Judge of Probate, upon issuance of a temporary tag, shall forward the original copy of the registration certificate to the Department of Revenue, Motor Vehicle Division, "by the close of business the next business day" in accordance with Section 40-12-258, Code of Alabama 1975.

(8) Probate Judges will be held accountable for temporary tags and registration receipts assigned to and received by them. If any temporary tags assigned to and acknowledged as received by a Probate Judge are determined to be missing, the required registration fees for said tags must be remitted as required by Section 32-6-215.

(9) Probate Judges, in issuing temporary tags, shall print, in ink, complete information as to vehicle ownership, make, model, vehicle identification numbers and date of issuance. Any erasures or other alterations of the information required on a temporary tag or registration receipt will render it void, and of no value to the person or vehicle described thereon.

(10) Each temporary tag is to be displayed by its purchaser in the rear window of the vehicle for which it was purchased. If secured for a commercial vehicle, the temporary tag is to be posted in a location conspicuous to law enforcement officers, for example, in the normal tag frame for a mobile home.

(11) A Judge of Probate, in his/her discretion, may, at one time, issue up to three (3) temporary license plates to one vehicle owner/lessee for one motor vehicle. In so doing, the Probate Judge shall indicate the beginning and ending effective dates on each of the temporary license plates issued. (Adopted September 7, 1983, amended December 20, 1988, December 28, 1994) (Authority: §§32-6-56, 40-12-263, and 32-6-218, Code of Alabama 1975)

810-5-1-.228.01. Sending in Monthly Vehicle Reports.

(1) Section 40-12-269, Code of Alabama 1975 requires that the Probate Judge or other county licensing officials shall forward to the Department of Revenue "a certified list of all motor vehicle licenses issued by the Probate Judge during the then preceding month," and the Department of Revenue forwards the report received from the Probate Judge and other county license issuing officials to the State Highway Department.

(2) The State Highway Department is responsible for reviewing the reports and providing information to federal and state agencies contained within said reports.

(3) The monthly reports of motor vehicle licenses required to be sent to the Department of Revenue shall be sent by the appropriate officials to the State Highway Department and shall be considered the same as being received by the Department of Revenue. (Authority: §40-2-11, Code of Alabama 1975) (Adopted September 25, 1990)

810-5-1-.229. The Mutilation or Alteration of License Plates Discussed - Penalties Provided.

(1) Whereas, license plates serve as one of the primary methods of identifying vehicles and determining ownership by law enforcement officials, Whereas, Act 79-797, now codified as Section 32-6-64, Code of Alabama 1975, clearly shows legislative intent that Alabama license plates are to have the greatest visibility and legibility possible, and Whereas, the legislature has further shown its intent as demonstrated by Section 40-12-265, Code of Alabama 1975, as amended, that mutilated or altered license plates are not to be displayed on any motor vehicle. It is therefore ordered that the following be adopted under the authority of Section 40-2-11, Code of Alabama 1975.

(2) The terms "mutilation" or "alteration" as used in Section 40-12-265, Code of Alabama 1975, shall include, but shall not be limited to, the following: Any situation wherein an unauthorized type decal, sticker, patch or other device or impediment which would tend to block or obscure the license plate number or the revalidation decals or otherwise make the Alabama license plate or decal illegible.

(3) Any person operating a motor vehicle with a license plate or decal, that has been so mutilated or altered so as to be illegible as described in Section 2 of this Rule, is subject to the requirements and sanctions of Section 40-12-265(b), and must file with the probate judge or license commissioner of that person's county of residence an application setting forth the facts that the license plate or decal has been so mutilated or altered so as to be illegible, and after paying the appropriate fee, shall be issued a replacement license plate or decal. (Adopted July 15, 1984, effective August 24, 1984) (Authority: §§40-2-11, 32-6-64, 40-12-265)

810-5-1-.230. The Sale of License Plates for Truck Tractors Limited to Travel within 15 Miles of its Domiciled Corporate Limits.

(1) Whereas, Act No. 84-186 provides for the issuance of a license plate for truck-tractors operated by a certified motor carrier and used exclusively within 15 miles of the corporate city limits in which it is customarily domiciled, and

(2) Whereas, the Commissioner of Revenue is empowered by Section 40-2-11, Code of Alabama 1975, to supervise and control the administration of the various tax and license laws of the State of Alabama, and

(3) Whereas, it being the opinion of the Commissioner of Revenue that certain clarifying rules and regulations need to be adopted.

(4) Certified motor carriers may purchase a license plate, commonly called "a mule tag" and designated by an "XL" prefix, for truck-tractors or tractors to be operated exclusively within 15 miles of the incorporated municipality in which it is customarily domiciled.

(5) The 15 mile limit is determined by the city limits of the incorporated municipality in which the truck-tractor or tractor is domiciled and not the city limits of a contiguous incorporated municipality.

(6) When the truck-tractor or tractor is moved or transferred from an incorporated municipality located in one county to an incorporated municipality located in another county, the license plate of the former county must be surrendered to the new county of domicile.

(7) To avoid law enforcement actions, for a truck-tractor or tractor to be moved or relocated from the municipality presently based, the owner or lessee must carry in the cab of the vehicle, and present upon request of law enforcement an affidavit on a form supplied by the Department of Revenue. This affidavit is an authorization to move or relocate the truck-tractor or tractor outside the fifteen (15) mile limit, and will describe the vehicle, give the reason for the relocation, and is to be signed by a representative of the certificated carrier by whom the vehicle is owned or leased. The truck- tractor or truck-trailer combination must be unladen when transferred from one municipality to a new location. Upon relocation the owner or lessee must apply in the county of the new situs of the vehicle to the Judge of Probate or License Commissioner or other county official designated by law to register motor vehicles for the exchange of tags before the truck-tractor or tractor is placed into service.

(8) The Judge of Probate or other county official authorized to issue motor vehicle license tags will issue a replacement license plate bearing the county code number of the new county of domicile without charge except for the issuance fee provided for in Section 40-12-271, Code of Alabama 1975.

(9) The Judge of Probate or other county official authorized to issue motor vehicle license tags, upon issuance of such replacement tag, shall forward appropriate copies of the registration certificate to the Department of Revenue, Motor Vehicle Division, "by the close of business the next business day" in accordance with Section 40-12-258, Code of Alabama 1975. (Adopted as amended December 17, 1984; effective February 6, 1985.) (Authority: §40-2-11)

810-5-1-.231. Fee for Costs Incurred in Searching Registration Records and Providing Certified Copies of Registration Records.

(1) WHEREAS, the Motor Vehicle Division of the Department of Revenue receives requests daily for vehicle registration information from the general public from within and without this State; and

(2) WHEREAS, considerable employee work time, computer-usage time, and other expenses, including postage, are expended in searching and answering vehicle registration information requests; and

(3) WHEREAS, a cost effective study was conducted by the Information Systems Division of the Department of Revenue, and such study revealed that a charge of three dollars (\$3.00) was a reasonable charge to reimburse the Department of Revenue for such cost incurred;

(4) IT IS THEREFORE ORDERED, that a fee of three dollars (\$3.00) shall be charged for each application for registration status from vehicle registration records maintained in the Department of Revenue, Motor Vehicle Division. This fee is a per record fee and comprehensively covers the expenses of record searching, record certifying, and first class postage. Law enforcement agencies and other federal, state, county, and municipal agencies of all jurisdictions who reciprocate with information and/or assistance to the State Revenue Department shall be exempt from the payment of this fee.

(5) FURTHER, all persons who make application for registration records from the State Revenue Department's Motor Vehicle Division shall apply in writing with notarization of signature of applicant. Payment by certified funds should be submitted with the

application for record status. (Alabama Department of Revenue; History: Filed June 10, 1987 with Legislative Reference Service.) (Authority: §40-2-11)

810-5-1-.232. The Issuance of Distinctive License Plates or Tags to United States Retired Military Persons.

(1) To qualify for the distinctive license plate(s) or tag(s), the applicant must have served in the Army, Navy, Marine Corps, Air Force or the Coast Guard a minimum of nineteen (19) years, six (6) months in active duty status. Provided, that anyone having met his active duty minimum requirement, shall qualify to receive the distinctive license plate(s) or tag(s) even if, the applicant is receiving or has received disability benefits, or has served in a military reserve component.

(2) In accordance with Act 89-858, retirees from the Alabama National Guard with a minimum of twenty (20) years service shall, beginning in January, 1990, qualify for the distinctive "United States Armed Forces Retired" license plate. To qualify, retirees must be residents of the State of Alabama, and must own, fully or partially, the private passenger vehicle (including station wagons and pick-up trucks and motor homes with gross weights not exceeding 8,000 pounds.

(3) A qualified applicant must present to the license plate issuing official a copy of his/her retirement papers. The issuing officials must accept Form DD214 from Army, Navy, Marine Corps, Air Force, or Coast Guard retirees when said form clearly reveals that the type of separation was either "retired" or "transferred" to fleet reserve. Said Form DD214 must reveal the minimum length of service as specified in Section 1 (above). Alabama National Guard retirees must present Form NGB22 revealing a minimum of twenty (20) years service. Retired reservists must furnish a copy of their retirement orders, if, however, these orders have been misplaced, the retiree may present his/her retired ID card and give an affidavit of military service revealing at least twenty (20) years service.

(4) County issuing officials, in issuing the distinctive "United States Armed Forces Retired" license plate, shall provide the registrant a decal designating the branch of service of the retiree. Said decal, supplied by the Department of Corrections, shall be attached at the bottom center of the license plate between the bolt holes. Said decals shall be worded as follows: ARMY, NAVY, AIR FORCE, COAST GUARD, MARINES, NATIONAL GUARD, USCGR, USMCR, USAFR, USNR, USAR. (Authority: Act 87-729.)

810-5-1-.233. Proof Of Payment Of Federal Heavy Vehicle Use Tax.

(1) WHEREAS, it being the opinion of the Commissioner of Revenue that rules and regulations are needed to implement the provisions of Code of Ala. 1975, '32-6-58, as amended; and

(2) WHEREAS, officials of the U.S. Department of Transportation, Federal Highway Administration, have suggested that formal rules should be adopted to instruct license plate issuing officials as to their responsibility under 23 USC 141 (d), and under Code of Ala. 1975, '32-6-58.

(3) IT IS THEREFORE ORDERED that:

(a) The purpose of this regulation is to ascertain that the license issuing agencies have complied with federal regulations. The regulations require the State of Alabama to verify payment of the Federal Heavy Vehicle Use Tax (FHVUT) prior to issuing a registration for a vehicle with a declared gross weight or combined gross weight of 55,000 pounds or more.

(b) The license plate issuing agency will require the person seeking to register a truck or truck tractor to declare the gross weight of the vehicle (or vehicle combination). The declared gross weight must be within the weight brackets of the license plate being

requested (for example, if the registrant is seeking to obtain an "X6" license plate, the declared gross weight must be between 55,001 pounds and 64,000 pounds)

(c) The license plate issuing agency will be responsible for insuring that the declared gross weight is shown on the Motor Vehicle Registration Tag and Tax receipt in the box entitled "Owners Declared Gross Weight not Over." The county license plate issuing official may require the initialing of the declared gross weight by the registrant.

(d) Prior to the issuance of a license plate for a truck or truck tractor with a declared gross weight of 55,000 pounds or more, the license plate issuing agency must receive acceptable proof (as defined below) of the payment of FHVUT for the current tax year for the vehicle(s) being registered. In the case where the FHVUT is not due because the tax is suspended, the license plate issuing official must receive proof that the vehicle owner has filed the required federal tax forms (Form #2290).

(e) In accordance with federal regulations issued under date of May 23, 1985, by the Internal Revenue Service, the following shall be acceptable as proof documents:

1. A Form 2290, Schedule 1, which has been receipted as received by the Internal Revenue Service. Such form must be for the current tax year, and must list the vehicle(s) for whom the tax has been paid (unless the taxpayer has paid the tax on more than twenty-one (21) vehicles or unless the tax is suspended on more than seven (7) vehicles). The vehicles are to be listed by vehicle identification number (VIN); if the registrant has failed to list the VIN(s) the registrant is permitted to give the issuing official a letter certifying that tax was paid for the vehicle(s) being registered. The issuing official shall retain both the receipted Schedule 1 and the letter as acceptable proof document.

2. If the Schedule 1 is not stamped as received by the Internal Revenue Service, a substitute proof of payment may be used. A photocopy of the signed Form 2290 (with the corresponding Schedule 1 attached) which was filed with the IRS and a photocopy of both sides of the cancelled check for the current year may be used. Memo copies of money orders, cashier's checks and the like are not acceptable. Showing only one side of the original check is not acceptable.

3. The Internal Revenue Service regulations provide that anyone seeking to register a truck or truck tractor purchased or acquired within a period of sixty (60) days of the date that registration is sought will not be required to provide proof of payment of FHVUT. However, proof of purchase or acquisition within the sixty (60) day period shall be required. Such proof shall include:

(i) A copy of the bill of sale.

(ii) A copy of the application for certificate of title, (or a copy of the actual title or replacement title).

(iii) A copy of a court order, divorce decree, or other legal document awarding ownership to the registrant.

(f) the Schedule 1 of the Form 2290 also has a section for vehicles for which the FHVUT is suspended. The liability for the FHVUT is suspended during a taxable period if it is reasonable to expect the vehicle will be used for 5000 or fewer miles on public highways. These vehicles must be shown on the Form 2290, Schedule 1. County license plate issuing officials must receive proof that the taxpayer has filed Form 2290 for any suspended vehicle; thus the required proof document is normally a receipted Schedule 1.

(g) If a vehicle is an agricultural vehicle the FHVUT is suspended up to 7,500 miles. However, a receipted Schedule 1 or other acceptable proof document must be received by the issuing official before the requested license plate may be issued.

(h) In order for the State of Alabama, Department of Revenue, to monitor compliance with the proof requirements, the Motor Vehicle Registration Tax and Tax receipts must be annotated to reflect that a proof document was received. The notation should be a sequence number that is written or stamped on both the Motor Vehicle Registration Tag and Tax Receipt and on the proof document.

(i) The proof of payment of the FHVUT must be retained for one (1) year in order to allow the Federal Highway Administration to verify that the State of Alabama is in compliance with the Rules and Regulations. Part 41, paragraph 6001-2. (Authority: Code of Ala. 1975, §32-6-58(b); Act 84-794.) (Adopted September 13, 1988; filed September 21, 1988)

810-5-1.233.01 Self-Propelled Cranes-Definitions and Exemptions.

(1) Code of Alabama 1975, Section 40-12-248 (a), provides: "For each truck or truck tractor using the public highways of this state annual license taxes and registration fees...shall be charged."

(2) Section 40-12-240 (24) defines a "truck" as follows: "Every self-propelled motor vehicle designed and used primarily for the transportation of property in or upon its own structure..."

(3) Section 40-12-240 (27) defines a vehicle as : "Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway..."

(4) A self-propelled crane is not considered to be a truck because:

(a) it is not designed and used primarily for the transportation of property in or upon its own structure.

(b) it is not designed for use on the public highways.

(c) it is not designed to transport or to draw persons or property upon the highway.

(5) Pursuant to the above mentioned sections of the Alabama Motor Vehicle License and Registration laws, self-propelled cranes are exempt from the registration requirements due to the fact that they are not motor vehicles designed and used primarily for the transportation of persons or property upon the highways.

(6) The following are some of the criteria which may be used to define a self-propelled crane:

(a) A self-propelled crane is a vehicle not designed or used primarily for the transportation of persons or property and is only incidently operated or moved over the highway.

(b) A self-propelled crane is designed to primarily perform the functions of lifting and lowering real or personal property.

(c) A self-propelled crane chassis has been specially designed and manufactured by the manufacturer, (or for the manufacturer), to serve solely as a mobile carriage and mount, (and a power source, where applicable), for the particular machinery or equipment attached.

(d) A self-propelled crane chassis cannot, without substantial structural modification, be used as a component of a vehicle designed to transport persons or property on the highway.

(7) A self-propelled crane is a vehicle specially designed for off-highway operation due to the following factors in the design of the vehicle:

- (a) The vehicle's inability to travel at posted highway speeds; and/or
- (b) The vehicle is overweight, overheight, and/or overwidth for regular highway use, or requires a special permit and/or escort for highway use; and/or
- (c) Any other relevant factor of the special vehicle design, such as the requirement of transportation on tracks, which substantially limits or impairs the use of such vehicle on the public roads and highways.

(8) Nothing in this rule should be considered as authority for exempting from registration truck mounted cranes, trucks with booms attached, or similar type vehicles. (Authority: Sections 40-2A-7(a)(5) and 32-6-218, Code of Alabama 1975 (History: New rule: Filed March 13, 2001, effective April 17, 2001)

810-5-1-234. Transferring Personalized And Collegiate License Plates; Procedures For Issuance Of A Combined Personalized/Collegiate License Plate And Departmental Responsibilities Therein; Providing For Replacement Tags.

(1) A person to whom a personalized or collegiate license plate has been issued pursuant to '32-6-150, et seq., may elect to surrender said license plate to the Judge of Probate or other license plate issuing official and request either a standard license plate or a distinctive license plate. The issuing official may reissue the surrendered license plate upon collecting the additional fee plus any standard fees due. The issuing official must inform the Department of Revenue by telephone of the reissuance.

(2) In the following type situations personalized or collegiate license plate registrants will not be required to pay the additional fee upon the transfer of the license plate:

(a) In situations where the vehicle is individually owned and the owner acquires a new vehicle which is to be titled:

1. both to the registrant and his/her spouse, or
2. which is titled in the name of the registrant and to another individual.

(b) In cases where there is joint ownership of a vehicle, and the ownership of that vehicle (or a newly acquired vehicle) changes to individual ownership by one of the original parties.

(c) In cases where a vehicle owner trades for another vehicle which is subsequently to be titled in the name of a business which is a single proprietorship owned by the original owner.

(3) The term "pleasure motor vehicle", as used in '32-6-150, as amended, and '32-6-130, as amended, shall include those type vehicles commonly known as "motor homes," but shall not include motorcycles or non-self-propelled vehicles.

(4) In accordance with Act 88-127, a four-year college or university electing to participate in the collegiate license plate program may authorize the Department of Revenue in writing to issue a combination personalized-collegiate license plate. This type of license plate, hereafter referred to as a prestige license plate, will be issued through the county license plate issuing officials upon payment of the additional fee provided under Act 88-127 or subsequent legislation.

(5) Those four-year colleges or universities authorizing the issuance of a prestige license plate will pay for the manufacturing costs of producing the prestige license plates as determined by the Board of Corrections as provided by Act 88-127. Subsequently the Department of Revenue will bill the participating schools on a monthly basis for the number of prestige license plates ordered to be manufactured.

(6) The maximum number of characters permitted on a personalized, collegiate or prestige license plate shall be seven (7), and may be further limited so that characters on a prestige license plate shall not obscure the approved design. Provided, however, that the Department of Revenue shall reject requests that will result in duplication of a personalized, collegiate or prestige license plate.

(7) Anyone who has either a personalized, collegiate or prestige license plate may elect to change to another personalized, collegiate or prestige license plate. If so, the registrant will be required to pay the additional fee as provided under '32-6-150, as amended, and surrender the current license plate if not expired.

(8) An Alabama resident may obtain a personalized or prestige license plate by:

(a) Making application for said plate through the Judge of Probate or other license plate issuing official of his/her county or residency.

(b) Obtaining approval by the Department of Revenue of the requested license plate.

(c) Paying the additional fee provide under '32-6-150, as amended, plus any standard fees due.

(9) The county license plate issuing official will issue, without charge, a sixty (60) day temporary license plate which shall be displayed until the requested license plate is received.

(10) In the event a personalized, collegiate or prestige license plate is lost, stolen, or, becomes mutilated, the owner shall make application for replacement and pay the fee required by law for said replacement license plate. The Department of Revenue shall have manufactured a duplicate of the original for shipment to the registrant. In cases of mutilation, the original license plate must be surrendered to the county license plate issuing official. (Authority: Code of Ala. 1975, '32-6-151.) (Adopted effective March 29, 1989)

810-5-1-.235. Title Procedures - Defining "Junk" Vehicles.

(1) Section 32-8-87 (j) Code of Alabama 1975, as amended, prohibits the issuance of a certificate of title for any motor vehicle for which a "junk" certificate has been issued or for a vehicle which is sold "for parts only". Other States issue certificates which also reflect a salvage vehicle is non-rebuildable and vehicles which are declared non-rebuildable or parts cars or sold for parts are considered to be "junk".

(2) Any motor vehicle for which a certificate has been issued by any State with the notation of junk, parts car, parts only, non-rebuildable, or bills-of-sale issued for transfer of the vehicle which contain this information shall be considered to be a "junk" vehicle and shall not be titled in this State. (Authority: §32-8-3 and §32-8-87, Code of Alabama 1975) (Adopted September 25, 1990.)

810-5-1-.227.07 Memorandum of Understanding Between the Alabama Department of Environmental Management and the Alabama Department of Revenue.

(1) The Alabama Department of Revenue (ADOR) may allow access into the ADOR's motor vehicle registration and certificate of title database to the Alabama Department of Environmental Management (ADEM). The purpose of this access is limited to determining identity and ownership of vehicles observed during surveillance of illegal dumps within the State of Alabama.

(2) ADOR may allow access to the ADOR scrap tire environmental fee registration database to ADEM. The purpose of this access is for ADEM to determine compliance by tire dealers and retailers with the Alabama Scrap Tire Environmental Quality Act.

(8) ADEM agrees to be responsible for the access and dissemination of data by personnel within its agency. ADEM agrees to require its personnel with access to motor vehicle

registration and certificate of title data or to the scrap tire environmental fee registration data to sign a "Non-Employee Confidentiality and Disclosure Statement" (Form COM-103) acknowledging that the use of the data is confined solely to the legitimate administration of its programs. These disclosure documents must be on file with the ADOR and a copy must be with the employee's personnel folder kept by ADEM. For the purposes of this rule, the word "personnel" shall be deemed to include employees of ADEM, vendors, contractors, subcontractors, and anyone with access to the data supplied by the ADOR.

(9) ADEM agrees to inform ADEM personnel with access to motor vehicle registration and certificate of title data provided pursuant to this memorandum of understanding that use or allowing the use of this data for reasons/uses other than the purpose(s) adopted in this MOU could be in violation of the Federal Driver's Privacy Protection Act, and could subject ADEM to federal sanctions. ADEM further agrees to inform personnel that anyone whose personal information is improperly released, or anyone who is injured due to the improper release of personal information contained within the motor vehicle registration or certificate of title databases, may bring a civil action in a U.S. District Court against the person and/or entity that wrongfully released the information.

(10) ADEM, in entering into this memorandum of understanding, agrees that if ADEM personnel release information contrary to the Federal Driver's Privacy Protection Act, such improper release shall be the responsibility of the person wrongfully releasing the data, with ADOR not responsible for the consequences of this improper action.

(11) ADEM shall advise ADEM personnel that the improper use of the information could constitute a violation of the Alabama Computer Crime Act and/or the provisions of Section 40-2A-10, Code of Alabama 1975.

(12) ADEM further agrees to provide the names of the individual(s) granted access to data pursuant to this agreement, and to promptly update the Department when there are additions or deletions to this listing of authorized individuals.

ADOR shall establish security standards for the data received by ADEM pursuant to the memorandum of understanding, which may include the audit of the receiving agency to ensure that the information is being properly secured.

Authority: Sections 40-2A-7(a)(5), Code of Alabama 1975. History: New rule: Filed January 6, 2004, effective February 10, 2004.

810-5-1-.236 God Bless America Distinctive License Plates.

(1) Owners of private passenger vehicles, to include pickup trucks as defined in Section 32-8-2(14.1), Code of Alabama 1975, and motor homes regardless of weight, shall be entitled to purchase a *God Bless America* distinctive license plate. Registrants shall pay standard registration fees based on the type of vehicle and all applicable taxes, but no annual additional fee will be charged in accordance with Act 2006-571 unless the owner chooses to obtain a personalized God Bless America distinctive plate in accordance with Act 2008-554.

(2) Effective October 1, 2006, owners of motor vehicles may request pre-numbered *God Bless America* distinctive license plates.

(3) Motor vehicle owners may elect to obtain a *God Bless America* distinctive license plate, before the expiration of their current license plate, by surrendering their current passenger license plate to the county license plate issuing official and paying the issuance fee as provided for in Section 40-12-271, Code of Alabama 1975.

(4) Motor vehicle owners, whose *God Bless America* distinctive license plate has been mutilated, lost, or stolen, may receive a replacement license plate at the county license plate issuing official's office for a fee as provided in Section 40-12-265(b), Code of Alabama 1975. If the plate has been mutilated, the license plate must be surrendered to the county license plate issuing official, prior to the replacement license plate being issued. The county official will retain the mutilated license plate for audit purposes.

(5) Act 2008-554 provides for personalized God Bless America distinctive license plates effective September 1, 2008.

(6) The personalized plates shall be processed in the same manner as personalized plates in Section 32-6-150, Code of Alabama 1975.

(7) Any registrant desiring to obtain a personalized God Bless America plate shall pay an annual additional fee of fifty dollars (\$50) in addition to the standard registration fees associated with the vehicle type and all applicable taxes as allowed by law. The annual additional fee shall not be prorated.

(8) The Department of Revenue shall be responsible for the design of the *God Bless America* distinctive license plate.

(9) Owners of a motor bus which is owned by a church, private school, hospital, or other eleemosynary institution and used only for the purposes of such institution, may elect to secure the *God Bless America* distinctive license plate as provided for in Section 40-12-246(d), Code of Alabama 1975, upon payment of an annual registration fee of \$13.00. (Authority: Sections 40-2A-7(a)(5), 32-6-610 and 32-6-611, Code of Alabama 1975) (History: New rule: Filed December 1, 2006, effective January 5, 2007; Amended: Filed February 5, 2009, effective March 12, 2009)

810-5-1-.237 Procedures for Issuing Provisional Registration Reinstatements.

(1) Alabama vehicle owners whose motor vehicle registrations has been suspended pursuant to the *Code of Alabama 1975*, Section 32-7A-3, may apply to have their vehicle registration reinstated to either the Alabama Department of Revenue (ADOR) or the vehicle owner's county license plate issuing official. The vehicle owner shall be issued a Mandatory Liability Insurance (MLI) Provisional Registration Reinstatement (PRR) for his or her vehicle pending the confirmation of vehicle insurance coverage or evidence of vehicle liability insurance exemption; provided, that evidence of insurance coverage or proof of MLI insurance exemptions is collected along with the payment of any applicable reinstatement fee(s), by the county license plate issuing official or ADOR prior to the issuance of the PRR.

(2) The beginning effective date of the PRR will be the same date that the PRR document is issued. The PRR will be valid for a period of no more than 60 days.

(3) The following information and/or documents are required in order for a PRR to be issued:

(a) In cases where a vehicle owner affirms that the vehicle, for which the registration has been suspended, had insurance with an Alabama-licensed insurance company on the ADOR specified insurance verification date, the owner must provide evidence of said insurance coverage for the insurance verification date that includes: the insurance company name; the insurance company NAIC number, if available; and the policy holder's insurance policy/binder number. The insurance information shall be recorded on the PRR by the issuer.

(b) When a vehicle owner affirms that the vehicle with the suspended registration was stored or inoperable on the ADOR specified insurance verification date, the owner must complete and submit to the county license plate issuing official or the Department of Revenue, an

affidavit of non use for the vehicle specifying the days that the vehicle was stored or inoperable. The vehicle owner's signature must be notarized or witnessed by a representative of a county tag issuing office or ADOR.

(c) If a vehicle owner affirms that the vehicle with the suspended registration did not have liability insurance coverage on the ADOR specified insurance verification date and the vehicle does not qualify as an MLI exempt vehicle, as defined under Section 32-7A-5, *Code of Alabama 1975*, in addition to any required reinstatement fee(s), the vehicle owner must affirm that the vehicle is currently covered under a liability insurance policy with an Alabama-licensed insurance company and provide to the county license plate issuing official or ADOR: the insurance company name; the insurance company NAIC number, if available; and the policy holder's insurance policy/binder number. The insurance information shall be recorded on the PRR by the issuer.

(4) *Code of Alabama 1975*, Section 32-7A-9(c) provides that county license plate issuing officials shall forward required documentation regarding registration reinstatements to ADOR no later than the next business day. ADOR will receive insurance information through electronic means on a daily basis. A copy of every MLI exempt PRR generated by the county license plate issuing official shall be forwarded by said official, by mail, to ADOR or ADOR's designee by the tenth day of the month following the date the PRR was generated. Each MLI exempt PRR shall have attached to it, the prerequisite vehicle affidavit of non use and a coversheet as prescribed by ADOR.

(5) All reinstatement fees remitted by each county license plate issuing official shall be accompanied by a form prescribed by ADOR that lists the registrant and vehicle information associated with the reinstatement fee collected for each registrant.

(6) All reinstatement fees collected by each county license plate issuing official less 10% to be retained by the county as provided by Section 32-7A-9(f), *Code of Alabama, 1975*, shall be remitted to ADOR by the tenth day following the month that the reinstatement fees were collected. Funds are to be deposited directly to an ADOR designated account and the deposit slip for each deposit forwarded to ADOR, or the funds may be remitted by check to the ADOR.

(7) Alabama county license plate issuing officials are not authorized to issue consecutive PRRs for a motor vehicle, unless the preceding PRR for the vehicle has been voided due to clerical error and the replacement PRR is issued on the same business day as the original PRR.

(8) In cases where a county license plate issuing official has generated a PRR(s) in error for which reinstatement fees would normally be collected, a voided copy of the PRR(s) along with a brief explanation of the voided transaction(s) must be mailed or faxed to ADOR, or its designee, for processing no later than the close of the business day following the day that the PRR(s) was generated. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(b), *Code of Alabama 1975*) (History: New rule: Filed December 1, 2006, effective January 5, 2007).

810-5-1-.238 Provisional Registration Reinstatement Document.

(1) Vehicles with registrations suspended under Alabama's Mandatory Liability Insurance Law, *Code of Alabama 1975*, Title 32, Chapter 7A, may under certain conditions qualify to be issued a Provisional Registration Reinstatement (PRR) document. Qualifying vehicle owners shall be issued a PRR pending confirmation of insurance coverage or Mandatory Liability Insurance (MLI) exemption status for the owner's vehicle for the Alabama Department of Revenue (ADOR) specified date.

(2) A PRR document may be issued by ADOR or the owner's Alabama county license plate issuing official.

(3) The PRR will be on a form and in the format prescribed by ADOR.

(4) The PRR document shall contain the following information:

- (a) The PRR issue and expiration dates.
- (b) Vehicle registrant's name, address, and driver license number.
- (c) Vehicle's VIN, year, make, and model.
- (d) Vehicle's current Alabama license plate number.
- (e) Vehicle insuring company's name; NAIC number, if available; and address.
- (f) Insurance policy holder's binder number or policy number.
- (g) For an MLI exempt vehicle, an explanation of the reason for the exemption.
- (h) Issuing clerk's ADOR assigned identification number.

(5) There is no fee for the PRR, provided, that any required reinstatement fee(s) for the vehicle must be collected before a PRR can be issued.

(6) A PRR is valid up to sixty (60) days pending confirmation of liability insurance coverage for the date specified by ADOR, provided, that if ADOR does not receive verification of insurance coverage for the specified date from the insurance company reported by the motor vehicle owner, the PRR shall be revoked by ADOR. Owners of vehicles for which a PRR has been revoked shall receive a written notice of the revocation, which shall be mailed by first class U.S. Postal Service, to the owner's last known address. Vehicle operators that operate the vehicle with a revoked Provisional Registration Reinstatement will be subject to the penalties addressed by Section 32-7A-18, *Code of Alabama, 1975*.

