

ACT No. 2006-586

HB754

84679-3

By Representatives McDaniel, McClurkin, Ford and Fite

RFD: County and Municipal Government

First Read: 07-MAR-06



1  
2     ENROLLED, An Act,

3             To amend Sections 6-2-35, 11-51-90 to 11-51-93,  
4     inclusive, and 11-51-95, 11-51-122, 11-51-150 to 11-51-155,  
5     inclusive, Code of Alabama 1975, to add Sections 11-51-90A,  
6     11-51-90B, 11-51-186, 11-51-187, 11-51-188, 11-51-189,  
7     11-51-190, 11-51-191, 11-51-192, 11-51-193, 11-51-194,  
8     11-51-195 and 11-51-196; to provide a statewide uniform system  
9     for the issuance and calculation of the cost of municipal  
10    business licenses; to promulgate a common business license  
11    application form for use by all municipalities; to provide a  
12    uniform definition of "gross receipts" and "delivery license";  
13    to provide for a uniform system for the municipal business  
14    license audit process and the taxpayer's appeal of municipal  
15    business license assessments and for the filing of claims for  
16    and payment of refunds; to provide uniform statutes of  
17    limitation for assessments and refunds that substantially  
18    conform with their counterparts for municipal sales and use  
19    taxes; to allow municipalities to lawfully exchange tax  
20    information related to business license taxpayers; and to  
21    provide delayed effective dates and transition rules.

22    BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23             Section 1. This act shall be known and may be cited  
24    as the "Municipal Business License Reform Act of 2006."

1           Section 2. Sections 6-2-35, 11-51-90 to 11-51-93,  
2           inclusive, and 11-51-95, 11-51-122, 11-51-150 to 11-51-155,  
3           inclusive, Code of Alabama 1975, are amended to read as  
4           follows:

5           "§6-2-35.

6           "The following must be commenced within five years:

7           "(1) Where lands have been sold under a judgment of  
8           a court of competent jurisdiction, all actions founded on an  
9           equity of redemption existing in any person not a party to the  
10          proceedings who claims under the mortgagor or grantor in the  
11          deed of trust; and

12          "(2) Except as otherwise specifically provided for,  
13          all actions by the state or any subdivision thereof for the  
14          recovery of amounts claimed for licenses, other than business  
15          licenses defined in Section 11-51-90A, municipal or county  
16          franchise taxes, or other taxes.

17          "§11-51-90.

18          "(a) All municipalities shall have the following  
19          powers:

20          "(1) To license any exhibition, trade, business,  
21          vocation, occupation, or profession not prohibited by the  
22          Constitution or laws of the state which may be engaged in or  
23          carried on in the ~~city or town~~ municipality.

24          "(2) To fix the amount of licenses, the time for  
25          which they are to run, not exceeding one license year, to

1 provide a penalty for doing business without a license, and to  
2 charge a fee ~~not exceeding~~ ~~of not exceeding five~~ ten dollars  
3 ~~(\$5)~~ (\$10) for issuing each license. The issuance fee shall be  
4 increased every five license years by the Department of  
5 Revenue by an amount equal to the percentage increase, if any,  
6 in the U.S. Department of Labor's Producer Price Index during  
7 that five-year period, rounded to the nearest dollar, with the  
8 base year being 2006. The Department of Revenue shall notify  
9 all municipalities and the Alabama League of Municipalities of  
10 any such fee increase no later than the November 30 preceding  
11 the license year for which the increase shall take effect. The  
12 failure of the Department of Revenue to so notify all  
13 municipalities and the Alabama League of Municipalities shall  
14 not, however, prohibit a municipality from increasing the  
15 issuance fee, if any increase is otherwise due pursuant to  
16 this subsection. A reasonable projection of the Producer Price  
17 Index for the months of November and December of the fifth  
18 year of the test period may be employed in this calculation.

19 "(3) To establish a minimum, and in the discretion  
20 of the municipality, a maximum business license, with the  
21 amount of the minimum and, if appropriate, maximum business  
22 license and the applicable tax rate for each category to be  
23 established from time to time by the governing body of each  
24 municipality pursuant to this chapter.

1           "(4) In the discretion of the municipality, to  
2           establish a small vendor business license, which shall not  
3           exceed one percent of the taxpayer's gross receipts derived  
4           from within the municipality for the preceding license year;  
5           provided, however, that a municipality's election not to  
6           establish a small vendor business license shall not preclude  
7           the municipality from requiring a taxpayer generating gross  
8           receipts of less than fifteen thousand dollars (\$15,000) from  
9           within the municipality's jurisdiction to purchase an annual  
10          business license. For purposes of this section, a "small  
11          vendor" shall be defined as a taxpayer that meets all the  
12          following criteria:

13               "a. The taxpayer purchased a business license from  
14               the municipality with respect to the preceding license year  
15               and made a sale or provided services within the municipality  
16               thereof during each calendar quarter of the preceding license  
17               year.

18               "b. The taxpayer's gross receipts derived from  
19               within the municipality for the preceding license year did not  
20               exceed fifteen thousand dollars (\$15,000).

21               "c. The taxpayer did not qualify for the special  
22               delivery license provided for by Section 11-51-194.

23               "~~(3)~~ (5) To require sworn statements as to the  
24               amount of capital invested, value of goods or stocks, or  
25               amounts of sales or gross receipts where the amount of the

1 license is made to depend upon the amount of capital invested,  
2 value of goods or stocks, or amount of sales or gross receipts  
3 and to punish any ~~person or corporation~~ taxpayer for failure  
4 or refusal to furnish sworn statements or for giving of false  
5 statements in relation thereto.

6 "(b) The license authorized by subsection (a) ~~of~~  
7 ~~this section~~ as to ~~persons, firms, or corporations~~ taxpayers  
8 engaged in business in connection with interstate commerce  
9 shall be confined to that portion within the limits of the  
10 state and where the ~~person, firm, or corporation~~ taxpayer has  
11 an office or transacts business in the ~~city or town~~  
12 municipality imposing the license. A taxpayer subject to the  
13 license authorized by subsection (a), that is engaged in  
14 business in more than one municipality, shall be permitted to  
15 account for its gross receipts so that the part of its gross  
16 receipts attributable to one or more branch offices will not  
17 be subject to the business license tax imposed on the  
18 principal business office required to obtain a business  
19 license. Branch office gross receipts are those receipts that  
20 are the result of business conducted at or from a qualifying  
21 branch office.

22 "Notwithstanding the foregoing, in order to  
23 establish the existence of a qualifying branch office, the  
24 taxpayer shall meet all the following criteria:

1           "(1) Demonstrate the continuing existence of an  
2           actual physical facility located outside the police  
3           jurisdiction of the municipality in which its principal  
4           business office is located, such as a retail store, outlet,  
5           business office, showroom, or warehouse, to which employees or  
6           independent contractors, or both, are assigned or located  
7           during regular normal working hours.

8           "(2) Maintain books and records which reasonably  
9           indicate a segregation or allocation of the taxpayer's gross  
10           receipts to the particular facility or facilities.

11           "(3) Provide reasonable proof that separate  
12           telephone listings, signs, or other indications of its  
13           separate activity are in existence.

14           "(4) Billing or collection activities, or both,  
15           relating to the business conducted at the branch office or  
16           offices are performed by an employee or other representative  
17           of the taxpayer who has such responsibility for the branch  
18           office, whether or not the representative is physically  
19           located at the branch office.

20           "(5) All business claimed by a branch office or  
21           offices must be conducted by and through the office or  
22           offices.

23           "(6) Supply proof that all applicable business  
24           licenses with respect to the branch office or offices have  
25           been issued.

1           "(c) The power to license conferred by this division  
2 may be used in the exercise of the police power as well as for  
3 the purpose of raising revenue, or both.

4           "(d) Each municipality shall accept the application  
5 form set forth below for the purpose of allowing a taxpayer to  
6 apply for a business license. The application form may,  
7 however, be altered to incorporate the different business  
8 license rates that municipalities are permitted to charge from  
9 time to time, and to reflect additional or different  
10 instructions to taxpayers that are not inconsistent with this  
11 chapter, including a required notice in cases where the  
12 municipality does not levy its business license tax on  
13 business done within its police jurisdiction. Each  
14 municipality shall mail or otherwise transmit a renewal  
15 reminder notice to each taxpayer that purchased a business  
16 license during the preceding license year, via regular U.S.  
17 mail addressed to the taxpayer's last known address, on or  
18 before December 31 of the current license year. The failure of  
19 the municipality to comply with the preceding sentence shall  
20 not, however, preclude it from enforcing its business license  
21 tax laws against a taxpayer but shall preclude the  
22 municipality from assessing any fines or penalties otherwise  
23 due for late payment until 10 days after a renewal reminder  
24 notice has been mailed to the taxpayer at its last known  
25 address as indicated in the municipality's records, or



1 personally delivered to the taxpayer, and the taxpayer then  
2 fails or refuses to remit the business license tax due for  
3 such license year within the 10-day period. If the  
4 municipality mails a renewal reminder notice to the last known  
5 address of the taxpayer, as indicated in the municipality's  
6 records, there shall exist a presumption that the municipality  
7 has complied with the above provisions. A municipality shall  
8 not be precluded from assessing fines and penalties otherwise  
9 due for late payment if the taxpayer does not notify the  
10 municipality of a change in address within 90 days after  
11 changing such address. Taxpayers shall notify the taxing  
12 jurisdictions in which they do business of a change of mailing  
13 address within 90 days after changing such address. In like  
14 manner, taxpayers shall notify the taxing jurisdictions in  
15 which they do business of a change in their federal employer  
16 identification number or Department of Revenue taxpayer  
17 identification number within a reasonable time after such  
18 number is changed.

19 "UNIFORM MUNICIPAL BUSINESS LICENSE APPLICATION

20 (CONFIDENTIAL)

21 City/Town of \_\_\_\_\_, Alabama NOTE: the  
22 City/Town Imposes (or Does Not Impose, as appropriate) its  
23 Business License Tax Within its Police Jurisdiction

Complete and Mail or Fax

to:

Applicant Complete This Box:

CITY OF ANYWHERE

FEIN

P.O. Box 0000

ST. OF ALA TAX #

ANYWHERE, AL

FORM OF

00000-0000

OWNERSHIP (CHECK ONE)

(000) 111-2222

| <u>Sole Prop.</u> | <u>Partnership</u> |
|-------------------|--------------------|
|-------------------|--------------------|

Fax (000) 111-2222

Corporation

Prof. Assoc.

LLC \_\_\_\_\_ Other \_\_\_\_\_

"Please Print or Type

"SEE REVERSE SIDE FOR INSTRUCTION AND FURTHER INFOR-

MATIONApplica-tionOwnerName

Location

Type:

New

Change

Change

Change

1           "Legal Business Name:

2           "

3           "Trade Name (If different from above):

4           

5           "Business Activities: (Brief description - example,  
 6           retail clothing sales, wholesale food sales, rental of  
 7           industrial equipment, computer consulting,  
 8           etc.)

9           "Physical Address: (Street, City, State, Zip)

10          "

11          "Mailing Address: (Street, City, State, Zip)

12          "

13          "Telephone: (Bus., Fax, and Home)

14          "Email address:

15          "Name/Phone # for Contact Person

16          "

17          "List the Following for Owner(s), Partners, or Offi-  
 18          cers (Attach separate sheet if necessary) (if Officers, list  
 19          only the top five)

SSN [if not

pub-

Residence      licly-trade

20          Name      Address      d companyl      Title

1                    \_\_\_\_\_

2                    \_\_\_\_\_

3                    "Date Business Activity Initiated or Proposed in

4 Anywhere

5                    "# of Employees in Anywhere

6                    "This application has been examined by me and is, to

7 the best of my knowledge, a true and complete representation

8 of the above named entity, and person(s) listed.

9                    "Date\_\_\_\_\_ Signature\_\_\_\_\_

10                    "Title\_\_\_\_\_

11                    "THIS AREA FOR MUNICIPAL USE ONLY

12                    "ACCOUNT ID # \_\_\_\_\_

13                    "REVIEWED BY: \_\_\_\_\_

14                    "PHYSICAL LOCATION: CITY POLICE JURISDICTION OUTSIDE

15 CORP LIMITS AND PJ

16                    "ZONING CLASSIFICATION

17                    "\_\_\_\_\_

18                    "BUILDING APPROVAL YES \_\_\_\_\_ NO \_\_\_\_\_ N/A

19                    "FIRE CODE

20                    "Tax types: \_\_\_\_\_ Sales/Seller's Use \_\_\_\_\_

21 Consumer Use \_\_\_\_\_ Rental \_\_\_\_\_ Lodgings \_\_\_\_\_ Alcohol \_\_\_\_\_

22 \_\_\_\_\_ Occupational \_\_\_\_\_ Tobacco \_\_\_\_\_ Gas/Motor Fuel \_\_\_\_\_

23 \_\_\_\_\_ Business License \_\_\_\_\_

1                   "Tax Filing Frequency: Monthly                   Quarterly  
2                   Annual                   Other

3                   "Business Type:                   Retail                   Wholesale  
4                   Building Contractor                   Service                   Professional  
5                   Manufacture                   Rental                   Other

6                   "                   PLEASE READ THE FOLLOWING INFORMATION  
7                   CONCERNING THE COMPLETION OF THIS FORM.

