

1 HB435  
2 128613-1  
3 By Representatives Hurst and Johnson (R)  
4 RFD: Commerce and Small Business  
5 First Read: 05-APR-11

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8 SYNOPSIS: Under existing law, motor vehicle licensing  
9 officials are directed to refuse to issue  
10 registration for a motor vehicle having a gross  
11 weight of 33,000 pounds or more unless the  
12 applicant furnishes proof of payment of the federal  
13 heavy vehicle excise tax imposed by Title 26,  
14 United States Code §4481. The federal law currently  
15 requires the federal heavy vehicle excise tax on a  
16 motor vehicle having a gross weight of 55,000  
17 pounds or more.

18 This bill would delete the specific weight  
19 reference and require an applicant to furnish proof  
20 of payment that any federal heavy vehicle excise  
21 tax imposed by Title 26, United States Code §4481,  
22 has been paid on a motor vehicle prior to the  
23 licensing official issuing, renewing, or  
24 transferring a motor vehicle registration and  
25 license plate for a motor vehicle.

26 Under existing law, Section 40-12-267, Code  
27 of Alabama 1975, provides for an expiration date

1 for registrations for commercial vehicles. Section  
2 32-6-61, Code of Alabama 1975, was later enacted  
3 and provides for the expiration date for the  
4 registration of the vehicles.

5 This bill would repeal Section 40-12-267 as  
6 obsolete.

7  
8 A BILL  
9 TO BE ENTITLED  
10 AN ACT

11  
12 Relating to motor vehicle license plates; to amend  
13 Section 32-6-58, Code of Alabama 1975, to delete the specific  
14 weight reference and to generally require an applicant to  
15 furnish proof of payment of any federal heavy vehicle excise  
16 tax imposed by Title 26, United States Code §4481, on certain  
17 motor vehicles prior to the licensing official issuing,  
18 transferring, or renewing any motor vehicle registration and  
19 license plate for the motor vehicles; and to repeal Section  
20 40-12-267, Code of Alabama 1975, which provides for expiration  
21 dates of licenses issued, which is no longer applicable.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 32-6-58, Code of Alabama 1975, is  
24 amended to read as follows:

25 "§32-6-58.

26 "(a) All judges of probate, license commissioners,  
27 and other officials authorized by law to register motor

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

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

15 Section 2. Section 40-12-267, Code of Alabama 1975,  
16 is repealed.

17 Section 3. This act shall become effective  
18 immediately following its passage and approval by the  
19 Governor, or its otherwise becoming law.