(7) A copy of the PRR document is acceptable as evidence of the Provisional Registration Reinstatement for law enforcement purposes, if the information contained on the document is legible, unaltered, and has not been revoked by ADOR. Any erasures or other alterations of the information required on a PRR will render it void, and of no value to the person or vehicle described thereon.

(8) The PRR shall be retained within the motor vehicle to which it was issued pending the completion of the full vehicle registration reinstatement process by ADOR.

(9) The PRR shall be presented, on demand, by the vehicle operator, for inspection by law enforcement officers.

(10) A PRR cannot be transferred to another vehicle or vehicle owner.

(11) The PRR is not acceptable as a substitute for a valid Alabama Motor Vehicle Registration Tag and Tax Receipt. The PRR is valid only for indicating that a motor vehicle MLI registration suspension has been temporarily reinstated, pending confirmation of vehicle liability insurance coverage or confirmation of MLI vehicle exemption status. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(b), Code of Alabama 1975) (History: New rule: Filed December 1, 2006, effective January 5, 2007).

810-5-1-.239 Registration of Vehicles Used Exclusively to Transport Raw Cotton.

(1) County license plate issuing officials will issue special annual license plates to the vehicles registered pursuant to the provisions of Act 2006-550.

(2) Act 2006-550 limits the issuance of the special license plate authorized by this Act to a "vehicle designed and especially constructed to transport only raw cotton from harvest to a cotton gin...." This provision limits issuance only to these specially designed vehicles; therefore, the special license plates cannot be displayed on trucks that are capable of transporting commodities other than raw cotton, even if the only use of the trucks is for this purpose. It is understood that one may transport the raw cotton to a location where it is to be temporarily stored for later transportation to a cotton gin. Furthermore, a farmer owning and operating such vehicle may elect to register the vehicle with a farm license plate based on the gross weight of the vehicle instead of the license plate authorized by Act 2006-550 if using the vehicle in accordance with Section 40-12-248.

(3) The annual license tax and registration fee for the license plates issued pursuant to Act 2006-550 shall be \$250.00, regardless of the gross weight of the vehicle. The registrations shall be renewed annually in the months of October and November. Registrations shall be issued for the period December 1 through November 30.

(4) The license plates issued pursuant to Act 2006-550 are not apportionable pursuant to the International Registration Plan (IRP) if the vehicle is operated from points within and without the State of Alabama. This interpretation is based on the exemption from apportionment under the IRP for "restricted use" vehicles, which includes vehicles restricted to hauling only a specific commodity or product.

(5) Section 40-12-258, as amended by Act 2004-292, allows the proration of registration fees when a farm truck is "stored in this state and not used or operated on the public highways of this state...." As a farmer may own the type vehicle authorized and registered under Act 2006-550, said farmer may pay prorated registration fees if the vehicle is not operated on the public highways of Alabama from December 1 until placed into service in a subsequent month. Note that this proration authorization is only applicable to a vehicle owned and used by a farmer, and would not apply to a non-farm owner/operator of said vehicle(s).

(6) If the gross weight of the vehicle registered pursuant to Act 2006-550 is 55,000 pounds or more, the vehicle owner is required annually, when registering the vehicle, to provide documentation indicating compliance with the Federal Heavy Vehicle Use Tax laws. (Authority: Sections 40-2A-7(a)(5) and Act 2006-550, Code of Alabama 1975) (History: New rule: Filed December 1, 2006, effective January 5, 2007).

810-5-1-.240 Permanent Trailer License Plates.

(1) Multi-year trailer plates, except for a fleet of 50 or more rental utility trailers, have been eliminated by Act 2006-276. Accordingly, county issuing officials shall not revalidate multi-year trailer plates, except for rental utility trailers. Any trailer other than a rental utility trailer displaying an Alabama multi-year trailer plate on or after December 1, 2006 shall be considered as displaying an expired registration, and law enforcement may cite the operator for operating a trailer with an expired license plate.

(2) Permanent trailer license plates, in accordance with Act 2006-276, may be issued to a truck trailer, tractor trailer or semitrailer. The term "semitrailer" is defined in Section 40-12-240(19) and includes, but is not limited to, trailers commonly referred to as "gooseneck" trailers. The term "truck trailer" as used in Section 40-12-252 refers to a trailer designed to be pulled behind a truck and the gross vehicle weight of the truck, trailer, and load combination exceeds 12,000 pounds. The term "tractor trailer" is deemed to mean a trailer being towed by a "truck tractor" as defined in Section 40-12-240(25). As Act 2006-276 does not include utility trailers as qualifying vehicles, the law is to be interpreted as not authorizing the issuance of permanent trailer plates to utility trailers. The term "utility trailer" is defined in Section 40-12-

240(26) as “A trailer primarily designed to be drawn by a passenger car or pickup truck, including luggage trailers, folding or collapsible camping trailers, and other small trailers of similar size and function, but shall not include boat trailers.” A pickup truck is defined in Section 32-8-2(14.1) as “A truck with not more than two axles and a gross weight not exceeding 12,000 pounds.” Therefore, in order for a trailer to be registered as a utility trailer, the truck, trailer, and load shall not exceed 12,000 pounds.

(3) In order for a registrant to obtain a permanent trailer license plate, an Alabama certificate of title must be applied for in the name of the current vehicle owner or the trailer must be titled in Alabama to the current vehicle owner. Truck trailers, tractor trailers, and semitrailers titled in other jurisdictions cannot be registered in Alabama with a permanent trailer plate based upon presentation of an out-of-state title. However, as Section 32-8-31 exempts trailers designated 1974 year models or prior year models from the Alabama Uniform Certificate of Title and Anti-Theft Act, such trailers may be registered with permanent trailer plates without an Alabama certificate of title being applied for or issued. Similarly, as Section 32-8-31 exempts a pole trailer as the term is defined in Section 32-8-2 from the provisions of the Alabama Uniform Certificate of Title and Antitheft Act, such trailers may be registered with permanent trailer plates without an Alabama certificate of title being applied for or issued.

(4) The fee for a permanent trailer license plate is a one (1) time, non-proratable registration fee of sixty dollars (\$60). In the event an owner elects to surrender a current and valid annual Alabama trailer license plate in order to secure a permanent trailer license, in accordance with Section 40-12-23 (c), the county issuing official shall determine the credit to be allowed by using monthly declining fees, and applying that credit to the sixty dollar fee for the permanent trailer license plate.

(5) The Department of Revenue is authorized to issue refunds in cases whereby the vehicle owner can provide to the satisfaction of the county license plate issuing official evidence that he/she erroneously registered a trailer with two (or more) permanent trailer license plates.

(6) The permanent trailer license plate issued in accordance with Section 40-12-252 cannot be transferred to another owner or trailer. As the term “owner” is defined in Section 40-12-240 to include a lessee with an option to purchase, if the lessee elects to exercise the purchase option, the plates shall continue to be displayed on the trailers even though there is a transfer of title from the lessor to lessee. If there is no purchase option, the permanent trailer license plates must be removed from the vehicles at the end of the lease agreement; provided, that if the lessor elects to lease the trailers to another Alabama based lease customer, the permanent license plates may remain on the trailers for use by the new lease customer (unless the new lease customer has a purchase option in the lease contract; if so, new permanent trailer plates must be secured in the name of the lease customer).

(7) For the following situations, any person acquiring ownership of a trailer(s) displaying a permanent trailer plate is required to surrender the license plate(s) to his/her county license plate issuing official, who, in accordance with paragraph (8) below, shall notify the Department of Revenue of the receipt of the license plate:

(a) The trailer is sold or otherwise transferred to a new owner(s) –
exception: see paragraph (6) above;

(b) The trailer is repossessed;

(c) The trailer is abandoned;

(d) The trailer is acquired by an insurer as a salvage vehicle;

(8) The owner is required, in the case of transfer of ownership, to remove the

permanent trailer license plate from the vehicle and surrender the license plate to the county license plate issuing official and no credit or refund of registration fees shall be allowed upon surrender. The county license plate issuing official will retain the surrendered license plates for audit purposes. Furthermore, upon receipt of surrendered permanent trailer license plates, the county license plate issuing official must notify the Department of Revenue of the receipt of the plates in a manner prescribed by the Department in order for the Department to indicate on the registration database that the permanent trailer license plates are no longer in use; provided, that after one year from notation on the database, the registration records for surrendered license plates may be removed by the Department.

(9) If the owner must re-register the trailers outside Alabama, the owner is to remove the Alabama permanent license plates from the vehicles and return the plates to the county license plate issuing official of the county where the trailers are based. The county license plate issuing official will retain the surrendered license plate for audit purposes, and, as in paragraph (8) above, notify the Department of the receipt of the permanent license plates.

(10) Trailer owners are not required to retain within the vehicle a current and valid Alabama Motor Vehicle Registration Tag and Tax Receipt. See Section 40-12-260(b)(1), which specifies that registration receipts must be maintained for "self-propelled" vehicles.

(11) County license plate issuing officials will enter "9999" on the Alabama Motor Vehicle Registration Tag and Tax Receipt, in the expiration date field to indicate the non-expiration for all permanent trailer license plate registrations. When issuing registrations to lessors, the lessee's address shall be shown on the registration receipt.

(12) Pursuant to Section 40-12-265(b), if a license plate or tag is lost or stolen, or becomes so mutilated as to make it illegible, the owner of the vehicle must file with the county issuing official an application setting forth the facts that the plate or tag has been lost, mutilated, or destroyed and upon payment of the fee specified by law, a replacement license plate shall be issued. Provided, that if mutilated, the permanent trailer license plate shall be surrendered, and, in accordance with paragraph (8) above, the Department of Revenue notified of the surrender of the license plate. (Authority: 40-2A-7(a)(5) and 40-12-252(c), Code of Alabama 1975) (History: Adopted through APA December 27, 2006, effective June 8, 2007)

810-5-1-.241 Collegiate and Collegiate Personalized License Plates for Two-Year Colleges and Universities.

(1) For purposes of Act 2006-629, "two-year colleges" shall be deemed as referring to Alabama based public schools meeting the definition of "junior college" found in Section 16-60-81, Code of Alabama 1975. The term "two-year colleges" does not include "technical schools."

(2) Act 2006-629 is interpreted as having repealed the prohibition against distinctive plates under Section 32-6-67 for junior colleges.

(3) Act 2006-629 amends Section 32-6-150 (a) to provide that two-year collegiate license plates shall be issued "in compliance with all laws and regulations." Thus, these plates shall be issued in compliance with the provisions of Subdivision 2 of Chapter 6 of Title 32, and specifically with the provisions of Section 32-6-64 requiring the submission of a design to the Legislative Oversight Committee on License Plates (LOC), the approval of the submitted design by the LOC, and the timely securing of the necessary commitments to purchase (Quantity Class 1 or 2). The provision that prohibits remanufacture of plates if the number of plates issued in the fifth year (and every subsequent fifth year) of issuance fail to meet the Quantity Class requirements is also applicable.

(4) Section 32-6-150 (d), which requires colleges and universities desiring distinctive collegiate license plates to pay production costs prior to the manufacture of license plates, is not

applicable to the two-year college license plates authorized under Act 2006-629. Instead, the additional fee for two-year college plates is to be distributed in accordance with Section 32-6-68, which includes a manufacturing fee to the Alabama Department of Corrections. (Authority: Sections 40-2A-7(a)(5) and 32-6-150(d), Code of Alabama 1975) (History: New rule: Filed December 27, 2006, effective January 31, 2007).

810-5-1-.242 Registration Procedures for Vehicles Registered Under Section 40-12-297.

(1) For the purposes of this rule, the term "Vintage plates" shall refer to the original Alabama license plate registrations authorized under Section 40-12-297.

(2) The Department of Revenue will provide license plate issuing officials with Vintage plate decals to be affixed to lower portion of the Vintage license plate. The decals will contain a number, which must be entered into the registration record as the decal number. The decal and the motor vehicle registration receipt indicates that the vehicle to which the license plate is issued is properly registered in accordance with Section 40-12-297, Code of Alabama 1975. The motor vehicle registration receipt must be retained in the vehicle for possible presentation to law enforcement officials in accordance with the provisions of Section 40-12-260, Code of Alabama 1975.

(3) Although Alabama has at various times issued front and rear license plates to motor vehicles, the registration authorized under Act 2006-612 shall be displayed on the rear of the vehicle only.

(4) In examining a Vintage plate for possible issuance, the license plate issuing official shall determine if the license plate is legible, particularly the entire license plate number. If the license plate is rusted, paint missing, parts of the plate is missing, holes in the plate, etc., to the degree that law enforcement would have difficulty reading the plate from twenty feet, the issuing official shall refuse to allow the requested license plate to be issued to the vehicle. Provided, the applicant may subsequently restore the plate (or have the plate restored) to the degree that the plate is legible and present the restored license plate for examination and approval by the license plate issuing official.

(5) Furthermore, in examining a Vintage plate for possible issuance, the license plate issuing official shall determine if the license plate colors are the colors of the originally issued plate. In order to make this determination, the issuing official may check the Department of Revenue's website to view color pictures of Alabama license plates from 1912 through 1976.

(6) Vintage plates shall be of the category that is appropriate to the type of vehicle being registered (examples: an Alabama automobile plate should not be issued to a truck or bus; an automobile plate may not be issued to a motorcycle). Accordingly, the issuing official may need to make inquiry to the Department website or to the Department to determine if any symbols shown on the plate are appropriate for the type vehicle being registered.

(7) As Alabama did not issue metal license plates in 1943, a vehicle designated as a 1943 year model may not be registered pursuant to Section 40-12-297. Furthermore, during World War II a decal was sometimes issued in lieu of a front license plate; in such cases the decal may not be used as a registration pursuant to Act 2006-612.

(8) In the event law enforcement officials find a license plate issued pursuant to Section 40-12-297 being used in a manner not authorized by Section 40-12-290 et seq., said vehicle operator may be subject to the sanctions authorized by Section 40-12-290 (e) and forfeit the Vintage plate decal on the license plate issued pursuant to Section 40-12-297.

(9) The provisions of Section 40-12-297 authorizing issuance of original Alabama license plates or restored or refurbished Alabama plates do not include reproductions or facsimiles of original Alabama license plates.

(10) Issuing officials may not authorize license plates with license plate numbers exceeding seven (7) characters. All characters to be shown on the registration receipts must be either alpha or numeric characters.

(11) In the event, a license plate issued pursuant to Section 40-12-297 subsequently becomes illegible, the registrant shall promptly restore the license plate to a legible status, or surrender the license plate to his/her county license plate issuing official. Provided, law enforcement may confiscate any license plate issued pursuant to Section 40-12-297 found to be illegible as evidence of the violation of this law section in an enforcement action against the operator of the vehicle displaying said illegible plate.

(12) Beginning with license plates issued in 1942, Alabama license plate numbering schemes were identical in many years. Thus, for example, a plate numbered 47-12345 could have been issued every year from 1956 through 1976. To eliminate the potential that two vehicles could have the same registration number, the provisions of Act 2006-612 have specific prohibitions against duplicate numbering, and authorize the Department to prevent duplicate numbering by recalling duplicated plate numbers.

(13) As with standard Vintage Vehicle license plates, in the event the vehicle displaying the original Alabama license plate is sold or otherwise disposed of, the license plate with Vintage decal attached follows the vehicle to the new owner, who is responsible for timely transferring the vehicle registration into his or her name. However, if the new owner will not be using the vehicle in the manner authorized as a collector type vehicle, the new owner shall remove the original license plate and, upon surrendering the license plate to the issuing official, acquire a standard license plate for the vehicle within the specified number of days of acquiring ownership.

(14) If at any time the owner of a vehicle registered with an original Alabama license plate and Vintage plate decal elects to begin operating the vehicle in a manner inconsistent with the provisions of the Vintage Vehicle law, the vehicle must be registered with standard license plates before this use is begun and the original Alabama license plate with the Vintage plate decal must be surrendered to the license plate issuing official.

(15) In accordance with Act 2006-612, a vehicle owner displaying a Vintage Vehicle license plate may elect to register his or her vehicle with an original Alabama license plate and Vintage plate decal. In order to do so, the Vintage Vehicle license plate must be surrendered, and upon payment of the registration fee and issuance fee, shall be issued an original Alabama license plate and Vintage plate decal. Note that ad valorem taxes will not be collected when surrendering a Vintage Vehicle license plate and acquiring an original Alabama license plate and Vintage plate decal. A refund or credit will not be authorized for the fees previously paid for the Vintage Vehicle license plate. (Authority: Sections 40-2A-7(a)(5), Code of Alabama 1975 and Act 2006-212) (History: New rule: Filed December 27, 2006, effective January 31, 2007).

810-5-1-.243 Registering Trucks with Gross Weights up to 12,000 Pounds.

(1) Section 40-12-248(c), Code of Alabama 1975, requires the owner of a truck to make an affidavit declaring the gross vehicle weight of the truck at time of registration. Effectively, this affidavit is accomplished by the applicant informing the issuing official of the gross weight of the truck, and the official indicating the weight on the Motor Vehicle Registration Tag and Tax Receipt.

(2) Act 2006-356 allows the owner of a pick-up truck as defined in Section 32-8-2, Code of Alabama 1975, to register the truck used for personal or agricultural purposes based on the empty (or unladen) weight of the vehicle only without regard to the heaviest load to be carried including the heaviest load to be carried on any trailer used in combination with the truck. Accordingly, anyone qualified to register his or her pick-up truck under the provisions of Section 40-12-248, as amended, by Act 2006-356 shall certify the empty (or unladen) weight of the truck only, and shall exclude the weight of any trailer (and its load) used in combination with the truck. The Department interprets the language used in Act 2006-356 regarding the registration of trucks used for personal or agricultural use as **excluding** the weight of the driver and passengers within the truck, the weight of luggage, fuel, tools, and heaviest load to be carried in the bed of the pickup truck; also, excluded is the weight of any towed vehicle or equipment, and any load carried in the towed vehicle. Any weight passed from the trailer through the trailer tongue to the truck shall also not be included in the declared gross weight, provided the pickup truck has been registered for personal or agricultural use only.

(3) Section 32-8-2 defines the term “pickup truck” as “a truck with not more than two axles and a gross weight not exceeding 12,000 pounds.” The two axle limitation does not include the axles of any attached trailer.

(4) The Department interprets the amended language of Act 2006-356 as authorizing the owner of a pick-up truck using the vehicle for “agricultural use” to register the vehicle for the empty (or unladen) weight of the truck only, even if the agricultural use could normally be considered as a commercial use of the vehicle. Accordingly, agricultural use shall be deemed by the Department to include the use of the truck by a farmer, by a cotton gin, by a farmer’s cooperative, etc., solely to transport raw agricultural products to be processed, but does not include the transportation of processed agricultural products, such as canned vegetables, frozen meat, processed milk, etc.

(5) In the event a truck is used by the owner for both personal and commercial use, the truck shall be registered based on the gross vehicle weight of the truck as provided in Section 40-12-248 (a). This is true even in situations where the truck is used for commercial use only one time during the registration period.

(6) The provisions of Act 2006-356 is an exception to the established principle of truck registration based on combined gross weight as employed by most U.S. jurisdictions. Accordingly, it is suggested that the owner of a truck registered pursuant to Act 2006-356 carry within the vehicle a copy of Act 2006-356 for presentation to law enforcement if stopped for improper registration.

(7) In the event that someone is cited by Department of Revenue enforcement officers for the improper registration of a pickup truck, when registering the vehicle the owner will be subject to the penalty provided for in Code Section 40-12-249 for the difference in registration fees. Also, the operator may be subject to a court fine if convicted of improper registration.

(8) Personal use includes the towing of a rented trailer used in moving one’s personal possessions. (Authority: Sections 40-2A-7(a)(5) and 40-12-248, Code of Alabama 1975) (History: New rule: Filed January 29, 2007, effective March 5, 2007).

810-5-1-.244 Proration of Motor Vehicle Registration Fees.

(1) “Proration of registration fees” as used in this rule refers to a motor vehicle owner paying registration fees for a period less than 12 calendar months. Proration of fees may occur when someone acquires a motor vehicle in a month other than their designated renewal month,

and pays to the license plate issuing official monthly-prorated fees from the date the motor vehicle was acquired through the designated renewal month. Additionally, registration fees are prorated when a vehicle is brought into the state and registered for the first time.

(2) The phrase “stored in this state” as used in Code of Ala. I 975, Section 40-12-258, as amended by Act 2004-292, Acts of Alabama, shall be deemed to mean that a vehicle has not been used or operated on the public highways of this state and the vehicle remained in this state during the current registration period.

(3) “Reregistration” as used in Section 40-12-258, as amended by Act 2004-292, Acts of Alabama, shall be deemed to mean the vehicle owner securing subsequent Alabama vehicle registrations.

(4) Section 40-12-258 provides that license taxes and registration fees associated with the reregistering of motor vehicles that have been stored in this state and not operated on the public highways shall not be prorated. Section 40-12-259, as amended by Act 2004-292, provides that license taxes and registration fees for newly acquired vehicles, or vehicles brought into this state for the first time may be prorated. The non-proration prohibition of Section 40-12-258 does not apply to the reregistration of farm trucks, farm truck tractors, vintage vehicles, self-propelled campers or house cars.

(5) The provisions of Act 2004-292 do not prohibit the proration of registration fees when reregistering a vehicle in the following situations:

(a) In the event that an owner had legally registered their vehicle in another jurisdiction due to the vehicle having been based in that jurisdiction, and, upon returning the vehicle to Alabama, subsequently seeks to register the vehicle in Alabama.

(b) In a case where a vehicle with a valid registration is stolen and later recovered and reregistered.

(c) When an owner sells a motor vehicle, and later has to repossess the vehicle.

(d) When surviving spouses are registering in their name for the first time vehicles previously registered in the name of their now deceased spouses, provided the surviving spouses were not listed as joint owners on the certificates of title.

(e) In situations where registrants are changing classification of license plates (e.g., from a FI to a P1 plate) during the registration year.

(f) In situations where a last name change occurs that changes the registrant’s designated renewal month.

(6) Fees associated with the issuance of “permanent license plates” shall not be prorated. “Permanent license plates” as used in this rule refers to those categories of plates issued pursuant to the provisions of Sections 40-1 2-250 and 40-12-252(c) with no expiration dates. “Permanent license plates” are not renewed and are displayed on vehicles until the vehicles are sold, junked, or otherwise destroyed. “Permanent license plates” will be issued to vehicles owned by the State, a county, a municipality, a public utility department (PUD), or volunteer fire departments. Additionally, “Permanent license plates” are issued to truck trailers, tractor trailers, and semitrailers, upon request of registrants.

(7) In situations where an owner stores their vehicle prior to the designated renewal month, or the vehicle is not otherwise operated on the public highways of Alabama during or after the designated renewal month, then the owner shall provide proof of such storage or vehicle non-use when reregistering the vehicle. If the license plate issuing official is satisfied that the vehicle

was not operated, then the registration penalty (or transfer penalty) shall not be charged; however, in accordance with Act 2004-292, non-prorated registration fees shall be charged. Proof of storage documents includes, but is not limited to:

(a) An affidavit completed by the vehicle owner, neighbor or staff of the storage facility.

(b) A receipt(s) indicating payment to a storage facility.

(c) A letter from appropriate military official on military letterhead indicating that the serviceman stored his vehicle at a military base.

(8) In the event a motor vehicle is removed from service prior to the beginning of the registration year, and remains out of service throughout the entire registration year, then the owner, when reregistering the vehicle will be subject to registration fees for the registration year when the vehicle is placed back into service. Example: Anderson places his automobile in storage in December 2004 and it remains in storage until June 2006. When registering the vehicle in June 2006, Anderson will pay registration fees only for the period February 1, 2006 through January 31, 2007 because the vehicle was out of service for the entire 2005 registration year, and was placed back into service during the 2006 registration year. It is important to note that if the vehicle was stored in this state, ad valorem tax must be remitted for each year Anderson owned the vehicle regardless of whether the vehicle was operated on the public highways of this state unless Anderson is registering the vehicle pursuant to Section 40-12-290.

(9) Act 2004-292 also exempts farm trucks and farm truck tractors from the non-proration provisions of Section 40-12-258. In order to qualify for prorated reregistration fees, the owner of the truck or truck tractor registered with farm plates must provide proof to the satisfaction of the license plate issuing official that the vehicle(s) in question was not previously operated on the public highways of this state in the registration year for which the vehicle registration is sought. This exemption applies only to farm vehicles registered with the distinctive farm truck (F1-F3) and farm truck tractor (F4) license plates. Registration fees charged and collected upon the registration of newly acquired farm trucks and farm truck tractors may be prorated.

(10) When reregistering a vehicle with a farm plate, the previous registration does not have to be with a farm plate in order to qualify for prorated reregistration fees. For example, Winslow has a truck with a gross vehicle weight of 16,000 pounds registered with an XI license plate for the period December 1, 2005 through November 30, 2006. The truck is removed from service in November 2006. In January 2007, Winslow desires and qualifies for a FI license plate. Winslow would pay prorated FI registration fees for the registration period January 1, 2007 through November 30, 2007 (11 months fees).

(11) Self propelled campers or house cars, commonly known as motor homes, are also exempt from the non-proration provisions of Section 40-12-258. In order to qualify for prorated reregistration fees, the owner of the motor home must provide proof to the satisfaction of the license plate issuing official that the motor home was not previously operated on the public highways of this state in the registration year for which the vehicle registration is sought. Registration fees charged and collected upon the registration of newly acquired motor homes may be prorated.

(12) Act 2004-292 contains an exemption for "vintage vehicles." The term "vintage vehicles" refers to any vehicles registered or subject to registration pursuant to Section 40-12-290 et seq. Anyone in the process of rebuilding or reconstructing a "vintage vehicle" when registering the vehicle with a license plate provided for under Section 40-12-290 et seq. will only pay the non-prorated vintage vehicle registration fee. No registration penalty shall apply. (Authority:

Sections 40-2A-7(a)(5), 40-12-258 and 40-12-259, Code of Alabama 1975) (History: New rule: Filed March 30, 2007, effective May 4, 2007)

810-5-1-.245 Non-Residents Operating Non-Commercial Vehicles into Alabama and Non-Residents Relocating to Alabama.

(1) The provisions of this rule are applicable to non-commercial vehicles owned and operated by non-residents of Alabama when operated into Alabama. Non-commercial vehicles shall include privately owned and operated automobiles, trucks (not being used in a commercial endeavor), trailers, including travel, utility, and motor homes used strictly for recreational purposes.

(2) Section 40-12-262 (a), Code of Alabama 1975, is interpreted as authorizing someone relocating to Alabama to operate their vehicle(s) in Alabama for 30 consecutive calendar days displaying a current and valid license plate and registration to their vehicle(s) from their previous home residence.

(3) The vehicle owner(s) relocating to Alabama may operate their vehicle(s) in interstate and intrastate movements during the 30 day period, said period beginning on the day that the vehicle enters Alabama to be based in Alabama.

(4) The vehicle owner(s) may register the vehicle anytime during the 30 day period; provided, that on the 31st day, liability for Alabama motor vehicle registration fees attach, and, if not paid by the 31st day, motor vehicle registration penalties attach and must be paid when registering the vehicle(s). Provided, if the 31st day falls on a Saturday, Sunday, state holiday, or other day that the license plate issuing official's office is closed, the penalty will not attach if registration fees are paid on the next business day.

(5) If the non-resident enters the State of Alabama without vehicle registration issued to the vehicle owner from the vehicle owner's previous home jurisdiction, or if the out-of-state motor vehicle registration has expired, the provisions of Section 40-12-262 (a) allowing a 30 day period to register the vehicle are not applicable, and the liability for Alabama registration fees attaches on the day the vehicle(s) enters the state, and if not paid on that date, delinquency penalties attach on the following day. Also, provisions requiring display of license plates are applicable on the day the vehicle enters the state, and law enforcement may cite the vehicle operator for operating the vehicle without registration when the vehicle enters the state. Furthermore, if the non-resident's out-of-state vehicle registration expires after entering Alabama, but before the 30 day period ends, penalty and law enforcement sanctions become applicable on the day after the out-of-state registration expires.

(6) If a non-resident enters the State of Alabama without a license plate issued to the vehicle owner, but has been issued a temporary registration (which is properly displayed), the vehicle owner may legally operate the vehicle in Alabama as long as the temporary registration remains valid.

(7) In the event that a non-resident enters Alabama with a vehicle based in another jurisdiction, and that jurisdiction exempts from its registration requirements the type vehicle being operated into Alabama, it shall be the responsibility of the non-resident owner to prove to the satisfaction of law enforcement that the previous jurisdiction exempted such vehicles from registration. Provided, the vehicle must be registered in Alabama within the time frame specified in this rule.

(8) In the event the Alabama Department of Revenue enters into a motor vehicle registration reciprocity agreement with another jurisdiction(s) pursuant to Section 40-12-262, and

the provisions of the reciprocity agreement conflict with the provisions of this rule, the provisions of the agreement shall prevail.

(9) In the event a vehicle owner in the U.S. military is assigned by virtue of military orders to an Alabama location, and when entering Alabama is displaying a current and valid out-of-state plate issued in the jurisdiction where the serviceman was previously based, said vehicle owner may operate the vehicle displaying the out-of-state registration for the 30 day period authorized by Section 40-12-262. Note that this provision is applicable in situations where the serviceman is operating with a license plate issued in the jurisdiction where he or she was previously based by virtue of military orders — if registered in the serviceman's home of record jurisdiction, Alabama will honor the registration as long as the registration is current and valid. Furthermore, Alabama will honor a current and valid license plate issued by the U.S. military to servicemen's vehicles when stationed outside the United States during this 30 day period.

(10) In accordance with policy positions of the American Association of Motor Vehicle Administrators (AAMVA), Alabama will honor current and valid out-of-state license plates on vehicles being operated by non-resident students attending colleges and universities within Alabama. This includes students involved in intern programs. (Authority: Sections 40-2A-7(a)(5) and 40-12-262(a), Code of Alabama 1975) (History: Filed March 30, 2007, effective May 4, 2007)

810-5-1-246 BILL OF SALE, INVOICE OR OTHER SALES DOCUMENT - Minimum Requirements. Reference: Section 40-12-260(b)(2), Code of Alabama 1975, as amended.

(1) Alabama law (Section 40-12-260(b)(2)) provides in part that within the first 20 calendar days of all self-propelled vehicles being purchased or acquired, and prior to obtaining a vehicle registration, a registrant must retain a legible copy of the bill of sale within the vehicle if the vehicle is not subject to the Alabama Uniform Certificate of Title and Antitheft Act (Section 32-8-1, et seq.).

(2) A bill of sale in connection with the sale of a motor vehicle shall contain all of the information listed below. An invoice or other sales document may be used in lieu of a bill of sale provided that the invoice or other sales document meets all the requirements in paragraph 3. In addition, the bill of sale, invoice or other sales document must be a document for the conveyance or transfer of ownership of a motor vehicle not subject to the Alabama Certificate of Title and Antitheft Act.

(3) In order for License Plate Issuing Officials and law enforcement to determine if a bill of sale, invoice or sales document is valid, the following information shall be contained within:

(a) Name of purchaser.

(b) Complete address of purchaser.

(c) Date of sale.

(d) Complete vehicle description: vehicle identification number, make, year, model or series number, body type.

(e) Name of seller.

(f) Complete address of seller.

(g) If the seller is a dealer, then the dealer shall have the legend "Penalty of fifteen dollars (\$15.00) due if vehicle is not registered in the name of the new owner within 20 calendar days" stamped or inscribed in bold and conspicuous print on the bill of sale, invoice or other sales document as provided for in Section 40-12-260(a)(6) license plate transfer.

- (h) Signature of seller or authorized representative of seller.
- (i) Purchase price of the vehicle.