8                   "PLEASE COMPLETE ALL AREAS OF THE FORM EXCEPT FOR  
9                   THE SHADED AREA AT THE BOTTOM.

10                   "FORM SHOULD BE TYPED OR PRINTED LEGIBLY.

11                   "FORM SHOULD BE DATED AND SIGNED BY AN OWNER,  
12                   PARTNER, OR OFFICER OF THE BUSINESS.

13                   "FORM WILL INITIATE THE PROCESS FOR REGISTERING YOUR  
14                   BUSINESS WITH THE MUNICIPALITY.

15                   "IF YOUR BUSINESS WILL HAVE A PHYSICAL LOCATION  
16                   WITHIN THE MUNICIPALITY, PLEASE USE THAT ADDRESS ON THE FRONT  
17                   OF THIS FORM. (Complete separate forms for each physical  
18                   location in the municipality, if so required.)

19                   "AFTER COMPLETING THIS FORM IT CAN BE MAILED, SENT  
20                   BY FAX, OR WHERE POSSIBLE, SENT BY ELECTRONIC MAIL TO THE  
21                   MUNICIPALITY.

22                   "UPON RECEIPT OF THE COMPLETED FORM, THE  
23                   MUNICIPALITY WILL PROVIDE ANY ADDITIONAL FORMS AND INFORMATION  
24                   REGARDING OTHER SPECIFIC REQUIREMENTS TO YOU IN ORDER TO  
25                   COMPLETE THE LICENSING PROCESS.

1           "ALL LICENSE RENEWALS ARE DUE JANUARY 1 AND  
2           DELINQUENT AFTER JANUARY 31 (OR FEBRUARY 15), WITH THE  
3           FOLLOWING EXCEPTION:

4           "INSURANCE COMPANY LICENSE

5           "DUE JANUARY 1, DELINQUENT AFTER MARCH 1

6           "This form is intended as a simplified, standard  
7           mechanism for businesses to initiate contact with a  
8           municipality concerning their activities within that  
9           municipality. A business license will be required prior to  
10           engaging in business. If a business intends to maintain a  
11           physical location within the municipality, there are normally  
12           zoning and building code approvals required prior to the  
13           issuance of a business license.

14           "In certain instances, a business may simply be  
15           required to register with the municipality to create a  
16           mechanism for the reporting and payment of any tax  
17           liabilities. If that is the case, you will be provided the  
18           materials for that registration process.

19           "The completion and submission of this form does not  
20           guarantee the approval or subsequent issuance of a license to  
21           do business. Any prerequisites for a particular type and  
22           location of the business must be satisfied prior to licensing.

23           "SHOULD THERE BE ANY QUESTIONS CONCERNING THE  
24           COMPLETION OF THIS FORM OR THE LICENSING AND/OR REGISTRATION

1     PROCESS, PLEASE CALL THE NUMBER ON THE FRONT OF THIS FORM TO  
2     OBTAIN MORE DETAILED EXPLANATION.

3             "\$11-51-91.

4             "~~Any city or town within the State of Alabama~~  
5     municipality may fix and collect licenses for any business,  
6     trade or profession done within the police jurisdiction of  
7     such ~~city or town~~ municipality but outside the corporate  
8     limits thereof; provided, that the amount of such licenses  
9     shall not be more than one half the amount charged and  
10    collected as a license for like business, trade or profession  
11    done within the corporate limits of such ~~city or town~~  
12    municipality, fees and penalties excluded; and provided  
13    further, that the total amount of such licenses shall not be  
14    in an amount greater than the cost of services provided by the  
15    ~~city or town~~ municipality within the police jurisdiction; ~~and~~  
16    ~~provided further, no~~ .No calculation is required to be made by  
17    the municipal officials or license officer for the cost of  
18    services to any particular business or classification of  
19    businesses within the police jurisdiction so long as the total  
20    amount of revenues from such licenses collected in the police  
21    jurisdiction shall not be in an amount greater than the cost  
22    of services provided by the ~~city or town~~ municipality to the  
23    police jurisdiction; ~~provided further, that when~~ . When the  
24    place at which any such business, trade or profession is done  
25    or carried on is within the police jurisdiction of two or more

1 municipalities which levy the licenses thereon authorized by  
2 this section, such licenses shall be paid to, issued, and  
3 collected by that municipality only whose boundary measured to  
4 the nearest point thereof is closest to such business, trade  
5 or profession; ~~and provided~~ . Provided further, that this  
6 section shall not have the effect of repealing or modifying  
7 the limitations in this division relating to railroad, express  
8 companies, sleeping car companies, telegraph companies,  
9 telephone companies and public utilities and insurance  
10 companies and their agents. This section shall be given a  
11 liberal construction to effectuate its purpose and meaning.

12 "§11-51-92.

13 "(a) In case the license of any business, trade,  
14 occupation or profession ~~to be~~ is based on a flat rate and is  
15 taken out after July 1, only one half of the license shall be  
16 charged and collected, except for those subjects for which  
17 daily, weekly, monthly, quarterly or semiannual licenses are  
18 provided by law.

19 "(b) No license shall be transferred except with the  
20 consent of the council or other governing body of the  
21 municipality or of the director of finance or other chief  
22 revenue officer or his or her designee, and no license shall  
23 be transferred to reflect a physical change of address of the  
24 taxpayer within the municipality more than once during a  
25 license year and never from ~~one business~~ one taxpayer to



1     another. Provided that a mere change in the name or ownership  
2     of a taxpayer that is a corporation, partnership, limited  
3     liability company or other form of legal entity now or  
4     hereafter recognized by the laws of Alabama shall not  
5     constitute a transfer for purposes of this chapter, unless (1)  
6     the change requires the taxpayer to obtain a new federal  
7     employer identification number or Department of Revenue  
8     taxpayer identification number or (2), in the discretion of  
9     the municipality, the subject license is one for the sale of  
10    alcoholic beverages. Nothing in this section shall prohibit a  
11    municipality from requiring a new business license application  
12    and approvals for an alcoholic beverage license.

13             "\$11-51-93.

14             "(a) It shall be unlawful for any person, ~~firm, or~~  
15    ~~corporation taxpayer~~, or agent of a ~~firm or corporation person~~  
16    or taxpayer to engage in businesses or vocations in a ~~city or~~  
17    ~~town~~ municipality for which a license may be required without  
18    first having procured a license therefor. A violation of this  
19    division or of an ordinance passed hereunder fixing a license  
20    shall be punishable by a fine fixed by ordinance, not to  
21    exceed the sum of five hundred dollars (\$500) for each  
22    offense, and if a willful violation, by imprisonment, not to  
23    exceed six months, or both, at the discretion of the court  
24    trying the same ~~and each~~. Each day shall constitute a separate  
25    offense.

1           "(b) In addition to the penalties prescribed by  
2           subsection (a), if a taxpayer fails to pay any business  
3           license tax owed to a taxing jurisdiction on or before the  
4           date prescribed therefor, there shall be assessed a penalty of  
5           15 percent of the business license tax required to be paid  
6           with the license form. There shall be assessed a penalty of 30  
7           percent of any business license tax required to be paid with  
8           the license form if the business license tax and any assessed  
9           penalties are not paid within 30 days of the due date  
10           prescribed in the preceding sentence. Such penalties shall not  
11           be cumulative.

12           "(c) Notwithstanding the foregoing, no fine or  
13           penalty under this section shall be assessed, or if assessed,  
14           shall be waived, if reasonable cause exists. "Reasonable  
15           cause" shall mean: The death or major illness of or an  
16           accident involving a sole proprietor causing serious bodily  
17           injury that in either case resulted in the sole proprietor  
18           being unable to purchase the license or operate his or her  
19           business during the 10 days preceding the due date for the  
20           license; natural disaster, fire, explosion, or accident that  
21           caused the closing or temporary cessation of the business of  
22           the taxpayer during the 10 days preceding the due date for the  
23           license; or reliance on the erroneous advice of an employee or  
24           agent of the revenue department of the taxing jurisdiction or  
25           its designee given in writing or by electronic mail. The

1 municipality may, but is not required to, waive the penalty  
2 for other reasons, including, but not limited to, the  
3 taxpayer's reliance on erroneous but good faith advice from  
4 its tax adviser or on erroneous, oral advice from an employee  
5 or agent of the revenue department of the taxing jurisdiction  
6 or its designee. The burden of proving reasonable cause shall  
7 be on the taxpayer, and a determination by the taxing  
8 jurisdiction that reasonable cause does not exist shall be  
9 reversed only if that determination was made arbitrarily and  
10 capriciously.

11 "(d) All penalties and interest administered by the  
12 taxing jurisdiction pursuant to this section and Section  
13 11-51-192 shall be assessed and collected in the same manner  
14 as business license taxes.

15 "§11-51-95.

16 ~~"Any person, firm or corporation dealing in two or~~  
17 ~~more of the articles or engaged in two or more of the~~  
18 ~~businesses, vocations, occupations or professions for which a~~  
19 ~~license is or may be required shall take out and pay for a~~  
20 ~~license for each line of business, vocation, occupation or~~  
21 ~~profession.~~

22 "(a) Any taxpayer engaged at one location in more  
23 than one line of business falling within separate NAICS sector  
24 or sub-sectors, for which a business license is or may be  
25 required by the municipality in accordance with this chapter,

1 shall take out and pay for a license for each separate NAICS  
2 sector or sub-sectors from which the taxpayer derived more  
3 than 10 percent of its gross receipts during the preceding  
4 license year. Provided, however, that for each business  
5 license, the gross receipts which shall be taxed with regard  
6 to such license shall, except as provided in subsection (c)  
7 and other provisions of this act, be only those gross receipts  
8 which arise within the line of business which is the subject  
9 of the license.

10 "(b) Notwithstanding subsection (a), a municipality  
11 may, in its discretion as evidenced by adoption of an  
12 ordinance, increase the 10 percent gross receipts threshold to  
13 no more than 35 percent.

14 "(c) Nothing herein shall be construed to exempt the  
15 gross receipts derived from one or more additional lines of  
16 business of the taxpayer if those gross receipts do not exceed  
17 the required threshold for the purchase of a second or  
18 multiple business license. Instead, those gross receipts shall  
19 be included in the business license for the taxpayer's primary  
20 line of business.

21 "§11-51-122.

22 "On ~~December 31~~ of each year or within 60 days  
23 ~~thereafter~~ or before March 1 of each year, each insurance  
24 company which did any business in any ~~city or town~~  
25 ~~municipality~~ in this state during any part of the preceding

1 year shall, if a license or privilege tax is imposed by said  
2 ~~city or town~~ municipality on such insurance company, furnish  
3 the mayor or a revenue official, of such ~~city or town~~  
4 municipality a statement in writing duly certified showing the  
5 full and true amount of gross premiums received during the  
6 preceding year as provided under this article and shall  
7 accompany such statement with the amount of license tax due  
8 according to Sections 11-51-120 and 11-51-121.

9 "Failure to furnish such statement or to pay such  
10 sum shall subject the company and its agents to such penalties  
11 as the ordinance of such ~~city or town~~ municipality may  
12 prescribe for doing business therein without a license.

13 "§11-51-150.

14 "Any municipality ~~of the State of Alabama~~ may file  
15 in the circuit court ~~in~~, having jurisdiction over the county  
16 in which said petitioning municipality is situated, a petition  
17 to enjoin the operation and conduct of any business,  
18 occupation, trade or profession subject to a municipal  
19 privilege or business license or excise tax imposed by the  
20 petitioning municipality and which is delinquent in whole or  
21 in part, following no less than 15 days' written notice and  
22 demand to the taxpayer delivered personally or via certified  
23 U.S. mail, return receipt requested, and addressed to the  
24 taxpayer's last known address as indicated on the records of  
25 the municipality. Said petition shall be verified by the

1 mayor, city clerk, police officer, license officer, or by any  
2 other governing official or by any employee of the  
3 municipality authorized to receive or collect said privilege  
4 or business license or excise tax.

5 "§11-51-151.

6 "Upon the filing and presentation of a petition as  
7 authorized in this division, it shall be the duty of the court  
8 to set a day for the hearing of said action upon not less than  
9 10 nor more than 15 days' notice thereof to be given the  
10 respondents, said notice to be in such form as the court may  
11 direct, and at such hearing, upon reasonable cause, to grant a  
12 temporary restraining order or preliminary injunction  
13 restraining the respondents from further operation or conduct  
14 of said business, occupation, trade or profession, and no bond  
15 shall be required of the petitioner as a condition thereto.  
16 The court shall not grant a temporary restraining order or  
17 preliminary injunction unless it has reasonable cause to  
18 believe that the respondent owes a debt to the petitioner for  
19 a privilege or business license or excise tax and that the  
20 petitioner has complied with Section 11-50-150.

