

1 HB221
2 209286-2
3 By Representative Ledbetter
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ENROLLED, An Act,

Relating to the registration of motor vehicles; to amend Section 32-8-2, as last amended by Act 2019-238 (2019 Regular Session), and Sections 32-6-210, 32-6-212, 32-6-214, 32-6-215, 32-6-216, 32-6-217, 32-6-218, 32-6-219, Code of Alabama 1975, to update definitions and provide for a definition of a transporter; and to provide that a manufacturer of a motor vehicle or transporter of certain vehicles may make application to the Department of Revenue for authority to issue temporary license plates and temporary registration certificates.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-8-2, as last amended by Act 2019-238 (2019 Regular Session), and Sections 32-6-210, 32-6-212, 32-6-214, 32-6-215, 32-6-216, 32-6-217, 32-6-218, 32-6-219, Code of Alabama 1975, are amended to read as follows:

"§32-8-2.

"For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

"(1) CURRENT ADDRESS. A new address different from the address shown on the application or on the certificate of

1 title. The owner, within 30 days after the address is changed
2 from that shown on the application or on the certificate of
3 title, shall notify the department of the change of address in
4 the manner prescribed by the department.

5 "(2) DEALER. A person licensed as an automobile or
6 motor vehicle dealer, or travel trailer dealer and engaged
7 regularly in the business of buying, selling, or exchanging
8 motor vehicles, trailers, semitrailers, trucks, tractors or
9 other character of commercial or industrial motor vehicles, or
10 travel trailers in this state, and having in this state an
11 established place of business.

12 "(3) DEPARTMENT. The Department of Revenue of this
13 state.

14 "(4) DESIGNATED AGENT. Each judge of probate,
15 commissioner of licenses, director of revenue, or other county
16 official in this state authorized and required by law to issue
17 motor vehicle license tags, who may perform his or her duties
18 under this chapter personally or through his or her deputies;
19 the term shall also mean those dealers as herein defined who
20 are appointed by the department as provided in Section 32-8-34
21 and such persons who are appointed by the department as
22 provided in subsection (c) of Section 32-8-34 to perform the
23 duties of designated agent for the purposes of this chapter.
24 Such dealers or other designated persons may perform their
25 duties under this chapter either personally, through any of

1 their officers or employees, or through a title service
2 provider.

3 "(5) IMPLEMENT OF HUSBANDRY. Every vehicle designed
4 and adapted exclusively for agricultural, horticultural, or
5 livestock raising operations or for lifting or carrying an
6 implement of husbandry and in either case not subject to
7 licensing or registration if used upon the highways.

8 "(6) LIEN. Every kind of written lease which is
9 substantially equivalent to an installment sale or which
10 provides for a right of purchase, conditional sale,
11 reservation of title, deed of trust, chattel mortgage, trust
12 receipt, and every written agreement or instrument of whatever
13 kind or character whereby an interest other than absolute
14 title is sought to be held or given on a motor vehicle.

15 "(7) LIENHOLDER. Any person, firm, copartnership,
16 association, or corporation holding a lien on a motor vehicle.

17 "(8) MANUFACTURER. Any person regularly engaged in
18 the business of manufacturing, constructing, assembling,
19 importing, or distributing new motor vehicles, either within
20 or without this state.

21 "(9) MOTOR VEHICLE. The term shall include all of
22 the following:

23 "a. Every automobile, motorcycle, mobile trailer,
24 semitrailer, truck, truck tractor, trailer, and other device
25 that is self-propelled or drawn, in, upon, or by which any

1 person or property is or may be transported or drawn upon a
2 public highway except such as is moved by animal power or used
3 exclusively upon stationary rails or tracks.

4 "b. Every trailer coach and travel trailer
5 manufactured upon a chassis or undercarriage as an integral
6 part thereof drawn by a self-propelled vehicle.

7 "(10) NEW VEHICLE. A motor vehicle that has never
8 been the subject of a first sale for use by a new motor
9 vehicle dealer as defined in Section 40-12-390 or an
10 equivalently licensed dealer in another state and includes,
11 among others, vehicles maintained in a dealer's inventory,
12 vehicles provided by the manufacturer or dealer for use by
13 participants in charity, sporting, or other special events,
14 vehicles used for drivers' education, and vehicles delivered
15 to customers that were subsequently returned to the dealer
16 without a registration being issued on the vehicle.