(Authority: Sections 40-2A-7(a)(5), 32-8-3(b)(2) and 40-12-260(b)(2), Code of Alabama 1975; History: New rule: Filed November 18, 2008, effective January 22, 2009)

810-5-1-.403 International Registration Plan, Inc., Dues. The International Registration Plan provides that a member jurisdiction may bill and collect from its registrants an amount sufficient to pay its annual dues to IRP, Inc. Accordingly, the Motor Vehicle Division will assess registrants under the International Registration Plan the amounts necessary to pay the dues to IRP, Inc. The amount will be collected when billing for apportioned registration fees, including transfer billings. In that the Board of Directors of IRP, Inc. may change the dues from year to year, and such change approved by the IRP members, the amount billed is subject to change from time to time. (Authority: Sections 40-2A-7(a)(5) and 32-6-56, Code of Alabama 1975) (History: New rule: Filed January 29, 2007, effective March 5, 2007).

810-5-1-.438 International Registration Plan.

Pursuant to the authority granted the Commissioner of Revenue under §32-6-56 of the Code of Alabama 1975, the Commissioner hereby adopts by this reference, the provisions of the International Registration Plan (IRP) and official binding commentary (dated August 22, 1994) or such other designation that may, from time to time, be given to such document, in its entirety, with all modifications and revisions previously and henceforth to be adopted. A complete and current copy shall be maintained for public inspection at the offices of the Alabama Department of Revenue, Motor Vehicle Division, Room 1216, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132. (Sections 40-2A-7(a)(5) and 32-6-5) (Adopted by Reference through APA August 1, 2001)

810-5-1-.440 Department of Revenue to Issue Apportioned License Plates.

(1) The Department of Revenue shall be the sole issuing authority for applicants seeking apportioned vehicle registration under the provisions of the International Registration Plan or any other registration/reciprocity compact requiring payment of apportioned registration fees which the State of Alabama, through the Commissioner of the Department of Revenue under the authority of Act 848, Alabama 1978 Regular Session, may enter.

(2) Vehicle, for the purpose of this rule or regulation, shall be held to mean any vehicle with three or more axles, or individually or in combination having a gross weight in excess of 10,000 pounds.

(3) Any person seeking to apportionally register his/her vehicle or fleet must complete and file application(s) with the Alabama Department of Revenue. The following application forms are to be furnished by the Alabama Department of Revenue:

- (a) MV:IRP-B - International Registration Plan Mileage Schedule;
- (b) MV:IRP-A – International Registration Plan Vehicle Schedule;
- (c) MV:IRP-C – International Registration Plan Supplemental Schedule;
- (d) MV:IRP-G.– International Registration Plan New Account Application; and
- (e) International Registration Plan Renewal Application.

1. Forms should be typed or printed in ink.

(4)(a) Under the provisions of the International Registration Plan, registrants are to declare the weights of trucks and truck-tractors which they desire to be qualified in member jurisdictions. The Department of Revenue may lower the weight given by a registrant to the legal limit permitted by the member jurisdiction(s). Furthermore, one listing a weight for a jurisdiction which falls between two established weight brackets for that jurisdiction will have the weight increased to the higher weight category.

(b) Companies operating commercial buses over fixed routes are required to be registered under the International Registration Plan. As buses are registered using various criteria, such as seating capacity, and gross weight, it is the responsibility of the registrant to provide the required information in order for the Department of Revenue to calculate registration fees for the jurisdictions in which the motor carrier elects to operate.

(5) Upon receipt of applications for apportioned registration, the Department of Revenue issues license plates based on the information provided on the application schedules. The Department of Revenue assumes no responsibility for any liability, damage, or enforcement action taken against the registrant as a result of the license plate issued the registrant. The registrant is responsible for securing the correct license plate classification (including weight classification) based on his operation of the vehicle and Alabama motor vehicle registration statutes. Upon receipt of the vehicle license plates and cab cards, the registrant must review the information shown on the cab card to ascertain whether he/she will be in compliance with the of law. It is the responsibility of the registrant to obtain the correct license plate classification by filing the appropriate schedules as shown in this rule. (Authority: §§40-2A-7(a)(5), 40-12-10(d) and 32-6-56, Code of Alabama 1975); (History: Amended: Filed June 30, 2006, effective August 4, 2006)

810-5-1-.441 Applicant's Responsibility to Timely File Complete Application for Apportioned Registration.

(1) The Commissioner of Revenue is aware that an applicant for apportioned registration cannot remit payment for apportionable fees until said fees have been determined by the Department of Revenue, therefore, the following procedures are adopted as a fair and equitable policy for the submission and payment of registration fees under the International Registration Plan.

(2) It is the applicant's responsibility to properly complete all forms and to submit all documents necessary to register vehicles under apportioned registration agreements. If necessary information is missing from submitted applications, the application will be rejected as incomplete.

(3) Applications rejected as incomplete will not be considered as received until completed and returned to the Department of Revenue.

(4) Merely filing an International Registration Plan application does not constitute authorization to operate an apportionable vehicle. It is necessary for the applicant to secure either permanent or temporary authorization before legally operating any relevant vehicle.

(5) Upon receipt of the complete application, the Department of Revenue will compute registration fees based upon the date the vehicle was purchased or leased. An International Registration Plan billing notice will be prepared and provided to the applicant. In the event that the vehicle delivery date is later than the date of purchase, the applicant shall attach a sworn, notarized statement to the application giving the date of delivery.

(6) Payment for International Registration Plan billings are due upon receipt and must be received by the Department of Revenue within ten (10) days of the billing date, except for the

billings for apportioned license plate renewals. Payment for license plate renewal billings must be received by the expiration date of the registrant's assigned renewal month.

(7) Alabama law (§32-6-65) requires that a penalty be assessed for the delinquent registration of a motor vehicle.

(8) Alabama law (§40-12-10) requires that interest on delinquent license tax and registration fees levied on motor vehicles shall be charged beginning after the period allowed for registration or renewal.

(9) International Registration Plan billings should be paid using certified funds. Certified funds include, but are not limited to the following:

- (a) Cashiers check;
- (b) Money order;
- (c) Certified bank check;
- (d) Credit card;
- (e) Debit card;
- (f) Wire service instrument; or
- (g) Cash. Cash payments should only be made in person.

(10) If personal or company checks are submitted for payment of apportioned registration fees, the license plates and cab cards will not be issued until thirty (30) days after the remittance has been deposited.

(11) Personal or company checks will be accepted as payment for apportioned registration fees if the registrant has filed a surety bond with the Department of Revenue. The bond shall be in such form and amount as approved by the department, and shall be executed by a surety company licensed and duly authorized to do business in Alabama. Such bond shall be payable to the Alabama Department of Revenue. (Authority: §§40-2A-7(a)(5), 32-6-56, 32-6-61, 32-6-65, 40-12-10 and 40-12-260), Code of Alabama 1975) (History: Amended: Filed June 30, 2006, effective August 4, 2006)

810-5-1-.442. Vehicles which are Specifically Exempt from Apportioned Registration.

- (1) Government-owned vehicles.
- (2) City pickup and delivery vehicles.
- (3) Buses used for chartered parties.
- (4) Recreational Vehicles (defined as a vehicle used for personal pleasure or travel by an individual or his family).
- (5) Vehicles operating with a restricted plate.
 - (a) The plan defines restricted plate as a registration that has time (less than a registration year), geographic area, mileage, or commodity restrictions.
 - (b) The Alabama "F1" or "F2" plate is restricted and that Alabama law allows this plate to be used only by a farmer transporting farm products or transporting personal property of the farmer for his use on his farm up to 42,000 pounds.
 - (c) The Alabama "01" or "02" plate is restricted in that it may only be used on trucks owned and used by any person for transporting forest products from the point of severance to the sawmill, a papermill or to a concentration yard. (NOTE: Alabama law has further restricted the use of above plates to trucks, not truck tractors).
 - (d) Dealer plates are restricted.
 - (e) Alabama and Mississippi have an informal agreement whereby Mississippi recognizes full fee registered Alabama trucks or truck tractors to haul logs in an interstate movement into or from Mississippi. Likewise, Alabama recognizes the interstate movement of logs into or from Alabama by a full fee registered Mississippi truck or truck

tractor. Note that this agreement involves the transportation of logs (not sawdust or similar products) and does not permit intrastate operation in the state in which the licensee is not licensed. (Authority: §32-6-56)

810-5-1-.451 Prerequisites to Issuance of Apportioned License Plates or Cab Cards.

(1) Alabama law (Section 40-23-104) requires that before the registration of or licensing of a motor vehicle, the licensing official shall require proof of payment of a sales, use, or rental tax deemed necessary and proper.

(2) In accordance with §32-8-32, no motor vehicle license plate may be issued and no motor vehicle license plate may be transferred for use on a motor vehicle until proof of ownership is provided to the licensing official. Acceptable proof may include the copy of an application for a certificate of title to such vehicle, a certificate of title to such vehicle, a duplicate certificate of title to such vehicle where the original is held by a lienholder, or a copy of the application for a replacement certificate of title, on motor vehicles required to be titled (vehicles manufactured prior to 1975 are not required to be titled in Alabama). A photocopy of any of the above is acceptable.

(3) Alabama law (§40-12-253) specifically provides that ad valorem taxes must be paid before license plates may be issued. Registrants must have their vehicle(s) assessed and the ad valorem must be paid to the appropriate county official. One may submit as proof of ad valorem tax payment a copy of the Motor Vehicle Registration Tag and Tax Receipt or a schedule which has been certified as to tax payment by the appropriate county official. The Receipt or the schedule must list the vehicle(s) by vehicle identification number (VIN) for which taxes have been paid. Proof of payment may be submitted with the registration application or, preferably, submitted with the remittance. If no ad valorem tax is due, or if the registrant is exempt from ad valorem taxes, this fact must be attested to by the appropriate county official, denoting the VIN for each such vehicle.

(4) Alabama law (§32-6-58) requires that all judges of probate, license commissioners, and other officials authorized by law to register motor vehicles and issue motor vehicle license plates and to perform other duties in connection with the issuance of motor vehicle license plates shall refuse to register a motor vehicle having a gross weight of 55,000 pounds or more and shall refuse to issue any motor vehicle license plate for such motor vehicle and shall refuse to transfer any motor vehicle registrations and license plates for such motor vehicles unless the applicant furnishes proof of payment, in the form prescribed by the Secretary of the United States Treasury, that the federal heavy vehicle excise tax imposed by Title 26, United States Code §4481, has been paid. (Authority: Sections 40-2A-7(a)(5), 32-6-56, 32-6-58, 32-8-32, and 40-23-104, Code of Alabama 1975) (History: Amended: Filed June 2, 2006, effective July 7, 2006)

810-5-1-.452. Trailers and Semi-trailers.

Owners or registrants of trailers and semi-trailers should secure trailer plates from the county probate judge or license commissioner unless one determines to apportionally register his fleet to include one or more of the states of Colorado, Montana, Oregon, or Wyoming. If so, trailers must be listed on the application (Schedule A) and the registrant will receive special apportioned trailer plates from Montgomery upon payment of registration fees and otherwise having qualified. (Authority: §32-6-56)

810-5-1-.454 Temporary Operating Authority (TOA).

(1) When the carrier wishes to create an apportioned fleet, add vehicles to an apportioned fleet or make changes to an existing fleet, the Department of Revenue will issue temporary authorization if requested by the carrier.

(2) A TOA will not be issued on a renewal vehicle.

(3) The temporary authorization covers a specific vehicle and cannot be transferred to another vehicle.

(4) Requests for TOAs will be submitted on forms furnished by the Department of Revenue.

(5) The registrant is required to pay for the registration prior to obtaining the TOA.

(6) A temporary operating authority is valid only until the date shown on the permit, and is in no case valid beyond a date sixty (60) days from date of issuance, even if registration fees or other requirements have been met for the issuance of permanent registration.

(7) In accordance with the provisions of the International Registration Plan and Federal Motor Carrier Safety Regulations, the Department of Revenue reserves the right to deny temporary authority to any carrier whose account is not in good standing. Carriers may file a notice of appeal from the denial of temporary authority with the Administrative Law Division in accordance with §40-2A-8, Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5), 32-6-56 and 40-2A-8, Code of Alabama 1975) (Amended: Filed June 30, 2006, effective August 4, 2006)

810-5-1-.457 Application for Replacement Credentials.

(1) One desiring a replacement apportioned cab card or needing information corrected on his current apportioned cab card must file form IRP-2 and submit the fee provided under Section 40-12-271 of the Code of Alabama 1975, for each such replacement or correction.

(2) One desiring a replacement apportioned license plate must file form IRP-2 and submit the fee provided under Section 40-12-265 of the Code of Alabama 1975 for each such replacement.

(3) One desiring a replacement decal for an apportioned license plate must file form IRP-2. There is no fee for each such replacement.

(4) Form IRP-2 is not to be used for change of ownership, change of classification, change of address, change in registered weights, or jurisdiction increases. (Authority: Sections 40-2A-7(a)(5), 40-12-265 and 40-12-271, Code of Alabama 1975 (History: Amended: Filed June 2, 2006, effective July 7, 2006)

810-5-1-.459. Department of Revenue Permitted to Make Reasonable Inquiries and Demand Reasonable Proof When Registering Vehicles Under the International Registration Plan.

In an official opinion of the Attorney General under date of February 1, 1977, addressed to the Honorable Paul Paul Thomas, Judge of Probate, DeKalb County, it was held that a Probate Judge has the right to make reasonable inquiries and demand reasonable proof when registering motor vehicles. The Department of Revenue, likewise, has the authority to make reasonable inquiries and demand reasonable proof before a registration is issued under the provisions of the International Registration Plan. (Authority: §32-6-56)

810-5-1-.460 Situations Where Registrants are to Return Apportioned Registration License Plates and/or Cab Cards. In certain situations registrants must return the previously issued apportioned registration.

(a) The registrant's apportioned registration has been cancelled or revoked.

(b) The registrant is seeking a refund of registration fees paid for motor vehicle license plates and must submit the decal, license plate, and/or cab card with the petition for refund.

(c) Under Section 40-12-265(b), as amended, Code of Alabama 1975, if a registrant should find or recover an apportioned license plate previously reported as lost or stolen, or should such license plate come into the possession of such registrant, he must immediately deliver same to the Department of Revenue.

(d) If a registrant's license plate becomes mutilated and the registrant applies for a replacement license plate, under Section 40-12-265(b), the registrant is required to surrender the mutilated license plate.

(e) If a registrant's vehicle is destroyed or junked, the license plate and/or cab card may be transferred to a replacement motor vehicle unless the vehicle is wrecked and totaled outside Alabama and the license plate is lawfully surrendered to the jurisdiction where the vehicle was wrecked and totaled; or if the license plate must be surrendered to the registrant's insurance company or to the Title Section of this Department. (Authority: Sections 40-2A-7(a)(5), 32-6-56 and 40-12-265, Code of Alabama 1975); (History: Amended: Filed June 30, 2006, effective August 4, 2006)

810-5-1-.468 Refunds/Credits of Apportioned Registration Fees.

(1) If an audit of an apportioned carrier results in a net overpayment or underpayment of registration fees in the amount of \$10.00 or more, the amount will be refunded or collected.

(2) Refunds may be made in the event of a billing error by the Department of Revenue.

(3) One securing full fee registration through the Judge of Probate or License Commissioner, and subsequently securing Alabama apportioned registration may be entitled to a prorated credit for the fees paid for the non-apportioned registration. In order to receive the credit, the non-apportioned license plate and registration receipt must be presented with the application for apportioned registration.

(4) Duplicate registration of a vehicle by the same registrant may entitle the registrant to a refund.

(5) Applicants seeking refunds of registration fees paid for motor vehicle license plates must submit required petition for refund form, decal, license plate, or both, and any supporting documents that substantiate reason for requesting same.

(a) Petition must be completed and submitted to the Alabama Department of Revenue.

(b) Required decal and license plate for which a refund is being sought must accompany the petition for refund. If this is not possible, a statement verifying the reason for not returning such registration material must be submitted for review by the Department.

(c) The apportioned cab card receipt for which the refund is being sought should be submitted with the application for petition for refund.

(d) If refund is being sought due to duplicate registration, documentation verifying that registration was duplicated should be submitted for review by the Department.

(e) If refund is being sought due to registration being secured in error, documentation and/or certified statement verifying the facts must be submitted for review by the Department.

(f) Except as provided in (d) above, registration fees are not refundable if the vehicle is operated after the previous registration has expired.

(g) Issuance fees and the commission accruing to the issuing official are not refundable according to Section 40-12-23(a), Code of Alabama 1975.

(h) Upon approval of the petition, the Department of Revenue will authorize the refund of registration fees by the appropriate State, County and Municipal officials.

(i) Due to the time and expense involved in the refunding of registration fees, only refunds in the amount of \$10 or more will be issued.

(j) A registrant may appeal the denial of a petition for refund by filing a notice of appeal in accordance with §40-2A-7, Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5), 32-6-56, and 40-12-23, Code of Alabama 1975) (History: Amended: Filed June 2, 2006, effective July 7, 2006)

810-5-1-.469 Suspension, Cancellation and/or Revocation of Apportioned License Plates and Cab Cards.

(1) The International Registration Plan provides that "all plates and cards and reciprocal exemptions are subject to cancellation and revocation in the event of erroneous issuance thereof, or if any fees remain unpaid." Upon determination that a cancellation and revocation should be made, the Department shall give written notice to the registrant to the address given on his most recent application for apportioned registration. The notice will state the reason(s) for the action and will establish a hearing date, time, and place for the registrant to offer objections.

(2) One may have his registrations cancelled and revoked if:

(a) Registrations were issued in error because the registrant failed to provide proof of the payment of ad valorem tax, sales tax, or did not submit proof that the vehicle was properly titled.

(b) Registration fees were not paid.

(c) An owner-operator was not authorized by the carrier to obtain the registration.

(d) The registrant is not a resident of this state or does not meet the criteria for established place of business as defined by the International Registration Plan.

(e) Incorrect information was fraudulently given by the registrant on the applications for apportioned registration.

(f) Evidence reveals that the registration is either in violation of Alabama laws or in violation of International Registration Plan provisions.

(g) The registrant's International Fuel Tax Agreement (IFTA) license has been suspended or revoked.

(3) The Department of Revenue shall suspend or revoke the registrations and license plates for commercial motor vehicles issued to any motor carrier or vehicle owner who

has been prohibited from operating by a federal or state agency responsible for motor carrier safety under the Performance and Registration Information Systems Management (PRISM) program.

(4) Registrants seeking the registration of a fleet for which no interstate mileage was accumulated for two consecutive preceding years, shall be denied apportioned registration. If an application indicates that the registrant's vehicle(s) accumulated no mileage outside the state of Alabama for the second consecutive year, the registrant will not be allowed to apportionally register the subject vehicle(s) until convincing evidence of planned interstate operation is presented to the Department.

(5) Persons who are denied the apportionment privilege may appeal to the Administrative Law Division pursuant to Section 40-2A-8, Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5) and 32-6-56, Code of Alabama 1975) (History: Amended: Filed June 2, 2006, effective July 7, 2006)

810-5-1-.470 Reciprocity Trip Permits.

(1) In accordance with the International Registration Plan, a reciprocity trip permit registration may be secured for any vehicle or combination of vehicles in lieu of full fee registration or apportioned registration. The fee for this reciprocity trip permit shall be in accordance with §40-12-262. The permit shall be valid for a time period provided in §40-12-262, the beginning and ending dates to be shown on the permit. Every trip permit shall be carried in the cab of the vehicle for which such permit is issued. Such permit is not transferable. Such permit shall be presented upon request or demand of a law enforcement officer. The permit may be secured from the Department of Revenue or its designee.

(2) This permit is required for a carrier whose vehicle is based in a jurisdiction that is a party to the International Registration Plan and who did not elect to secure full or apportioned registration in Alabama.

(3) Any person operating a vehicle or truck-tractor combination with a current and valid reciprocity trip permit is permitted both interstate and intrastate operations within Alabama, provided he/she has met regulatory requirements such as qualification with the Alabama Public Service Commission and the International Fuel Tax Agreement (IFTA).

(4) Trip Permits will be required in other member jurisdictions if an Alabama based carrier does not apportion with that jurisdiction. If not proportionally registered before entering any other IRP member jurisdiction, a trip permit must be secured and carried in the cab of the vehicle for which issued or the vehicle may be subject to full registration in that jurisdiction. (Authority: Sections 40-2A-7(a)(5), 32-6-56, and 40-12-262, Code of Alabama 1975); (History: Amended: Filed June 30, 2006, effective August 4, 2006)

810-5-1-.471 Alabama Reciprocity Agreements.

(1) Under the Authority of Section 40-12-262, Code of Alabama 1975, Alabama has entered into bilateral reciprocal agreements with the jurisdictions shown below. These agreements permit the interstate movement of vehicles into or through the jurisdictions party to the agreements. The agreements only pertain to vehicle operation.

Alberta	Arizona	Arkansas	California	Colorado	Connecticut	Delaware
Dist. of Columbia	Florida	Georgia	Idaho	Illinois	Indiana	Iowa

Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan
Minnesota	Mississippi	Missouri	Montana	Nebraska	New Hampshire	New Jersey
New Mexico	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon
Pennsylvania	Rhode Island	South Carolina	South Dakota	Tennessee	Texas	Utah
Virginia	Washington	West Virginia	Wisconsin	Wyoming	Manitoba	Ontario
Prince Edward Island						

(2) Furthermore, the Commissioner of Revenue has entered into bilateral intrastate reciprocity agreements with the jurisdictions of Georgia, Florida, and Indiana. These agreements permit intrastate vehicle operations between states party to the agreements for a period up to thirty (30) days.

(3) On May 8, 1962, the Commissioner of Revenue, acting under the authority of Title 51, Section 707, Code of 1940, as amended (now Section 40-12-262, Code of Alabama 1975), signed the resolution making the State of Alabama a member of and party to the agreement known as the Multistate Reciprocity Agreement Governing the Interstate Operation of Vehicles. (Authority: Sections 40-2A-7(a)(5), 32-6-56 and 40-12-262, Code of Alabama 1975); (History: Amended: Filed June 30, 2006, effective August 4, 2006)

810-5-1-.473 Distribution of Monies Received from Registrants under the International Registration Plan.

(1) Revenue received from registrants under the provisions of the International Registration Plan are to be distributed in accordance with Sections 40-12-269 and 40-12-270, Code of Alabama 1975, as amended. The registration fees received from registrants based in Alabama will be distributed under Section 40-12-270(a) 2b, according to the residence of the registrant declared on his application for apportioned registration. Monies received from registrants not based in Alabama will be distributed to the counties and municipalities of this state under Section 40-12-270(a) 2b, according to the distribution of the in-state based registration fees.

(2) It will be the duty of the appropriate official of any county or municipality having a lawful distribution contrary to Sections 40-12-269 and 40-12-270 to advise the Department of Revenue in writing of such distribution, and the Department is to be held blameless without such notification. (Authority: Sections 40-2A-7(a)(5), 32-6-56, 40-12-269 and 40-12-270, Code of Alabama 1975) (History: Amended: Filed June 2, 2006, effective July 7, 2006)

810-5-1-.475. Registration Fees from International Registration Plan Jurisdictions.

(1) John J. Breckenridge, Assistant Counsel, Legal Division, Department of Revenue, in an informal opinion under the date of February 8, 1982, stated the following concerning exemptions found in Section 40-12-248, Code of Alabama 1975: "Since the terms "farm produce" and "farm products" necessarily connotes some connection with a farm, it is my opinion that the terms must necessarily involve transportation from a farm to either a manufacturer or a market. Thus, when a farm product has been in some way processed by a manufacturer, then the motor vehicle which transports the items from the

manufacturer to a market or a retailer would not be considered as transporting farm products and would not be entitled to the exception."

(2) The impact of the above opinion is to require the registration of vehicles hauling farm produce, farm product, and forest products on a compensated basis with the Exempt Commodities For Hire (C) license plate rather than the Private (P) license plate category.

(3) In that the exempt commodity license plate has previously been one basically for intrastate use by coal haulers, the exempt commodity rates were not furnished to the International Registration Plan jurisdictions. Now that a significant number of Alabama registrants will be subject to the exempt commodity rates, registrants in other International Registration Plan jurisdictions hauling "Exempt Commodities" should be subject to the higher fee category.

(4) The term "exempt commodities" refers to the fact that the commodity is exempt from the regulation of the Interstate Commerce Commission or the various jurisdictional Public Service or Public Utility Commissions. In that differing regulatory commissions exempt (or regulate) different commodities the following guidelines are to be used in collecting Alabama registration fees:

(a) On the Type of Operation segment of Schedule B, registrants indicating "Common Carrier Exempt Commodities" will pay fees based on the Alabama fee schedule for Exempt Commodities as found in Section 40-12-248(d).

(b) Registrants indicating "Household Goods Carrier" will pay fees based on the Alabama fee schedule for Private Carrier as found in Section 40-12-248(c)

(c) Registrants indicating "Private Carrier" will pay fees for Private Carriers as found in Section 40-12-248(c).

(d) Registrants indicating "Haul for Hire" will pay fees based on the Alabama fee schedule for For Hire carriers as found in Section 40-12-248(d).

(e) Registrants indicating "Rental Company" will pay fees based on the Alabama fee schedule for Private Carriers as found in Section 40-12-248 (c).

(f) Registrants indicating two categories will pay fees based on the higher fee schedule. (Authority: §§32-6-56 and 40-12-248)

810-5-1-.476.01 Enforcement As To Alabama Apportioned Vehicles, License Plates, and Cab Cards.

(1) The International Registration Plan Apportioned Cab Card is a motor vehicle registration receipt as described in § 32-6-65, Code of Alabama 1975.

(2) A current, valid apportioned license plate, assigned by the Department of Revenue, must be properly displayed on the designated vehicle by the last day of the vehicle's designated renewal month. Additionally, the vehicle's current registration cab card must be carried in the vehicle by the same date. Enforcement will begin the first day of the month that immediately follows the renewal month, provided, when the last day of the designated renewal month falls on a Saturday, Sunday, or holiday, the enforcement date will be the day following the first work day of the subsequent month.

(3) In lieu of the above registration, a valid trip permit or temporary vehicle registration will temporarily satisfy registration requirements.

(4) Alabama carriers traveling into other states should ascertain the requirements of those states before entering them.

(5) The International Registration Plan cab card must be carried in the vehicle.

(6) Enforcement personnel will inspect the International Registration Plan cab card for verification that a vehicle is properly registered. The cab card must not be mutilated or altered in any way, and must be presented to law enforcement personnel upon demand. One refusing or

failing to furnish the apportioned cab card may be subject to arrest and prosecution as provided by Section 40-12-262, Code of Alabama 1975.

(7) Anyone altering or found operating a vehicle with an altered International Registration Cab Card, may be subject to arrest and prosecution under the provisions of Section 40-12-262, Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5), 32-6-56, 32-6-65, 40-12-262, Code of Alabama 1975) (History: New Rule: Filed August 17, 1994, effective September 21, 1994. Amended: Filed June 2, 2006, effective July 7, 2006)

810-5-1-.479 Proof of Residency Requirements for Applicants for Registration Under the International Registration Plan.

(1) Applicants attempting to register vehicles under the provisions of the International Registration may be required to furnish proof of residency in the State of Alabama.

(2) The registrant may be required to give a sworn, notarized statement that he is a resident of the State of Alabama on forms provided by the Department of Revenue, and further may be required to produce an Alabama driver's license. Section 40-12-263, Code of Alabama 1975, states that "no truck, semi-trailer truck, road tractor or other like motor vehicle used for hire or for commercial purposes which is owned by a nonresident of this state shall be registered in this state except as may be otherwise provided in or authorized or required by Section 40-12-262". Furthermore, this section provides that "any person who knowingly makes a false statement in applying for the registration of a motor vehicle pursuant to this section is guilty of a misdemeanor and upon conviction shall be punished as prescribed by law."

(3) Failure to provide the required proof will be sufficient reason for the Department of Revenue to deny registration.

(4) Anyone who is denied registration as a non-resident may appeal to the Administrative Law Division of the Department of Revenue pursuant to Section 40-2A-8, Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5), 32-6-56 and 40-12-263, Code of Alabama 1975) (History: Amended: Filed June 30, 2006, effective August 4, 2006)

810-5-1-.482. Classification Codes for License Plates.

(1) The Commissioner of Revenue is of the opinion that Section 32-6-52, Code of Alabama 1975 requires that license tags attached to the vehicle be of the proper classification but does not provide for identifying the classifications.

(2) In order to determine if vehicles are bearing the proper license tag classification of the Commissioner of Revenue has determined that a code should be established for each classification and imprinted on the license tag.

(3) The following are designated as classification codes.

BB	Battleship Commission	D	Dealer and Dealer Motorcycles	DT	Dealer Transit
CO	County Owned Vehicles	CM	County Owned Motorcycles	F	Farm Products
FT	Fleet Rental Trailers	HS	Helping Schools	K	Commercial Hearses and Ambulances
L	Forest Products	M	Motorcycles	MOH	Medal of Honor
MU or MUN	City Owned Vehicles	MM	City Owned Motorcycles	POW	Prisoner of War

PUD	Public Utilities	Q	Commercial Buses	R	Motor Homes
RS	Rescue Squad Unit and Member Vehicles	RT	Rental Trailers	S	State Owned Vehicles
ST	State Troopers	T	One year Apportioned Trailers	TR	One year Non-Apportioned Trailers
TM	Multi-Year Trailers	TL	Travel Trailers	UT	Utility Trailers
X	Trucks and Truck Tractors over 8,000 lbs. Gross Weight	XL	Restricted Tractors	Z	Commercial Tax

(Authority: §§32-6-52, 32-6-53, 40-12-241, 40-12-242, 40-12-245, 40-12-246, 40-12-247, 40-12-248 and 40-12-252, Code of Alabama 1975) (Adopted January 28, 1992)

810-5-1-.483. Staggered Registration of Motorcycles, Travel Trailers and Utility Trailers.

- (1) WHEREAS, Section 32-6-61, Code of Alabama 1975, does not specifically designate renewal months for motorcycles, travel trailers, utility trailers; and
- (2) WHEREAS, the majority of motor vehicles defined as motorcycles, utility trailers and travel trailers are owned by individuals for their private use; and
- (3) WHEREAS, county license plate issuing officials have requested that these vehicles be renewed/revalidated based on the first letter of an individual's last name the following procedures are hereby adopted.
- (4) Beginning October 1, 1994, license tags or plates issued to motorcycles, travel trailers and utility trailers owned by individuals shall be issued on a staggered registration basis and in the same month as that designated to purchase standard license plates for their private automobiles and pickup trucks.
- (5) To implement these provisions, the licensing, registration and taxation may be for periods less than or greater than 12 months during the conversion year beginning October 1, 1994.
- (6) In accordance with Section 32-6-63, renewal decals shall be issued to these license plate categories the same as for standard license plates for private automobiles and pickup trucks. (Authority: §40-2-11) (Adopted April 25, 1994)

810-5-1-.484 Licensing, Registration, Expiration, Etc.

(1) The licensing, registration, ad valorem taxation of International Registration Plan (IRP) vehicles shall be on a monthly, staggered basis. When fees are paid and all other registration requirements for a vehicle(s) are met, registration credentials will be issued to the registrant.

(2) The Department of Revenue assigns renewal months to registrants in order to ensure that registrations are equally distributed in order to establish a more efficient registration system.

(3) Vehicles registered under the International Registration Plan staggered registration system are reregistered during the months of January through October.

(4) All IRP registrations expire on the last day of the month assigned by the Department as the renewal month for the vehicle/fleet; provided, if the last day of the month falls on a Saturday, Sunday, or state holiday, the IRP registrations expire on the day following the first business day of the succeeding month.

(5) Anyone who has paid apportioned registration fees prior to the upcoming registration year whose vehicle is subsequently sold, or otherwise disposed of prior to the upcoming registration year, or anyone renewing a vehicle which is wrecked and destroyed prior to the upcoming registration year, may file an application for refund of the registration fees paid; or may request the transfer of the registration to a vehicle not previously registered or to a newly acquired vehicle during the current registration year.