21 "The court shall, upon final hearing, if the proof  
22 be sufficient, grant a permanent injunction restraining the  
23 respondent as directed by this section to be done by a  
24 temporary injunction. Such injunctions may be dissolved in the  
25 manner provided in this division.

1           "§11-51-152.

2           "Said petition need not allege the amount due, but  
3 may seek an accounting of the respondent for the amount of  
4 privilege or business license tax or excise tax due the  
5 petitioner. The court may refer the matter to a master as in  
6 other cases.

7           "It shall be the duty of the court to enter a  
8 judgment in favor of the petitioner for the amount of  
9 privilege or business license or excise tax found to be due,  
10 and it may also declare and enforce any lien therefor provided  
11 by the laws of Alabama.

12          "§11-51-153.

13          "After judgment is entered against the respondent as  
14 provided by the terms of this division, an existing injunction  
15 shall not be dissolved until the judgment and court costs  
16 taxed against the respondent are satisfied and paid in full,  
17 unless the petitioner and respondent have agreed in writing on  
18 a lesser amount necessary to satisfy the judgment and court  
19 costs, or until the respondent shall have appealed<sup>7</sup> and shall  
20 have executed a supersedeas bond to stay the execution of the  
21 judgment<sup>1</sup> in the manner provided by the Alabama Rules of  
22 Appellate Procedure.

23          "All laws governing appeals from money judgments are  
24 made applicable to this division except as they may be  
25 contrary to any provision in this section.

1            "If the appeal is taken and the case reversed, the  
2 injunction existing at the time of the appeal shall  
3 automatically be reinstated without the intervention of the  
4 circuit court unless the appellate court otherwise directs.

5            "§11-51-154.

6            "(a) When the court has granted a temporary  
7 restraining order or preliminary injunction, it shall not be  
8 dissolved until the respondents have respondent has executed a  
9 bond in an amount fixed by the court with sufficient surety to  
10 be approved by the register or clerk, containing a waiver of  
11 exemptions as to personal property, conditioned to pay such  
12 judgment and lawful court costs as the court upon final  
13 hearing may enter against the respondent, except as provided  
14 below.

15            "(b) The surety bond required to be made in this  
16 section shall remain in full force and effect as security for  
17 any judgment and court costs the court may enter and tax  
18 against the respondent, but if the respondent takes an appeal  
19 and gives a supersedeas bond, upon affirmance of said appeal,  
20 the dissolution surety bond provided by this section shall  
21 become null and void.

22            "(c) The respondent shall not, however, be required  
23 to post the surety bond required in subsection (a) if the  
24 respondent can show to the satisfaction of the register or  
25 clerk that he or she has a net worth, based on fair market



1 value, of twenty-five thousand dollars (\$25,000) or less,  
2 including his or her homestead, and the final assessment is  
3 equal to or less than the respondent's net worth.

4 "§11-51-155.

5 "The surety bond, if required by ~~prescribed in~~  
6 Section 11-51-154, shall stand as security for any judgment  
7 and costs finally determined against the respondent, except in  
8 instances where the liability thereon is relieved by and  
9 attaches to a supersedeas bond as provided in this division."

10 Section 3. Sections 11-51-90A, 11-51-90B, 11-51-186,  
11 11-51-187, 11-51-188, 11-51-189, 11-51-190, 11-51-191,  
12 11-51-192, 11-51-193, 11-51-194, 11-51-195, and 11-51-196 are  
13 added to the Code of Alabama 1975, to read as follows:

14 §11-51-90A.

15 As used in this article, the following terms shall  
16 have the following meanings:

17 (1) BUSINESS. Any commercial or industrial activity  
18 or any enterprise, trade, profession, occupation, or  
19 livelihood, including the lease or rental of residential or  
20 nonresidential real estate, whether or not carried on for gain  
21 or profit, and whether or not engaged in as a principal or as  
22 an independent contractor, which is engaged in, or caused to  
23 be engaged in, within a municipality.

24 (2) BUSINESS LICENSE. An annual license issued by a  
25 taxing jurisdiction for the privilege of doing any kind of

1 business, trade, profession, or any other activity in that  
2 jurisdiction, by whatever name called, which document is  
3 required to be conspicuously posted or displayed except to the  
4 extent the taxpayer's business license tax or other financial  
5 information is listed thereon or unless the municipality  
6 affirmatively elects not to so require. However, municipal  
7 occupational licenses, municipal gasoline taxes, municipal  
8 tobacco taxes, or gross receipts taxes in the nature of a  
9 sales tax, or any other municipal tax now in existence or that  
10 may hereafter be adopted by a municipality pursuant to Section  
11 11-51-90, or any other provision of state law other than an  
12 annual license, shall not be considered "business licenses."

13 (3) BUSINESS LICENSE REMITTANCE FORM. Any business  
14 license return, renewal reminder notice, or other writing on  
15 which a taxpayer calculates its business license tax liability  
16 for all or part of the license year and remits the amount so  
17 calculated with the form.

18 (4) DEPARTMENT or DEPARTMENT OF REVENUE. The Alabama  
19 Department of Revenue, as created under Section 40-2-1 et seq.

20 (5) DESIGNEE. An agent of a taxing jurisdiction  
21 authorized to administer or collect, or both, the  
22 jurisdiction's business license taxes, which may include  
23 another taxing jurisdiction, the Department of Revenue, or a  
24 "private auditing or collecting firm" as defined in Section  
25 40-2A-3.

1           (6) GROSS RECEIPTS. A measure of any and all  
2       receipts of a business from whatever source derived, to the  
3       maximum extent permitted by applicable laws and constitutional  
4       provisions, to be used in calculating the amount due for a  
5       business license. Provided, however, that:

6           a. Gross receipts shall not include any of the  
7       following taxes collected by the business on behalf of any  
8       taxing jurisdiction or the federal government: All taxes which  
9       are imposed on the ultimate consumer, collected by the  
10      taxpayer and remitted by or on behalf of the taxpayer to the  
11      taxing authority, whether state, local or federal, including  
12      utility gross receipts taxes levied pursuant to Article 3,  
13      Chapter 21, Title 40; license taxes levied pursuant to Article  
14      2, Chapter 21, Title 40; or reimbursements to professional  
15      employer organizations of federal, state or local payroll  
16      taxes or unemployment insurance contributions; but no other  
17      deductions or exclusions from gross receipts shall be allowed  
18      except as provided in this article.

19          b. A different basis for calculating the business  
20      license may be used by a municipality with respect to certain  
21      categories of taxpayers as prescribed in Section 11-51-90B.

22          c. For a utility or other entity described in  
23      Section 11-51-129, gross receipts shall be limited to the  
24      gross receipts derived from the retail furnishing of utility  
25      services within a municipality during the preceding year that

1 are taxed under Article 3 of Chapter 21 of Title 40, except  
2 that nothing herein shall affect any existing contract or  
3 agreement between a municipality and a utility or other  
4 entity. The gross receipts derived from the furnishing of  
5 utility services shall not be subject to further business  
6 license taxation by a municipality.

7 d. Gross receipts shall not include dividends or  
8 other distributions received by a corporation, or proceeds  
9 from borrowings, the sale of a capital asset, the repayment of  
10 the principal portion of a loan, the issuance of stock or  
11 other equity investments, or capital contributions, or the  
12 undistributed earnings of subsidiary entities.

13 (7) LICENSE FORM. Any business license application  
14 form, renewal reminder notice, business license remittance  
15 form, or business license return by whatever name called.

16 (8) LICENSE OFFICER or MUNICIPAL LICENSE OFFICER.  
17 The municipal employee charged by the governing body of the  
18 municipality with the primary responsibility of administering  
19 the municipality's license tax and related matters.

20 (9) LICENSE YEAR. The calendar year.

21 (10) MUNICIPALITY. Any town or city in this state  
22 that levies a business license tax from time to time. The term  
23 shall also include the town's or city's police jurisdiction,  
24 where the business license tax is levied in the police  
25 jurisdiction.

1           (11) PERSON. Any individual, association, estate,  
2     trust, partnership, limited liability company, corporation, or  
3     other entity of any kind, except for any nonprofit corporation  
4     formed under the laws of Alabama which is operated to enable  
5     municipalities that become members of such nonprofit  
6     corporation to finance or refinance capital projects and  
7     related undertakings, on a cooperative basis, and whose board  
8     of directors or other governing body consists primarily of  
9     elected officials of municipalities.

10          (12) TAXING JURISDICTION. Any municipality that  
11     levies a business license tax, whether or not a business  
12     license tax is levied within its police jurisdiction, or the  
13     Department of Revenue acting as agent on behalf of a  
14     municipality pursuant to Section 11-51-180 et seq., as the  
15     context requires.

16          (13) TAXPAYER. Any person subject to or liable under  
17     this chapter for any business license tax; any person required  
18     to file a return with respect to, or pay or remit the business  
19     license tax levied under this chapter or to report any  
20     information or value to the taxing jurisdiction; or any person  
21     required to obtain, or who holds any interest in, any business  
22     license issued by the taxing jurisdiction; or any person that  
23     may be affected by any act or refusal to act by the taxing  
24     jurisdiction under this chapter, or to keep any records  
25     required by this chapter.

1           (14) U.S.C. The applicable title and section of the  
2 United States Code, as amended from time to time.

3           (15) OTHER TERMS. Other capitalized or specialized  
4 terms used in this act, and not defined above, shall have the  
5 same meanings ascribed to them in Section 40-2A-3 unless the  
6 context otherwise requires.

7           §11-51-90B.

8           (a) Every taxpayer required to purchase a business  
9 license under this chapter shall:

10           (1) Purchase a business license for each location at  
11 which it does business in the municipality, except as  
12 otherwise provided by the municipality.

13           (2) Except as provided in Section 11-51-193, with  
14 respect to taxpayers subject to state licensing board over-  
15 sight, be classified into one or more of the following 2002  
16 North American Industrial Classification System ("NAICS") sec-  
17 tors and applicable sub-sectors, industry groups, industries  
18 and U.S. industries thereunder:

|    |        |           |                     |                |
|----|--------|-----------|---------------------|----------------|
| 19 | SECTOR | NAICS TI- | SUGGESTED BUSINESS  | BASIS FOR LI-  |
|    |        | TLE       | LICENSE CODE GROUP- | CENSE CALCULA- |
|    |        |           | ING BY SAMPLE TOPIC | TION           |
|    |        |           | OR CATEGORY         |                |

|   |     |              |                     |                  |
|---|-----|--------------|---------------------|------------------|
| 1 | 111 | Crop Produc- | Agriculture, farm-  | Gross Receipts   |
|   |     | tion         | ing, nursery,       | and/or Flat Rate |
|   |     |              | fruit, growers      |                  |
| 2 |     |              |                     |                  |
| 3 | 112 | Animal Pro-  | Animal, dairy, cat- | Gross Receipts   |
|   |     | duction      | tle, ranching,      | and/or Flat Rate |
|   |     |              | sheep, chicken      |                  |
| 4 |     |              |                     |                  |
| 5 | 113 | Forestry and | Forestry, logging,  | Gross Receipts   |
|   |     | Logging      | timber              | and/or Flat Rate |
| 6 |     |              |                     |                  |
| 7 | 114 | Fishing,     | Fishing, hunting,   | Gross Receipts   |
|   |     | Hunting, and | supplies and equip- | and/or Flat Rate |
|   |     | Trapping     | ment                |                  |
| 8 |     |              |                     |                  |
| 9 | 115 | Support for  | Cotton ginning,     | Gross Receipts   |

|                             |  |                  |
|-----------------------------|--|------------------|
| Agriculture<br>and Forestry | farm management,<br>post-harvest activ-<br>ities | and/or Flat Rate |
|-----------------------------|--|------------------|

10

|    |     |                           |  |  |
|----|-----|---------------------------|--|--|
| 11 | 211 | Oil and Gas<br>Extraction | Oil, gas, extrac-<br>tion, natural gas,<br>crude | State Regulated<br>[See, e.g. Section<br>40-20-2(c)] |
|----|-----|---------------------------|--|--|

12

|    |     |                                     |                   |  |
|----|-----|-------------------------------------|-------------------|--|
| 13 | 212 | Mining (ex-<br>cept Oil and<br>Gas) | Mining activities | Gross Receipts<br>and/or Flat Rate<br>Where not State<br>Regulated |
|----|-----|-------------------------------------|-------------------|--|