17 "(11) NONRESIDENT. Every person who is not a
18 resident of this state.

19 "(12) OWNER. A person, other than a lienholder,
20 having the property in or title to a vehicle. The term
21 includes a person entitled to the use and possession of a
22 vehicle subject to a security interest in another person, but
23 excludes a lessee under a lease not intended as security.
24 Under any lease-purchase or installment sales agreement where
25 a governmental agency, either city, county, or state, is the

1 lessee or purchaser with a security interest or right to
2 purchase, the lessee or purchaser shall be the owner for
3 purposes of this chapter.

4 "(13) PERSON. The term shall include every natural
5 person, firm, copartnership, association, or corporation.

6 "(14) PICKUP TRUCK. A truck with not more than two
7 axles and a gross weight not exceeding 12,000 pounds.

8 "(15) POLE TRAILER. Every vehicle without motive
9 power designed to be drawn by another vehicle and attached to
10 the towing vehicle by means of a reach or pole, or by being
11 boomed or otherwise secured to the towing vehicle, and
12 ordinarily used for transporting long or irregularly shaped
13 loads such as logs, poles, pipes, boats, or structural members
14 capable generally of sustaining themselves as beams between
15 the supporting connections.

16 "(16) SCRAP METAL PROCESSOR. Any person, firm, or
17 corporation engaged in the business of buying scrap vehicles,
18 automotive parts, or other metallic waste by weight to process
19 the material into scrap metal for remelting purposes, who
20 utilizes machinery and equipment for processing and
21 manufacturing ferrous and nonferrous metallic scrap into
22 prepared grades, and whose principal product is metallic
23 scrap.

24 "(17) SCRAP VEHICLE. Any vehicle that has been
25 crushed or flattened by mechanical means or has been otherwise

1 damaged to the extent that it cannot economically be repaired
2 or made roadworthy.

3 "(18) SECURITY AGREEMENT. A written agreement that
4 reserves or creates a security interest.

5 "(19) SECURITY INTEREST. An interest in a vehicle
6 reserved or created by agreement and which secures payment or
7 performance of an obligation. The term includes the interest
8 of a lessor under a lease intended as security. A security
9 interest is perfected when it is valid against third parties
10 generally, subject only to specific statutory exceptions.

11 "(20) SELF-PROPELLED CAMPERS or HOUSE CARS. A
12 self-propelled motor vehicle designed and used primarily for
13 mobile living quarters. The living quarters on self-propelled
14 campers or house cars are constructed as an integral part of
15 the motor vehicle and are not detachable. Self-propelled
16 campers or house cars are commonly known as motor homes,
17 mobile homes, or recreational vehicles.

18 "~~(20)~~ (21) SPECIAL MOBILE EQUIPMENT. Every vehicle
19 not designed or used primarily for the transportation of
20 persons or property and only incidentally operated or moved
21 over the highway, including but not limited to: ditch-digging
22 apparatus; well-boring apparatus; road construction and
23 maintenance machinery such as asphalt spreaders, bituminous
24 mixers, bucket loaders, tractors other than truck tractors,
25 ditchers, leveling graders, finishing machines, motor graders,

1 road rollers, scarifiers, earth-moving carryalls and scrapers,
2 power shovels and draglines, and self-propelled cranes; and
3 earth-moving equipment. The term does not include manufactured
4 homes, dump trucks, truck-mounted transit mixers, cranes, or
5 shovels, or other vehicles designed for the transportation of
6 persons or property to which machinery has been attached.

7 ~~"(21)~~ (22) STATE. A state, territory, or possession
8 of the United States, the District of Columbia, the
9 Commonwealth of Puerto Rico, or a province of the Dominion of
10 Canada.

11 "(23) TRANSPORTER. A person engaged regularly in
12 business of either of the following:

13 "a. Facilitating the delivery of motor vehicles,
14 mobile homes, trailer coaches, travel trailers, house
15 trailers, semitrailers or trailers, including utility
16 trailers, or boats between manufacturers, distributors,
17 dealers, or persons.

18 "b. Facilitating the delivery of special mobile
19 equipment from the manufacturer of the equipment to a facility
20 of a dealer.

21 ~~"(22)~~ (24) TITLE SERVICE PROVIDER. A person who is
22 bonded under subsection (d) of Section 32-8-34 and authorized
23 by the department to act as an agent for a fee or other
24 consideration on behalf of the following persons in the
25 performance of their duties under this chapter:

1 "a. A dealer or other designated person appointed
2 pursuant to subsection (b) or (c) of Section 32-8-34 as a
3 designated agent.