(6) To expedite the receipt of registration credentials, the renewal apportionment application shall be filed during the intermediate dates of the first day of the month immediately preceding the renewal month through the 15th day of the renewal month. Payment should be received by the Department of Revenue Motor Vehicle Division by no later than the 20th day of the renewal month. (Authority: Sections 40-2A-7(a)(5), 32-6-61, 32-6-62 and 32-6-56, Code of Alabama 1975) (History: Filed August 17, 1994, effective September 21, 1994. Amended: Filed February 14, 2003, effective March 21, 2003. Amended: Filed June 2, 2006, effective July 7, 2006.

810-5-1-.485. Implementation of the Federal Driver's Privacy Protection Act (DPPA).

(1) As used in this rule, the following words and phrases shall have the following meanings:

(a) **Department.** The Alabama Department of Revenue.

(b) **Agents or contractors.** The various **county officials** responsible for the issuance of motor vehicle registrations and license plates and handicap parking credentials, and responsible for accepting applications for certificate of title; and other persons appointed by the Department as **Designated Agents** to perform duties under the Alabama Certificate of Title and Antitheft Act; further more, this term shall include any **vendors** having access to departmental records or files. This term shall not refer to persons who acquire registration and title information from the Department in accordance with provisions herein adopted.

(c) **Disclose.** To engage in any practice or conduct to make available and made known **personal information** contained in a **motor vehicle record** about a person to any other person, organization or entity, by any means of communication.

(d) **Individual Record.** A **motor vehicle record** containing **personal information** about a designated person whom is the subject of the record, as identified in a request.

(e) **Motor Vehicle Record.** Any record that pertains to an **individual's** Alabama motor vehicle operator's or driver's license or permit, registration record, handicap parking credential, an **individual's** motor vehicle title application, or to an **individual's** title issued by, or pending issuance, by the Department or agency authorized to issue any of such forms or credentials.

(f) **Personal information.** Information that identifies a person, including an **individual's** social security number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information.

(g) **Record.** Includes all books, papers, photographs, photostats, cards, films, tapes, recordings, electronic data, printouts or other documentary materials regardless of physical form or characteristics.

(2) Prohibition on disclosure and use of personal information from state motor vehicle records.

(a) Section 2721(a) of the **Federal Driver's Privacy Protection Act of 1994** [DPPA] (Title XXX of Public Law 103-322), reads as follows: "In General - Except as provided in subsection (b), a State department of motor vehicles, and any officer, employee, or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity **personal information about any individual** obtained by the department in connection with a motor vehicle record."

(b) The Department interprets this section as providing that the disclosure restrictions are applicable to motor vehicle records of **individuals**, and not applicable to motor vehicle records of proprietorships, partnerships, corporations, associations, estates, trusts, limited liability partnerships or entities other than individuals.

(c) The Department hereby affirms that **unless the owner provides express consent for the release of motor vehicle registration or title records**, the records **may not** be released for marketing purposes under the provisions of the **Permitted Disclosures** paragraph of this rule. Release of personal information for non-marketing purposes can be made only in accordance with the provisions of this rule.

(d) The Department prohibits the release of any information on a motor vehicle record relating to an individual(s) medical or disability status, without express consent of the individual to whom the information pertains, except for uses permitted under Section 5 (a), (d), (f) and (i). This includes, but not limited to, information relating to a Handicap parking application or issuance of a Handicap distinctive tag or placard.

(e) The Department interprets Section 350 of Public Law 106-69 of the federal Driver's Privacy Protection Act as prohibiting the release of any specialized listing, printout, or document revealing an individuals name and address as it relates to a specific group(s) or individual(s) for marketing purposes including notices of appreciation unless express written consent of the individual is obtained. This specialized listing may include, but is not limited to, individuals that have acquired collegiate, commemorative, distinctive, military, organizational or personalized tags.

(3) Required disclosure.

(a) Personal information, as defined in Paragraph 1(f), **shall be disclosed** for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Federal Automobile Information Disclosure Act, 15 USC 1231 et seq., the Motor Vehicle Information and Cost Saving Act, 15 USC 1901 et seq., the National Traffic and Motor Vehicle Safety Act of 1966, 15 USC 1381 et seq., the Anti-Car Theft Act of 1992, 15 USC 2021 et seq., and the Clean Air Act, 42 USC 7401 et seq., as amended, and all statutes and agency regulations enacted or adopted pursuant to the authority of, or to attain compliance with, the said Acts of Congress.

(4) Disclosure with Consent.

(a) Personal information referred to in Paragraph 1(f), **may be disclosed** to any requester, if such person demonstrates, by furnishing a complete request form, or by providing some other document which has been signed by the person(s) requesting the

information, and by the **person** whose personal information was requested, **giving consent to the release of the information**. Release documents are not to be considered as perpetual; new lease forms must be filed for each request.

(b) Personal information referred to in Paragraph 1(f) may be disclosed to an Executor(s), Executrix(s), Administrator(s), Administratrix(s), Conservator(s), Trustee(s), or other authorized requesting official, if such person(s) provides legal documentation substantiating authority to act in behalf of an individual. Legal documentation may be, but not limited to, a Power of Attorney, Letters of Administration, Letters of Testamentary, Letters of Conservatorship, and Trust Agreements. Legal documentation must be current and dated within 12 months from the date of the request for personal information.

(5) **Permitted disclosures**. Personal information, as defined in Paragraph 1(f), **may be disclosed** to any person by the Department on proof of the identity of the person requesting a record or records and representation by such person that the use of the personal information will be strictly limited to one or more of the following described uses:

(a) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a government agency in carrying out its functions.

(b) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(c) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only-

1. to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

2. if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual.

(d) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of the court.

(e) For use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact the individuals.

(f) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating or underwriting.

(g) For use in providing notice to the owners of towed or impounded vehicles; as required under Chapter 13 of Title 32 (Abandoned Motor Vehicles).

(h) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.

(i) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 USC App. 2710 et seq.);

(j) For use in connection with the operation of private toll transportation facilities.

(k) For bulk distribution for surveys, marketing or solicitations, if the department has obtained the express consent of the person to whom such personal information pertains.

1. The Department interprets this section as **not prohibiting** the release of **non-personal** information for marketing or other legal purposes in regards to a motor vehicle record. "Non-personal information includes any information relating to the vehicle description, issuance dates and expiration dates of motor vehicle records, and data other than personal data as defined in Paragraph 1(f). The Department interprets this section as pertaining only to an individual's motor vehicle records, and **not** applicable to motor vehicle records pertaining to proprietorships, partnerships, corporations, associations, estates, trusts, limited liability partnerships, limited liability corporations, or other non-individual entities.

(l) For any other use in request for individual motor vehicle records, if the department has obtained the express consent of the individual to whom such personal information pertains.

(m) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

(6) Obtaining registration and title information under Permitted Disclosures (Paragraph 5):

(a) The Alabama Department of Revenue **may provide** personal information as authorized under Paragraph 5 ("Permitted Disclosures") upon receipt of a **Form MVDPPA1** from any person qualified to receive the information; provided, that any **court**, or **governmental entity**, including **law enforcement officials**, may request the information via written correspondence on agency letterhead, or by subpoena, or by telephone if the requesting party provides their Originating Agency Identifier ("ORI number").

(b) County officials involved in the issuance of motor vehicle registrations, handicapped parking credentials, or accepting applications for certificate of title may provide the requested information as provided under Paragraph 5, except sub-paragraph (k), upon receipt of a Form MVDPPA1C wherein the requester provides evidence of his/her qualification to receive the personal information **in accordance with Paragraph 5** and the Driver's Privacy Protection Act. Provided, information received concerning an individual's request for handicap parking credentials shall only be provided under the provisions of Paragraph 5 (a), (d), (f), and (i). County license plate issuing officials **are not authorized** with the effective date of this rule to provide personal information regarding **individuals** to anyone requesting the information; the providing of data must be in accordance with federal law as provided in this rule.

(c) The department may enter into a signed contract to release registration and title data for requests under Paragraph 5. If approved, the following procedures are applicable.

1. Motor vehicle registration and title data will be released in its entirety. There will be no selective releases.
2. The department will enter into a signed contract with the approved requester wherein a uniform set fee for all releases will be provided.
3. For any private company requesting data under Paragraph 5, the contract will state the restrictions as to use and retention of the data (and to whom provided) in accordance with the provisions of the Driver's Privacy Protection Act.
4. The department will indicate on the registration and title data which records have been authorized by express consent of the individual for release for marketing purposes under Paragraph 5 (k), and the requester is restricted to sending marketing and solicitations only to those persons who have provided express consent.

(7) **Disclosure-Variou Provisions.**

- (a) Any individual may request that the department release their motor vehicle registration or title records for marketing purposes by providing express consent by submitting Form MVDPPA3 to the department.
- (b) Upon written request, on **Form MVDPPA1**, and upon payment of the appropriate fee, **any vehicle owner** may obtain from the department or an agency or contractor thereof, a copy of the motor vehicle registration and/or title record **for any vehicle he/she** presently owns or previously owned to the extent that the registration or records indicate ownership by that individual. The appropriate fee charged will be in accordance with Code of Alabama 1975, §32-8-6(a)(7) and Motor Vehicle Regulation 810-5-1-.231.
- (c) The Department interprets Section 2721(b)(1), which authorizes the use of personal data by "any governmental agency...in carrying out its functions", as permitting the release of personal information to an individual who acquires a motor vehicle and it is subsequently determined that the certificate of title is missing a signature of a previous owner or motor vehicle dealer, and said new owner must contact the individual who failed to provide the required signature.

(8) **Resale or Redisclosure.**

- (a) An authorized recipient of personal information under subsection (k) of Paragraph 5, may not resell or redisclose the information. Any company receiving information under subsection (k) shall not resell listings of persons who have obtained **handicap license plates** as a distinct listing category because to do so would be in violation of the DPPA provisions against disclosing medical problems of such registrants.

(9) **Effective date:** The provisions of this rule shall become effective June 1, 2000. (Authority: Section 40-2A-7(a)(5), Code of Alabama 1975, Public Law 103-322, Federal Driver's Privacy Protection Act) (History: New rule: Filed October 13, 2000, effective November 17, 2000)

810-5-1-.486 Memorandum of Understanding Between the Administrative Office of Courts and the Alabama Department of Revenue. The Department of Revenue may provide to the Administrative Office of Courts motor vehicle title and registration data contained within the motor vehicle title and registration databases. The Department of

Revenue's purpose in providing such data is solely to assist the Administrative Office of Courts in providing information to courts and the law enforcement community within Alabama as well as the federal law enforcement community to facilitate the resolution of parking ticket cases and other law enforcement related matters. The Administrative Office of Courts agrees to require its personnel with access to the motor vehicle title and registration data to sign a Form COM:103 entitled "Non-Employee Confidentiality and Disclosure Statement" or its equivalent. Every person who signs the Form COM:103 or its equivalent shall be responsible for ensuring that access to the data is for official purposes only and use of such data for any other purposes than those specifically enumerated herein could be a violation of the federal Driver's Privacy Protection Act; also, that the improper use of the information could constitute a violation of the Alabama Computer Crime Act. (Authority: Section 40-2A-7(a)(5), Code of Alabama 1975) (History: Adopted November 20, 2000, effective December 25, 2000); (Amended: Filed October 4, 2006, effective November 22, 2006).

810-5-1-.487 Memorandum of Understanding Between the Administrative Office of Courts and the Alabama Department of Revenue - Convictions/Violations of Liability Insurance Laws.

In order to assist court officials in performing their statutory duty of providing to the Department of Revenue reports of convictions pursuant to Section 32-7A-16 and Section 32-7A-17 (Act No. 2000-554). The Administrative Office of Courts may provide the information to the Department on behalf of the courts. The Department of Revenue is restricted to using that data exclusively in the administration of Chapter 7A of Title 32, and specifically in order to randomly sample persons who have been convicted during the previous four year period of violating laws requiring vehicle owners to obtain and display proof of liability insurance. The Administrative Office of Courts further agrees to retain within its records of conviction(s) when forwarding information concerning the current conviction. This record of previous conviction(s) is needed because the Department of Revenue is required to suspend the motor vehicle(s) registration (s) of those persons who are found to have multiple convictions, a minimum of four (4) months before reinstatement, and the Department is also required to collect a higher reinstatement fee for persons determined to have had multiple convictions of operating a motor vehicle on the street and highways of Alabama without first obtaining the necessary liability insurance required pursuant to Code of Alabama 1975, § 32-7A-1. et seq. The Administrative Office of Courts and the Department of Revenue agree to facilitate the submission and the receipt of such information through electronic methods. As the information regarding convictions is public record, personnel with the Department of Revenue are not required to sign (Anti) Disclosure Statements with the Administrative Office of Courts. However, the Department of Revenue considers the information confidential as provided in Section 32-7A-21, and accordingly, will keep the information confidential and disclose the data only as necessary in the administration of Chapter 7A of Title 32. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted November 20, 2000, effective December 25, 2000)

810-5-1-.488 Memorandum of Understanding Between the Finance Department and the Alabama Department of Revenue.

The Department of Revenue may allow access into the Department's motor vehicle registration and certificate of title databases to the Finance Department's Office of Fleet Management. The purpose of this access is limited to providing information necessary in performance of its various duties. The Finance Department's Office of Fleet Management

agrees to be responsible for the access and dissemination of data by personnel within its agencies. The Finance Department agrees to require its personnel with access to the motor vehicle registration and title data to sign a Disclosure Statement acknowledging that the use of the data is to be confined solely to the legitimate administration of its programs. Personnel within the Finance Department's Office of Fleet Management with access to the data are to be advised that use of such data for other purposes could be a violation of the federal Driver's Privacy Protection Act; also, that the improper use of the information could constitute a violation of the Alabama Computer Crime Act. (Authority: Section 40-2A-7(a)(5)) (History: Adopted through APA December 25, 2000)

810-5-1-.489 Memorandum of Understanding Between the Alabama Department of Corrections and the Alabama Department of Revenue.

(1) The Department of Revenue routinely provides motor vehicle registration data to the Alabama Department of Corrections. The purpose of providing this data is limited to providing names and addresses of registrant(s) who have ordered personalized or distinctive personalized license plates in order for the Department of Corrections to ship the manufactured license plate(s) directly to the registrant(s).

(2) The Alabama Department of Corrections agrees to be responsible for the dissemination of data by personnel within the department. The Alabama Department of Corrections agrees to require its personnel with access to this information to sign a Disclosure Statement acknowledging that the use of the data is to be confined solely to the legitimate administration of its programs. Personnel within the Alabama Department of Corrections are to be advised that use of such data for other purposes could be a violation of the federal Driver's Privacy Protection Act; also, that the improper use of the information could constitute a violation of the Alabama Computer Crime Act. (Authority: Section 40-2A-7(a)(5), Code of Alabama 1975) (Adopted February 20, 2001, effective March 27, 2001)

810-5-2.01 Certificate of Title Required - New Title Issued when Information on a Certificate of Title is Changed or when Correction is Required.

(1) In any case where there is a change in the information required to be shown on a certificate of title or where a correction in the information shown is necessary, a new or corrected certificate of title is required. In order to have the new or corrected certificate of title issued, the owner shall make application for a new certificate of title on form MVT 5-1, through a designated agent who will forward the completed application to the Department of Revenue, where the new certificate of title will be issued bearing a new certificate of title number.

(2) The only exception to this rule and regulation will be for an address change for which an owner shall file an address change notice on address change form MVT 1-1. The new address will be shown on the records of the Department of Revenue, but will not be shown on the outstanding certificate of title unless an application for a new certificate of title is made by the owner in accordance with the preceding paragraph. (Authority: §§32-8-1 through 32-8-87, Code of Alabama 1975, as amended, §32-8-3(a)(2))

810-5-2.02. Certificate of Title Required - Continuance of Recorded Legends.

Any and all legends which appear on certificates of title issued by other jurisdictions to disclose a pertinent fact about a vehicle or its ownership and surrendered to this state may be continued on certificates of title issued in this state. (Adopted August 23, 1984) (Authority: §32-8-3(b)(2), Code of Alabama 1975, as amended)

810-5-2-03. Returned Title Request Form (Form MVT 5-27).

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) Alabama certificates of title that have been issued by the Department and subsequently returned by the United States Postal Service as undeliverable can be returned to the owner(s) or lienholder upon receipt by the Department of a properly completed form MVT 5-27.

(3) Information provided on form MVT 5-27 shall include: vehicle identification number, year model, make, model, name of owner(s), name of first lienholder (if any), name and mailing address where title is requested to be mailed, typed or printed name of individual requesting title, signature of individual requesting title, and date form was completed.

(4) If anyone other than the owner(s) or lienholder completes form MVT 5-27 then the applicant must submit a power of attorney from the owner(s) or lienholder which authorizes the applicant to complete the form MVT 5-27. The power of attorney must accompany form MVT 5-27.

(5) The Department shall maintain returned certificates of title for a reasonable period of time to be determined by the Department. The Department may issue another certificate of title to the owner(s) or lienholder upon receipt of a properly completed form MVT 5-27 in lieu of the title previously returned by the United States Postal Service.

(6) No fee is required to be submitted with form MVT 5-27. (Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975 (Adopted November 24, 1999.)

810-5-3-01. Exclusion - Mobile Home and Travel Trailer, and Mobile Trailer.

Every mobile home, trailer coach, travel trailer and house trailer as defined in Act 89-918, 1989 Alabama Legislature, Regular Session, and which is declared by the manufacturer of those vehicles to be a 1989 and prior year model are exempt from titling. Act 89-918 requires that only those mobile homes, travel trailers and mobile trailers declared to be a 1990 year model by the manufacturer and subsequent year models are required to be titled. (Authority: Act 89-918, 1989 Alabama Legislation, Regular Session) (Adopted April 25, 1990)

810-5-4-01. Designated Agent - Financial Institution Appointments.

A financial institution making mortgage loans on motor vehicles, legally authorized to do business in Alabama and having a place of business in Alabama, may make application on form MVT 4-2 to become a designated agent of the Department. If the application is approved by the Commissioner of Revenue, the applicant shall enter into a bond with a corporate surety authorized to do business in this State as surety thereon, approved by the Commissioner of Revenue, payable to the State of Alabama in a sum to be determined by the Department, but in no event less than five thousand dollars (\$5,000), conditioned on the faithful performance of its duties under the Act. (Bond form MVT 4-3 is provided by the Department.) The authority for such appointments is provided in Section 4(c) of Act 765. (Authority: §32-8-3(a)(2))

810-5-4-02. Designated Agents - Applications for Certificate of Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) In order to protect the fees collected with applications for certificate of title and in order to control accounts for disbursement of fees collected and in order to provide adequate instructions, forms and related material, applications for certificate of title shall not be processed and collection of fees as scheduled in the Title Law shall not be collected by anyone other than a designated agent of the Revenue Department.

(2) In order to comply with Section 20 of Act 765, 1973 Regular Session of the Alabama Legislature, a lienholder may process applications for certificate of title and collect the required fees provided he has qualified as a designated agent of the Department of

Revenue and has been assigned a designated agent account number. (Authority: §32-8-3(a)(2))

810-5-4-.03. Collection Of Designated Agent Fee for Applications for title Prepared by the Department.

(1) A designated agent fee shall not be collected for applications for certificate of title prepared by the Department for processing title files, for replacement titles, inspections of salvage vehicles and applications by Alabama agencies.

(2) Funds received by the Department for title processing from any source which exceeds the required \$15.00 title fee by \$1.50 or less shall be retained by the Department and deposited into the General Fund.

810-5-5-.02. Application for Certificate of Title - Requirements for Name and Address.

No certificate of title will be issued with more than two (2) names of owners and one (1) address. In the event that there are more than two (2) owners, the two (2) names and the address which will appear on the certificate, must be determined by the owners. (Authority: §32-8-3(a)(2))

810-5-5-.04. Application for Certificate of Title - Legal Name of Owner. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) The name of the owner to be shown in the application for a certificate of title shall be the legal and exact name of the owner of the vehicle for which a certificate of title is requested. Where the owner is doing business under a trade name, the trade name may be shown following the name of the individual owner.

(2) It shall be the responsibility of the seller, the holder of a security interest and the buyer to see to it that the name of the owner is correct as shown in the application for a certificate of title and is properly identified as a corporation, partnership, association, individual, or other entity. (Authority: §32-8-3(a)(2))

810-5-5-.05. Application for First Certificate of Title - Certified Manufacturer's Statement of Origin Necessary with Application. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

A certified manufacturer's statement of origin shall be required as a supporting document with application for an Alabama certificate of title for all new vehicles purchased for first use in this State and which are required to be titled, registered, and licensed in Alabama. An application for a certificate of title for a new vehicle without the manufacturer's statement of origin will be rejected. (Authority: §32-8-3(a)(2))

810-5-5-.06. Application for Certificate of Title - Vehicle Identification Number on Application and Supporting Documents. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

If the vehicle identification number on any of the supporting documents submitted with an application for a certificate of title is different from the vehicle identification number on the application, the application and supporting documents will be returned to the designated agent for correction and clarification. (Authority: §32-8-3(a)(2))

810-5-5-.07. Application for Certificate of Title Leased Vehicles (Including Lease/Purchase Agreements).

(1) A leasing company which leases a motor vehicle that will be based in Alabama and required to be titled in this State, shall make application to the Department of Revenue for a certificate of title. The lessor shall always be named as owner. The lessor's address shall be provided in the space for owner's mailing address and will be mailed to the lessor at that address provided there is not a lienholder disclosed on the application. The lessor shall also provide the lessee's name and resident address in the space designated for Alabama Operator (lessee).

(2) When a security interest is perfected on a leased vehicle, the certificate of title shall be mailed to the first lienholder.

(3) Designated agent shall complete MVT 5-1C (Application for Certificate of Title) with a typewriter or printer (BLACK INK). Application must be properly completed and signed by the designated agent and owner (lessor) or attorney-in-fact of owner (lessor).

(4) Supporting Documents:

(a) Certified manufacturer's certificate of origin properly assigned to owner (lessor), or valid certificate of title either in the name of the owner (lessor) or properly assigned to the owner (lessor).

(b) Power of attorney if documents signed by an attorney-in-fact.

(c) Fee (see schedule of Fees and Commissions).

NOTE: If the lessee of a vehicle changes, the lessor shall obtain a corrected certificate of title reflecting the name and resident address of the new lessee by making application to the department and surrendering the outstanding certificate of title and required title fee. Registration records must also be updated. (Authority: Sections 32-8-1 through 32-8-88, Code of Alabama 1975.) (Adopted effective December 10, 1997.)

810-5-5-.08. Application for First Certificate of Title - Outstanding, Out-of-State, Surrendered Title Required as Supporting Document. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

When a motor vehicle enters this state from a title state and an application is made for an Alabama certificate of title, the original out-of-state title or a negotiable duplicate (replacement) title, shall be attached to the application as a supporting document. An affidavit of lost title will not be accepted as proof of ownership. (Authority: §32-8-3(a)(2))

810-5-5-.09. Application for First Certificate of Title - Dealer Demonstrators.

Since the term "new vehicle" is defined under Section 32-8-2 (11) supra as "a motor vehicle which has never been the subject of a first sale for use" and since a "new vehicle demonstrator" used solely for the purpose of demonstrating vehicles for sale has never been the subject of a first sale for use, the designated agent shall identify such vehicle as a "new demonstrator" when sold for first use by placing an "X" in the space for Demo in the New-Used-Demo indication on the application for a certificate of title. The application must have as supporting documents the Manufacturer's Certificate of Origin properly assigned to the new owner, a notarized or certified copy of the Bill-of-Sale disclosing that the vehicle was sold as a demonstrator and, if the assignment area of the Certificate of Origin does not conform to the odometer disclosure requirements of the Federal Truth-in-Mileage Act of 1986, a separate and completed conforming Federal odometer statement from the selling dealer to the applicant must accompany the application for title. (Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended) (Authority: §32-8-2, Code of Alabama 1975) (Adopted September 25, 1990)

810-5-5-.10. Application for Certificate of Title - Corrections on an Application for Certificate of Title by the Department. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

Authorized employees of the Department may make corrections in the vehicle information portion of an application when the information furnished in error is not an obvious attempt to defraud. No corrections will be made which will effect the validity of the application or jeopardize the prosecution of an applicant furnishing information with intent to defraud. All corrections must be proved necessary by supporting documents. No corrections will be made to the owner information or lienholder information portion of an application for certificate of title since this information must be provided by an applicant who would be subject to prosecution on a felony charge where false information is furnished in these areas. (Authority: §32-8-3(a)(2))

810-5-5-13. Application for Certificate of Title - Certification of Physical Inspection of a Motor Vehicle on Application for Certificate of Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) The application for certificate of title, Form MVT 5-1, is a multi-purpose form required for various transactions. A new application is necessary for each transaction which requires that a new title be issued. A new title with a new number revokes any previous title.
- (2) A physical inspection of a motor vehicle and verification of the vehicle identification number and the descriptive data shown on the application is required only for first certificates of title, including certificates of title for the following:
 - (a) New Vehicles - Application for first title.
 - (b) Out-of-State Vehicles - Brought into Alabama requiring registration and titling in this State and surrendering of out-of-state title.
 - (c) Other Vehicles - Not currently titled in Alabama and subject to registration and titling in this State.
- (3) Where a currently valid Alabama certificate of title to a motor vehicle is assigned to a new owner, the designated agent processing an application for title for the new owner is not required to physically verify the motor vehicle identification number and description of the vehicle. In such a case, the signature of the designated agent on the application is his certification that the motor vehicle identification number and description shown on the new application are identical to the motor vehicle identification number and description in the certificate of title assigned to the new owner and that he has positively identified the new owner and witnessed his signature on the application for the new title.
- (4) The application for a certificate of title, Form MVT 20-1, may only be used as a notice of security interest to record a lien on a vehicle previously titled in Alabama. This form is designed for use by a lienholder not qualified as a designated agent and it cannot be used in a transfer of ownership. (Authority: §32-8-3(a)(2))

810-5-6-01. Issuance and Records - Abbreviations Used in Data Entry. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

Where the information describing a motor vehicle or the name and/or address of an owner, dealer, lienholder or designated agent is too long to be recorded because of the mechanical limitations of computer entry and record keeping, the Department may use abbreviations where necessary. (Authority: §32-8-3(a)(2))

810-5-7-01. Use of Duplicate Copy of Application as Permit to Operate Motor Vehicle. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

The duplicate copy of an application for a certificate of title will serve the owner of a motor vehicle as a permit for its operation until the Department either issues a certificate of title for such motor vehicle or refuses to issue a certificate. A designated agent receiving an application for a certificate of title, when the provisions of this Act have been otherwise complied with, shall deliver to the applicant a duplicate copy of his application which will be his authorization to register and license the vehicle in Alabama. (Authority: §32-8-3(a)(2))

810-5-8-.01 Issuance of Certificate of Motor Vehicle Liability Bond.

(1) Section 32-7A-4, Code of Alabama 1975, provides an alternative to motor vehicle liability insurance requirements for motor vehicles covered by a "motor vehicle liability bond" and "shall be a sum of not less than fifty thousand dollars (\$50,000.00)

(2) The "Motor Vehicle Liability Bond" (Form MV-MLI-004) shall be filed with the Department of Revenue's Motor Vehicle Division. The bond must be executed by a company qualified to conduct a surety business in Alabama, and shall be conditioned on the payment of the amount of any judgement rendered against the principal in the bond or any person responsible for the operation of the principal's motor vehicle with his or her express or implied consent, arising from injury, death, or damage sustained through the use, operation, maintenance, or control of the motor vehicle within the State of Alabama.

(3) In order to prove their coverage, persons who purchase a motor vehicle liability bond, shall carry within each vehicle the "Motor Vehicle Liability Bond Certificate" (Form MV-MLI-005) (or legible copy thereof) as issued by the Department of Revenue. The "Motor Vehicle Liability Bond Certificate" shall contain the vehicle identification number.

(4) The "Motor Vehicle Liability Bond Certificate" (or legible copy thereof) shall be displayed upon request by any law enforcement officer as provided under Section 32-7A-6(h) in order for the officer to ascertain that the vehicle owner or operator is covered under the provisions of Chapter 7A of Title 32. If the owner refuses or fails to provide proof of exemption as provided in this rule, the person shall be in violation of Section 32-7A-16.

(5) In the event that the person to whom a "Motor Vehicle Liability Bond Certificate" is issued, elects to and does terminate the bond, the person is canceled by the surety, or the bond otherwise becomes invalid, the owner or operator shall obtain insurance coverage as provided by Chapter 7A of Title 32. Anyone who cancels or has his/her liability bond canceled shall not display the "Motor Vehicle Liability Bond Certificate" (or legible copy thereof). Anyone displaying a "Motor Vehicle Liability Bond Certificate" knowing the Certificate has been canceled or knowing the Certificate is illegally altered, counterfeit or otherwise invalid, is in violation of Section 32-7A-16. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.02 Issuance of Certificate of Cash Bond and Satisfaction of Judgements.

(1) Section 32-7A-4, Code of Alabama 1975, provides an alternative to motor vehicle liability insurance requirements for motor vehicles covered by a "deposit of cash with the State Treasurer" and "shall be a sum of not less than fifty thousand dollars (\$50,000.00)." "Application for Cash Bond Certificate" (Form MV-MLI-001) will be submitted to the department specifying the owner's name, Alabama certificate of title number if applicable, and vehicle identification number.

(2) Persons who deposit cash with the State Treasurer in the amount of not less than fifty thousand (\$50,000.00) are covered by a certificate of cash bond, in order to prove their coverage, shall carry within each vehicle the "Cash Bond Certificate" (Form MV-MLI-002) (or legible copy thereof) as issued by the Department of Revenue. The "Cash Bond Certificate" shall contain the vehicle identification number.

(3) The "Cash Bond Certificate" (or legible copy thereof) shall be displayed upon request by any law enforcement officer as provided under Section 32-7A-6(h) in order for the officer to ascertain that the vehicle owner or operator is covered under the provisions of Chapter 7A of Title 32. If the owner refuses or fails to provide proof of exemption as provided in this rule, the person shall be deemed in violation of Section 32-7A-16.

(4) In the event that the person to whom a "Cash Bond Certificate" is issued elects to and does withdraw his/her cash deposit from the State Treasurer, the owner or operator shall obtain insurance coverage as required by Chapter 7A of Title 32. Anyone who withdraws his/her cash deposit from the State Treasurer shall not display the "Cash Bond Certificate" (or legible copy thereof). Anyone displaying a "Motor Vehicle Liability Bond Certificate" knowing the Certificate has been canceled or knowing the Certificate is illegally altered, counterfeit or otherwise invalid, is in violation of Section 32-7A-16.

(5) In the event that the minimum principal of fifty thousand dollars (\$50,000.00) is drawn upon as a result of any judgement rendered against the principal in the cash bond or any person responsible for the operation of the principal's motor vehicle with his or her express or implied consent, arising from injury, death, or damage sustained through the use, operation, maintenance, or control of the motor vehicle within the State of Alabama; and the principal is reduced to an amount less than the fifty thousand dollars (\$50,000.00) required by Section 32-7A-4, he/she will, within 30 calendar days, deposit cash with the State Treasurer in an amount sufficient to meet the requirements of Section 32-7A-4.