14

|    |     |                                       |  |  |
|----|-----|---------------------------------------|--|--|
| 15 | 213 | Support for<br>Mining Ac-<br>tivities | Support activities<br>for oil and gas<br>wells | Gross Receipts<br>and/or Flat Rate<br>Where not State<br>Regulated |
|----|-----|---------------------------------------|--|--|

16



|   |     |   |   |   |
|---|-----|---|---|---|
| 1 | 221 | Utilities   | Utilities, gas,<br>electric, water,<br>sewage, steam                  | State Regulated<br>(See Section<br>11-51-129) |
| 2 |     |   |   |   |
| 3 | 236 | Building,<br>Developing<br>and General<br>Contracting | Construction,<br>building, general,<br>residential, subdi-<br>visions | Gross Receipts<br>and/or Flat Rate            |
| 4 |     |   |   |   |
| 5 | 237 | Heavy Con-<br>struction                               | Construction, heavy<br>construction, high-<br>way, bridge, street     | Gross Receipts<br>and/or Flat Rate            |
| 6 |     |   |   |   |
| 7 | 238 | Special<br>Trade Con-<br>tractors                     | Construction, all<br>special trades                                   | Gross Receipts<br>and/or Flat Rate            |

1

2           311   Food Manu-       Food manufacturing,   Gross Receipts,  
                   facturing       animal, grain,       Flat Rate, or  
                                   fruit, dairy, meat,   Value of Goods  
                                   seafood               Produced

3

4           312   Beverage and   Beverage manufac-   Gross Receipts  
                   Tobacco       turing, soft drink,   and/or Flat Rate  
                   Products     bottled water,       Where Not State  
                   Manufactur-   breweries, ice       Regulated, or  
                   ing               Value of Goods  
                                   Produced

5

6           313   Textile       Mills, textile,       Gross Receipts,  
                   Mills       fabric, yarn, car-   Flat Rate, or  
                                   pet, canvas, rope,   Value of Goods  
                                   twine               Produced

7

|   |     |   |   |  |
|---|-----|---|---|--|
| 1 | 314 | Textile<br>Product<br>Mills                           | Other mill opera-<br>tions not covered<br>in 313                                | Gross Receipts,<br>Flat Rate, or<br>Value of Goods<br>Produced |
| 2 |     |   |   |  |
| 3 | 315 | Apparel Man-<br>ufacturing                            | Apparel manufactur-<br>ing, hosiery, men,<br>women, children,<br>lingerie       | Gross Receipts,<br>Flat Rate, or<br>Value of Goods<br>Produced |
| 4 |     |   |   |  |
| 5 | 316 | Leather and<br>Allied Prod-<br>uct Manufac-<br>turing | Leather manufactur-<br>ing, shoes, lug-<br>gage, handbag, re-<br>lated products | Gross Receipts,<br>Flat Rate, or<br>Value of Goods<br>Produced |
| 6 |     |   |   |  |
| 7 | 321 | Wood Prod-<br>ucts Manu-                              | Wood products, saw-<br>mills, wood, pres-                                       | Gross Receipts,<br>Flat Rate, or                               |

|    |     |   |   |  |
|----|-----|---|---|--|
|    |     | facturing   | ervation, veneer,<br>trusses, millwork                                      | Value of Goods<br>Produced                                     |
| 8  |     |   |   |  |
| 9  | 322 | Paper Manu-<br>facturing                                | Paper manufactur-<br>ing, pulp, paper,<br>converted products                | Gross Receipts,<br>Flat Rate, or<br>Value of Goods<br>Produced |
| 10 |     |   |   |  |
| 11 | 323 | Printing and<br>Related Sup-<br>port Activi-<br>ties    | Printing, litho-<br>graphic, screen,<br>quick, digital,<br>books, handbills | Gross Receipts,<br>Flat Rate, or<br>Value of Goods<br>Produced |
| 12 |     |   |   |  |
| 13 | 324 | Petroleum<br>and Coal<br>Products<br>Manufactur-<br>ing | Petroleum manufac-<br>turing, asphalt,<br>roofing, paving,<br>grease        | Gross Receipts,<br>Flat Rate, or<br>Value of Goods<br>Produced |

1

2           325   Chemical           Chemical manufac-   Gross Receipts,  
               Manufactur-   turing, wood, fer-   Flat Rate, or  
               ing           tilizer, pesticide,   Value of Goods  
                               paint, soap, other   Produced

3

4           326   Plastics and   Plastic and tire   Gross Receipts,  
               Rubber Prod-   manufacture, pipe,   Flat Rate, or  
               uct Manufac-   hoses, belts, bot-   Value of Goods  
               turing           tle, sheet, foam   Produced

5

6           327   Nonmetallic   Nonmetallic manu-   Gross Receipts,  
               Mineral       facturing, clay,   Flat Rate, or  
               Product Man-   glass, cement,   Value of Goods  
               ufacturing   lime, gypsum, other   Produced

7

|   |     |   |   |  |
|---|-----|---|---|--|
| 1 | 331 | Primary<br>Metal Manu-<br>facturing                 | Metal manufactur-<br>ing, iron, steel,<br>aluminum, copper,<br>other nonferrous   | Gross Receipts,<br>Flat Rate, or<br>Value of Goods<br>Produced |
| 2 |     |   |   |  |
| 3 | 332 | Fabricated<br>Metal Prod-<br>uct Manufac-<br>turing | Fabricated metal,<br>cutlery, struc-<br>tural, ornamental,<br>wire, machine shops | Gross Receipts,<br>Flat Rate, or<br>Value of Goods<br>Produced |
| 4 |     |   |   |  |
| 5 | 333 | Machinery<br>Manufactur-<br>ing                     | Machinery manufac-<br>turing, farm, HVAC,<br>office, industrial,<br>engine, other | Gross Receipts,<br>Flat Rate, or<br>Value of Goods<br>Produced |
| 6 |     |   |   |  |
| 7 | 334 | Computer and<br>Electronic<br>Product Man-          | Computers and elec-<br>tronics, peripher-<br>als, audio, video,                   | Gross Receipts,<br>Flat Rate, or<br>Value of Goods             |

ufacturing      circuit boards      Produced

8

9            335    Electrical      Electrical equip-      Gross Receipts,  
                  Equipment      ment, lighting,      Flat Rate, or  
                  Appliance      small appliance,      Value of Goods  
                  Component      battery, other      Produced  
                  Manufactur-  
                  ing

10

11           336    Transporta-      Transportation man-      Gross Receipts,  
                  tion Equip-      ufacturing, auto,      Flat Rate, or  
                  ment Manu-      truck, trailer, mo-      Value of Goods  
                  facturing      tor home, ship,      Produced  
                                    boat, motorcycle

12

13           337    Furniture      Furniture manufac-      Gross Receipts,  
                  and Related      turing, cabinets,      Flat Rate, or  
                  Products      office furniture,      Value of Goods

|    |     |  |  |  |
|----|-----|--|--|--|
| 14 |     | Manufactur-<br>ing                     | beds, kitchen  | Produced   |
| 15 | 339 | Misc. Manu-<br>facturing               | Misc. manufactur-<br>ing, medical, den-<br>tal, jewelry,<br>sporting goods,<br>toys, signs, all<br>other | Gross Receipts,<br>Flat Rate, or<br>Value of Goods<br>Produced |
| 16 |     |  |  |  |
| 17 | 421 | Wholesale<br>Trade, Dura-<br>ble Goods | Wholesale<br>trade-durable, mo-<br>tor vehicle, home<br>furniture, machin-<br>ery, equipment             | Gross Receipts<br>and/or Flat Rate                             |
| 18 |     |  |  |  |
| 19 | 422 | Wholesale<br>Trade,                    | Wholesale<br>trade-nondurable,   | Gross Receipts<br>and/or Flat Rate                             |



Non-Durable      paper, apparel,  
Goods              grocery, dairy,  
                     farm, beverages

20

21            441   Motor Vehi-      Motor vehicles, au-      Gross Receipts  
                 cle and              tomobiles, motorcy-      and/or Flat Rate  
                 Parts Dealer      cles, boats, parts,  
                                 accessories

22

23            442   Furniture           Furniture stores,           Gross Receipts  
                 and Home              home, floor, fur-           and/or Flat Rate  
                 Furnishing              nishings, window,  
                 Stores                   special products

24

25            443   Electronics        Electronic and ap-        Gross Receipts  
                 and Appli-            pliance store,            and/or Flat Rate  
                 ance Stores           household, radio,  
                                 television, com-

puter

26

|    |     |   |  |                                    |
|----|-----|---|--|------------------------------------|
| 27 | 444 | Building Ma-<br>terial and<br>Gardening<br>Equipment<br>Dealers | Building materials,<br>hardware, paint,<br>home center, wall-<br>paper | Gross Receipts<br>and/or Flat Rate |
|----|-----|---|--|------------------------------------|

28

|    |     |                                |  |  |
|----|-----|--------------------------------|--|--|
| 29 | 445 | Food and<br>Beverage<br>Stores | Food and beverage<br>stores, grocery,<br>convenience, mar-<br>kets, liquor, beer | Gross Receipts<br>and/or Flat Rate<br>Where Not State<br>Regulated |
|----|-----|--------------------------------|--|--|

30

|    |     |                                       |  |                                    |
|----|-----|---------------------------------------|--|------------------------------------|
| 31 | 446 | Health and<br>Personal<br>Care Stores | Health and personal<br>care stores, drug,<br>cosmetic, optical,<br>health food | Gross Receipts<br>and/or Flat Rate |
|----|-----|---------------------------------------|--|------------------------------------|

32

|   |     |   |   |   |
|---|-----|---|---|---|
| 1 | 447 | Gasoline<br>Stations                        | Gasoline stations,<br>filling stations  | Gross Receipts<br>and/or Flat Rate<br>Based on No. of<br>Dispensers |
| 2 |     |   |   |   |
| 3 | 448 | Clothing and<br>Accessories<br>Stores       | Clothing stores,<br>men's women's,<br>children, infants,<br>shoe, jewelry, lug-<br>gage | Gross Receipts<br>and/or Flat Rate                                  |
| 4 |     |   |   |   |
| 5 | 451 | Sporting<br>Goods,<br>Hobby, Book,<br>Music | Sporting goods<br>stores, hobby, toy,<br>fish, gun, music,<br>books                     | Gross Receipts<br>and/or Flat Rate                                  |
| 6 |     |   |   |   |
| 7 | 452 | General Mer-                                | General merchandise   | Gross Receipts  |

chandise stores, department, and/or Flat Rate  
warehouse clubs,  
superstores

8

9           453   Miscella-       Misc. store retail-   Gross Receipts  
              neous Store   ers, florist, gift,   and/or Flat Rate  
              Retailers   novelty, used,  
                          pets, art, tobacco

10

11           454   Nonstore Re-   Nonstore retailers,   Gross Receipts  
              tailers       electronic shop-       and/or Flat Rate  
                          ping, mail order,  
                          vending, direct  
                          selling

12

13           481   Air Trans-       Air transportation,   Gross Receipts  
              portation   airline tickets,       and/or Flat Rate  
                          shipping, freight,   Where Not State

charters

Regulated

14

|    |     |                          |   |                                     |
|----|-----|--------------------------|---|-------------------------------------|
| 15 | 482 | Rail Trans-<br>portation | Rail transporta-<br>tion, ticket of-<br>fices, short line,<br>freight | State Regulated<br>and/or Flat Rate |
|----|-----|--------------------------|---|-------------------------------------|

16

|    |     |                           |   |  |
|----|-----|---------------------------|---|--|
| 17 | 483 | Water Trans-<br>portation | Water transporta-<br>tion, coastal,<br>freight, inland,<br>passenger, forward-<br>ers | Gross Receipts<br>and/or Flat Rate<br>Where Not State<br>Regulated |
|----|-----|---------------------------|---|--|

18

|    |     |                           |  |  |
|----|-----|---------------------------|--|--|
| 19 | 484 | Truck Trans-<br>portation | Truck transporta-<br>tion, terminal, lo-<br>cal, long-distance,<br>freight | Gross Receipts<br>and/or Flat Rate<br>Where Not State<br>Regulated |
|----|-----|---------------------------|--|--|

20

|   |     |   |  |                                    |
|---|-----|---|--|------------------------------------|
| 1 | 485 | Transit and<br>Ground Pas-<br>senger<br>Transporta-<br>tion | Ground transporta-<br>tion, bus, taxi,<br>limousine, charter,<br>buggy | Gross Receipts<br>and/or Flat Rate |
| 2 |     |   |  |                                    |
| 3 | 487 | Scenic and<br>Sightseeing<br>Transporta-<br>tion            | Scenic and sight-<br>seeing, land, wa-<br>ter, air, special            | Gross Receipts<br>and/or Flat Rate |
| 4 |     |   |  |                                    |
| 5 | 492 | Couriers and<br>Messengers                                  | Couriers and mes-<br>sengers, services,<br>delivery                    | Gross Receipts<br>and/or Flat Rate |
| 6 |     |   |  |                                    |
| 7 | 493 | Warehousing<br>and Storage                                  | Warehouse and stor-<br>age, household, re-                             | Gross Receipts,<br>Flat Rate or    |

frigerated, distri- Square Feet  
bution, special

8

9           511   Publishing      Publishing, newspa-   Gross Receipts  
              Industries   pers, periodicals,   and/or Flat Rate  
              (except       databases, software  
              Internet)