4 "b. A lienholder who appears on a certificate of
5 title.

6 "c. Other persons as prescribed by the department.

7 "~~(23)~~ (25) TRAVEL TRAILER. A vehicle without motive
8 power, designed and constructed as a camping vehicle or a
9 temporary dwelling, living, or sleeping place and designed to
10 be drawn or pulled on the highway, also known as a house
11 trailer, but not including folding or collapsible camping
12 trailers as defined in this section.

13 "~~(24)~~ (26) USED VEHICLE. A motor vehicle that has
14 been the subject of a first sale for use, whether within this
15 state or elsewhere, or is being sold by a used motor vehicle
16 dealer as defined in Section 40-12-390.

17 "~~(25)~~ (27) UTILITY TRAILER. A vehicle without motive
18 power designed to be drawn by a passenger car or pickup truck,
19 including folding or collapsible camping trailers.

20 "~~(26)~~ (28) VEHICLE IDENTIFICATION NUMBER. The
21 numbers and letters on a motor vehicle designated by the
22 manufacturer or assigned by the department for the purpose of
23 identifying the motor vehicle.

24 "§32-6-210.

1 "For purposes of this division, the terms ~~"dealer,"~~
2 ~~"department," "designated agent," "motor vehicle,"~~ and ~~"owner"~~
3 used shall have the meanings as defined in Section 32-8-2.

4 "§32-6-212.

5 "(a) A manufacturer of a motor vehicle, mobile home,
6 trailer coach, travel trailer, house trailer, semitrailer or
7 trailer, including a utility trailer, manufactured on a
8 chassis or undercarriage as an integral part thereof drawn by
9 a self-propelled vehicle who has a manufacturing,
10 constructing, or assembling plant in this state may make
11 application to the department for authority to issue temporary
12 license plates and temporary registration certificates in
13 connection with such motor vehicles, mobile homes, trailer
14 coaches, travel trailers, house trailers, semitrailers or
15 trailers, including utility trailers, manufactured by it in
16 this state and which are to be permanently licensed in some
17 state other than Alabama. A dealer in motor vehicles, mobile
18 homes, trailer coaches, travel trailers, house trailers,
19 semitrailers or trailers, including utility trailers, may also
20 make application to the department for authority to issue
21 temporary license plates and temporary registration
22 certificates in connection with such vehicles sold by it which
23 are to be permanently licensed in some state other than the
24 State of Alabama. A transporter of motor vehicles, mobile
25 homes, trailer coaches, travel trailers, house trailers, and

1 semitrailers or trailers, including utility trailers, may also
2 make application to the department for authority to issue
3 temporary license plates and temporary registration
4 certificates in connection with the transporting of those
5 vehicles.

6 "(b) A manufacturer of a boat who has a
7 manufacturing, constructing, or assembling plant in this state
8 may make application to the department for authority to issue
9 a temporary license plate and temporary registration
10 certificate in connection with the boat trailer used to
11 transport such boat manufactured by it in this state when the
12 boat is to be domiciled in some state other than Alabama. A
13 dealer in boats may also make application to the department
14 for authority to issue temporary license plates and temporary
15 registration certificates in connection with a boat trailer
16 used to transport a boat sold by it which is to be domiciled
17 in some state other than the State of Alabama. A transporter
18 of boats may also make application to the department for
19 authority to issue temporary license plates and temporary
20 registration certificates in connection with transporting the
21 boat trailer used to transport a boat.

22 "(c) If approved by the department, ~~such the~~
23 manufacturer, or dealer, or transporter shall enter into a
24 bond with a corporate surety authorized to do business in this
25 state as surety thereon, payable to the State of Alabama in a

1 sum as provided for in Section 40-12-398. Provided that a
 2 manufacturer, ~~or~~ dealer, or transporter who has entered into a
 3 bond pursuant to Section 32-8-34, 32-20-22, or 40-12-398,
 4 shall not be required to obtain another bond pursuant to this
 5 section. ~~Such~~ The manufacturer, ~~or~~ dealer, or transporter may
 6 perform its duties under this division either personally or
 7 through any of its officers or employees.

8 "§32-6-214.