(6) In the event that the person to whom a "Cash Bond Certificate" is issued elects to withdraw the funds deposited with the State Treasurer, that person will do so on Cash Bond Withdrawal Request (Form MV-MLI-003). These funds will be held for a period of sixty (60) calendar days prior to the release of the funds. If during this sixty day period, the department is notified of pending litigation of judgement rendered against the principal in the cash bond or any person responsible for the operation of the principal's motor vehicle with his or her express or implied consent, arising from injury, death, or damage sustained through the use, operation, maintenance, or control of the motor vehicle, said funds will be held until such time that all pending claims against the fund has been resolved. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA April 26, 2001)

810-5-8-.03 Use of Motor Numbers on Insurance Cards and Other Proof of Liability Insurance in Lieu of Vehicle Identification Numbers. Section 32-7A-6(b)(3) and (f)(8), Code of Alabama 1975, requires the Vehicle Identification Number to be shown on insurance cards, insurance binders, certificates of liability insurance, and premium receipts. However, as vehicle manufacturers have not always placed vehicle identification numbers on motor vehicles, and motor numbers were used as the vehicle identifier for many decades, the motor number may be used in lieu of the Vehicle Identification Number if the insured vehicle does not have a Vehicle Identification Number and the vehicle is not subject to the provisions of the Alabama Certificate of Title and Antitheft Act. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.04 Registration Denial–Mandatory Liability Insurance Law.

(1) If a vehicle owner, or someone authorized to register a motor vehicle on behalf of the owner, informs the official authorized to issue motor vehicle license plates that the vehicle is not insured pursuant to Section 32-7A-4, Code of Alabama 1975, (and the vehicle is not exempt from insurance requirements), the official shall refuse to register the motor vehicle(s).

(2) If a vehicle owner, or someone authorized to register a motor vehicle on behalf of the vehicle owner, fails or refuses to affirm that the vehicle(s) for which registration is being sought is insured, the registration official shall refuse to register the motor vehicle(s).

(3) If a vehicle owner, or someone authorized to register a motor vehicle on behalf of another, submits a renewal application through the mail without affirmation of insurance, the registration official shall refuse to register the motor vehicle(s).

(4) In the event someone other than the vehicle owner is authorized to register a vehicle, and that individual does not know if the vehicle is insured in accordance with Alabama law, the official authorized to issue motor vehicle license plates shall refuse to register the vehicle until the authorized individual is able to positively affirm that the vehicle is insured.

(5) In the event that a vehicle owner, or someone authorized to register a motor vehicle on behalf of the vehicle owner, informs that an insurer not qualified to transact business in Alabama insures the vehicle, the official shall refuse to register the vehicle.

(6) In the event that a vehicle owner, or someone authorized to register a motor vehicle on behalf of the vehicle owner, informs that the vehicle(s) for which registration is sought is exempt from insurance requirements pursuant to Section 32-7A-5, the official may require evidence that an exemption is applicable to the vehicle(s), and, if no evidence is provided, the official may refuse to register the vehicle until such evidence of exemption is produced and provided to the official.

(7) If an official denies registration, and subsequently the vehicle owner, or someone authorized to register a motor vehicle on behalf of the vehicle owner, is able to affirm that the vehicle(s) is insured to the satisfaction of the official, then the official may issue the registration. If the delay in registering the vehicle places the vehicle owner into a delinquency situation, the appropriate penalties, interest, etc., must be collected as a prerequisite to the issuance of the registration. Furthermore, if the registration is denied, the vehicle owner may incur law enforcement sanctions if the vehicle is operated with an expired registration or without registration credentials.

(8) In the event it is determined that a vehicle owner, or someone authorized to register a motor vehicle on behalf of the vehicle owner, provides an affirmation of insurance when the vehicle is not insured, the vehicle owner, upon conviction, may be subject to the sanctions of Section 40-12-8 for "knowingly making a false affidavit or certificate in connection with...anything in this state for which a license is required..." (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.05 Information to be Shown on Insurance Cards.

(1) Insurance companies issuing motor vehicle liability insurance policies shall, at a minimum, list on their insurance cards the following information:

(a) The vehicle year model;

(b) The vehicle make;

(c) The vehicle identification number (VIN) - unless the card is issued for a fleet policy or for a non-vehicle owner as provided in Section 32-7A-6(c);

(d) The name of the insured(s);

(e) The National Association of Insurance Commissioners (NAIC) code of the insurer;

(f) The policy number;

(g) The effective date and expiration date, which shall cover a period of time not to exceed 12 months.

(2) These provisions shall be effective January 1, 2001. Provided, the provision regarding the NAIC code shall be effective as insurers issue or reissue insurance cards during 2001 and thereafter.

(3) Nothing in this rule shall preclude insurers from adding other information on the insurance card.

(4) Temporary insurance cards shall not be required to have the policy number but shall contain all other required information.

(5) Insurers shall not issue a card similar in appearance, form and content to the insurance card required in Section 32-7A-6 in connection with an insurance policy that does not provide the insurance coverage required under Section 32-7A-4, Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA April 26, 2001, effective May 31, 2001)

810-5-8-. 06 Affirmation of Motor Vehicle Liability Insurance.

(1) Section 32-7A-10(d), Code of Alabama 1975, provides "officials authorized to issue motor vehicle license plates shall require an affirmation that the owners are in compliance with the liability insurance requirements of this chapter on each registration and on each transfer of registration."

(2) The Department will place in an appropriate location on the Motor Vehicle Registration Tag and Tax Receipts an affirmation which will read, or substantially read as follows: "I/we certify/affirm that the information contained hereon is true and correct and that the vehicle described above is insured as required by Alabama law.

(3) Vehicle owners, when registering, renewing, or transferring their motor vehicle registration, by signing the Motor Vehicle Registration Tag and Tax Receipt, shall be affirming that the vehicle is currently insured in accordance with the provisions of Section 32-7A-4. Vehicle owners with fleet vehicles may sign an affirmation document listing all vehicles currently being registered as an alternative to signing each Registration Tag and Tax Receipt as affirmation, provided that the document contains the affirmation language shown in paragraph (2).

(4) If the motor vehicle is owned by more than one individual, only one signature by a vehicle owner is required.

(5) If the vehicle is being registered by someone other than an individual owner, the individual signing the Motor Vehicle Registration Tag and Tax Receipt must have personal knowledge that the vehicle is currently insured with a motor vehicle liability insurance policy (or that the vehicle is covered by a motor vehicle liability bond or a deposit of cash). County license plate issuing officials shall accept the signature provided on the receipt as *prima facie* evidence that the vehicle is insured, and may accept the signature as a proper affirmation of insurance.

(6) In accordance with Section 32-7A-10(d), county license plate issuing officials providing registration renewal by mail utilizing a renewal notice shall place on the renewal notice the above affirmation language with a signature line for the owner "to indicate compliance when renewing registration by mail."

(7) County license plate issuing officials offering Internet renewal shall provide a method wherein vehicle owners can electronically "sign" the affirmation of insurance.

(8) Registrants securing apportioned license plates pursuant to the International Registration Plan shall provide the affirmation by signing Schedules B or C, whichever is applicable, which shall contain the above affirmation.

(9) Motor vehicle dealers, in securing dealer license plates, are exempt from the provisions of Chapter 7A of Title 32, and thus are not required to submit an affirmation of insurance. Motor vehicle dealers, and other exempt entities specified in Section 32-7A-5, should sign the Registration Tag and Tax Receipt certifying that the information thereon is true and correct and that they meet the exemption requirements of Chapter 7A of Title 32.

(10) Motor vehicle manufacturers shall affirm on the registration receipt, or otherwise, that a motor vehicle liability policy is in effect for the manufacturer license plates issued by the Department's Taxpayer Service Center personnel when the license plates are issued. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.07 Providing Listings to County Officials of Vehicles Suspended Under Insurance Laws; Refusing Registration to Owners of Suspended Vehicles; Confidentiality of Information Regarding Suspended Persons.

(1) Pursuant to Section 32-7A-10(a), Code of Alabama 1975, the Department will provide a current list of owners whose license plates have been suspended pursuant to Section 32-7A-9 to officials responsible for license plate issuance. License plate issuing officials or the Department, at its discretion, may further furnish the list to the officials of his county responsible for assessing and collecting ad valorem taxes on motor vehicles. This listing may be provided electronically or through other procedures.

(2) Counties shall refuse to register, reregister or transfer the registration of any license plate shown on the listing. If someone is suspended for a specific license plate number, the issuing official is not authorized to issue a new license plate, replacement license plate, or distinctive or personalized license plate to the vehicle, unless the ownership of the vehicle has changed.

(3) If the registration of a vehicle shown on the listing of suspended vehicles has been updated on the state database as being reinstated by the Department, the county may issue the registration, reregistration or transfer as requested. Issuing officials are not authorized to issue registrations based on comments or documents from the vehicle owner that the reinstatement fee has been paid and proof of insurance has been furnished to the Department.

(4) The decision by the license plate issuing official to deny registration for someone who has been suspended by the Department for failing to maintain motor vehicle liability insurance may not be appealed. This is because the vehicle owner had already been afforded the opportunity to appeal the decision by the Department to suspend the registration as provided under Section 32-7A-3(d), which allows the owner a 30 calendar day period to appeal a suspension "after the rendition of any suspension."

(5) The Department interprets the provisions of Section 32-7A-10(b), providing for the refusal to register, as being a mandatory action of the issuing official. If it is found that such official registered the vehicle contrary to the provisions of Section 32-7A-10(b), said official could lose the immunity provided in Section 32-7A-13.

(6) County officials receiving information concerning the registration suspension or reinstatement status of any person shall be responsible for the confidentiality of the information

pursuant to Section 32-7A-21. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.08 Refunds of Reinstatement Fees Generally; Refund Request Forms; Procedures to Appeal Denial of Requests for Refund of Reinstatement Fees.

(1) Section 32-7A-9(e), Code of Alabama 1975, provides that "refunds of reinstatement fees shall be granted in cases of duplicate payment, or as approved by the department." Anyone who is denied a refund of the reinstatement fee may appeal the denial to the administrative law judge pursuant to Section 40-2A-8, Code of Alabama 1975.

(2) Anyone seeking the refund of reinstatement fees paid shall complete an Application for Refund of Reinstatement Fees (Form MV-MLI-006) and submit the application to the Department for processing. In completing the Form, detail must be provided as to the reason the requester believes that he/she is entitled to the refund and any supporting evidence be provided (for example, provide copies of two separate remittances for the reinstatement of the same vehicle).

(3) The Department shall not approve the following requests for the refund of reinstatement fees:

(a) The vehicle has been sold.

(b) The vehicle's ownership was changed to another entity, such as a corporation or one's spouse or dependent, and the vehicle is now covered by liability insurance.

(c) The vehicle has been moved to a location outside Alabama, and is now registered in another jurisdiction.

(d) The vehicle has been wrecked and totaled, is junked, or is placed into storage.

(e) The petitioner, after having paid the reinstatement fee, and after having provided proof of insurance, is subsequently canceled by his/her insurance company and thus is not able to legally operate the vehicle.

(f) Other situations where reinstatement fees were paid for an uninsured, suspended vehicle.

(4) If the Department disapproves the refund request, the petitioner shall be informed in writing of the denial. The petitioner may then appeal the denial to the Administrative Law Judge pursuant to Section 40-2A-8. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.09 Affirmation of Motor Vehicle Liability Insurance for Apportioned Vehicles; Driver's License or FEIN Required; Registration Denial.

(1) Section 32-7A-10(d), Code of Alabama 1975, provides "officials authorized to issue motor vehicle license plates shall require an affirmation that the owners are in compliance with the liability insurance requirements of this chapter on each registration and on each transfer of registration." Section 32-7A-10(c) provides that with the effective date of this Section, all officials authorized by law to issue motor vehicle license plates shall obtain, when issuing or transferring motor vehicle registrations, the Alabama driver's license number of the owner, of the vehicle, or, if the owner does not have a driver's license number, the identification card number as provided

under Section 32-6-4, Code of Alabama 1975, or for a company or other entity, the federal employer identification number.”

(2) The Department will place in an appropriate location on the applications for apportioned vehicle registration an affirmation which will read, or substantially read as follows: “I/we certify/affirm as registrant or the legal representative of the registrant, that the information contained hereon is true and correct and that I have personal knowledge that the vehicle(s) described within this application are either exempt from insurance requirements due to being subject to supervision and regulation of the Alabama Public Service Commission or are insured as required by Alabama law.”

(3) The Department will also place on the application form an area for the registrant to list this federal employer identification number (FEIN); provided, if a registrant does not have a FEIN, the registrant shall provide in the designated area his Alabama driver’s license number, and if the registrant does not have an Alabama driver’s license, but is licensed in another jurisdiction, the registrant shall indicate in the designated area the jurisdiction in which the driver’s license is issued.

(4) Registrants, when registering, renewing, or transferring their motor vehicle registration(s), by signing the apportioned applications, shall be affirming that the vehicle(s) is currently insured in accordance with the provisions of Section 32-7A-4, or is exempt from insurance requirements pursuant to Section 32-7A-5(3).

(5) The individual signing the apportioned registration application must have personal knowledge that the vehicle(s) is either (a) exempt from insurance requirements, or (b) currently is insured with a motor vehicle liability insurance policy (or that a motor vehicle liability bond or a deposit of cash covers the vehicle). Motor Vehicle Division personnel shall accept the signature on the apportioned applications as *prima facie* evidence that the vehicle(s) shown thereon is either exempt from insurance requirements or that the vehicle(s) are insured as required in Chapter 7A of Title 32.

(6) If a registrant or his or her legal representative fails to sign an application for apportioned registration (and the affirmation of insurance), or the application does not contain the insurance affirmation, the registrant may provide a separate affirmation document, which the Department may at its discretion accept as an affirmation of insurance. If a registrant fails or refuses to sign the application/affirmation of insurance, and does not provide a separate affirmation document, the Department shall refuse to register the vehicle(s) or transfer the registration.

(7) If a registrant fails or refuses to provide the federal employer identification number, or, if none, the registrant’s Alabama driver’s license number or identification card number as provided under Section 32-6-4, or if licensed outside Alabama, the jurisdiction where licensed, the Department shall refuse to register or transfer the vehicle(s) contained within the application.

(8) If the Motor Vehicle Division begins offering Internet renewal of apportioned registration, a method shall be provided wherein vehicle owners can electronically “sign” the application and affirmation of insurance and provide the federal employer identification number, Alabama driver’s license or ID card number, or jurisdiction where licensed.

(9) The provisions of this rule shall become effective January 1, 2001. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA March 22, 2001, effective April 26, 2001)

810-5-8-.10 Random Sampling, Questionnaire Form, Notice of Suspension, and Procedures to be Followed.

(1) In accordance with Section 32-7A-7(a), Code of Alabama 1975, beginning in January 2001, the Department of Revenue, or its designee, will randomly select a percentage of Alabama's motor vehicle registrations.

(2) On a weekly basis, or as the Department determines, the randomly selected vehicle owners will be mailed a Mandator Liability Insurance Questionnaire (Form # MV-MLI-1) to be completed and returned to the Department "within 30 calendar days after the department mails a request." [Section 32-7A-7(e)]

(3) If the vehicle owner was insured by a company qualified to transact business in Alabama on the verification date shown on the questionnaire for the vehicle and vehicle license plate identified on the questionnaire, the vehicle owner is required to provide on the questionnaire the following information:

(a) The name of the insurance company that is qualified to transact business in Alabama;

(b) NAIC Number of the insurance company (if available on the insurance card);

(c) The address of the insurance company, including city, state, and zip code;

(d) The insurance company telephone number;

(e) The insurance policy number issued to the vehicle shown on the questionnaire;

(f) The effective date of the insurance policy;

(g) The policy expiration date.

(4) If the vehicle listed on the questionnaire was not insured on the date shown on the questionnaire, the vehicle owner is to provide an explanation as to why the vehicle was not insured as required by Section 32-7A-4. If the vehicle is exempt from insurance requirements pursuant to Section 32-7A-5, the vehicle owner is to provide details of the exempt status in the "NO" block of the questionnaire.

(5) The vehicle owner, or his/her authorized representative, is required to sign the questionnaire in the place provided on the questionnaire.

(6) The Department must receive the required questionnaire information within 30 calendar days of the verification date shown on the questionnaire form by one of the following methods:

(a) By entering information "on-line" at the Department's website and electronically transmitting it to the Department; or

(b) Faxing the questionnaire to the telephone number shown on the questionnaire; or

(c) Mailing the questionnaire to the address shown on the postage paid envelope.

(7) In accordance with Section 32-7A-7(f), any vehicle owner failing to respond to the questionnaire "shall be deemed to have registered or maintained registration of a motor vehicle in violation of Section 32-7A-4," and the Department may suspend the registration.

(8) Also, in accordance with Section 32-7A-7(f), if the vehicle owner indicates on the questionnaire that the vehicle "was not covered by a liability insurance policy in accordance with Section 32-7A-4," and/or does not provide a valid reason for exemption, the Department shall deem the vehicle to have been registered or registration maintained in violation of Section 32-7A-4, and the Department may suspend the registration.

(9) In accordance with Section 32-7A-7(g), if the vehicle owner responds to the questionnaire "by asserting that his or her vehicle was covered by a liability insurance policy on the verification date stated in the department's request, the department may conduct a verification of the response by furnishing necessary information to the insurer named in the response." If the insurer fails to respond within 30 calendar days or responds that the vehicle listed on the questionnaire was not insured by the insurer in accordance with Section 32-7A-4, the Department may suspend the registration.

(10) If a vehicle owner responds that the vehicle shown on the questionnaire has been sold or otherwise disposed of prior to the verification date, the Department may elect to place the registration or vehicle owner's name into a pool for subsequent verification of any vehicle owned by the owner.

(11) The Department is of the opinion that insurance information received from owners at the time of reinstatement should be processed the same as information received from insurance questionnaires. Accordingly, the Department may conduct a verification of insurance by furnishing necessary information to the insurer. If the insurer fails to respond within 30 calendar days or responds that the vehicle listed for verification was not insured by the insurer in accordance with Section 32-7A-4, the Department may suspend the registration.

(12) Section 32-7A-8 provides that "the department shall notify the owner that such owner's vehicle registration shall be suspended 45 calendar days after the date of the mailing of the notice unless the owner within 30 calendar days furnishes proof of insurance in effect on the verification date, as prescribed by the department. The notice shall be in writing and shall be mailed by first class U.S. Postal Service or by certified mail, return receipt requested, to the owner's last known address." The Department will provide a "Notice of Suspension" (Form MV-MLI-2) to anyone whose registration is suspended pursuant to Chapter 7A of Title 32. The notice provides information to the vehicle owner regarding the suspension, including why the suspension was entered, the effective date of the suspension, the earliest date the suspension may be removed (unless a determination is made that the suspension should not have been implemented by the Department), and the fee required to end the suspension. The notice provides additional information as to what procedures the vehicle owner must do to have his vehicle's registration reinstated.

(13) If a vehicle owner receives the "Notice of Suspension" and the vehicle was insured pursuant to Section 32-7A-4 on the verification date, or was exempt from insurance requirements on the verification date pursuant to Section 32-7A-5, the owner may return the lower portion of the "Notice" with the following information completed:

(a) The name of the insurer who is qualified to transact business in Alabama;

- insurance card);
- (b) The NAIC Number of the insurance company (if available on the insurance card);
 - (c) The address of the insurance company, including city, state, and zip code;
 - (d) The insurance company telephone number;
 - (e) The insurance policy number issued to the vehicle shown on "Notice of Suspension;"
 - (f) The effective date of the insurance policy;
 - (g) The policy expiration date;
 - (h) If exempt from insurance requirements, an explanation is required.

(14) If the vehicle owner did not have insurance for the vehicle, the vehicle owner may provide comments in the designated area for consideration by the Department. The owner must sign and return the lower portion of the notice to the Department before the effective date of the registration suspension in order for the suspension to be reviewed and evaluated. Provided, the vehicle owner may elect to respond to the "Notice of Suspension" via the options provided above in paragraph 6. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (Adopted through APA August 16, 2001)

810-5-8-11 Administratively Removing Suspensions.

(1) In the event a vehicle owner receives a motor vehicle registration suspension and the owner subsequently provides to the Department evidence of motor vehicle liability insurance for the suspended vehicle that was in effect on the verification date, the Department may then remove the suspension without requiring the payment of the reinstatement fee provided in Section 32-7A-9, Code of Alabama 1975. Provided, the insurer must be qualified to transact business within the State of Alabama.

(2) In the event a vehicle owner receives a vehicle registration suspension, and the owner subsequently provides to the Department evidence of the owner's exemption from insurance requirements, the Department may then remove the suspension without requiring the payment of the reinstatement fee provided in Section 32-7A-9.

(3) Until the Department reinstates the suspended vehicle, the vehicle may not be operated on the streets or highways. (Authority: Sections 40-2A-7(a)(5) and 32-7A-3(a)) (History: Adopted through APA July 12, 2001, effective August 16, 2001)

810-5-9-01 International Fuel Tax Agreement. Pursuant to the authority granted the Commissioner of Revenue under Section 40-17-271(c) of the Code of Alabama 1975, the Commissioner hereby incorporates into this rule, by its reference, the following documents: The Articles of Agreement of the International Fuel Tax Agreement (IFTA), the IFTA Procedures Manual, and the IFTA Audit Manual (effective July 1, 1998), each in its entirety, with all modifications and revisions previously and henceforth to be adopted. A complete and current copy of each document shall be maintained for public inspection at the offices of the Alabama Department of Revenue, Motor Vehicle Division, Room 1216, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c)) (History: Adopted through APA November 28, 2001, effective January 2, 2002)

810-5-9-.03 Application for IFTA License.

(1) An applicant desiring to, and qualified to, obtain Alabama IFTA credentials is required to annually submit an *Application for License*, FORM MV: IFTA-1, and proper remittance to the Alabama Department of Revenue.

(2) The following information must be provided by the applicant on the *Application for License* before Alabama IFTA credentials may be issued:

(a) Applicant's Legal Name. If the business is individually owned, enter the owner's name. If the business is a partnership, enter the legal name of the partnership. If the business is a corporation, enter the legal name exactly as it is registered with the Secretary of State for the State of Alabama. If the business is a limited liability corporation (LLC) enter the legal name of the LLC.

(b) Applicant's Federal Employer's Identification Number (FEIN) or, in the event the applicant is an individual just beginning business, and has not yet received the business FEIN, the Social Security Number;

(c) International Registration Plan (IRP) Account Number, if applicable;

(d) USDOT Number, if applicable;

(e) Trade Name, if applicable;

(f) Application Type. Indicate whether the application is an original or renewal;

(g) Mailing Address;

(h) City;

(i) State;

(j) Zip Code;

(k) Applicant's Telephone Number, including the area code;

(l) Applicant's Fax Number, if applicable, including the area code;

(m) Contact Person. This should be an individual who can answer questions regarding the application and/or IFTA quarterly fuel use tax returns;

(n) Business Address (Physical Location). P.O. Boxes are not permitted as part of the Business Address. The applicant must indicate the Alabama county where the business is located. The business location must be within the State of Alabama.

(o) Type of Ownership. Indicate whether the business is owned by an individual, partnership, corporation, LLC or other type of entity, specifying the entity type;

(p) Owner(s) Information. List all partners, corporate officers, or managing members. Include the title of the individual(s) listed and home addresses. Social Security Numbers are optional;

(q) Types of Fuel Used;

(r) Number of qualified motor vehicles in the fleet;

(s) Whether an IFTA license from a jurisdiction other than Alabama has been obtained since January 1, 1996. If yes, list the jurisdiction(s) from which licenses were obtained;

(t) Whether the IFTA license has ever been suspended or revoked. If yes, list the jurisdiction(s) in which the suspension or revocation occurred;

(u) Whether someone other than the owner or company employee prepares and signs the IFTA quarterly fuel use tax return. If yes, provide the name, address, and telephone number of the preparer.

(v) The number of qualified motor vehicles requiring IFTA decals and the appropriate decal fee due;

(w) The jurisdictions in which the qualified motor vehicles will operate. The applicant must operate the qualified motor vehicles in at least two IFTA jurisdictions in order to qualify under the provisions of the Agreement;

(x) The jurisdiction(s) in which bulk fuel storage is maintained, if applicable;

(y) Signature. The application must be signed by all partners, one corporate officer, or a managing member listed on the *Application for License* form. If the entity is a limited liability corporation (LLC), an authorized agent may sign the application. If the business is a sole proprietorship, the owner must sign the application. An attorney or agent of the taxpayer may sign the Application for License form provided this action is specifically authorized by a power of attorney. All signatures must be original; photocopies and faxed copies will be returned.

(3) Failure on the part of the applicant or the applicant's representative (e.g., reporting services) to provide all information requested on the *Application for License* form will result in the application being rejected and returned to the applicant for correction.

(4) In order for an application for an Alabama IFTA license to be approved, the applicant must not have any delinquent IFTA quarterly fuel use tax returns or outstanding liabilities.

(5) Rejected applications will be returned, by the Department, to the mailing address provided on the application, accompanied by Form MV:IFTA-REJECT outlining the reason(s) the application was rejected.

(6) Applicants may appeal the denial of an IFTA license by filing a notice of appeal with the Department's Administrative Law Division pursuant to Section 40-2A-8, Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c), Code of Alabama 1975) (History: New rule: Filed November 28, 2001, effective January 2, 2002; Amended: Filed July 22, 2005, effective August 26, 2005; Amended: November 8, effective December 13, 2006).

810-5-9-.05 Credentials in Lieu of IFTA Decals.

(1) In lieu of qualified motor vehicles displaying the annual decals, carriers may have in their possession a valid temporary permit or a valid trip permit as authorized by the International Fuel Tax Agreement.

(2) In order for a carrier to obtain a temporary permit, an *Application for License* (Form MV: IFTA-1) or a *Request for Additional IFTA Decals* (Form MV:IFTA-5), must be submitted to the Alabama Department of Revenue with the decal fee. If the submitted forms are complete, the account is current (i.e., no delinquent reports or outstanding liabilities), the remittance is received, and the vehicle information is provided, a temporary permit will be issued to the carrier.

(3) The applicant must submit the following vehicle information in order to receive a temporary permit:

- (a) Vehicle Identification Number (VIN);
- (b) Make of Vehicle;
- (c) Year of Vehicle.

(4) The carrier shall carry a legible copy of the IFTA license, issued to the carrier, in the qualified motor vehicle in addition to the temporary permit. These credentials will render the vehicle in compliance with the Agreement during the 30-day period until the carrier receives and affixes the annual decals.

(5) The temporary permit will contain the following information:

- (a) Carrier's Name;
- (b) Account Number;
- (c) Mailing Address;
- (d) City;
- (e) State;
- (f) Zip Code;
- (g) Issue Number;
- (h) Issue Date;
- (i) Expiration Date;
- (j) Issue Clerk;
- (k) Year of Vehicle;
- (l) Make of Vehicle;
- (m) Vehicle Identification Number.

(6) There is not a separate fee for the purchase of temporary permits because the permit serves as a temporary decal until the annual decals can be affixed to the qualified motor vehicle(s).

(7) An Alabama trip permit (Form MV: IFTA-DP-7) will contain the following information:

- (a) Issue Date;

- (b) Expiration Date;
- (c) Operator's Name;
- (d) Current License Number (vehicle tag number);
- (e) Mailing Address;
- (f) City;
- (g) State;
- (h) Zip Code;
- (i) State where the vehicle is registered;
- (j) Year of Vehicle;
- (k) Make of Vehicle;
- (l) Vehicle Identification Number;
- (m) Owner's Name;
- (n) Date Issued;
- (o) Issued by;
- (p) Agent;
- (8) An Alabama trip permit is valid for a period of seven (7) days.

(9) The fee for Alabama trip permits will be twenty (\$20) dollars. Agents of the state (e.g., permitting agencies) may charge a processing fee in addition to the fee imposed by the Commissioner of Revenue.

(10) Any qualified motor vehicle failing to display the current annual decals, a current temporary permit, or valid trip permit will be found to be in violation of the Agreement, and the vehicle operator will be subject to citations and fines in accordance with Section 40-17-155, Code of Alabama 1975. (Authority: Sections 40-7(a)(5), 40-17-153 and 40-17-271(c), Code of Alabama 1975); (History: New rule: Filed November 28, 2001, effective January 2, 2002; Amended: Filed November 8, 2006, effective December 13, 2006).

810-5-9-.06 Request for Additional IFTA Decals.

(1) An IFTA licensee may request additional IFTA decals by providing a completed *Request for Additional Decals* form MV:IFTA-5 and decal fee(s). The *Request for Additional IFTA Decals*, form will include the following information:

- (a) Company name and mailing address, including DBA; if applicable;
- (b) Total number of decal sets needed;

- (c) Total amount due;
- (d) IFTA Account Number and Fleet Number;
- (e) Signature;
- (f) Date;
- (g) Telephone number, including the area code.

(2) In order for the *Request for Additional IFTA Decals* to be approved, the applicant must not have any delinquent IFTA quarterly fuel use tax returns or outstanding liabilities. Either occurrence will be grounds for rejecting the request.

(3) Rejected requests will be returned, by the Department, to the mailing address provided on the request form, accompanied by a Form MV: IFTA-REJECT outlining the reason(s) the request was rejected.

(4) IFTA licensees may appeal the denial of an additional decal request by filing a notice of appeal with the Department's Administrative Law Division pursuant to Section 40-2A-8, Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c), Code of Alabama 1975) (New rule: Filed November 28, 2001, effective January 2, 2002; Amended: Filed November 8, 2006, effective December 13, 2006).

810-5-9-09 IFTA Decals – Fees, Accountability, Transferability.

(1) The fee, if any, for a set of Alabama IFTA decals is to be determined by the Commissioner of Revenue.

(2) During an audit, the licensee will be required to account for all decals issued, including unused decals.

(3) IFTA decals shall not be transferred between licensees or qualified motor vehicles. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c), Code of Alabama 1975) (History: New rule: Filed November 28, 2001, effective January 2, 2002; Amended: Filed January 29, 2007, effective March 5, 2007)

810-5-9-10 IFTA Quarterly Fuel Use Tax Returns.

(1) Each Alabama licensee shall file calendar quarterly fuel use tax returns with the Alabama Department of Revenue. Pursuant to 40-30-4, Code of Alabama 1975, the department shall have the authority to accept electronically filed returns.

(2) Effective April 1, 2009 quarterly fuel use tax returns are required to be filed electronically.

(3) The following is the required information to be reported.

- (a) Name and mailing address of the jurisdiction issuing the return;
- (b) The IFTA license number of the licensee;
- (c) The name and address of the licensee;

(d) The total distance traveled in all jurisdictions during the reporting period, including operations with trip permits;

- (e) Total fuel consumed in all jurisdictions during the reporting period;
- (f) The reporting quarter of the return;
- (g) The average fuel consumption factor, (i.e., MPG), to two decimal places for the reporting period;
- (h) The fuel type(s) being reported for the reporting period;
- (i) Columns to report in which jurisdiction(s) travel occurred;
- (j) Columns for reporting for each jurisdiction in order (with rounding provided to the nearest whole unit);
- (k) Tax rate;
- (l) Total distance;
- (m) Total taxable distance;
- (n) Taxable gallons;
- (o) Tax paid gallons;
- (p) Net taxable gallons;
- (q) Tax due;
- (r) Interest due;
- (s) Total due;
- (t) Totals for the columns that are listed above;
- (u) Penalty or late filing fees;
- (v) The total remittance of the return;
- (w) The date of the submitted return;
- (x) An electronic signature of the person filing the licensee's return;
- (y) The title of the person filing the licensee's return;
- (z) The telephone number of the person filing the licensee's return;
- (aa) Previous balances may be included.

(4) The quarterly fuel use tax returns are due by the last day of April, July, October, and January following the calendar year quarters. The returns will be considered timely filed if filed electronically and payment is received on or before the due date associated with each quarter. Provided, if the last day of the month falls on a Saturday, Sunday, or holiday, the return may be filed on the first work day of the following month without penalty.

(5) Penalty and interest will apply to returns filed, and payments received after the due date. A penalty will be charged for the following reasons:

- (a) failing to file a return;
 - (b) filing a late return;
 - (c) underpayment of taxes due.
- (6) Interest and penalty shall be assessed at a rate provided by the IFTA.