10

11           512   Motion Pic-      Motion pictures and   Gross Receipts  
              ture and     videos, theatres,   and/or Flat Rate  
              Sound Re-   recording, studios,  
              cording In-   drive-in  
              dustry

12

13           515   Broadcasting   Broadcasting and      Gross Receipts  
              (except       radio, TV           and/or Flat Rate  
              Internet)           Where Not State  
  Regulated

1

2

|     |   |  |  |
|-----|---|--|--|
| 516 | Internet<br>Publishing<br>and Broad-<br>casting | Publications or<br>broadcasting for<br>Internet only | Gross Receipts<br>and/or Flat Rate<br>Where Not State<br>Regulated |
|-----|---|--|--|

3

4

|     |                         |  |  |
|-----|-------------------------|--|--|
| 517 | Telecommuni-<br>cations | Providing, access<br>to facilities for<br>voice, data, text,<br>sound and/or video | Gross Receipts<br>and/or Flat Rate<br>Where Not State<br>Regulated |
|-----|-------------------------|--|--|

5

6

|     |   |  |                                    |
|-----|---|--|------------------------------------|
| 519 | Information<br>Services and<br>Data Pro-<br>cessing | Providing, storing,<br>processing, and<br>providing access to<br>information | Gross Receipts<br>and/or Flat Rate |
|-----|---|--|------------------------------------|

7



1           522   Credit In-       Credit companies       Gross Receipts  
               intermediation   and activities re-   and/or Flat Rate  
               and Related       lated to credit       Where Not State  
               Activities       and mediation of       Regulated. Banks  
                                   credit                   and savings and  
   loan associations  
   are state regulated  
   and are subject to  
   the license tax au-  
   thorized under Sec-  
   tion 11-51-130 and  
   under Section  
   11-51-131, respec-  
   tively.

2

3           523   Securities,       Insurance compa-       Gross Receipts  
               Commodity,       nies, life, health,   and/or Flat Rate  
               Other Finan-   accident, and all       Where Not State  
               cial Prod-     other                   Regulated  
               ucts

4

|   |     |   |  |  |
|---|-----|---|--|--|
| 1 | 524 | Insurance<br>Carriers and<br>Related Ac-<br>tivities    | Insurance compa-<br>nies, fire, marine,<br>and fire casualty   | State Regulated  |
| 2 |     |   |  |  |
| 3 | 525 | Funds,<br>Trusts,<br>Other Finan-<br>cial Vehi-<br>cles | Funds, plans,<br>and/or programs or-<br>ganized to pool se-<br>curities or other<br>assets for others,<br>other than the Ala-<br>bama Municipal<br>Funding Corporation | Gross Receipts<br>and/or Flat Rate<br>Where Not State<br>Regulated |
| 4 |     |   |  |  |
| 5 | 531 | Real Estate   | Real estate, of-<br>fices, agents, bro-<br>kers, developers  | Gross Receipts<br>and/or Flat Rate<br>Where Not State<br>Regulated |
| 6 |     |   |  |  |

|   |     |  |  |   |
|---|-----|--|--|---|
| 1 | 532 | Rental and<br>Leasing Ser-<br>vices                  | Rental and leasing,<br>auto, truck, equip-<br>ment, tangible<br>property           | Gross Receipts<br>and/or Flat Rate  |
| 2 |     |  |  |   |
| 3 | 541 | Professions,<br>Scientific,<br>Technical<br>Services | Attorney, doctor,<br>dentist, architect,<br>engineer, vet,<br>other professions    | Gross Receipts for<br>outdoor/billboard<br>advertising; oth-<br>erwise flat rate<br>and/or gross re-<br>ceipts  |
| 4 |     |  |  |   |
| 5 | 551 | Management<br>of Companies<br>and Enter-<br>prises   | Management of com-<br>panies and enter-<br>prises, offices,<br>regional, corporate | Gross Receipts<br>and/or Flat Rate<br>Where Not State<br>Regulated. For<br>purposes of this<br>chapter only, bank<br>holding companies<br>are state regu- |

lated and are sub-  
 ject only to the  
 license tax amount  
 authorized under  
 Section  
 11-51-130(a)(12).

6

|   |     |  |   |  |
|---|-----|--|---|--|
| 7 | 561 | Administra-<br>tive and<br>Support Ser-<br>vices | Administrative and<br>support services,<br>office, employment,<br>answering, travel | Gross Receipts<br>and/or Flat Rate<br>Where Not State<br>Regulated |
|---|-----|--|---|--|

8

|   |     |  |   |  |
|---|-----|--|---|--|
| 9 | 562 | Waste Man-<br>agement and<br>Remediation<br>Services | Waste management,<br>services, landfill,<br>septic tank, compa-<br>nies, trucks | Gross Receipts<br>and/or Flat Rate<br>Where Not State<br>Regulated |
|---|-----|--|---|--|

10

|    |     |             |                  |                |
|----|-----|-------------|------------------|----------------|
| 11 | 611 | Educational | Educational ser- | Gross Receipts |
|----|-----|-------------|------------------|----------------|

|          |                   |                  |
|----------|-------------------|------------------|
| Services | vices, business,  | and/or Flat Rate |
|          | secretarial, com- | Where Not State  |
|          | puter, technical, | Regulated        |
|          | sports, other     |                  |

12

|    |     |             |                     |                  |
|----|-----|-------------|---------------------|------------------|
| 13 | 621 | Ambulatory  | Health care ser-    | Gross Receipts   |
|    |     | Health Care | vices, mental, out- | and/or Flat Rate |
|    |     | Services    | patient, HMO, diag- |                  |
|    |     |             | nostic, blood, di-  |                  |
|    |     |             | alysis, other       |                  |

14

|    |     |           |                     |                  |
|----|-----|-----------|---------------------|------------------|
| 15 | 622 | Hospitals | Hospitals, surgi-   | Gross Receipts   |
|    |     |           | cal, substance      | and/or Flat Rate |
|    |     |           | abuse, psychiatric, | Based on No. of  |
|    |     |           | specialty           | Patients or Beds |

16

|    |     |             |                     |                  |
|----|-----|-------------|---------------------|------------------|
| 17 | 623 | Nursing and | Nursing and resi-   | Gross Receipts   |
|    |     | Residential | dential care facil- | and/or Flat Rate |

Care Facilities, elderly, day  
ties care, assisted liv-  
ing

18

|    |     |            |                    |                  |
|----|-----|------------|--------------------|------------------|
| 19 | 624 | Social As- | Social assistance, | Gross Receipts   |
|    |     | sistance   | child, shelters,   | and/or Flat Rate |
|    |     |            | vocational, emer-  | Where Not State  |
|    |     |            | gency              | Regulated        |

20

|    |     |  |  |                                    |
|----|-----|--|--|------------------------------------|
| 21 | 711 | Performing Arts, Spec-<br>tator Sports | Arts and sports,<br>dance, musical,<br>spectator, teams,<br>tracks, promoters,<br>agents | Gross Receipts<br>and/or Flat Rate |
|----|-----|--|--|------------------------------------|

22

|    |     |            |                     |                  |
|----|-----|------------|---------------------|------------------|
| 23 | 712 | Museums,   | Museums, historical | Gross Receipts   |
|    |     | Historical | sites, zoos, botan- | and/or Flat Rate |
|    |     | Sites and  | ical gardens,       |                  |

Similar parks, special  
sites

24

25           713   Amusement,    Amusement and rec-   Gross Receipts  
              Gambling and   reation, gambling,   and/or Flat Rate  
              Related       theme, arcade,       Where Not State  
                             golf, marinas, fit-   Regulated  
                             ness

26

27           721   Accomoda-       Accommodations, ho-   Gross Receipts  
              tions       tel, travel,       and/or Flat Rate  
                             bed-and-breakfast,  
                             rooming houses, mo-  
                             tel

28

29           722   Food Ser-       Food service and       Gross Receipts  
              vices and       drinking places,       and/or Flat Rate  
              Drinking       restaurant, cater-

|    |     |                                       |   |                                    |
|----|-----|---------------------------------------|---|------------------------------------|
|    |     | Places                                | ers, bar, lounge,<br>club   |                                    |
| 30 |     |                                       |   |                                    |
| 31 | 811 | Repair and<br>Maintenance             | Repair and mainte-<br>nance, automotive,<br>electronic, commer-<br>cial, residential,<br>other    | Gross Receipts<br>and/or Flat Rate |
| 32 |     |                                       |   |                                    |
| 33 | 812 | Personal and<br>Laundry Ser-<br>vices | Personal care ser-<br>vices, hair, nail,<br>skin, barber,<br>beauty, diet, tan-<br>ning, funerals | Gross Receipts<br>and/or Flat Rate |
| 34 |     |                                       |   |                                    |
| 35 | 910 | Category<br>for:                      | Vending machines,<br>pool tables, amuse-<br>ment devices, etc.                                    | Gross Receipts<br>and/or Flat Rate |



1

2           920   Category for   Employees: as in       Gross Receipts,  
               employees:   number of employees   Flat Rate or Num-  
                               used in license       ber of Employees  
                               calculation

3

4           930   Category for   Square feet used       Gross Receipts,  
               square feet:   for warehousing,       Flat Rate or Num-  
                               large buildings,       ber of Square Feet  
                               and other types

5

6           923   Administra-   General Category       Gross Receipts  
               tion of Hu-                               and/or Flat Rate  
               man Resource                              Where Applicable  
               Programs

7

|   |     |  |                  |  |
|---|-----|--|------------------|--|
| 1 | 924 | Administra-<br>tion of En-<br>vironmental<br>Quality Pro-<br>grams | General Category | Gross Receipts<br>and/or Flat Rate<br>Where Applicable |
| 2 |     |  |                  |  |
| 3 | 925 | Administra-<br>tion of<br>Housing, Ur-<br>ban, Comm.               | General Category | Gross Receipts<br>and/or Flat Rate<br>Where Applicable |
| 4 |     |  |                  |  |
| 5 | 926 | Administra-<br>tion of Eco-<br>nomic Pro-<br>grams                 | General Category | Gross Receipts<br>and/or Flat Rate<br>Where Applicable |
| 6 |     |  |                  |  |
| 7 | 927 | Space Re-<br>search and  | General Category | Gross Receipts<br>and/or Flat Rate                     |

## Technology

## Where Applicable

8

9           928   National Se-   General Category   Gross Receipts  
               curity and                                   and/or Flat Rate  
               Interna-                                   Where Applicable  
               tional Af-  
               fairs

10

11           999   Unclassified   General Category   Gross Receipts or  
               Establish-                                   Flat Rate, Where  
               ments                                       Not State Regu-  
    lated

12

13                       (b) The taxing jurisdiction's basis for  
 14   determination of the business license tax for each sector  
 15   shall correspond with the basis specified in subsection (a),  
 16   such as gross receipts, flat rate, number of employees, or  
 17   square footage. Provided, however, with respect to machines  
 18   and other devices described in Sector 910 above, the

1 municipality, in addition to a gross receipts-based or flat  
2 rate license, may require the taxpayer to purchase a decal for  
3 each machine or device located within the municipality. The  
4 charge for such decal shall not exceed the municipality's  
5 actual cost of the decal. Provided further, the taxing  
6 jurisdiction shall have authority to issue one license, rather  
7 than multiple licenses, to a business in accordance with the  
8 taxing jurisdiction's business license ordinance. To the  
9 extent that subsection (a) indicates that a business activity  
10 described in an NAICS sector is fully or partially state  
11 regulated, no taxing jurisdiction shall have authority to  
12 impose a business license tax in excess of the amount  
13 otherwise authorized by state law on the state regulated  
14 portion of such sector.