(7) All tax, interest, and penalties due shall be included in one payment to the Alabama Department of Revenue. Pursuant to Section 41-1-20(b)(2)(a), Code of Alabama 1975, payments for any taxes, fees and other obligations that are collected or administered by the Department of Revenue in the amount of seven hundred fifty dollars (\$750.00) or more shall be paid electronically.

(8) Failure to comply with the provisions of this rule may result in additional penalties pursuant to Sections 40-17-144 and 40-17-155, Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5), 41-1-20(b)(2)a, 40-30-4, 40-30-5 and 40-17-271(c), Code of Alabama 1975) (New rule: Filed November 28, 2001, effective January 2, 2002; Amended: Filed November 8, 2006, effective December 13, 2006; Amended March 11, 2009, effective April 15, 2009)

810-5-9-.12 IFTA Replacement Decals.

(1) A carrier may receive replacement decals upon submitting a notarized affidavit to the Alabama Department of Revenue. The affidavit must contain the following:

- (a) County of the business location;
- (b) Name of licensee;
- (c) Mailing address of licensee;
- (d) Reasons why replacement decals are being requested;
- (e) Date;
- (f) Signature;
- (g) Title;
- (h) IFTA Account Number;
- (i) The Affidavit must be notarized.

(2) The Department will replace decals based upon reasonable cause as outlined in the affidavit. The decals must have been in transit, to the licensee, for a reasonable length of time before the Department will process the decal replacement request.

(3) It is the responsibility of each licensee to have the current mailing address on file with the Alabama Department of Revenue. If the Department mails IFTA credentials to the address provided by the licensee and the address is not correct, the Department shall not issue replacement decals.

(4) Should the missing decals be recovered, the licensee must immediately forward the decals to the Alabama Department of Revenue. If the licensee fails to forward the decals, he or she shall be guilty of a misdemeanor, and subject to fines as defined in Section 40-12-265, Code of Alabama 1975.

(5) IFTA licensees may appeal the denial of replacement decal requests by filing a notice of appeal with the Department's Administrative Law Division pursuant to Section 40-2A-8, Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c), Code of Alabama 1975) (History: New rule: Filed November 28, 2001, effective January 2, 2002; Amended: Filed November 8, 2006, effective December 13, 2006)

810-5-9-13 Cancellation, Suspension, or Revocation of an IFTA Account.

(1) A licensee who desires to cancel an IFTA account must do so, in writing, to the Alabama Department of Revenue.

(2) The licensee may elect to either check the "Cancel License" box on Form IFTA-100, on the IFTA quarterly fuel use tax return or submit a letter requesting license cancellation.

(3) The licensee's account must be in good standing (no outstanding liabilities and/or delinquent quarterly fuel use tax returns) before the Department will grant the cancellation request.

(4) The licensee must surrender the IFTA credentials (i.e., license and decals) to the Department. If, however, the decals cannot be returned due to destruction, etc., the licensee must submit a notarized affidavit stating the reason credentials cannot be surrendered.

(5) Failure to comply with the provisions of paragraphs (3) and (4) above will cause the account to remain active. A carrier will be responsible for timely filing the quarterly fuel use tax returns for each quarter the account remains active.

(6) All IFTA accounts are automatically cancelled by the Department if the IFTA account is not renewed.

(7) IFTA accounts may be revoked for outstanding liabilities, delinquent quarterly fuel tax returns, or the revocation of the licensee's International Registration Plan (IRP) license.

(8) Upon determination that a revocation should be made, the Department shall give written notice to the licensee to the address provided on the licensee's most recent *Application for License*. The notice will state the reason(s) for the action and will establish a hearing date, time, and place for the licensee to offer objections.

(9) Licensees whose IFTA license is revoked may appeal to the Administrative Law Division pursuant to Section 40-2A-8, Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c), Code of Alabama 1975) (History: New rule: Filed November 28, 2001, effective January 2, 2002; Amended: Filed November 8, 2006, effective December 13, 2006)

810-5-9-14 Petition for Refund for Fees Erroneously Paid for IFTA Decals.

(1) Licensees who purchase IFTA decals in error, may be entitled to a refund of the decal fee.

(2) Licensees requesting a refund of decal fees must complete and submit the Petition for Refund for Fees Erroneously Paid for IFTA Decals Form MV:IFTA-PDR; and the unused decals to the Alabama Department of Revenue.

(3) The *Petition for Refund for Fees Erroneously Paid for IFTA Decals* shall contain the following information;

(a) Name. If the business is individually owned, enter the owner's name. If the business is a partnership, enter the legal name of the partnership. If the business is a corporation, enter the legal name exactly as it is registered with the Secretary of State for the State of Alabama. If the business is a limited liability corporation (LLC) enter the legal name of LLC;

(b) Taxpayer ID Number (FEIN or SSN);

(c) Doing Business As (Trade Name) if applicable;

(d) Telephone Number, including the area code;

(e) Address. This is the mailing address of the carrier;

(f) City;

(g) State;

(h) Zip Code;

(i) Contact Person;

(j) Type of Ownership- Indicate whether the business is owned by an individual, a partnership, corporation, or other type of entity, specifying the entity type;

(k) Indicate the range of decal numbers purchased in error. If there are skips in the decal numbers, attach an additional sheet and list each decal number;

(l) Provide a detailed statement as to why the petitioner believes the refund should be granted. Additional sheets may be attached if necessary- ;

(m) Number of decals purchased in error;

(n) Total Refund amount requested;

(o) Authorized signature, under penalties of perjury, that the petition for refund is true, correct, and complete. If the entity is a sole proprietorship, the owner must sign this form. If the entity is a corporation, a corporate officer must sign. All partners must sign if the entity is a partnership. An agent may sign for a LLC. An attorney or agent of the taxpayer may sign the form provided this action is specifically authorized by a power of attorney;

(p) Title of person(s) signing the petition for refund;

(q) Date the petition was signed;

(r) The petition must be notarized.

(4) The Petition for Refund will be denied - and returned to the petitioner if sufficient information is not submitted.

(5) The Department will not refund fees for used decals (i.e., decals previously affixed to a vehicle).

(6) Refunds will not be issued for amounts under \$10. Decal fees shall not be prorated.

(7) A licensee may appeal the denial of a petition for refund by filing a notice of appeal in accordance with Section 40-2A-7(c)(5), Code of Alabama 1975. (Authority: Sections 40-2A-7(a)(5) and 40-17-271(c), Code of Alabama 1975) (History: New rule: Filed November 28, 2001, effective January 2, 2002; Amended: Filed November 8, December 13, 2006)

810-5-17-.01. Scrapping, Dismantling or Destroying Vehicle - Including Total Loss and/or Salvage.

(1) When a motor vehicle titled and domiciled in Alabama is scrapped, dismantled, destroyed, salvaged or considered a total loss as defined in Section 32-8-87, Code of Alabama 1975, as amended, it will be the responsibility of the owner or any person acquiring ownership (individual, company, or insurance company) to complete form MVT 41-1 (Report of Total Loss Settlement, Scrapped, Dismantled or Destroyed Vehicle and Application for Salvage Certificate of Title), and mail or deliver to the Department of Revenue as soon as practicable for processing. Form MVT 41-1 shall be filled out on either a typewriter or printer, using **BLACK INK**, and shall contain the following information:

(a) Individual completing MVT 41-1 must verify Vehicle Identification Number (V.I.N.) and other vehicle information using information obtained from the outstanding certificate of title and the vehicle being reported as salvage. If a discrepancy in the V.I.N. is found the current titled owner must obtain a corrected certificate of title prior to the submission of the MVT 41-1.

(b) Owner information area must be completed using the name of individual or company that is obtaining the salvage certificate of title. Individuals should be listed last name first. The owner's resident address must be listed if the address is different from the mailing address. A Post Office Box is not considered a resident address.

(c) Lienholder information should be completed only when there is outstanding lien on the vehicle. If a lien recorded on the outstanding certificate of title has been satisfied, a lien release must be provided, unless released on the certificate of title in the space provided.

(d) Owner's authorization for special mailing section may be completed only when there are no outstanding liens on the vehicle.

(e) When the owner (individual or company) making application for a salvage certificate of title is either uninsured or self-insured, SECTION A of the MVT 41-1 must be completed and signed by the applicant. Applicant must disclose whether the vehicle was Wrecked, Scrapped, Recovered Theft, Dismantled, Destroyed, Or Sold For Parts Only. Vehicles which are disclosed as Destroyed or Sold For Parts Only cannot be rebuilt and no subsequent certificate of title will be issued for the vehicle.

(f) When an insurance company has declared the vehicle to be a total loss, and paid compensation to the owner, SECTION B must be completed and signed by an authorized representative of the insurance company. The authorized representative must disclose whether the insurance company is making application for a salvage certificate of title, or the owner is retaining the salvage on the vehicle, by marking the appropriate block in SECTION B and completing the OWNER INFORMATION accordingly.

(2) Supporting Documents:

(a) Outstanding certificate of title, properly assigned if necessary.

(b) Fee (see Schedule of Fees and Commissions)

NOTE: Scrap Metal Processors Acquiring A Total Loss Vehicle For The Purpose of Recycling Into Metallic Scrap for Remelting Purposes - Do Not Have To Obtain A Salvage Certificate Of Title Prior To Destroying A Damaged Vehicle. (Authority: Sections 32-8-1 through 32-8-88, Code of Alabama 1975) (Adopted December 10, 1997)

810-5-19-.04. Security Interest - Motor Homes. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

When titling a motor home, where two (2) manufacturer's statements of origin are furnished (one on the chassis and one on the house) both manufacturer's statements of origin must be submitted and the title will be issued reflecting the vehicle identification number of the chassis, but the security interest will be perfected on both chassis and home. (Authority: §32-8-3(a)(2))

810-5-19-.05. Security Interest - Perfection on Motor Vehicles Excluded from Department Records. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

A security interest in a motor vehicle not required to be titled under Act 765, cannot be perfected by filing with the Department of Revenue. A security interest in such a vehicle may be perfected under the Uniform Commercial Code by delivery of the required documents to the Probate Judge in the county in which the owner resides and the vehicle is domiciled, and as added security, a copy of these documents may be delivered to the Secretary of State, State Capitol, Montgomery, Alabama 36104. (Authority: §32-8-3(a)(2))

810-5-26-.01. Powers of the Department - Application for Alabama Vehicle Identification Number and Supporting Documents. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) An owner of a motor vehicle from which the manufacturer's vehicle identification number plate has been previously removed, as required by Act 765 or by statutes of another state or jurisdiction, must make application for an Alabama assigned vehicle identification number on form MVT 26-3 when this vehicle is repaired, rebuilt or remanufactured and it's operation on the public streets and highways of Alabama would require the titling and licensing of the vehicle in this state.
- (2) When making application for an Alabama assigned vehicle identification number, a properly signed and certified bill of sale, which provides the vehicle description, including the manufacturer's vehicle identification number, from the insurance company that declared the vehicle as salvage or from the registered owner, to the salvage buyer, shall be required. A chain of ownership by proper bill of sale from the salvage buyer to the next owner, and to each owner thereafter, to the applicant, must be attached to the bill of sale from the insurance company or registered owner. Whenever any major component part (engine, frame, body or transmission) is replaced and is not that component in the original salvaged vehicle, appropriate bill(s) of sale for that component part will also be required.
- (3) After an application for an Alabama assigned vehicle identification number has been approved, an Alabama vehicle identification number plate will be delivered to the owner and the vehicle will be inspected to determine where, on the vehicle, the Alabama identification number plate must be installed.
- (4) After an Alabama vehicle identification number plate is installed, application may then be made for an Alabama certificate of title on form MVT 5-1. (Authority: §32-8-3(a)(2))

810-5-26-.02 Powers of the Department – Revocation and Denial of Authority to Act as Designated Agent of the Department.

- (1) The term "department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) Section 32-8-3(b)(4), **Code of Alabama 1975**, as amended, permits the department to revoke the authority of any previously appointed designated agent of the department upon finding that the designated agent has failed to faithfully perform their duties under Chapter 8, Title 32 of the **Code of Alabama 1975**, as amended. This Section also provides, effective January 1, 2004, that the department may revoke the authority of any previously appointed designated agent of the department or deny an application for appointment as a designated agent of the department, if the designated agent or designated agent applicant has been or is convicted of violating any felony provisions of Chapter 8, Title 32, or Title 40 of the **Code of Alabama 1975**, as amended.

(3) If the department has cause to believe that a designated agent has failed to faithfully perform their duties as set out in Chapter 8, Title 32 of the **Code of Alabama 1975**, as amended, or that a designated agent applicant has been convicted of violating any felony provision of Chapter 8, Title 32, or Title 40 of the **Code of Alabama 1975**, as amended, the department shall mail to that designated agent or designated agent applicant a written notice detailing the area or areas of alleged non-compliance. The written notice shall advise the designated agent or designated agent applicant that they have ten (10) calendar days from the date of the department's written notice in which to submit a written response either refuting alleged non-compliance or detailing the action they have taken to correct the area or areas of non-compliance that existed, or submit a written response as to why the felony conviction of a provision of Chapter 8 of Title 32, or of Title 40, Code of Alabama 1975, as amended, should not lead to the revocation or denial of the designated agent license.

(4) If the designated agent or designated agent applicant fails to respond in writing to the department within the prescribed time allotted, or fails to take the necessary action to resolve the matter to the satisfaction of the department, a letter will be mailed to the designated agent advising of the department's intention to revoke their authority as a designated agent or to the designated agent applicant advising that their application for a designated agent license has been denied. The letter shall also serve as notice to the designated agent or designated agent applicant of their right to appeal the department's intended action to the Administrative Law Division of the department. The letter shall be mailed to the designated agent or designated agent applicant, certified mail return receipt requested, at the address of record.

(5) Under Section 40-2A-8, **Code of Alabama 1975**, as amended, the designated agent or designated agent applicant shall have thirty (30) calendar days from the date of the revocation letter to file a written notice of appeal with the Administrative Law Division. If the Administrative Law Division does not receive written notice of appeal within the allotted time, the department's decision to revoke the authority of the designated agent or deny the authority of a designated agent applicant, will become final. The designated agent will be required to immediately deliver to the department their Designated Agent Certificate, monies collected and due the department, title applications, title documents, and other title forms supplied to the agent by the department as a result of having been afforded designated agent status by the department. In order to insure compliance with the revocation process, the department may call upon any law enforcement agency of the state to seize the Designated Agent Certificate, monies collected and due the department, title applications, title documents, and other title forms which the agent is required to surrender to the department provided the agent has not voluntarily returned the items.

(6) The department shall not allow any individual listed as a principal officer of a previously revoked designated agent, or an employee or representative of the previously revoked designated agent whose actions contributed to the revocation of the designated agent, to circumvent the law and become a designated agent using a different company name or entity status. If the department determines that a principal officer, employee, or representative of a previous designated agent, whose designated agent status was revoked for failing to faithfully perform their duties, has made application to be

appointed as a designated agent of the department under a different company name, or entity status, the department shall have grounds to refuse the company's application for designated agent status. (Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975) (History: New rule: Filed November 5, 1997, effective December 10, 1997; Amended: Filed May 18, 2004, effective June 22, 2004.

810-5-27-.01. Hearings - Aggrieved Persons.

- (1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.
- (2) The Department shall notify in writing the owner (s) or applicant(s) and recorded lienholder(s) or lienholder(s) reflected on the application for certificate of title of an act or proposed act or refusal to act by the Department concerning the denial, suspension, or revocation of a certificate of title. A taxpayer aggrieved by such act, proposed act, or refusal to act by the Department shall be entitled to file a notice of appeal with the Department's Administrative Law Division within thirty (30) days of the date the Department's written notice was mailed. Such written notice shall be mailed to the concerned party's/parties' last known address on record with the Department, and must be mailed by either first-class or certified mail.
- (3) When filed within the proper time frame, the appeal will be set for a hearing by the Administrative Law Division and proceed in accordance with the provisions of Title 40, Chapter 2A, Code of Alabama 1975. (Authority: Sections 40-2A-1 through 40-2A-11, Code of Alabama 1975) (Adopted December 10, 1997.)

810-5-31-.01. Schedule of Fees and Commissions - Remittance of Fees by Personal Checks or Company Checks of Designated Agents. Reference: Section 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.
- (2) When applications for certificates of title (form MVT 5-1c) are submitted to the Department by a designated agent, the accompanying check, in payment of title fees, shall be payable by and remitted by the designated agent who processed the applications and this check shall be made payable to the State of Alabama Revenue Department.
- (3) A personal check remitted for title fees payable against the account of anyone other than a designated agent will be returned along with the accompanying applications unless prior approval is obtained from the Department.
- (4) There shall be paid to the Department for issuing and processing documents a fee as established in Section 32-8-6, Code of Alabama 1975. (Adopted through APA effective November 24, 1999)

810-5-41-.01. Salvage - Plate Removed, Number Inscribed on Salvage; Number Furnished on Application for Alabama Vehicle Identification Number, and Number Required on All Bills of Sale or Invoices upon Sale of Salvage. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) When the manufacturer's identification number plate, or Alabama replacement number plate is removed from a motor vehicle under requirements of Section 17 or 41 of Act 765, the owner or insurance company agent removing this plate shall have the vehicle identification number permanently inscribed on the firewall or if firewall is not accessible, on another permanent part of the chassis in the manner that will be easily accessible and legible for inspection by law enforcement officers and agents of the Revenue Department.

(2) The vehicle identification number inscribed on the vehicle as required in (1) above shall be provided by an applicant on an application for an Alabama assigned vehicle identification number (form MVT 26-3) in instances where the vehicle is rebuilt, repaired, or restored for use on the streets and highways of Alabama and which is required to be titled and registered as a motor vehicle in this state. After installation of an Alabama assigned vehicle identification number plate (original number with "AL" prefix) issued by the Revenue Department, the owner of a rebuilt, repaired, or restored vehicle may then make application for Alabama certificate of title using the new Alabama assigned vehicle identification number.

(3) The original manufacturer's vehicle identification number or Alabama replacement number shall be shown on any bill of sale or invoice transferring ownership of a 1975 model or subsequent year model motor vehicle which has been dismantled, scrapped, destroyed, or has become salvage. (Authority: §32-8-3(a)(2))

810-5-41-.02. Salvage - Owner's Responsibility on Insurance Settlement. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

When an insurance company or other person makes a settlement with an owner for the total loss of a motor vehicle that requires the certificate of title, the manufacturer's identification number plate, and the license plate of such vehicle to be mailed or delivered to the Department, the delivery of these items by the owner to the insurance company will fulfill the owners requirements to the Department. (Authority: §32-8-3(a)(2))

810-5-41-.03. Salvage - Responsibility of Insurance Company on Total Loss Payment. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

When a vehicle is determined to be a total loss because of the insurer paying to any person seventy-five percent (75%) or more of the cost, at the time of loss, of replacing the wrecked or damaged vehicle with one of like kind and quality, it will be the responsibility of the insurance company to complete form MVT 41-1 (Report of Total Loss Settlement), secure the certificate of title, vehicle identification number plate, license plate, and within seventy- two (72) hours after receiving them, forward them to the Department for processing. This rule applies regardless of whether the insurer or owner retains possession of the salvage. (Authority: §32-8-3(a)(2))

810-5-41-.05 Salvage - Determining Fair Retail Values for Total Loss Vehicles.

When a monetary settlement is paid on a damaged vehicle and the damage to the vehicle is greater than or equal to 75 percent of the fair retail value of the vehicle prior to the damage, the vehicle shall be considered to be a total loss. For the purpose of determining the fair retail value of a total loss vehicle, at time of loss, information shall be obtained from a current edition, including automated data base, of a nationally recognized compilation of retail values, such as, but not limited to the National Automobile Dealers Association's Used Car Guide, Southeastern Edition and National Market Reports, Inc., provided the publication or automated data base presents a fair and representative retail value of the vehicle within the state of Alabama. (Authority: Sections 32-8-1 through 32-8-88) (Adopted through APA November 22, 1996; amended June 7, 2000; amended February 28, 2002)

810-5-41-.06. Salvage - Salvage or Junk Vehicles brought into Alabama. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

The Department shall require the owner or a person having in his possession a vehicle determined to be salvage or junk, as defined in Section 17 and in Section 41 of Act 765, which is brought into the State of Alabama from another state or country, that does not require the

removal of the manufacturer's vehicle identification number plate and registration license plate, to remove and mail or deliver them within seventy-two (72) hours, from time of entry into Alabama, to the Department for processing. (Authority: §32-8-3(a)(2))

810-5-41-.07. Salvage - Motorcycles, Semi-Trailers, etc. Procedure on Vehicles that do not have Vehicle Identification Number Plates to be Removed when Total Loss Occurs. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) When salvage or total loss occurs on motor vehicles that do not have vehicle identification number plates installed by their manufacturer and the vehicle identification number is die stamped into the frame or chassis by the manufacturer, the letter "T" shall be die stamped in the front of the first character of the vehicle identification number and the letter "L" shall be die stamped behind the last character of the vehicle identification number.

(2) This procedure will be acceptable to meet the requirements for removing the vehicle identification number plate since it will identify the vehicle as being subject to a total loss and will prevent the destruction of a frame to a motorcycle or defacing a vehicle that may be rebuilt. (Authority: §32-8-3(a)(2))

810-5-50-.12. Notice Of Missing Document (FORM MVT 5-8).

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) The purpose of form MVT 5-8 (Notice of Missing Document) is to allow the county official responsible for accepting applications for certificates of title and issuing license tags, to perform such duties for the owner of a motor vehicle which is required to be registered and titled in Alabama, when the outstanding out-of-state certificate of title in the owner's name is held by the recorded lienholder.

(3) Upon the owner surrendering a legible copy of his/her outstanding out-of-state title reflecting the recorded lienholder, the county may accept the owner's application for certificate of title and issue license tag, and allow the owner to properly complete form MVT 5-8 (Notice of Missing Document) to be submitted to the Department in lieu of the outstanding out-of-state certificate of title. The form MVT 5-8 (Notice of Missing Document) shall contain the following information:

- (a) Designated agent number of the County submitting the title file,
- (b) Application number,
- (c) Vehicle identification number, year model, and make,
- (d) Name of owner(s),
- (e) Name and address of lienholder,
- (f) Account number of loan and the lien date,
- (g) Statement by applicant identifying the current certificate of title number and the name of the issuing State, or stating that the title document is a Manufacturer's Certificate of Origin, and
- (h) Signature of the applicant(s) and designated agent.

(4) The Department will make a written request for the outstanding out-of-state certificate of title to the recorded lienholder upon receipt of the following from the designated agent:

- (a) MVT 5-1C (Application for Certificate of Title) completed, and signed in accordance with Department requirements,
- (b) MVT 5-8 (Notice of Missing Document) completed and signed by both the applicant and county official,
- (c) Legible copy of outstanding out-of-state certificate of title in the name of the applicant with lienholder recorded, and
- (d) Fee (see Schedule of Fees and Commissions).

NOTE: The reverse side of the MVT 5-8 (Notice of Missing Document) contains a list of states in which the owner rather than the recorded lienholder holds the certificate of title. A copy of a certificate of title from a state listed on the reverse side of the MVT 5-8 shall not be accepted by the county official unless the applicant provides evidence that the recorded lienholder is in possession of the original. (Authority: Section 32-8-1 through 32-8-88, Code of Alabama 1975) (Adopted December 10, 1997)

810-5-50-13.01. Powers of Attorney - Guidelines for Use.

- (1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.
- (2) To be acceptable by the department, a power of attorney must be an original document except as provided in paragraph (5), contain essential information, and be prepared on paper which shall meet the minimum requirements listed. In the event of multiple transactions, an original power of attorney is required for each individual transaction.
- (3) Essential information which must be provided on powers of attorney is as follows:
 - (a) Date document completed,
 - (b) Name and address of individual appointed as attorney-in-fact,
 - (c) Original signature of attorney-in-fact (required on non departmental power of attorney only if space provided for signature on document),
 - (d) Complete description of vehicle, including vehicle identification number (VIN), year, make, model and body type,
 - (e) Purpose(s) for which appointment intended (owner shall initial each purpose listed on MVT 5-13 for which appointment is intended),
 - (f) Original signature of owner (individual appointing attorney-in-fact) and his/her address, and
 - (g) Notarization.
- (4) The MVT 5-13 power of attorney is printed on 8½"x11", 20 lb. paper. All non-departmental powers of attorney shall be required to be printed on no less than 20 lb. paper with recommended dimensions of 8½"x11", but not less than 8½"x5½" dimensions (half a sheet).
- (5) EXCEPTIONS:
 - (a) Upon prior approval of the department, companies involved in the leasing of vehicles into Alabama may provide their lessee a facsimile rather than an original power of attorney provided it meets approved criteria. The facsimile must contain essential information as listed above in paragraph (2) with the exception of original signatures. The original document from which the facsimile is generated shall contain the notarized signature of a company official with the corporate seal affixed, and shall contain the following disclaimer:
 - (b) "The signature of the Executive Vice President, any Vice President, or other Officer of (Company Name) specifically authorized by the company to bind the company, and the seal of the company may be affixed by facsimile on this power of attorney and such facsimile signature and seal shall be valid and binding on the company to the same extent as original signature and seal."
 - (c) A general power of attorney is not limited to the registration and titling of a vehicle. It grants the attorney-in-fact the authority to transact all business on behalf of the principal. Accordingly, the original must be retained by the attorney-in-fact. (Authority: Section 32-8-1 through 32-8-88, Code of Alabama 1975) (Adopted December 10, 1997)

810-5-50-32. Report of Unclaimed Vehicle - Where Vehicle Unclaimed for Longer than Thirty (30) Days (Form MVT 38-1).

- (1) An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed for the period designated in Section 32-8-84(c), Code of Alabama 1975, and whose owner's name and address are unknown to the operator, shall complete a report of unclaimed vehicle (Form MVT 38-1) and cause such form to be mailed or delivered to the Department within the period established in Section 32-8-84(c), Code of Alabama 1975.

(2) The individual completing the report of an unclaimed vehicle (Form MVT 38-1) shall provide the following information on the form: vehicle identification number, make, year, model, body type, color, number of cylinders, date vehicle was left at operator's establishment, name and address of firm making report, type of firm making report, license plate number and state of issuance if available, name of law enforcement agency if impounded by such an agency, and the signature and date of the individual who completes the form.

(3) A certified copy of the Alabama title history including the current Alabama title information for any vehicle reported as unclaimed may be obtained from the Department upon written request and the payment of the required fee as specified in Section 32-8-6, Code of Alabama 1975, as amended. (Authority: Section 32-8-1 through 32-8-88, Code of Alabama 1975, as amended) (Adopted November 22, 1996)

810-5-75-.01. Title Procedure - First Title For Vehicle Salvaged In a Jurisdiction Other Than Alabama. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent completed MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by owner and designated agent.

(2) Supporting Documents:

(a) Surrender outstanding out-of-state salvage title, permit to dismantle or junking certificate, properly assigned to owner, or letter of certification from the jurisdiction in which the vehicle was salvaged. NOTE: When letter of certification is surrendered in lieu of salvage title, permit to dismantle, etc., then notarized bills-of-sale shall be provided from the insurance company down through the chain of ownership to the owner repairing or rebuilding the vehicle in Alabama.

(b) Form MVT 26-10 (Affidavit Supporting Salvage Certificate) properly completed and notarized. NOTE: Any major component parts that are replaced during the repairing or rebuilding of the vehicle shall be listed on form MVT 26-10 and a notarized bill-of-sale for the replaced component part must be furnished. This notarized bill-of-sale must contain the vehicle identification number of the vehicle from which the component part came or the identifying number (serial number) and trade name of the component part.

(3) Fee of \$4.00. (Authority: §32-8-3(a)(2))

810-5-75-.02. Title Procedure - First Title For A Homemade Trailer. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Prior to making application for title, owner must first obtain (available from probate office, license commissioner, or director or revenue in the various counties and from the State Department of Revenue) and complete form MVT 26-1 (Application for Alabama Assigned Vehicle Identification Number for Homemade Trailer). Upon receipt of properly completed form MVT 26-1, the Department will issue a vehicle identification number plate which will have a vehicle identification plate attach same to the homemade vehicle as per instructions on the reverse side of form MVT 26-2. Once owner has completed attaching assigned vehicle identification number plate to the homemade vehicle then he may apply for title by delivering the vehicle to a designated agent of the Department.

(2) Supporting Documents:

(a) Designated agent completed MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by designated agent and owner.

(b) Completed form MVT 26-2 (Assigned Vehicle Identification Number for Homemade Trailer).

(c) Fee of \$4.00. (Authority: §32-8-3(a)(2))

810-5-75-.05. Title Procedures on Title Applications for an Alabama Certification of Title Submitted by an Alabama Out-of-State Resident- Transfer of Title for A Used 1975 and Later Model Vehicle. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Owner and person making the sale completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK). The owner will sign the application in the presence of the officer making the inspection of the vehicle.
- (2) Supporting Documents:
 - (a) Surrender outstanding title, properly assigned.
 - (b) Completed form MVT 5-9.
 - (c) Fee of \$4.50 (if the surrendered title is an Alabama certificate of title, the fee will be \$3.50)
- (3) Certified Funds Only - Payable to the judge of probate or license commissioner or director of revenue (one that is applicable) of the county of the legal resident. (Authority: §32-8-3-(a)(2))

810-5-75-.06. Title Procedures on Title Applications for an Alabama Certificate of Title Submitted by an Alabama Out-of-State Resident - First Title For a New (1975 and Later Models) Vehicle. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Owner and dealer completes MVT 5-1 (Application for Title). Application must be filled in properly with the typewriter (BLACK INK). Owner will sign application in the presence of the officer making the inspection of the vehicle.
- (2) Supporting Documents:
 - (a) Certified copy of manufacturer's certificate of origin, properly assigned to owner.
 - (b) Completed form MVT 5-9.
 - (c) Fee of \$4.50 (Certified Funds Only) payable to judge of probate or license commissioner or director of revenue (one that is applicable) of the county of the legal resident.
- (3) NOTE: The above application and all required supporting documents and the required fee must be mailed to the judge of probate or license commissioner or director of revenue in the county of the legal resident for further handling.
- (4) NOTE: If a security interest (lien) is created at the time of purchase of the vehicle by the owner, the title will list the lienholder and be mailed to the first lienholder and memorandum copy mailed to the owner, no additional fee is required to perfect a security interest at the time of purchase of a vehicle.
- (5) NOTE: When form MVT 5-1 has been completely filled out and signed by owner, owner will retain part 2 of the application (owner's permit to operate the vehicle) in his possession until the Department issues a certificate of title. If a security interest lien is created at the time of purchase of the vehicle, the lienholder will be given part 4 of the application (lienholder's copy to be retained by him until the Department issues a certificate of title for the vehicle. The title will be mailed to first lienholder listed on the title and memorandum copy to the owner. (Authority: §32-8-3(a)(2))

810-5-75-.07. Title Procedure - Request For Change of Address Only On A Certificate of Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) The owner may notify the Department by completing, properly, form MVT 1-1 (Address Correction Only), or provide in writing a notice by the owner of the change of address.

- (2) Supporting Documents:
 - (a) Form MVT 1-1 or notice in writing shall be mailed or delivered to the Department of Revenue for address correction.
 - (b) Fee: No charge.
- (3) NOTE: The owner shall within thirty days after his address is changed from that shown on the application for title or on the certificate of title notify the Department of the change of address. The Department will record the address correction but will not issue a corrected certificate of title. (§32-8-3(a)(2))

810-5-75-.08. Title Procedure - Application For Corrected Certificate of Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1. Application must be properly filled in with a typewriter (BLACK INK), signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Surrender outstanding title that needs correcting.
 - (b) Mark on surrendered title the area of error.
 - (c) All documents to support the needed corrections.
 - (d) Fee of \$3.00.
- (3) NOTE: If the error was made by the Title Section in issuing the original title, no fee will be charged. If error was made prior to the application being received by the Title Section, a fee of \$3.00 will be charged and collected. (§32-8-3(a)(2))

810-5-75-.09. Title Procedure - Transfer of Title For A Vehicle From A Deceased Owner Whose Estate Does Not Require Probate (No Will). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK). The date of purchase is the date of the death of the deceased. Application must be signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Surrender outstanding title.
 - (b) Completed form MVT 5-6 (Affidavit for Assignment of Title for a Vehicle When Deceased Owner Dies Without a Will).
 - (c) Certified copy of death certificate.
 - (d) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-.10. Title Procedure - Transfer of Title For A Vehicle From A Deceased Owner Whose Estate Does Not Require Probate (Left Will). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK). The date of purchase is the date of the death of the deceased. Application must be signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Surrender outstanding title.
 - (b) Certified copy of death certificate.
 - (c) A copy of the will.
 - (d) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-.11. Title Procedure - Transfer of Title For A Vehicle From A Deceased Owner Whose Estate Requires Probate (Left Will). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK). The date of purchase is the date the will was probated. All applications must be signed by designated agent and owner.

(2) Supporting Documents:

(a) Surrender outstanding title, properly assigned to the new owner by the executor(s) or executrix(s).

(b) Certified copy of the letters of testamentary regarding said vehicle.

(c) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-12. Title Procedure - Transfer of Title For A Vehicle From A Deceased Owner Whose Estate Requires Probate (No Will). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK). The date of purchase is the date of the probate proceedings. Application must be signed by designated agent and owner.

(2) Supporting Documents:

(a) Surrender outstanding title, properly assigned to the new owner by the administrator(s) or administratrix(s).

(b) Certified copy of the probate proceedings or letters of administration, regarding said vehicle.

(c) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-13. Title Procedure - Transfer of Title For A Vehicle Obtained By A Sheriff's Or Court Sale. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent completes MVT 5-1 (Application for Title). Application must be filled in properly with a typewriter (BLACK INK). The date of purchase is the date of court or sheriff's sale. All applications must be signed by designated agent and owner.

(2) Supporting Documents:

(a) Surrender outstanding title.

(b) Certified copy of sheriff's or court order, bill of sale, deed or documents evidencing the sale issued by the official who conducts the sale of said vehicle.

(c) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-14. Title Procedure - Transfer of Title For A Vehicle Obtained By Divorce Or Court Order. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent completes MVT 5-1. Application must be properly filled in with a typewriter (BLACK INK). The date of purchase is the date of court order. All applications must be signed by designated agent and owner.

(2) Supporting Documents:

(a) Surrender outstanding title.

(b) Certified copy of the court order and/or exhibits thereto pertaining to the vehicle.

(c) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-15. Title Procedure - Application for Replacement Alabama Certificate of Title (Form MVT 12-1).

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) Titled owner or lienholder of record shall provide the following information on an application for replacement title (form MVT 12-1):

(a) Vehicle identification number, year model, make, model, body type, number of cylinders, date of purchase, number of liens, color, and odometer reading.

(b) Owner's name, address, and the address where replacement title is to be mailed.

(c) Reason replacement title is required as established in Section 32-8-43(a), Code of Alabama 1975.

(d) Signature of owner(s)/lienholder(s) or their authorized representative.

(3) If there is a lienholder of record on the title for which a replacement title is being requested, the lienholder's authorized representative shall complete the MVT 12-1 unless a separate lien release is provided.

(4) Applicant must provide the following supporting documents:

(a) Outstanding Alabama title unless title has been lost, stolen or destroyed.

(b) Any documents such as powers of attorney, letters testamentary, letters of administration, letters of guardianship, letters of conservatorship, trust agreements, court orders or other documents required by the Department which support the right of someone other than the owner or lienholder to sign the MVT 12-1 on behalf of the owner or lienholder. If ownership of the vehicle is in joint tenancy then only one of the owners or owner's authorized representative is required to sign the application on behalf of all the owners of the vehicle.

(c) Fee (See Schedule of Fees and Commissions - Regulation 810-5-31-.01).

(5) Upon completion of the MVT 12-1 the applicant shall cause the MVT 12-1, required fee and any supporting documents to be delivered to the Department for processing.

(6) The issuance of a replacement title will not affect the requirement that each owner of a vehicle, other than a licensed dealer, obtain an Alabama title in the owner's name prior to transferring ownership of the vehicle.

(7) The Department will not issue a replacement title when the Department has evidence that the outstanding Alabama title was erroneously issued or fraudulently procured.

(8) Authorized employees of the Department may correct information provided on the application when the information provided is in error and does not match Department records for the vehicle. Information that may be corrected includes the vehicle identification number, year model, make, model, body type, number of cylinders, date of purchase, number of liens, color, odometer reading and owner(s) name(s). All corrections must be proved necessary by Department records.

(9) NOTE: A replacement certificate of title shall contain the following legend, "This is a replacement certificate and may be subject to the rights of a person under the original certificate." The new certificate of title will be mailed to the first lienholder named on it, or, if none, to the owner. If the new certificate of title is to be mailed to someone other than the owner(s) or lienholder, the application must be signed and dated by the owner(s) or owner's authorized representative. (Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975) (Adopted through APA effective November 24, 1999.)

810-5-75-.16. Title Procedure - Assignment and Transfer of Lien by Lienholder. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with typewriter (BLACK INK). (Designated agent and owner not required to sign application).

(2) Supporting Documents:

(a) Surrender outstanding title without lien released on face of title.

(b) Completed form MVT 21-1 (Assignment of Lien), original submitted with application.

(c) Fee of \$2.00. (§32-8-3(a)(2))

810-5-75-.17. Title Procedure - Repossessed (1975 and Later Model) Vehicle That Has Been Titled in Another State, First Title in Alabama. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by owner and designated agent.

(2) Supporting Documents:

(a) Surrender of out-of-state title.

(b) Completed form MVT 5-1 (Revised) (Repossessed Motor Vehicle Affidavit) or out-of-state equivalent form properly completed made by or on behalf of the lienholder that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.

(c) Certified copy of bill of sale from reposessor to purchaser, if repossession affidavit does not provide the transfer to the purchaser.

(d) Fee of \$4.00. (§32-8-3(a)(2))

810-5-75-18. Title Procedure - Transfer of Title for Used (1975 and Later Models) Vehicles, Currently Titled in Alabama. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by owner and designated agent.
- (2) Supporting Documents:
 - (a) Surrender outstanding Alabama title, properly assigned, to owner.
 - (b) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-19. Title Procedure - Repossessed (1975 and Later Model) Vehicle That Has Been Titled in Alabama With Lienholder (Repossessor) Properly Shown On Title. Reference: Sections 32- 8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Surrender of outstanding title.
 - (b) Completed form MVT 15-1 (Revised) (Repossessed Motor Vehicle Affidavit) made by or on behalf of lienholder that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.
 - (c) Fee of \$3.00. (§32-8-3(a)(2))

810-5-75-20. Title Procedure - Second or Third Lien or Security Interest Releases on Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Second or third lienholder will execute his release of security interest on the face of the title held by the first lienholder if available. If title is not available for second or third lienholder to execute release, then second or third lienholder shall complete form MVT 22-1 and deliver to first lienholder. (Original signature is required - NO STAMP IS PERMITTED FOR VALIDATION). First lienholder will immediately cause the title and form MVT 22-1 to be mailed or delivered to the Department. The delivery of the title does not effect the rights of the first lienholder named on it. The Department will issue a new title, removing the name of the second or third lienholder, showing the first lienholder's name only. The new title will be mailed to first lienholder with memorandum copy to owner.
- (2) Supporting Documents:
 - (a) Surrender outstanding title with second or third lien properly released or surrender outstanding title with form MVT 22-1 properly executed.
 - (b) Fee: No charge. (§32-8-3(a)(2))

810-5-75-21. Title Procedure - First Lien or Security Interest Releases on Title. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) First lienholder will execute a release of his security interest on the face of the title held by him (original signature must be signed on release - NO STAMP IS PERMITTED FOR VALIDATION), and forward to the Department. The Department will issue a new title listing no liens and the new title will be mailed to the owner. If there is a second lienholder shown on the title, first lienholder will mail or deliver the title to the second lienholder. Second lienholder will immediately cause the title to be mailed or delivered to the Department. The Department will issue a new title listing the second lienholder as first lienholder on the new title. The new title will be mailed to the first lienholder with memorandum copy to owner.
- (2) Supporting Documents:
 - (a) Surrender outstanding title with lien properly released.
 - (b) Fee: No charge. (§32-8-3(a)(2))

810-5-75-22. Title Procedure - Third Lien to be Added (Security Interest Created by Owner). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent and owner complete MVT 5-1 (Application for Title). (NOTE: If lienholder is not a designated agent then form MVT 20-1 may be used in lieu of form MVT 5-1). Application must be properly filled in with typewriter (BLACK INK), signed by owner and designated agent or lienholder (Form MVT 20-1). The application and required fee of \$2.00 will be delivered to first lienholder listed on application. First lienholder will

immediately cause application, outstanding title and required fee be delivered or mailed to the Department. The delivery of the certificate does not effect the rights of the first lienholder under his security agreement. (NOTE: If application is approved, new title will be mailed to the first lienholder with first and second lienholders listed, memorandum copy mailed to the owner).

(2) Supporting Documents:

(a) Surrender outstanding title.

(b) Application must show exact name as shown on outstanding title, and first and second lienholder shall be listed on application and the number three (3) shall be indicated in the number of liens box of the vehicle information portion of the application.

(c) Copy of third lienholder's security interest agreement.

(d) Fee of \$2.00. (NOTE: Security interest created at the time of transfer of vehicle is perfected with application for a certificate of title. There will not be an additional fee added to the fee for titling the vehicle in order to perfect the security interest. Application for a new certificate of title only to perfect a security interest, created by owner, requires a fee of two dollars (\$2.00). (§32-8-3(a)(2))

810-5-75-23. Title Procedure - Second Lien to be Added (Security Interest Created by Owner). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent and owner complete MVT 5-1 (Application for Title). (NOTE: If lienholder is not a designated agent then form MVT 20-1 may be used in lieu of form MVT 5-1). Application must be properly filled in with typewriter (BLACK INK), signed by owner and designed agent or lienholder (Form MVT 20-1). The application and required fee of \$2.00 will be delivered to first lienholder listed on application. First lienholder will immediately cause the application, outstanding title and required fee be delivered or mailed to the Department. The delivery of the certificate does not effect the rights of the first lienholder under his security agreement. (NOTE: If application is approved, new title will be mailed to the first lienholder with first and second lienholders listed, memorandum copy mailed to the owner).

(2) Supporting Documents:

(a) Surrender outstanding title.

(b) Application must show exact name as shown on outstanding title.

(c) Fee of \$2.00. (NOTE: Security interest created at the time of transfer of vehicle is perfected with application for a certificate of title. There will not be an additional fee added to the fee for titling the vehicle in order to perfect the security interest. Application for a new certificate of title only to perfect a security interest, created by owner, requires a fee of two dollars (\$2.00). (§32-8-3(a)(2))

810-5-75-24. Title Procedure - First Lien to be Added (Security Interest Created by Owner). Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent and owner complete MVT 5-1. (NOTE: If lienholder is not a designated agent then form MVT 20-1 may be used in lieu of form MVT 5-1). Application must be properly filled in with typewriter (including previous Alabama title number), signed by owner and designated agent or lienholder (Form MVT 20-1), and required fee of \$2.00 will be delivered to the lienholder. The lienholder shall immediately cause the application and required fee be mailed or delivered to the Department. (NOTE: If application approved, new title will be mailed to first lienholder and memorandum copy mailed to owner).

(2) Supporting Documents:

(a) Surrender outstanding title.

(b) Application must show exact name as shown on outstanding title.

(c) Fee of \$2.00. (§32-8-3(a)(2))

810-5-75-25. Title Procedure - First Title for a New (1975 and Later Models) Vehicle. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by owner and designated agent.
- (2) Supporting Documents:
 - (a) Certified manufacturer's certificate of origin, properly assigned to owner.
 - (b) Fee of \$4.00. (§32-8-3(a)(2))

810-5-75-.26. Title Procedure - Owner Application for an Alabama Certificate of Title on a Used (1975 and Later Models) Vehicle, Currently Titled in Another State. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with typewriter (BLACK INK), signed by owner and designated agent.
- (2) Supporting Documents:
 - (a) Surrender outstanding out-of-state title properly assigned to owner. NOTE: When outstanding out-of-state title is in the name of the owner applying for Alabama title and the out-of-state title is being held by a recorded lienholder, then the owner applying for Alabama title shall properly complete form MVT 5-8 (Notice of Missing Document) and submit in lieu of the outstanding out-of-state title.
 - (b) Fee of \$4.00 (First title in Alabama). (§32-8-3(a)(2))

810-5-75-.26.01. Title Procedure - Motor Vehicles Exempt From Titling in Other States - Reference: Section 32-8-1 through 32-8-88, Code of Alabama 1975, as amended.

- (1) Some states exempt from titling, motor vehicles which are a certain number of model years old or older as established in their Code. Those states allow ownership of such exempt vehicles to be transferred by a bill of sale. Although exempt from titling in those states, the vehicles are still required to be registered.
- (2) The State of Alabama requires that motor vehicles designated a 1975, and subsequent year model, (except those specifically exempted in Section 32-8-31, Code of Alabama 1975, as amended), be titled. Therefore, any motor vehicle entering Alabama which is required to be registered and titled as outlined in Section 32-8-30, Code of Alabama 1975, as amended, from a state where it was exempt from titling due to age, weight or type of vehicle, shall be titled in this state by the first Alabama purchaser (including licensed motor vehicle dealers). Application for title shall be supported by outstanding certificate of title issued for the vehicle, if any, and/or the last officially validated Registration, notarized (if required by the foreign jurisdiction) bill of sale, and lien satisfaction statement (if available).
- (3) Pursuant to Section 32-8-39 (b), Code of Alabama 1975, as amended, Alabama shall issue a "distinctive" certificate of title for all vehicles previously registered in a foreign jurisdiction whose laws do not require that lienholders be named on a certificate of title in order to perfect their security interests. The Alabama Certificate of Title shall contain the legend, "This vehicle may be subject to an undisclosed lien."
- (4) If no notice of a security interest in the vehicle is received by the department within four (4) months from the issuance of the distinctive certificate of title, the department shall, upon application and surrender of the distinctive certificate of title, issue a certificate of title in ordinary form.
- (5) Fee as required in the schedule of fees and commissions:
 - (a) Fee required for first certificate of title (containing legend).
 - (b) Fee required for certificate of title to remove legend.

(Authority: Sections 32-8-1 through 32-8-88 Code of Alabama 1975, as amended) (Adopted through APA effective June 21, 1995)

810-5-75-.27. Title Procedure - First Title For Vehicles Reconstructed With Glider Kits For A Vehicle To Be Titled That Has Been Reconstructed With A Glider Kit, The Glider Kit Must Be Designated By The Manufacturer On The Manufacturer's Certificate Of Origin A 1975 Or

Subsequent Year Model. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent completes form MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK), signed by designated agent and owner.

(2) Supporting Documents:

(a) If power train for the new glider kit (1975 or later year model) was removed from a 1974 year model or prior year model vehicle, the following documents are required:

1. Certified manufacturer's certificate of origin for new glider kit properly assigned to owner.
2. Notarized affidavit stating that the applicant is the recorded owner of the vehicle from which the power train was removed, providing vehicle identification number, make, model, etc., and also stating if there is a lien on the power train, who the lienholder is and the lienholder's address.
3. Certified copies of the applicant's registration receipts for the last two years covering the vehicle from which the power train was removed.
4. If the power train was obtained from a vehicle which was not owned by the applicant, a notarized bill-of-sale covering such power train must be attached. This notarized bill-of-sale shall contain the vehicle identification number of the vehicle from which the power train was removed. If the component parts of the power train were purchased individually, a notarized bill-of-sale covering each component part must be furnished. The notarized bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.
5. Notarized affidavit by the person reconstructing the vehicle stating what was done to reconstruct the truck or truck tractor and that said vehicle is now in operable condition.

(b) If power train for the new glider kit (1975 or later year model) was removed from a 1975 year model or subsequent year model vehicle the following supporting documents are required:

1. Certified manufacturer's certificate of origin for new glider kit properly assigned to owner.
2. Form MVT 17-1 (Report of Scrapped, Dismantled or Destroyed Vehicle), outstanding title, vehicle identification number plate, license plate on the vehicle from which the power train was removed if they have not been surrendered previously according to Sections 17 or 41 of Act 765. (See note.)
3. If the power train was obtained from a vehicle which was not titled in the applicant's name, a notarized bill-of-sale covering such power train must be attached. If the component parts of the power train were purchased individually, a notarized bill-of-sale covering each component part must be furnished.
4. Notarized affidavit by the person reconstructing the vehicle stating what was done to reconstruct the truck or truck tractor and that said vehicle is now in operable condition. c. Fee of \$4.00.

(3) The vehicle identification number to be shown on the application for certificate of title shall be the vehicle identification number shown on the manufacturer's certificate of origin covering glider kit.

(4) NOTE: An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall indicate same on the back of the certificate of title and shall within seventy-two (72) hours cause the certificate of title, the vehicle identification number plate and the motor vehicle license plate to be mailed or delivered to the Department. (§32-8-3(a)(2))

810-5-75-.28. Title Procedure - First Title For Assembled Vehicles.

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) The term "major component" as used in this regulation shall mean the following:

(a) For passenger vehicles:

1. Motor or engine.
2. Transmission or trans-axle.
3. Trunk floor pan or rear section and roof.
4. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame, except when it is a part of the trunk floor pan, or rear section and roof.
5. Cowl, firewall, or any portion thereof.
6. Roof assembly.

(b) For truck, truck type, or bus type vehicles:

1. Motor or engine.
2. Transmission or trans-axle.
3. Frame or any portion thereof (except frame horn), or, in the case of a unitized body, the supporting structure which serves as the frame.
4. Cab.
5. Cowl or firewall or any portion thereof.
6. Roof assembly.
7. Cargo compartment floor panel or passenger compartment floor pan.

(c) For motorcycles:

1. Engine or motor.
2. Transmission or trans-axle.
3. Frame.
4. Front fork.
5. Crankcase.

(3) VEHICLES ASSEMBLED WITH KITS.

(a) Before making application for title, the applicant must obtain (available from all County License Plate Issuing Officials and from the Department) and properly complete form MVT 26-3 (Application For Alabama Assigned Vehicle Identification Number).

NOTE: The vehicle identification number to be shown on form MVT 26-3 shall be the vehicle identification number of the vehicle from which the chassis or frame was removed. The applicant shall deliver completed form MVT 26-3 along with the following supporting documents to the Department.

(b) Supporting Documents:

1. For kits (1975 or subsequent year model) assembled with chassis or frame from a 1974 or prior model vehicle:

(i) Certified manufacturer's certificate of origin for new kit properly assigned to the applicant.

(ii) Certified copy of the most recent registration receipt in the applicant's name for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not registered in applicant's name, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(iii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

(iv) A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

2. For kits (1975 or subsequent year model) assembled with chassis or frame from a 1975 or subsequent year model vehicle:

(i) Certified manufacturer's certificate of origin for new kit properly assigned to the applicant.

(ii) Outstanding certificate of title (in applicant's name or assigned to applicant) for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not titled in applicant's name or assigned to the applicant and the certificate of title is unavailable, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(iii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

(iv) A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

(c) Fee (See Schedule of Fees and Commissions). Upon receipt of a properly completed form MVT 26-3 and the required supporting documents, the Department will issue a vehicle identification number plate which will have an assigned vehicle identification number embossed thereon. The Department will then notify the applicant to bring the assembled vehicle to an inspection station designated by the Department so that the Department can physically inspect the assembled vehicle and, if everything is in order, attach the vehicle identification number plate to the assembled vehicle. The Department and the applicant shall then complete forms MVT 26-4 and MVT 5-1c. The Department will then process forms MVT 5-1c, MVT 26-3, MVT 26-4, and any other required supporting documents and, upon approval, issue a certificate of title with legend "ASSEMBLED".

(4) VEHICLES (NOT INCLUDING TRAILERS) ASSEMBLED FROM PARTS

(a) Before making application for title, the applicant must obtain (available from all County License Plate Issuing Officials and from the Department) and properly complete form MVT 26-3 (Application For Alabama Assigned Vehicle Identification Number).

NOTE: The vehicle identification number to be shown on form MVT 26-3 shall be the vehicle identification number of the vehicle from which the chassis or frame was removed. The applicant shall deliver completed form MVT 26-3 along with the following supporting documents to the Department.

(b) Supporting Documents:

1. For vehicles assembled with chassis or frame from a 1974 or prior year model vehicle:

(i) Certified copy of the most recent registration receipt in the applicant's name for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not registered in applicant's name, then a notarized

bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(ii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

(iii) A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

2. For vehicles assembled with chassis or frame from a 1975 or subsequent year model vehicle:

(i) Outstanding certificate of title (in applicant's name or assigned to applicant) for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not titled in applicant's name or assigned to the applicant and the certificate of title is unavailable, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(ii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

(iii) A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

(c) Fee (See Schedule of Fees and Commissions). Upon receipt of a properly completed form MVT 26-3 and the required supporting documents, the Department will issue a vehicle identification number plate which will have an assigned vehicle identification number embossed thereon. The Department will then notify the applicant to bring the assembled vehicle to an inspection station designated by the Department so that the Department can physically inspect the assembled vehicle and, if everything is in order, attach the vehicle identification number plate to the assembled vehicle. The Department and the applicant shall then complete forms MVT 26-4 and MVT 5-1c. The Department will then process forms MVT 5-1c, MVT 26-3, MVT 26-4, and any other required supporting documents and, upon approval, issue a certificate of title with legend "ASSEMBLED".

(5) TRAILERS ASSEMBLED FROM PARTS (FROM ONE OR MORE TRAILERS)

(a) Before making application for title, the applicant must obtain (available from all County License Plate Issuing Officials and from the Department) and properly complete form MVT 26-3 (Application For Alabama Assigned Vehicle Identification Number).

NOTE: The vehicle identification number to be shown on form MVT 26-3 shall be the vehicle identification number of the vehicle from which the chassis or frame was removed. The applicant shall deliver completed form MVT 26-3 along with the following supporting documents to the Department.

(b) Supporting Documents:

1. For trailers assembled with chassis or frame from a 1974 or prior year model vehicle:

(i) Certified copy of the most recent registration receipt in the applicant's name for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not registered in applicant's name, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(ii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

2. For trailers assembled with chassis or frame from a 1975 or subsequent year model vehicle:

(i) Outstanding certificate of title (in applicant's name or assigned to applicant) for the vehicle from which the chassis or frame was removed, or if the chassis or frame was obtained from a vehicle which was not titled in applicant's name or assigned to the applicant and the certificate of title is unavailable, then a notarized bill-of-sale to the applicant for the chassis or frame must be attached. This bill-of-sale shall contain the vehicle identification number of the vehicle from which the chassis or frame was obtained.

(ii) If any of the major component parts were purchased individually, a notarized bill-of-sale for each component part must be attached. This bill-of-sale shall contain the identifying number (serial number) and trade name of the component part.

3. A bill-of-sale for each part other than a major component part.

4. A bill-of-sale for materials used in the construction of the vehicle.

5. A notarized affidavit by the person assembling the vehicle stating what was done to assemble the vehicle and that said vehicle is now in operable condition.

(c) Fee (See Schedule of Fees and Commissions). Upon receipt of a properly completed form MVT 26-3 and the required supporting documents, the Department will issue a vehicle identification number plate which will have an assigned vehicle identification number embossed thereon. The Department will then notify the applicant to bring the assembled vehicle to an inspection station designated by the Department so that the Department can physically inspect the assembled vehicle and, if everything is in order, attach the vehicle identification number plate to the assembled vehicle. The Department and the applicant shall then complete forms MVT 26-4 and MVT 5-1c. The Department will then process forms MVT 5-1c, MVT 26-3, MVT 26-4, and any other required supporting documents and, upon approval, issue a certificate of title with legend "ASSEMBLED".

(6) TRAILERS ASSEMBLED FROM PARTS - HOMEMADE TRAILERS (NOT MANUFACTURED FROM OTHER TRAILERS)

(a) Before making application for title, the applicant must obtain (available from all County License Plate Issuing Officials and from the Department) and properly complete form MVT 26-1 (Application For Assigned Vehicle Identification Number For A Homemade Trailer).

(b) Supporting Documents:

1. A bill-of-sale for each part with the identifying (serial) number (if available) and trade name for that component part listed on the bill-of-sale.

2. A bill-of-sale for materials used in the construction of the vehicle.

(c) Fee (See Schedule of Fees and Commissions). Upon receipt of a properly completed form MVT 26-1 and the required supporting documents, the Department will issue a vehicle identification number plate which will have an assigned vehicle identification number embossed thereon. The Department will then notify the applicant to bring the assembled vehicle to an inspection station designated by the Department so that the Department can physically inspect the assembled vehicle and, if everything is in order, attach the vehicle identification number plate to the assembled vehicle. The Department and the applicant shall then complete forms MVT 26-4 and MVT 5-1c. The Department will then process forms MVT 5-1c, MVT 26-3, MVT 26-4, and any other required

supporting documents and, upon approval, issue a certificate of title with the legend "ASSEMBLED" and the make "HOMEMADE".

(Authority: Sections 32-8-1 through 32-8-88, Code of Alabama 1975) (Adopted December 28, 1998)

810-5-75-.29. Title Procedure - First Title For Vehicle Obtained From The United States Government. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK) and signed by designated agent and owner.
- (2) Supporting Documents:
 - (a) Standard Form 97, issued by GSA, properly completed. NOTE: Sales made after October, 1992 shall be accompanied by Standard Form 97 (Revised 4-91).
 - (b) A Licensed Alabama Motor Vehicle Dealer who purchases or otherwise acquires a motor vehicle from a government agency that is exempt from the requirement of certificate of title and holds the acquired vehicle for sale, may transfer the vehicle without first obtaining title in the name of the dealership by properly completing a Secure Re-Assignment Supplement Form MVT 8-3 (Revised 1-92). NOTE: Every purchaser of a government vehicle, with the exception of Properly Licensed Motor Vehicle Dealers, shall make application for certificate of title in the purchaser's name.
 - (c) Fee (See Schedule of Fees and Commissions).

(Authority: §32-8-1 through 32-8-88, Code of Alabama 1975) (Adopted January 25, 1994.)

810-5-75-.30 Title Procedure - First Title for a Rebuilt Vehicle.

(1) Prior to making application for title, owner (licensed Rebuilder who Restored the vehicle) must first complete an MVT 26-15 Form (Application For Inspection of a Salvage Vehicle and Affirmation Supporting Salvage Certificate) and submit to the department. The MVT 26-15 properly completed provides the written affirmation by the owner as required by Section 32-8-87 (k), Code of Alabama 1975, by stating the following:

(a) Applicant rebuilt the vehicle or supervised its rebuilders, and what has been done to restore the vehicle to its operating condition which existed prior to the event which caused the salvage certificate to issue.

(b) Applicant personally inspected the completed vehicle and it complies with all safety requirements set forth by the state of Alabama and any regulations promulgated thereunder.

(c) The identification numbers of the restored vehicle and its parts have not, to the knowledge of the owner, been removed, destroyed, falsified, altered or defaced.

(d) The Alabama salvage certificate document or foreign jurisdiction's salvage_certificate of title or equivalent attached to the application has not to the knowledge of the owner been forged, falsified, altered or counterfeited.

(e) All information contained on the application and its attachments is true and correct to the knowledge of the owner.

- (2) Supporting Documents:

(a) The outstanding Alabama or foreign jurisdiction's salvage certificate of title or equivalent properly assigned to reflect the correct chain of ownership down to and including the applicant.

(b) In the event of an older year model salvage vehicle coming into Alabama from a jurisdiction where it was not required to be titled, a properly signed and notarized bill-of-sale, which declares the vehicle to be salvage, from the insurance company that declared the vehicle as salvage or from the titled owner, to the salvage buyer, is required. The bill-of-sale must provide a complete vehicle description, including the manufacturer's identification number.

(c) A notarized bill of sale for each transfer of the vehicle subsequent to the transfer from the insurance company (if the vehicle is coming into Alabama from a jurisdiction where it was not required to be titled).

(d) Whenever any major component part as defined in Section 32-8-87(m), Code of Alabama 1975, is replaced and is not that component from the original salvage vehicle, appropriate notarized bill(s)-of-sale, with identifying number of part and trade name of part, for that component is required. Bills-of-sale must also be provided for minor component parts, but are not required to be notarized.

(e) A copy of the applicant's regulatory rebuilders license to serve as evidence that the owner is a licensed Rebuilder in the state of Alabama.

(f) When the public vehicle identification number (VIN) plate has been removed from the vehicle the owner must complete an MVT 26-3 form (Application for Alabama Assigned Vehicle identification Number). If the identity of the vehicle can be established, the department will issue an assigned VIN plate containing the vehicle identification number that was issued by the manufacturer and affix the plate to the vehicle. Should it not be possible to establish the identity of the vehicle, the department will issue an Alabama assigned vehicle identification number on the VIN plate.

(g) A notarized statement or a statement on company letterhead must be provided stating in detail all repairs necessary to restore the vehicle, when the application for inspection is for one of the following:

1. Manufactured Home
2. Travel Trailer
3. Utility Trailer
4. Semi Trailer.

(h) Inspection fee of \$75.00 plus title fee as established in Section 32-8-87(l)(1), Code of Alabama 1975. Only certified funds are acceptable.

(3) Upon receipt of a properly completed Form MVT 26-15, the required supporting documents and the required fees, the department's agent will physically inspect the rebuilt vehicle, and if everything is in order, the department's agent will proceed as follows:

(a) Upon inspecting a vehicle for which the Form MVT 26-15 (Application for Inspection of a Salvage Vehicle and Affirmation Supporting Salvage Certificate) is received by the department on or after October 1, 1996, as evidenced by the received date stamped on the MVT

26-15 by the department, the department's agent shall, upon the vehicle successfully passing inspection attach to driver's side door jamb, a secure decal which shall state "Rebuilt Salvage Vehicle - AntiTheft Inspection Passed".

(b) Attach Alabama assigned vehicle identification number plate when necessary.

(c) The department's agent and the owner shall complete Form MVT 26-4 (Rebuilt Salvage Vehicle Secure Decal/Alabama Assigned Vehicle Identification Number) on which both shall certify that the secure decal denoting that the vehicle is a "Rebuilt Salvage Vehicle", and an Alabama assigned vehicle identification number plate when necessary, have been attached to the vehicle as required.

(d) The Department's agent shall complete a Form MVT 26-16 (Completion of Vehicle Inspection) in which the Department's agent certifies the following:

1. He/she inspected the vehicle and its parts and there is no indication that the VIN of the vehicle or its parts have been removed, altered, defaced, destroyed, or tampered with.

2. The vehicle appears to have been restored to its operating condition which existed prior to the event which caused the salvage certificate to be issued.

3. That neither the vehicle or any of its component parts are reported stolen with National Crime Information Center and Alabama Criminal Justice Information Center.

4. That the statements on the application for inspection of a salvage vehicle appear to be true and correct.

(e) The department's agent and the owner shall complete a Form MVT 5-1c Application for Certificate of Title) and the department's agent shall return the Form MVT 5-1c, MVT 26-4 and MVT 26-16 forms to the department whereupon approval, an Alabama Certificate of Title will be issued to the owner which shall contain a legend on its face stating that the vehicle has been "REBUILT".

1. Each Form MVT 26-15 (Application for Inspection of a Salvage Vehicle and Affirmation Supporting Salvage Certificate) received by the department on or after October 1, 1996, as evidenced by the received date stamped on the MVT 26-15 by the department, shall result in the ensuing certificate of title containing a legend on its face stating that the vehicle has been "REBUILT". (Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2) (Amended November 22, 1996; amended October 31, 2001)

810-5-75-.31 Title Procedure - Transfer Of Title For Vehicle Under The Abandoned Motor Vehicle Act – Bill of Sale (Form MVT 32-13B).