15 (c) The measure of a municipal business license  
16 based on gross receipts shall be based on the taxpayer's gross  
17 receipts for the license year next preceding the current  
18 license year unless the taxpayer first began doing business in  
19 the municipality during the current license year, in which  
20 event the gross receipts shall be projected by the taxpayer  
21 for the remaining portion of the current license year. If the  
22 taxpayer's actual gross receipts for the short license year  
23 are either more or less than projected, the taxpayer's  
24 annualized gross receipts used in calculating its business  
25 license tax liability for the following license year shall be

1 increased or decreased, respectively, by the amount of the  
2 difference. When annualizing the gross receipts for the short  
3 license year, the amount of the gross receipts projected by  
4 the taxpayer shall be divided by the number of full months the  
5 taxpayer was in business in the municipality and multiplied by  
6 12; provided that each taxpayer shall be deemed to have been  
7 in business in the municipality for a minimum of one month for  
8 purposes of this calculation. If the taxpayer employs a fiscal  
9 year for federal and state income tax purposes, the taxpayer's  
10 gross receipts may be determined, at the option of the  
11 taxpayer, from the federal income tax return of the taxpayer  
12 for the fiscal year next preceding the current license year,  
13 provided that the gross receipts reported thereon reasonably  
14 reflect the financial condition of the taxpayer as of the  
15 December 31 next preceding the current license year, and the  
16 taxpayer so notifies the municipality either prior to or  
17 simultaneously with filing the first business license  
18 remittance form using fiscal year data. The taxpayer's use of  
19 fiscal year data, as provided above, shall constitute an  
20 irrevocable election to use fiscal year data with respect to  
21 the current and subsequent business license years unless the  
22 governing body of the municipality or its director of finance  
23 or other chief revenue officer or his or her designee consents  
24 otherwise. Provided, however, that nothing in this subsection  
25 shall prohibit a municipality from doing any of the following:

1           (1) Creating one or more sub-sectors in each of the  
2       NAICS sectors listed in subsection (a) above, subject to the  
3       limitations regarding the basis for license calculation and  
4       subsections (e) and (f) below.

5           (2) Levying and collecting any municipal tax, other  
6       than an annual business license, that now exists or that may  
7       hereafter be adopted pursuant to Section 11-51-90 or some  
8       other provision of state law, including, but not limited to,  
9       lodgings taxes, alcoholic beverage taxes, gasoline and motor  
10      fuel taxes, tobacco taxes, leasing or rental taxes,  
11      occupational taxes, sales and use taxes, and gross receipts  
12      taxes in the nature of a sales tax.

13          (3) Allowing or requiring a taxpayer to purchase a  
14      minimum business license with respect to the short license  
15      year following 90 days of operations in the municipality,  
16      based on the amount which bears the same relationship to the  
17      actual amount of gross receipts during such preceding license  
18      year as the entire license year bears to the number of days  
19      during which the taxpayer was operating during such preceding  
20      license year. If the taxpayer did not commence operations  
21      until after the first day of the calendar year, the  
22      municipality may by ordinance require the taxpayer to remit  
23      the business license tax at the end of such 90 day period, or  
24      on December 31 of the current license year, whichever occurs  
25      first.

1           (d) For purposes of subsection (a), the terms "state  
2 regulated" or "where not state regulated," when used with  
3 reference to a business listed in one of the NAICS sectors and  
4 any subsequently created sub-sector, mean and refer to other  
5 provisions of the Code of Alabama 1975, that deal with or  
6 limit the taxation of the respective business by  
7 municipalities, none of which are amended or repealed by this  
8 act.

9           (e) Notwithstanding anything in this chapter to the  
10 contrary, the licenses authorized by Sections 11-51-130 and  
11 11-51-131 are in lieu of any other business licenses  
12 authorized by this chapter, and banks and savings and loan  
13 associations subject to either of those sections are not  
14 subject to the business license taxes otherwise authorized by  
15 this chapter, regardless of whether one or more NAICS sectors  
16 or sub-sectors describe or include any business or activity of  
17 such bank or savings and loan association. Any municipal  
18 business license tax applicable to a bank holding company, as  
19 defined in Section 5-13B-2(f), shall not exceed the amount set  
20 forth in the schedule provided for banks under Section  
21 11-51-130(a)(12). Provided, however, if a bank holding company  
22 is engaged in additional lines of business that do not fall  
23 within NAICS Sectors 551 or 522 and which are not considered  
24 financial in nature, as defined under federal banking law, the  
25 bank holding company shall take out and pay for a business

1 license for each additional line of business so assessed by  
2 the municipality; provided further that for each separate  
3 additional business license, the gross receipts taxable under  
4 such license shall be only those gross receipts of the bank  
5 holding company which arise under the license for the  
6 respective additional line of business and not from a  
7 financial activity, as defined under federal banking law, or  
8 from an activity within NAICS Sector 551 or 522. This  
9 subsection (e) shall not apply to any subsidiary of a bank or  
10 savings and loan association.

11 (f) Notwithstanding any provision of this chapter to  
12 the contrary, each of the several municipalities in this state  
13 may annually assess and collect from each utility or other  
14 entity described in Section 11-51-129 only one municipal busi-  
15 ness license tax for all lines of business classified in NAICS  
16 Sector 221, and the levy, collection and assessment of the  
17 single business license tax shall be subject to the provisions  
18 and limitations of Section 11-51-129 and Section 11-51-90A. If  
19 any such utility or entity described in Section 11-51-129 is  
20 engaged in one or more additional lines of business that do  
21 not fall within NAICS Sector 221, and if the additional line  
22 of business of such utility or other entity is so assessed by  
23 the municipality, then the utility or other entity shall take  
24 out and pay for a business license for that additional line of  
25 business, even if the utility or other entity does not meet



1 the requirement in Section 11-51-95 that it must derive more  
2 than 10 percent of its gross receipts from the business fall-  
3 ing within the NAICS sector during the preceding license year;  
4 provided however, that for each separate, additional business  
5 license, the gross receipts taxable under such license shall  
6 be only those gross receipts of the utility or other entity  
7 from business done within the municipality and which arise  
8 within the line of business which is the subject of the re-  
9 spective license.

10 DIVISION 5

11 RIGHTS AND RESPONSIBILITIES OF MUNICIPAL TAXPAYERS

12 §11-51-186.

13 (a) Rights of the taxpayer.

14 (1) At or before the commencement of an examination  
15 of the books and records of a taxpayer, the taxing  
16 jurisdiction shall provide to the taxpayer a written  
17 description, in simple and non-technical terms, of the role of  
18 the taxing jurisdiction and the taxpayer during the  
19 examination and a statement of the taxpayer's rights.

20 (2) At or before the issuance of a preliminary  
21 assessment, the taxing jurisdiction shall provide to the  
22 taxpayer in simple and non-technical terms:

1           a. A written description of the basis for the  
2           assessment and any penalty asserted with respect to the  
3           assessment.

4           b. A written description of the method by which the  
5           taxpayer may request an administrative review of the  
6           preliminary assessment.

7           (3) At or before the issuance of a final assessment,  
8           the taxing jurisdiction shall inform the taxpayer by a written  
9           statement of his or her right to appeal to the circuit court.

10          (4) Except in cases involving suspected criminal  
11          violations of the tax law or other criminal activity, the  
12          taxing jurisdiction shall conduct an examination of a taxpayer  
13          during regular business hours after providing reasonable  
14          notice to the taxpayer. A taxpayer who refuses a proposed time  
15          for an examination on the grounds that the proposed  
16          examination would cause inconvenience or hardship must offer  
17          reasonable alternative times and dates for the examination.

18          (5) At all stages of an examination or the  
19          administrative review of the examination, a taxpayer is  
20          entitled to be assisted or represented, at his or her own  
21          expense, by an authorized representative. The taxing  
22          jurisdiction shall prescribe a form by which the taxpayer may  
23          designate such a person to represent him or her in the conduct  
24          of any proceedings, including collection proceedings,  
25          resulting from actions of the taxing jurisdiction. In the

1 absence of this form, the taxing jurisdiction may accept such  
2 other evidence that a person is the authorized representative  
3 of a taxpayer as it considers appropriate. This provision  
4 shall not be construed as authorizing the practice of law.

5 (6) A taxpayer shall be allowed to make an audio  
6 recording of any in-person interview with any officer or  
7 employee of the taxing jurisdiction relating to any  
8 examination or investigation by the taxing jurisdiction,  
9 provided, however, the taxpayer must give reasonable advance  
10 notice to the taxing jurisdiction of his or her intent to  
11 record and the recording shall be at the taxpayer's own  
12 expense and with the taxpayer's own equipment. The taxing  
13 jurisdiction shall also be allowed to record any interview if  
14 the taxpayer is recording the interview, or if the taxing  
15 jurisdiction gives the taxpayer reasonable advance notice of  
16 its intent to record the interview. The taxing jurisdiction  
17 shall provide the taxpayer with a copy of the recording, but  
18 only if the taxpayer provides reimbursement for the cost of  
19 the transcript and reproduction of such copy. Such cost shall  
20 be reasonable as prescribed by the taxing jurisdiction.

21 (7) This section shall not apply to criminal  
22 investigations or investigations relating to the integrity of  
23 any officer or employee of the taxing jurisdiction.

24 (8) Any designee of a municipality shall be subject  
25 to the same responsibilities and restrictions on its

1 authority, and the ability of its employees and contractors,  
2 to act on behalf of a taxing jurisdiction under this chapter  
3 as are imposed on them under the provisions of this chapter  
4 and Sections 40-2A-12 to 40-2A-14, inclusive.

5 (b) Municipality's responsibilities, generally. In  
6 addition to compliance with subsection (a), municipalities  
7 shall make accessible continuing education programs to train  
8 non-clerical employees of their revenue departments to provide  
9 them with a current knowledge of applicable state and local  
10 tax laws. Employees of a municipality who are subject to the  
11 preceding sentence may, in order to satisfy the continuing  
12 education requirements, attend courses pertaining in whole or  
13 in part to the municipal business license laws and related  
14 issues that are presented, sponsored or certified by the  
15 Alabama Municipal Revenue Officers Association or by the  
16 Alabama Local Tax Institute of Standards and Training  
17 established pursuant to Section 40-2A-15. In addition, a  
18 municipality shall not use the amounts of taxes assessed by an  
19 employee of the municipality as the basis of a production  
20 quota system for employees, or as a basis for evaluating an  
21 employee's or a designee's performance.

22 (c) Municipality's failure to comply with this  
23 section. The failure of a municipality or its designee to  
24 comply with any provision of subsections (a) or (b) shall not  
25 prohibit the municipality from assessing any business license

1 tax otherwise due under this chapter, nor excuse the taxpayer  
2 from timely complying with any time limitations under this  
3 chapter. However, if the municipality or its designee fails to  
4 substantially comply with the provisions of this section, the  
5 governing body of the municipality, its license officer or  
6 another employee designated by the governing body shall, upon  
7 written application by the taxpayer or upon good cause shown,  
8 abate any penalties and waive any interest otherwise arising  
9 from the examination or assessment.

10 (d) Abatement of penalty. The municipality shall  
11 abate any penalty attributable to erroneous written advice  
12 furnished to a taxpayer or taxpayer's representative by an  
13 employee or agent of the municipality's revenue department or  
14 of its designee. However, this subsection shall apply only if:  
15 The employee or agent of the revenue department or the  
16 designee provided the written advice in good faith while  
17 acting in his or her official capacity; the written advice was  
18 reasonably relied on by the taxpayer, or by the taxpayer's  
19 representative in advising the taxpayer, and was in response  
20 to a specific written request of the taxpayer or the  
21 taxpayer's representative; and the penalty did not result from  
22 the taxpayer's or the representative's failure to provide  
23 complete and accurate information or from a change in law or a  
24 new judicial interpretation of existing law. References in

1       this subsection to written advice or requests shall mean and  
2       include those transmitted via electronic mail.

3               §11-51-187.

4               A taxpayer that has purchased a business license  
5       required under this chapter shall not be subject to more than  
6       one business license examination for each business license by  
7       or on behalf of the issuing taxing jurisdiction for every  
8       three-license-year cycle unless reasonable cause is shown and  
9       notice is given to the taxpayer, consistent with Section  
10      40-2A-13, or unless the taxpayer fails or refuses to provide  
11     to the taxing jurisdiction a true and correct copy of its  
12     federal income tax return for the prior two license years or  
13     portions thereof within 14 days after written request has been  
14     mailed or personally delivered to it. The following activities  
15     shall not constitute a business license examination for  
16     purposes of this section: (i) The mere contact of a taxpayer  
17     or its authorized representative by a municipality or its  
18     agent for the purpose of obtaining information to confirm any  
19     information provided by the taxpayer in connection with its  
20     application for or renewal of its business license, or (ii) an  
21     inspection of the taxpayer's books and records consistent with  
22     one of the exceptions for sales and use tax examinations  
23     listed in Section 40-2A-13(c).

24              §11-51-188.

1           (a) Except as provided in subsections (b) and (c),  
2       each municipal business license shall be due on January 1st of  
3       each year and shall be renewed annually on or before the 31st  
4       day of January, provided that a municipality that imposed a  
5       delinquency date as of January 1, 2006, that was later than  
6       January 31 may elect, by adoption of an ordinance, to impose a  
7       February 15 delinquency date.

8           (b) If the due date for payment of any business  
9       license hereunder falls on a weekend or a holiday recognized  
10      by the municipality from time to time, the due date shall  
11      automatically be extended until the next business day.

12          (c) Notwithstanding subsection (a), insurance  
13      company licenses shall be renewed annually on or before March  
14      1, in accordance with Section 11-51-122.