(1) The term "department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) The designated agent submitting an application for a certificate of title for a motor vehicle sold as an "abandoned motor vehicle" shall complete an MVT 5-1C or MVT 5-1E (Application for Title). The application must be properly filled in with a typewriter or printer (BLACK INK) and signed by the designated agent and the owner. The designated agent shall forward the application and all supporting documents to the department.

(3) Supporting documents shall consist of the following:

(a) Outstanding certificate of title (if available).

(b) A notarized bill-of-sale (Form MVT 32-13B) from the seller of the abandoned motor vehicle to the purchaser. The notarized bill of sale shall contain the following information:

1. Complete Vehicle Description;
2. Date Abandoned;
3. Date and Location of Sale;
4. Name of newspaper and dates of publication;
5. Dates certified mail was sent to owner(s), registrant(s), secured party (parties), and lienholder(s) of record (if any);
6. Information on net proceeds of sale of abandoned motor vehicle; and
7. Buyer and seller information.

(c) The original certified Abandoned Motor Vehicle Record Request Response statement provided to the seller by the department in response to the filing of an Abandoned Motor Vehicle Record Request Form MVT 32-13, either identifying the name and address of the current owners, secured parties, or lienholders of record, or the original certified Abandoned Motor Vehicle Record Request Response statement from the department that the department has no record of the vehicle.

(d) The original certified mail return receipt forms or equivalent documentation as determined by the department evidencing that all parties (owners and lienholders) as disclosed on the original certified Abandoned Motor Vehicle Record Request Response statement referenced above in paragraph (c) were notified, or notification was attempted.

(e) If no owner and/or lienholder records are found in response to the filing of an Abandoned Motor Vehicle Record Request Form MVT 32-13, then the seller must provide a written statement as to what steps were taken to reasonably determine the name(s) of the owner(s) and lienholder(s) of record mentioned in the Abandoned Motor Vehicle Record Request Response referenced above in subparagraph (c), and what steps were taken to give notice to such parties.

(f) Payment of the Title fee See Section 32-8-6 Code of Alabama 1975, as amended, for Schedule of Fees and Commissions.

(4) If the party making the sale failed to provide notice, or did not attempt to provide notice to the owners, secured parties, and lienholders of record, the department shall not process the title application.

(5) Should the current certificate of title to a motor vehicle sold pursuant to the provisions of the Alabama Abandoned Motor Vehicle Law, codified at Section 32-13-1, et seq., Code of Alabama 1975, as amended, be designated a "salvage" certificate of title, or if department records indicate an application for a "salvage" certificate of title has previously been received, the new certificate of title issued by the department shall also be a "salvage" certificate of title. The purchaser of a "salvage" abandoned motor vehicle shall not be permitted to register the vehicle, or to operate it upon the highways of Alabama until such time as the vehicle is restored by a licensed rebuilder and inspected by the department as required by Section 32-8-87, Code of Alabama 1975, as amended, and a "rebuilt" Alabama certificate of title is issued.

(6) The implementation date of Act 2006-414 is July 1, 2006. Any application for a certificate of title to a vehicle sold as an abandoned motor on or after July 1, 2006, shall comply with the provisions of Act 2006-414.

(7) Every purchaser of an abandoned motor vehicle shall title the vehicle in their name. This includes a purchaser who may be a licensed motor vehicle dealer.

(8) In the event that there is a net sale balance on the MVT 32-13B greater than \$0, the seller must remit the net sale balance to the county license plate issuing official in the county where the sale occurred for deposit into the county general fund. A copy of the MVT 32-13B must also accompany the remittance of the net sale balance. The seller must obtain a receipt for deposit of these funds from the county license plate issuing official and, within ten (10) days, provide the buyer with a copy of the receipt. A copy of the receipt must accompany the MVT 32-13B when the buyer makes application for certificate of title. (Authority: Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975) (New Rule: Filed December 27, 2006, effective January 31, 2007).

810-5-75-.31.02 Abandoned Motor Vehicle Record Request (Form MVT 32-13).

(1) The term "department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) The term "abandoned motor vehicle" as used in this regulation shall refer only to a motor vehicle as defined in Section 32-8-2, Code of Alabama 1975, as amended.

(3) Any person or firm in possession of an abandoned motor vehicle is required to give notice by certified mail to the current owner, secured parties, and lienholders of record at least 30 days prior to the date of the planned sale of the vehicle. Information regarding the name and address of the current owner, secured parties, and lienholders of record shall be obtained only from the department by submitting the following:

(a) A completed Form MVT 32-13- Abandoned Motor Vehicle Record Request.

1. Up to 10 vehicles may be listed per form using the vehicle identification numbers (VIN), year, make, model and Alabama license plate number (if vehicle has a license plate) of the vehicle(s).

2. Name of individual, company, association, or firm as well as the telephone number and address of the requestor must be provided.

3. Form must be signed by the party requesting the information, or a representative of the company, association, or firm requesting the information.

(b) Fee(s) (See Section 32-8-6, Code of Alabama 1975, as amended, for Schedule of Fees and Commissions for title records, and Regulation 810-5-1-.231 for registration records).

1. Payment of record search fee(s) shall be in certified funds (personal checks will not be accepted).

2. Payment of record search fee(s) may be in cash, if paid in person at the department's office (do not mail cash).

3. A record search fee(s) is due on each vehicle record requested on an Abandoned Motor Vehicle Record Request Form MVT 32-13 (nonrefundable or transferable).

4. Records will be provided on a certified Abandoned Motor Vehicle Record Request Response statement for the vehicle identification number (VIN) requested on an Abandoned Motor Vehicle Record Request Form MVT 32-13. It shall be the responsibility of the requesting party to submit an additional record search fee and a new Abandoned Motor Vehicle Record Request Form 32-13 to obtain a corrected Abandoned Motor Vehicle Record Request Response statement, if an incorrect vehicle identification number (VIN) is provided to the department.

5. Title and registration record search fees shall be charged for records requested on a vehicle required to be titled. Only a registration record search fee shall be charged for records requested on a vehicle not required to be titled (See Section 32-8-31, Code of Alabama 1975, as amended).

(4) Upon receipt of a properly completed Abandoned Motor Vehicle Record Request Form MVT 32-13 and the applicable record search fee, the department shall provide the requesting party a certified Abandoned Motor Vehicle Record Request Response statement containing a vehicle identification number (VIN) record of all current owner(s) and lienholder(s) information (name and addresses) on file for the vehicle.

(5) In the event department records contain no information for a vehicle identification number (VIN) submitted on an Abandoned Motor Vehicle Record Request Form MVT 32-13, the department shall provide the requesting party a certified Abandoned Motor Vehicle Record Request Response statement that the department has no record for the vehicle.

(6) It shall be the responsibility of any party selling an abandoned motor vehicle to provide the purchaser of an abandoned motor vehicle with the original Abandoned Motor Vehicle Record Request Response statement (either certifying current records or certifying that the department has no records) received from the department in response to the Abandoned Motor Vehicle Record Request Form MVT 32-13 submitted by the selling party. (Authority:

Sections 40-2A-7(a)(5) and 32-8-3(b)(2), Code of Alabama 1975) (History: New rule: Filed March 17, 2004, effective April 21, 2004; Amended: Filed December 27, 2006, effective January 31, 2007).

810-5-75-.32. Title Procedure - Transfer of Title For A Vehicle In Bankruptcy. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Designated agent completes MVT 5-1 (Application for Title). Application must be properly filled in with a typewriter (BLACK INK) and signed by designated agent and owner.

(2) Supporting Documents:

(a) Copy of court order appointing trustee.

(b) Outstanding certificate of title properly assigned by trustee to purchaser, if available, or a notarized bill-of-sale issued by trustee to purchaser.

(c) Title fee of \$4.00 (if outstanding certificate of title is from another jurisdiction) \$3.00 (if outstanding certificate of title is from Alabama). (§32-8-3(a)(2)

810-5-75-.33. Title Procedure - Transfer of Title When A Vehicle Is Repossessed By A Lienholder Whose Lien Has Not Been Recorded. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Designated agent completed MVT 5-1 (Application for Title). Applications must be properly filled in with a typewriter (BLACK INK) and signed by designated agent and owner (unrecorded lienholder (see note)).
- (2) Supporting Documents:
 - (a) Outstanding certificate of title or manufacturer's certificate of origin issued to or assigned to the owner in default.
 - (b) Form MVT 5-1 (Revised) (Repossessed Motor Vehicle Affidavit and Disposition of Vehicle Under Lien) properly completed.
 - (c) Copy of security interest agreement.
 - (d) Title fee of \$4.00 (if vehicle was not titled in Alabama) \$3.00 (if vehicle currently titled in Alabama).
- (3) NOTE: The unrecorded lienholder shall be required to title the vehicle in their name. (§32-8-3(a)(2))

810-5-75-.34. Title Procedure - Title Obtained Under Surety Bond.

- (1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.
- (2) Applicant(s) shall complete a request for an Alabama certificate of title under surety bond (form MVT 10-1a) and attach required documents as specified in the MVT 10-1a form. Upon approval of the surety bond request form MVT 10-1a, the applicant(s) will be mailed a partially completed certificate of title surety bond (form MVT 10-1).
- (3) Designated agent completes MVT 5-1c (Application for Title). The application (MVT 5-1c) shall be machine printed or typewritten in black ink and shall be signed by the designated agent and the applicant(s) who claim(s) ownership of the vehicle.
- (4) Supporting Documents
 - (a) Form MVT 10-1 (Certificate of Title Surety Bond) properly completed by applicant(s) and an insurance company licensed to issue surety bonds in the State of Alabama.
 - (b) MVT 10-1a
 - (c) Documents previously submitted with MVT 10-1a by which applicant(s) claim(s) ownership of the vehicle.
 - (d) Fee (See Schedule of Fees and Commissions).
- (5) Title , when issued, will be stamped with the legend "THIS TITLE WAS SECURED UNDER THREE-YEAR SURETY BOND".
- (6) The amount of the bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the Department. The Department may use as guides in establishing the value of the vehicle such publications as National Automobile Dealer's Association Official Used Car Guide Southeastern Edition, Redbook, other nationally recognized guides, written appraisals from individuals or companies whose experience can be expected to qualify them as experts, or other sources as the Department may deem acceptable.
- (7) When an application for title (MVT 5-1c) is supported by a title issued under surety bond that is currently in effect in another jurisdiction, the applicant(s) will be required to post a surety bond in Alabama in order to title the vehicle.
- (8) Certificate of title surety bond (form MVT 10-1) may not be duplicated.

(Authority: Sections 32-8-1 through 32-8-88, Code of Alabama 1975) (Amended effective December 28, 1998.)

810-5-75-.36. MAKING APPLICATION FOR TITLE - Responsibilities of Designated Agents, Requirements.

- (1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) Designated agents are responsible for obtaining required information and correctly typing it on the application. All applications and information SHALL BE TYPED in black ink. All applications submitted by a Designated Agent shall be listed on a typed Remittance Advice (MVT 31-1). Only designated agents can accept applications for title (MVT 5-1c).

(3) All supporting documents required by the Department to identify and issue title shall be stapled in the top left corner and attached to the application. The number of forms and documents that accompany a title application will vary according to the type of sale or transfer of ownership. The documents are of different importance in establishing the chain of ownership of a vehicle, and documents should be submitted in a given order. The following order shall be followed by designated agents in submitting all supporting documents for each application.

(a) The MVT 5-1c, Title Application, shall be on top.

(b) Ownership documents (1975 and later model vehicles): Surrender of outstanding manufacturer's statement of origin, certificate of title, or other acceptable title document that is either in applicant's name or properly assigned to applicant.

(c) All other supporting documents.

(d) Fee (See Schedule of Fees and Commissions).

(4) Designated Agents are to verify that all information provided on supporting documents corresponds with the information provided on applications. The most important factor is the vehicle identification number (VIN). All vehicles not currently titled in Alabama shall be physically inspected by the designated agent to verify that the descriptive data is accurate and that the vehicle identification number plate agrees with the vehicle identification number on the application and the document(s) by which the applicant claims ownership of the vehicle. It is recommended, however, that the designated agent inspect all vehicles to insure that the descriptive data is accurate and that the vehicle identification number plate agrees with the vehicle identification number on the application.

(5) Applications received by the Department will be returned to the designated agent for correction for any of the following reasons:

(a) Application contains incorrect information that the Department cannot correct.

(b) Supporting documents are incorrect or insufficient to support the issuance of an Alabama certificate of title.

(c) Application is not properly listed on a remittance advice (MVT31-1) or is incorrectly assembled.

(d) Required fee was not submitted.

(Authority: Sections 32-8-1 through 32-8-88, Code of Alabama 1975) (Amended effective December 28, 1998.)

810-5-75-37. APPLICATION FOR CERTIFICATE OF TITLE - Seller's Signature Requirements. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

Since the manufacturer's certificate of origin, properly assigned, or the surrendered certificate of title, properly assigned by the registered owner or selling dealer, is a component part of an application for certificate of title upon transfer of a vehicle and when this assignment contains the signature of the seller, this signature will meet the requirements of seller's signature on application for title and therefore, the seller does not have to sign the face of the application. (§32-8-3(a)(2))

810-5-75-38. RE-ASSIGNMENT SUPPLEMENT FORM MVT 8-3, USED BY LICENSED ALABAMA DEALERS UPON TRANSFER OF OWNERSHIP. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) Secure Re-Assignment Supplement Form MVT 8-3 Revised shall be used by licensed Alabama dealers upon transfer of ownership on transactions where all re-assignment spaces on the certificate of title have been completed.
- (2) The Secure Re-Assignment Supplement Form may be used with both conforming and nonconforming titles and MSO's, and must be attached to the title that it supplements to be valid. This form will not be acceptable in lieu of any blank spaces on the certificate of title, nor will a second MVT 8-3 Revised be acceptable in lieu of any blank spaces on the first form. This form shall be considered a component part of the original title when attached to same and any alterations to this form voids all assignments and reassignments and carries the same penalties of law as provided for the assignments and re-assignments on the original title.

(Authority: §§32-8-1 through 38-8-88, Code of Alabama 1975) (Adopted effective September 18, 1992)

810-5-75-.39. ALTERED DOCUMENTS. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) The Department will not accept any document that has been altered. This includes, but is not limited to, applications for title, certificates of title, manufacturer's certificates of origin, assignments of titles and certificates of origin, bills of sale, affidavits and all forms required by the Department whether they be Alabama forms or forms from another jurisdiction.
- (2) Any document on which correction tape, liquid paper, white-out, yellow-out or any other type of fluid or means (such as an ink-out) is used to remove, obliterate, delete or cover up previously entered information will not be accepted. The Department will require a replacement document to be obtained for the altered document.
- (3) When an error is made on a document, a single line shall be drawn through the incorrect information and the correct information shall be entered above the incorrect information. The person who made the error shall give a notarized affidavit stating the reason(s) for the error and/or correction and attach said affidavit to the document.
NOTE: Persons who enter information, change, or alter a document that pertains to an assignment must obtain notarized affidavit(s) from the assignee(s) attesting to the incorrect and/or corrected entry. (§32-8-3(a)(2))

810-5-75-.40. APPLICATION FOR CERTIFICATE OF TITLE - Requirements for Names and Signatures on Application. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

- (1) An application for a certificate of title, accompanied by the required supporting documents which show more than one (1) owner, shall have the names of all owners shown on the application. All owners shall sign the application.
- (2) If the current bill of sale, manufacturer's certificate of origin, or outstanding title show only one owner and the owner shown desires to include the name of a second owner in the certificate of title, both names must appear on the application for the certificate and both owners must sign the application. (§32-8-3(a)(2))

810-5-75-.41. DEALER REQUIRED TO TITLE VEHICLE - Title Application Submitted to Department and is Returned to Dealer Because Transfer of Vehicle was not Consummated. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

The Department may require a licensed dealer to obtain title in the dealership's name when a certificate of origin or certificate of title, assigned to another person and submitted to the

Department for titling, has been returned to the dealership because the transfer was not consummated. (§32-8-3(a)(2))

810-5-75-42. DEALER RECORDS. Reference: Sections 32-8-1 through 32-8-87, Code of Alabama 1975, as amended.

(1) Section 32-8-45(b), Code of Alabama 1975, provides that every dealer shall maintain for five years a record in the form the Department prescribes (emphasis supplied) of every vehicle bought, sold or exchanged by him or received by him for sale or exchange, which shall be open to inspection by representatives of the Department and law enforcement officers during reasonable business hours.

(2) The majority of licensed motor vehicle dealers in Alabama have their records maintained by certified public accountants and/or by computers and the records normally maintained are in a form which meets the requirements and needs of the Department to accurately determine all transactions of the dealerships for vehicles bought, sold, exchanged or received for sale or exchange.

(3) The records maintained by Alabama motor vehicle dealers for five years are acceptable in any format if they include the following information:

(a) Name and complete address (P. O. Box number not acceptable) of person buying, selling or exchanging vehicle with dealer.

(b) Name and complete address (P. O. Box number not acceptable) of owner from whom a vehicle was received for sale or exchange.

(c) Complete vehicle description: year, make, model, or series number, vehicle identification number and body type.

(d) Date of transaction. (§32-8-3(a)(2))

810-5-75-43. Assignments and Re-assignment of Title Certificates.

(1) All certificates of Title issued prior to September 1, 1989, shall continue to be valid and negotiable documents. Since it provides for an inadequate number of dealer re-assignments, the supplemental title re-assignment forms shall continue to be valid when attached to the corresponding title certificate and by the attachment of a conforming Federal Odometer Statement supporting the last assignment from dealer to retail customer, and

(2) IT IS THEREFORE ORDERED that no supplemental re-assignment forms may be used with the new Alabama Certificate of Title issued on and after September 1, 1989, in order to conform on a single document with The Federal Truth-In-Mileage Act in its entirety.

(Authority: §32-8-44 and §32-8-45, Code of Alabama 1975) (Adopted effective April 25, 1990)

810-5-75-44. Assignment/Reassignment of Salvage Certificate of Title.

(1) Salvage certificates of title contain a title assignment area by the registered owner and reassignments by licensed dealers.

(2) The salvage title reassignments are currently restricted to use by licensed dealers and salvage vehicles are bought and sold by individuals and the transfer is accomplished by notarized bills of sale which may or may not contain the required odometer disclosure information mandated by the Federal Truth-in-Mileage Act of 1986.

(3) Selling individuals and purchasing individuals who are not licensed dealers, are also required by the Federal Truth-in-Mileage Act of 1986 to disclose the odometer reading of a vehicle upon transfer.

(4) Purchasers and sellers of salvaged motor vehicles, as defined in section 32-8-2, Code of Alabama 1975, as amended, shall complete the assignment/reassignment areas of the (Blue) salvage certificate of title, which contains the conforming Federal odometer disclosure information, as required by the Federal Truth-in-Mileage Act of 1986.

(5) This rule does not affect the Red Alabama salvage certificate of Title Procedure as it does not conform to the requirements of the Federal Truth-in-Mileage Act of 1986.

(6) If the last reassignment on the Blue salvage certificate is completed, and the last assignee sells the salvage, then the last assignee shall obtain a salvage title in his/her name before reassigning the salvage title to the purchaser.

(Authority: §§32-8-1 through §32-8-87, Code of Alabama 1975) (Adopted effective September 25, 1990)

810-5-75-.46. Assignment of Certificate of Title.

1. The Alabama Uniform Certificate of Title and Antitheft Act provides for the transfer of motor vehicles by operation of law (involuntary transfers) whereby the vehicle's previous owner is not required to complete the assignment of title and, in some instances, the certificate of title is not available. This Act further provides for an exemption from having to take title in the name of the transferee in instances of repossession of a motor vehicle or when an insurance company acquires a motor vehicle from an insured under the terms of an insurance contract (policy).

2. The Federal Truth-In-Mileage Act of 1986 (as amended) and the rules of the National Highway Traffic Safety Administration require all states to issue a secure certificate of title which includes a Conforming Odometer Statement in the assignment. This Act further requires the transferee and the transferor to complete the odometer statement on the certificate of title or by issuance of a separate conforming Federal Odometer Statement when the certificate of title does not contain the required odometer statement.

3. The Alabama Certificate of Title provides for an assignment of title by the registered owner which shall include the lienholder reflected on the face of the certificate in instances of repossession.

4. The Alabama Certificate of Title provides for re-assignments of title by licensed dealers which shall include licensed insurance companies who issue insurance contracts (policies) on motor vehicles and who acquire a motor vehicle under the terms of an insurance contract.

5. Lienholders who are recorded on the certificate of title and effect repossession of the motor vehicle, insurance companies who acquire ownership of a motor vehicle under the terms of an insurance contract (policy) and the heir(s) of motor vehicles when the deceased person died without a will, may either take title in their name or they shall effect transfer of the vehicle(s) as follows:

(a) Lienholders must complete the Repossessed Motor Vehicle Affidavit and Disposition of Vehicle Under Lien (MVT Form 1-5), and shall complete the assignment of title by owner, and if the assignment of title area does not contain the required Federal Odometer Disclosure Statement, a separate conforming Federal Odometer Statement as mandated by the Federal-Truth-in-Mileage Act of 1986 must be issued by the seller to the buyer. If the buyer is the applicant for title, the original copy of the statement must accompany the application for title.

(b) Insurance companies who acquire ownership of non-total loss vehicles shall acquire a properly assigned certificate of title from the owner (insured) to the insurance company, and shall complete the "Affidavit of Acquisition and Disposition of a Non-Total Loss Vehicle by Insurance Company" (MVT Form 45-1), and shall complete the "first re-assignment of title by a licensed dealer" to their transferee. If the title assignment/re-assignment area does not contain the required Federal Odometer Disclosure Statement, a separate conforming Federal Odometer Statement as mandated by the Federal-Truth-in-Mileage Act of 1986 shall be issued by the insurance company to the purchaser. If the purchaser is the applicant for title, the original copy of the statement must accompany the application for title.

(c) Heirs of deceased owners of motor vehicles who died without a will who dispose of motor vehicles must complete an Affidavit for Assignment of Title When Deceased Owner Died Without A Will (MVT Form 5-6) and shall complete the assignment of title by owner. If the assignment of title area does not contain the required Federal Odometer Disclosure Statement, a separate conforming Federal Odometer Statement must be issued by the

seller to the purchaser. If the purchaser is the applicant for title, the original copy of the statement must accompany the application for title by the applicant.

(Authority: §32-8-3, Code of Alabama 1975) (Adopted effective September 25, 1990)

810-5-75-46.01. Assignment of Certificate of Title - Transferor's Signature Requirements.

(1) As required under Section 32-8-39 (c), Code of Alabama 1975, as amended, the Alabama Certificate of Title provides an assignment to be completed by the owner (transferor) upon transfer of a titled vehicle, as well as reassignments for licensed dealers to complete to further transfer the vehicle. The transferor of a vehicle must provide a properly assigned certificate of title to the transferee upon the transfer of a vehicle unless the transfer is by operation of law.

(2) The transferor's signature on a certificate of title, manufacturers' statement of origin, dealer reassignment form, power of attorney, and other documents requiring an assignment by the transferor shall meet the following criteria:

(a) Shall be the legal signature of transferor.

(b) Signature of transferor must be hand written.

(c) Signature must be first name first.

(d) Signature of each transferor is required when names of owners on the face of the certificate of title are joined by the conjunction "and", or when there is NO conjunction joining the names of the owners.

(e) Signature of either transferor is acceptable when names of owners on the face of the certificate of title are joined by the conjunction "or" or "and/or".

(f) If the transferor is a company, a representative of the company must sign as transferor. The signature of the representative must comply with all requirements set out in this regulation. Writing or printing the company name will not be acceptable as a signature.

(Authority: Section 32-8-1 through 32-8-88, Code of Alabama 1975) (Adopted effective December 10, 1997)

810-5-75-47. Title Procedure - Identification of Motor Vehicles Returned to the Manufacturer Because of Non-conformity to Warranty.

(1) The term "Department" as used in this regulation shall mean the Department of Revenue of the State of Alabama.

(2) Section 8-20A-4, Code of Alabama 1975, requires the legend "THIS VEHICLE WAS RETURNED TO THE MANUFACTURER BECAUSE IT DID NOT CONFORM TO ITS WARRANTY" be placed on certificates of title issued to the manufacturer due to reasons outlined in the Code. This legend shall be continued on all successive certificates of title.

(3) A specific procedure is needed for motor vehicle manufacturers to follow in obtaining such title certificates.

(4) Therefore, vehicles based in Alabama and required to be registered in this State which are conveyed back to a manufacturer under provisions of Section 8-20A-1/6, Code of Alabama 1975 (commonly known as the Lemon Law), shall require the manufacturer to make application for certificate of title in their name to the Department. The manufacturer may either complete a MVT 5-1A application (which they may obtain from the Department) and forward to the Department with the required supporting documents, or make application through a designated agent of the Department. The manufacturer is not required to provide an in state address when titling a "lemon" vehicle pursuant to the Code. Upon approval of these documents, a new Alabama certificate of title will be issued reflecting the legend (brand) required by State law.

(5) Supporting Documents:

(a) Properly assigned certificate of title.

- (b) Affidavit stating that vehicle is being titled in name of manufacturer pursuant to the provisions of Section 8-20A-1/6, Code of Alabama 1975, as amended.
- (c) Power of attorney if applicable.
- (d) Fee (see schedule of Fees and Commissions).

(Authority: Section 8-20A-1 through 8-20A-6, Code of Alabama 1975) (Amended effective December 10, 1997)

810-5-76-.01. Odometer Disclosure Requirements.

- (1) Alabama Title Certificates (MVT Form 8-1) shall be issued which provide for the proper Federal odometer disclosure information required by Title 15, United States Code, Section 1981, et. seq., as amended.
- (2) Applications for Alabama Certificate of Title, wherein a change of ownership has occurred, and applications for inspection of restored salvage motor vehicles wherein the surrendered certificate of title does not contain the required Federal odometer disclosure information, shall be accompanied by a separate completed Federal Odometer Statement from the transferor to the transferee (applicant for title or inspection). Such statement shall contain the information and disclosure as specified in Title 15, United States Code, Section 1981, et. seq., as amended.

(Authority: Truth in Mileage Act of 1986, Pub. L. 99-579, enacted by Congress) (Adopted effective April 25, 1990.)

810-5-76-.02. Odometer Disclosure for Certificates of Title - Power of Attorney.

- (1) The Federal Truth-in-Mileage Act of 1986 permits States to provide a power of attorney form for use by owners when transferring their motor vehicles, and their certificate of title is held by a duly recorded lienholder, or the certificate of title is lost, and a replacement certificate of title must be obtained. Such power of attorney can be used to disclose the vehicle's odometer reading in the assignment of title by the titled owner and will also permit the transferee to complete the assignment of title to the transferee. The odometer disclosure in the title assignment must be exactly as stated in the odometer disclosure made in the power of attorney.
- (2) The Federal Truth-in-Mileage Act of 1986 mandates that the power of attorney, utilized to transfer a vehicle under the above conditions, be printed by a secure printing process. The Final Rule issued by the National Highway Traffic Safety Administration (NHTSA) regarding such secure P.O.A., defines an original P.O.A. in such a manner that allows for the use of a multiple-part secure power of attorney form where each part is considered to be an original when the copies are printed on secure paper. When a secure P.O.A. is utilized, all signatures (both seller and dealer) must be original on all parts of the secure P.O.A., not just the top part.
- (3) MVT Form 8-4 is to be used for the purpose described above. Upon the sale of a vehicle by a dealership, or upon the declaration of a total loss by an Insurance Company where a MVT 8-4 secure P.O.A. has been utilized, the dealer or Insurance Company must follow the procedures as outlined herein for the following types of transactions: A. If vehicle is sold at retail to an Alabama resident the original secure power-of-attorney must be submitted along with title application in new owner's name and outstanding title to the Motor Vehicle Division with appropriate fee and remittance advice. B. If vehicle is sold at retail to a nonresident of Alabama the selling Alabama dealer must submit a copy (page 2-file copy) of the secure power-of-attorney (containing all original signatures) along with a copy of the title (front and back) to the Motor Vehicle Division. No fee is required. The original secure power-of-attorney and title should be given to the owner and/or lienholder, if required, for titling in the owner's resident state. C. If vehicle is sold at wholesale to an Alabama dealer or a dealer outside of Alabama, the selling Alabama dealer must submit a copy (page 2-file copy) of the secure power-of-attorney (containing all original signatures) along with a copy of the title (front and back) to the Motor Vehicle Division.

No fee is required. The original secure power-of-attorney and title should be given to the purchasing dealer. D. If vehicle is declared to be a total loss by an Insurance Company and the Company subsequently satisfies the lienholder for the insured by the payment of such loss the Insurance Company may obtain a secure P.O.A. from the titled owner whereby the Insurance Company will be the purchaser and utilize the secure P.O.A. to complete assignment by registered owner. The original secure P.O.A. must be submitted along with MVT 41-1 application for a salvage title in the Insurance Company's name and outstanding title to the Motor Vehicle Division with appropriate fee and remittance advice. (Authority: Federal Truth-in-Mileage Act of 1987) (Adopted effective September 18, 1992)

810-14-1-.23 Refunds of Motor Vehicle Registration Fees.

(1) In order to expedite the refunds of registration fees to Alabama taxpayers, the Department may, by mutual agreement, transfer its duties/responsibilities of refunding motor vehicle registration fees to the probate judges, license commissioners, or other license plate issuing officials, effective October 1, 1992.

(2) Under the authority of Section 40-12-23 and 40-12-24, Code of Alabama 1975, the county issuing official will determine whether any taxpayer has "by mistake of fact or law" paid registration fees that either were not due or were excessive. Generally, such refunds result from taxpayers paying registration fees for a vehicle that had previously been sold or from a taxpayer paying the registration fees twice for the same vehicle in the same registration period. County issuing officials are not authorized to refund registration fees for the unexpired portion of the registration year.

(3) As a result of Act 2004-554, effective January 1, 2005, if a registrant, after having registered or reregistered his or her motor vehicle registration during the designated renewal month(s), and later, during the designated renewal month(s), sells, totals, junks, or otherwise disposes of the motor vehicle, the registrant may request and is entitled to a refund of the registration fees paid for the upcoming registration year. The refund is due because the vehicle was disposed of prior to the effective date of the upcoming registration year. For example, a registrant with a last name beginning with the letter "A" acquires a vehicle and purchases the initial registration in the month of January. The registrant may elect to either pay registration fees for 13 months (January 1 through January 31 for the current year) and (February 1 through January 31 for the following year) at the time the plate is issued or he or she may elect to pay registration fees for one month (January 1 through January 31 for the current year) and return to the county tag office prior to January 31 and pay fees for the upcoming registration year (February 1 through January 31). The registrant then sells, totals, junks, or otherwise disposes of the vehicle prior to February 1. While the registrant paid registration fees for 13 months (January 1 through January 31) and (February 1 through January 31), the refund due is only for the period February 1 through January 31.

(4) In order to issue refunds, county license plate issuing officials shall request that the taxpayer either surrender the original registration receipt or provide a statement that the receipt was surrendered to the official responsible for collecting ad valorem taxes.

(5) When issuing refunds, county license plate issuing officials shall request, when applicable, the surrender of the license plate and/or revalidation decals. Such license plates/decals shall be retained by the county officials for audit by the Examiners of Public Accounts.

(6) At the end of each reporting period, each county license plate issuing official will prepare a summary of refunds given. This summary shall show the distribution of the monies collected and

the credit taken for the refunds as a line item on the Motor Vehicle Report. (Authority: Sections 40-2A-7(a)(5) and 32-6-61, Code of Alabama 1975 (History: Adopted through APA July 16, 1993, effective August 19, 1993; Amended: Filed October 28, 2005, effective December 2, 2005))