15          (d) Any municipality may, in its discretion, grant a  
16      discount for payment of the applicable business license tax  
17      prior to the due date prescribed above. The amount and terms  
18      of the discount shall be established by ordinance of the  
19      governing body of the municipality.

20                 §11-51-189.

21           The governing body of a municipality may, in its  
22      discretion, grant an abatement to any taxpayer of all or a  
23      portion of the applicable business license tax otherwise due  
24      for up to three license years if the taxpayer substantially  
25      complies with the criteria for abatement of sales or use taxes

1 under the Tax Incentive Reform Act of 1992 found at Section  
2 40-9B-1 et seq., following a public hearing on same.

3 §11-51-190.

4 Consistent with Section 40-2A-7(a), taxpayers under  
5 this chapter shall keep and maintain an accurate and complete  
6 set of records, books, and other information sufficient to  
7 allow the municipality or its designee to determine the  
8 correct amount of any business license tax levied by the  
9 municipality, or other records or information as may be  
10 necessary for the proper administration of any matters under  
11 the jurisdiction of the municipality.

12 §11-51-191.

13 (a) If the taxing jurisdiction determines that the  
14 amount of any business license tax reported on or remitted  
15 with a business license remittance form is incorrect, if no  
16 business license remittance form is filed within the time  
17 prescribed, or if the information provided on the form is  
18 insufficient to allow the taxing jurisdiction to determine the  
19 proper amount of business license tax due, the taxing  
20 jurisdiction may calculate the correct amount of the tax based  
21 on the most accurate and complete information reasonably  
22 obtainable. The taxing jurisdiction may thereafter enter a  
23 preliminary assessment for the correct amount of business  
24 license tax, including any applicable penalty and interest.  
25 Nothing contained herein shall limit or restrict a



1 municipality's right to seek injunctive relief under Section  
2 11-51-150, et seq.

3 (b) If the amount of business license tax remitted  
4 by the taxpayer is undisputed by the taxing jurisdiction, or  
5 the taxpayer consents to the amount of any deficiency or  
6 preliminary assessment in writing, the jurisdiction may  
7 immediately enter a final assessment for the amount of the tax  
8 due, plus any applicable penalty and interest.

9 (c) (1) All preliminary and final assessments of  
10 business licenses issued by a municipality or its designee  
11 shall be executed as provided by its business license  
12 ordinance or code.

13 (2) Any preliminary assessment shall be entered  
14 within four years from the due date of the business license  
15 form, or four years from the date the form is filed, whichever  
16 is later, except as follows:

17 a. A preliminary assessment may be entered at any  
18 time if no license form is filed as required, or if a false or  
19 fraudulent license form is filed with the intent to evade the  
20 business license tax.

21 b. A preliminary assessment may be entered within  
22 six years from the due date of the license form or six years  
23 from the date the license form is filed with the taxing  
24 jurisdiction, whichever date occurs last, if the taxpayer  
25 omits or fails to report an amount in excess of 25 percent of

1 its gross receipts or other applicable business license tax  
2 base.

3 c. A preliminary assessment may be entered within  
4 five years from the due date of the license form, or five  
5 years from the date the form is filed, whichever is later, if  
6 the taxpayer or its authorized agent fails or refuses to  
7 execute and return to the taxing jurisdiction or its agent a  
8 written extension of the statute of limitations on issuing  
9 preliminary assessments for up to eight months, as requested  
10 by the taxing jurisdiction or its agent, within 30 days after  
11 receipt of the request for extension by the taxpayer or its  
12 authorized agent.

13 (3) The preliminary assessment entered by the taxing  
14 jurisdiction, or a copy thereof, shall promptly upon entry be  
15 mailed by the taxing jurisdiction to the taxpayer's last known  
16 address by either first class U.S. mail or certified U.S. mail  
17 with return receipt requested, but at the option of the taxing  
18 jurisdiction, the preliminary assessment may be delivered to  
19 the taxpayer by personal delivery.

20 (d) (1) If a taxpayer disagrees with a preliminary  
21 assessment as entered by the taxing jurisdiction, the taxpayer  
22 may file a petition for review with the taxing jurisdiction  
23 within 30 days from the date of entry of the preliminary  
24 assessment setting out the specific objections to the  
25 preliminary assessment. If a petition for review is timely

1 filed, or if the taxing jurisdiction otherwise deems it  
2 necessary, the license officer of the municipality shall  
3 schedule a conference with the taxpayer for the purpose of  
4 allowing the taxpayer or its representatives and the  
5 representatives of the taxing jurisdiction to present their  
6 respective positions, discuss any omissions or errors, and to  
7 attempt to agree upon any changes or modifications to their  
8 respective positions.

9 (2) If a petition for review:

10 a. Is not timely filed, or

11 b. Is timely filed, and upon further review the  
12 license officer determines that the preliminary assessment is  
13 due to be upheld in whole or in part, the taxing jurisdiction  
14 may make the assessment final in the amount of business  
15 license tax due as computed by the license officer, with  
16 applicable interest and penalty computed to the date of entry  
17 of the final assessment. The license officer shall, whenever  
18 practicable, complete his or her review of the taxpayer's  
19 petition for review and applicable law within 90 days  
20 following the later of the date of filing of the petition or  
21 the conference, if any.

22 (3) The final assessment entered by the taxing  
23 jurisdiction, or a copy thereof, shall promptly upon entry be  
24 mailed to the taxpayer's last known address (i) by either  
25 first class U.S. mail or certified U.S. mail with return

1 receipt requested in the case of assessments of business  
2 license tax of five hundred dollars (\$500) or less, or (ii) by  
3 certified U.S. mail with return receipt requested in the case  
4 of assessments of business license tax of more than five  
5 hundred dollars (\$500). In either case and at the option of  
6 the taxing jurisdiction, the final assessment, or a copy  
7 thereof, may be delivered to the taxpayer by personal  
8 delivery.

9 (e)(1) A taxpayer may appeal from any final  
10 assessment entered hereunder by the taxing jurisdiction by  
11 filing a notice of appeal, within 30 days from the date of  
12 entry of the final assessment, with the license officer, who  
13 shall promptly forward a copy of the notice of appeal and  
14 related documents to the administrative hearing officer  
15 appointed by the taxing jurisdiction to hear appeals of final  
16 assessments of the municipality's sales, use, rental and  
17 lodging taxes, as applicable, and business license taxes. The  
18 administrative hearing officer shall function in a manner  
19 similar to the Administrative Law Judge of the Department of  
20 Revenue and must be impartial and reasonably knowledgeable of  
21 the business license laws and the taxing jurisdiction's  
22 business license code or ordinances. The administrative  
23 hearing officer may be an employee of the taxing jurisdiction  
24 or otherwise, but in no event shall he or she charge or  
25 otherwise be compensated for his or her services in whole or

1 in part based on the portion or amount of the final assessment  
2 that he or she determines should be upheld, or any similar  
3 contingency. No filing fee or supersedeas bond shall be  
4 required by the taxing jurisdiction for such appeals.

5 (2) In lieu of the appeal under subdivision (1) to  
6 the administrative hearing officer, and at the option of the  
7 taxpayer, the taxpayer may appeal from any final assessment  
8 hereunder to the circuit court of the county having  
9 jurisdiction over the municipality which issued or on whose  
10 behalf the final assessment was issued, by filing a notice of  
11 appeal within 30 days from the date of entry of the final  
12 assessment with both the municipal clerk of the municipality  
13 and the clerk of the circuit court. If the appeal is to  
14 circuit court, and if the taxpayer is the appealing party, the  
15 taxpayer shall also, within the 30-day period allowed for  
16 appeal, either (i) pay the business license tax, interest and  
17 any penalty shown as due on the final assessment, or (ii) file  
18 a supersedeas bond with the clerk of the court in double the  
19 amount of the business license tax, interest and any penalty  
20 shown as due on the final assessment, or in such amount as may  
21 be required by Section 40-2A-7, as amended from time to time.  
22 The supersedeas bond shall be executed by a surety company  
23 licensed and authorized to do business in Alabama and shall be  
24 conditioned to pay the final assessment plus applicable  
25 interest and any court costs relating to the appeal. If the

1 taxpayer is the appealing party and is able to show to the  
2 satisfaction of the clerk of the court that he or she has a  
3 net worth, on the basis of fair market value, of twenty  
4 thousand dollars (\$20,000) or less, including his or her  
5 homestead, and that the final assessment is equal to or less  
6 than the taxpayer's net worth, the taxpayer may file and  
7 prosecute the appeal without either paying the final  
8 assessment in full or posting a supersedeas bond. A taxpayer  
9 may appeal a final assessment to circuit court, as provided  
10 herein, even though the taxpayer has paid the amount shown as  
11 due on the assessment prior to filing the appeal.

12 (3) The filing of the notice of appeal with both the  
13 municipal clerk of the municipality and the clerk of the  
14 circuit court in which the appeal is filed, as well as the  
15 payment of the final assessment in full or the filing of a  
16 supersedeas bond when required above, are jurisdictional. If  
17 such prerequisites are not satisfied within the time provided  
18 for appeal, the appeal shall be dismissed for lack of  
19 jurisdiction. On appeal to the circuit court, the final  
20 assessment shall be prima facie correct, and the burden of  
21 proof shall be on the taxpayer to prove the assessment is  
22 incorrect.

23 (4) If a final assessment is reduced on appeal, any  
24 overpayment shall promptly be refunded to the taxpayer by the

1       taxing jurisdiction together with interest to the extent  
2       allowed by Section 11-51-192.

3               (5) No court shall have the power to enjoin the  
4       collection of any business license tax due on an assessment so  
5       appealed or to suspend the payment thereof.

6               (f) Either the taxpayer or the taxing jurisdiction  
7       may appeal to circuit court from a final order issued by the  
8       administrative hearing officer by filing a notice of appeal  
9       with the administrative hearing officer and with the circuit  
10      court of the county having jurisdiction over the municipality  
11      which issued or on whose behalf the final assessment was  
12      issued, within 30 days from the date of entry of the final  
13      order. The procedures, presumptions and related matters and  
14      rules shall conform in all material respects to those  
15      applicable to appeals from final orders of the Department of  
16      Revenue's Administrative Law Division under Section 40-2A-9.

17              (g)(1) Any taxpayer may file a petition for refund  
18      with the taxing jurisdiction for any overpayment of business  
19      license tax erroneously paid to that jurisdiction. If a final  
20      assessment for the tax has been entered by the taxing  
21      jurisdiction, a petition for refund of all or a portion of the  
22      tax may be filed only if the final assessment has been paid in  
23      full prior to or simultaneously with the filing of the  
24      petition for refund.

1           (2) A petition for refund shall be filed with the  
2     taxing jurisdiction within (1) three years from the date that  
3     the business license form was filed, or (2) two years from the  
4     date of payment of the business license tax which is the  
5     subject of the petition, whichever is later, or if no form was  
6     timely filed, two years from the date of payment of the  
7     business license tax.

8           (3) The taxing jurisdiction shall either grant or  
9     deny a petition for refund within six months from the date the  
10    petition is filed, unless the period is extended by written  
11    agreement of the taxpayer and the taxing jurisdiction. The  
12    taxpayer shall be notified of the taxing jurisdiction's  
13    decision concerning the petition for refund by first class  
14    U.S. mail or by certified U.S. mail, return receipt requested,  
15    sent to the taxpayer's last known address. If the taxing  
16    jurisdiction fails to grant a full refund within the time  
17    provided herein, the petition for refund shall be deemed to be  
18    denied.

19          (4) If the petition is granted, or the taxing  
20    jurisdiction or a court otherwise determines that a refund is  
21    due, the overpayment shall be promptly refunded to the  
22    taxpayer by the taxing jurisdiction, together with interest to  
23    the extent provided in Section 11-51-192. If the taxing  
24    jurisdiction or a court determines that a refund is due, the  
25    amount of overpayment plus any interest due thereon may first



1 be credited by the taxing jurisdiction against any outstanding  
2 final tax liabilities due and owing by the taxpayer to the  
3 jurisdiction, and the balance of any overpayment shall be  
4 promptly refunded to the taxpayer. If any refund or part  
5 thereof is credited to any other tax by the taxing  
6 jurisdiction, the taxpayer shall be provided with a written  
7 detailed statement showing the amount of overpayment, the  
8 amount credited for payment to other taxes, and the amount  
9 refunded.

10 (5)a. A taxpayer may appeal from the denial in whole  
11 or in part of a petition for refund by filing a notice of  
12 appeal with the clerk of the circuit court of the county in  
13 which the municipality denying the petition for refund is  
14 located by filing the notice of appeal within two years from  
15 the date the petition is denied. The circuit court shall hear  
16 the appeal according to its own rules and procedures and shall  
17 determine the correct amount of refund due, if any.

18 b. If an appeal is not filed with the appropriate  
19 circuit court within two years of the date the petition is  
20 denied, then the appeal shall be dismissed for lack of  
21 jurisdiction.

22 c. In the discretion of the governing body of a  
23 municipality, by ordinance duly adopted, the provisions of  
24 this section may also be applied to one or more of its other  
25 taxes not already governed by the Alabama Taxpayers' Bill of

1 Rights and Uniform Revenue Procedures Act, Title 40, Chapter  
2 2A.

3 §11-51-192.

4 (a) The governing body of any municipality may  
5 elect, by the adoption of an ordinance, to assess interest on  
6 any business license tax delinquency. If assessed, interest on  
7 any delinquency shall be charged from the due date of the tax.

8 (b) If assessed by the municipality, interest shall  
9 be computed at the same rate prescribed by Section  
10 11-51-208(f) relating to interest on delinquent or overpaid  
11 sales and use taxes levied by self-administered  
12 municipalities.

13 (c) If the municipality elects under subsection (a)  
14 to assess interest on business license tax delinquencies,  
15 except as provided in this subsection, interest at the same  
16 rate shall be paid by a taxing jurisdiction on any refund of  
17 business license tax erroneously paid to the jurisdiction.  
18 Interest shall be computed on any overpayment from the date of  
19 the overpayment to the taxing jurisdiction, provided that  
20 interest on any refund of business license taxes of a  
21 municipality not administered by the Department of Revenue  
22 under Section 11-51-180 shall be limited in accordance with  
23 the principles of Section 11-51-208(f).

24 §11-51-193.

1           (a) The Department of Revenue shall periodically, at  
2     least annually, compose a list of all state boards and  
3     agencies that regulate the licensing of businesses or  
4     occupations under their jurisdiction, and that so notify the  
5     department in writing, herein collectively called "state  
6     licensing boards." The list shall be distributed to all  
7     municipal license officers at least once each year until  
8     January 1, 2009, at which time the list shall continue to be  
9     updated periodically thereafter but shall be required to be  
10    available only in the department's Internet website or other  
11    computer-accessible database available to the general public  
12    by remote access. Prior to issuing a business license to a  
13    taxpayer who is subject to the jurisdiction of a particular  
14    state licensing board, the taxing jurisdiction shall attempt  
15    to confirm from the board that the taxpayer is duly licensed  
16    by and in good standing with that board. Provided that the  
17    failure of the taxing jurisdiction to receive such  
18    confirmation due to a good faith error or other reasonable  
19    cause shall absolve the taxing jurisdiction and its employees  
20    or agents from any civil liability or criminal penalty that  
21    would otherwise arise or accrue if it is determined that the  
22    taxpayer was not in good standing at the time of filing the  
23    license form. The receipt by the taxing jurisdiction of what  
24    appears to be a true and accurate copy of the taxpayer's card  
25    or certificate, issued by the particular state licensing board

1 within 14 months of the date on which the taxpayer applies for  
2 a business license, shall constitute reasonable cause.

3 (b) All state licensing boards shall issue to each  
4 of their respective licensees a card or certificate  
5 categorizing each licensee, when required by regulation. Each  
6 such board shall promulgate, pursuant to the Alabama  
7 Administrative Procedure Act, a regulation establishing a  
8 uniform system of categories of persons subject to their  
9 jurisdiction, including a category for which no card or  
10 certificate is required. The proposed regulation shall be  
11 issued by each board on or before December 31, 2007, and the  
12 categories contained therein shall govern until such time as  
13 the regulation is issued in final form. Notwithstanding  
14 Section 11-51-90B, the business license of each applicable  
15 taxing jurisdiction shall be issued to the licensee based upon  
16 the established contractor category.

17 §11-51-194.

18 (a) Each municipality shall allow the purchase of a  
19 delivery license by any business that has no other physical  
20 presence within the municipality or its police jurisdiction  
21 for the privilege of delivering its merchandise therein. The  
22 amount of the delivery license shall not exceed one hundred  
23 dollars (\$100), provided that each municipality may review the  
24 propriety of the license tax every five years, and may  
25 increase or decrease the license tax under the standards

1 prescribed by Section 11-51-90 with respect to the uniform  
2 license issuance fee. Nothing herein shall prohibit a  
3 municipality from requiring by ordinance the purchase of a  
4 decal by the taxpayer for each delivery vehicle making  
5 deliveries within the municipality or its police jurisdiction.  
6 The charge for such decal shall not exceed the municipality's  
7 actual cost of the decal.

8 (b) As used in this section, a delivery license  
9 shall mean a fixed rate business license issued by a  
10 municipality for the limited privilege of delivering and  
11 requisite set-up and installation, by the taxpayer's employees  
12 or agents, of the taxpayer's own merchandise in that  
13 municipality, by means of delivery vehicles owned, leased, or  
14 contracted by the taxpayer; provided that the gross receipts  
15 derived from the sale and any requisite set-up or installation  
16 of all merchandise so delivered into the municipality shall  
17 not exceed seventy-five thousand dollars (\$75,000) during the  
18 license year, and any set-up or installation shall relate only  
19 to (i) that required by the contract between the taxpayer and  
20 the customer or as may be required by state or local law, and  
21 (ii) the merchandise so delivered. Mere delivery of the  
22 taxpayer's merchandise by common carrier shall not allow the  
23 taxing jurisdiction to assess a business license tax against  
24 the taxpayer, but the gross receipts derived from any sale and  
25 delivery accomplished by means of a common carrier shall be

1 counted against the seventy-five thousand dollar (\$75,000)  
2 limitation described in the preceding sentence if the taxpayer  
3 also during the same license year sells and delivers into the  
4 taxing jurisdiction using a delivery vehicle other than a  
5 common carrier. Provided that the dollar limitation prescribed  
6 above shall be increased, but not decreased, every five years  
7 under the standards prescribed by Section 11-51-90 with  
8 respect to the uniform license issuance fee and may be  
9 increased by a municipality at any time, up to one hundred  
10 fifty thousand dollars (\$150,000), by adoption of an  
11 ordinance. A common carrier, contract carrier, or similar  
12 delivery service making deliveries on behalf of others shall  
13 not be entitled to purchase a delivery license hereunder.

14 (c) Any taxpayer that meets the criteria for the  
15 purchase of a delivery license, as provided in subsections (a)  
16 and (b), and meets those criteria during the current license  
17 year as well, shall purchase either a delivery license or a  
18 regular business license otherwise applicable to the taxpayer,  
19 at its option.

20 (d) Notwithstanding Section 11-51-90B, the delivery  
21 license shall be calculated in arrears, based on the related  
22 gross receipts during the preceding license year.

23 (e) The purchase of a delivery license shall not, in  
24 and of itself, establish nexus between the taxpayer and the  
25 municipality for purposes of the taxes levied by or under the

1 authority of Title 40 or other provisions of this title, nor  
2 does the purchase of a delivery license, in and of itself,  
3 establish that nexus does not exist between the taxpayer and  
4 the municipality.

5 (f) If at any time during the current license year  
6 the taxpayer fails to meet the criteria specified in  
7 subsections (a) and (b), then within 10 days after any of the  
8 criteria have been violated or exceeded, the taxpayer shall  
9 purchase all appropriate business licenses from the  
10 municipality or its designee, for the entire license year and  
11 without regard to this section.

12 §11-51-195.

13 (a) Each municipality that levies a business license  
14 tax shall become subject to the provisions of this act on or  
15 before January 1, 2008. Any municipality may elect by adoption  
16 of an ordinance to have this act apply to it, and taxpayers  
17 doing business in the municipality, on and after January 1,  
18 2007.

19 (b) The failure of a municipality to comply with  
20 subsection (a) shall not prevent the municipality from levying  
21 or collecting its business license taxes, but the provisions  
22 of this act shall nevertheless govern each municipality and  
23 supersede the provisions of any inconsistent ordinance, code,  
24 resolution, or policy, of that municipality.

25 § 11-51-196

1           (a) It shall be unlawful for any person to print,  
2     publish, or divulge, without the written permission or  
3     approval of the taxpayer, the license form of any taxpayer or  
4     any part of the license form, or any information secured in  
5     arriving at the amount of tax or value reported, for any  
6     purpose other than the proper administration of any matter  
7     administered by the taxing jurisdiction, or upon order of any  
8     court, or as otherwise allowed in this section. Nothing herein  
9     shall prohibit the disclosure, upon request, of the fact that  
10    a taxpayer has or has not purchased a business license or of  
11    the name and address of a taxpayer purchasing or renewing a  
12    business license from the municipality. Statistical  
13    information pertaining to taxes may be disclosed to the  
14    municipal governing body upon their request. Any person  
15    willfully violating the provisions of this section shall, for  
16    each act of disclosure, have committed a Class A misdemeanor.

17           (b) The governing body of a municipality may adopt  
18    from time to time an ordinance consistent with Section  
19    40-2A-10(d) to permit the exchange of business license  
20    information between and among the municipality and other  
21    municipalities adopting similar ordinances or between county  
22    and state governments, subject to the confidentiality  
23    restrictions imposed by this section.

24           (c) In no event shall any damages, attorney fees, or  
25    court costs be assessed against a municipal government under



1       this section, nor shall any damages, attorney fees, or court  
2       costs be assessed against elected officials, officers or  
3       employees of a municipal government under this section.

4               Section 4. The Legislature hereby finds and declares  
5       that the enactment by this state of a simplified and uniform  
6       system for licensing businesses by all municipalities in  
7       Alabama will effectuate desirable public policy by promoting  
8       understanding of and compliance with applicable business  
9       license laws. The purposes of this act are to establish a  
10      uniform business license system, as defined herein, and  
11      uniform appeals process and not to restrict or repeal other  
12      municipal taxes which currently exist or that hereafter may be  
13      adopted by a municipality pursuant to Section 11-51-90 et  
14      seq., Code of Alabama 1975, nor to restrict the authority of  
15      municipalities to increase or decrease business license fees  
16      or impose fixed-rate business licenses beyond the two  
17      exceptions stated in this act. The Legislature does therefore  
18      declare that the provisions of this act are intended to  
19      accomplish these purposes.

20             Section 5. The provisions of this act are severable.  
21      If any part of this act is declared invalid or  
22      unconstitutional, that declaration shall not affect the part  
23      which remains. References to sections of the Code of Alabama  
24      1975, or to sectors or sub-sectors of the 2002 North American  
25      Industrial Classification System (NAICS) shall mean and

1 include references to any corresponding provision of  
2 subsequent state law or of a subsequent Industrial  
3 Classification System; provided, however, that references in  
4 this act to a particular section of the Code of Alabama 1975,  
5 or more generally to a business being "state regulated," to  
6 the extent those references are intended to impose limitations  
7 on the business license under a particular NAICS sector, shall  
8 not be deemed amended or superseded by an amendment to the  
9 corresponding NAICS sector or the issuance of additional NAICS  
10 sectors, sub-sectors or additional designations or of another  
11 Industrial Classification System.

12 Section 6. No laws or parts of laws which are not  
13 specifically repealed or amended by this act shall be repealed  
14 or amended. Without limitation, nothing herein shall be  
15 construed to repeal or amend the provisions of Section  
16 34-14A-13, as amended by Act 2000-99, nor the provisions of  
17 Title 28 applicable to the regulation or taxation of beer or  
18 table wine, nor the provisions of Division 2 of Article 2 of  
19 Chapter 51 of Title 11 (other than Section 11-51-122), Code of  
20 Alabama 1975.

21 Section 7. This act shall become effective for  
22 license years beginning after December 31, 2007, following its  
23 passage and approval by the Governor, or its otherwise  
24 becoming law; provided, however, that any municipality may  
25 elect by adoption of an ordinance to have this act apply to

1       it, and taxpayers doing business in the municipality or its  
2       police jurisdiction, after December 31, 2006; and provided  
3       further that any municipality may elect, by adoption of an  
4       ordinance on or before December 31, 2007, to delay the  
5       effective date of the changes to the statutes of limitation  
6       for assessments and refunds, embodied in Section 11-51-191,  
7       until license years beginning after December 31, 2008.  
8       Notwithstanding the foregoing, the provisions of this act  
9       relating to the time limits for entering assessments of  
10      business license taxes, filing petitions for refund or issuing  
11      refunds of business license taxes, and the like, shall neither  
12      cause the reopening of any tax period that would otherwise be  
13      closed, nor accelerate the closing of any tax period that  
14      would otherwise be open, on the effective date of this act.

*Robert H. Harts*

Speaker of the House of Representatives

*Lacy Baxley*

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 29-MAR-06, as amended.

Greg Pappas  
Clerk

|        |           |                               |
|--------|-----------|-------------------------------|
| Senate | 17-APR-06 | Amended and Passed            |
| House  | 17-APR-06 | Concurred in Senate Amendment |

APPROVED *April 25, 2006*

TIME *4:06 p.m.*

*Bob Riley*

GOVERNOR

Alabama Secretary Of State

Act Num....: 2006-586  
Bill Num....: H-754