9 "Each temporary license tag and temporary
 10 registration certificate issued hereunder shall be valid for
 11 20 days from the date of issuance and shall be used only on
 12 the vehicle for which issued. No temporary license tag shall
 13 be renewed nor shall successive temporary license tags be
 14 issued in connection with the same motor vehicle. Provided,
 15 however, that a judge of probate ~~judge~~ or other county
 16 official authorized and required by law to issue motor vehicle
 17 license tags issuing a temporary license tag under the
 18 provisions of Section 32-6-213 may issue a temporary license
 19 tag for a motor vehicle which has previously received a
 20 temporary license tag issued by some other designated agent,
 21 manufacturer, ~~or~~ dealer, or transporter and further may issue
 22 successive temporary license tags in connection with the same
 23 motor vehicle for periods not to exceed a total of 60 days.

24 "§32-6-215.

1 "The fee for issuance of each temporary license tag
2 shall be two dollars and twenty-five cents (\$2.25) which shall
3 be collected by the designated agent, ~~or~~ manufacturer, ~~or~~
4 dealer, or transporter qualifying under Section 32-6-212. From
5 each such fee collected, the designated agent, manufacturer,
6 or dealer shall remit one dollar and fifty cents (\$1.50) to
7 the department for deposit to the Public Road and Bridge Fund
8 of the State of Alabama and shall remit seventy-five cents
9 (\$.75) to the county in which the temporary license tag is
10 issued to be paid into the treasury of the county, provided,
11 that in all counties where the judge of probate ~~judge~~ is
12 reimbursed on a fee basis instead of on a salary basis, then
13 such seventy-five cents (\$.75) shall be paid to the judge of
14 probate ~~judge~~.

15 "§32-6-216.

16 "Every designated agent, ~~or~~ manufacturer, ~~or~~ dealer, ~~or~~
17 or transporter qualifying under Section 32-6-212 issuing a
18 temporary license tag shall insert clearly and indelibly on
19 the face of each temporary license tag the date of issuance
20 and expiration, the make and vehicle identification number of
21 the motor vehicle for which issued and ~~such~~ other information
22 as the department shall require. Upon issuance of a temporary
23 license tag, the designated agent, manufacturer, ~~or~~ dealer, or
24 transporter shall also deliver to the owner a temporary
25 registration certificate upon a form prescribed by the

1 department. The designated agent, manufacturer, ~~or~~ dealer, or
2 transporter shall retain a copy of the temporary registration
3 certificate and shall transmit the original of ~~such~~ the
4 certificate to the department, one copy to the judge of
5 probate or other county official authorized and required by
6 law to issue motor vehicle license tags of the county in which
7 the temporary license tag is issued, and one copy to the
8 applicant.

9 "§32-6-217.

10 "Every designated agent, ~~or~~ manufacturer, ~~or~~ dealer, or
11 or transporter qualifying under Section 32-6-212 shall
12 maintain for one year a record of all temporary license tags
13 and temporary registration certificates issued by him or her
14 and shall maintain ~~such~~ any other information pertaining to
15 the issuance of temporary license tags as the department shall
16 require. All ~~such~~ records required under this section to be
17 maintained by the designated agent, manufacturer, ~~or~~ dealer, or
18 or transporter shall be available for inspection and
19 examination by duly authorized representatives of the
20 department upon request.

21 "§32-6-218.

22 "The department shall prescribe the design and
23 material of the temporary license tags, temporary registration
24 certificates, application forms and all other notices and
25 forms necessary to carry out the provisions of this division

1 and shall furnish a supply of ~~such~~ the materials to designated
2 agents, ~~or~~ manufacturers, ~~or~~ dealers, or transporters
3 qualifying under Section 32-6-212 upon request. The department
4 may make necessary investigations to procure information
5 required to carry out the provisions of this division, may
6 adopt and enforce reasonable rules and regulations to carry
7 out the provisions hereof, and may, after a hearing, revoke
8 the authority to issue temporary license tags or registration
9 certificates of any dealer or other person appointed by the
10 department to act as a designated agent, ~~or any~~ manufacturer, ~~or~~
11 dealer, or transporter who it finds has failed to
12 faithfully perform his or her duties under this division.

13 "§32-6-219.

14 "It shall be unlawful for any owner to make any
15 false statement in making application for issuance of a
16 temporary license tag and temporary registration certificate,
17 or for any designated agent, ~~or~~ manufacturer, ~~or~~ dealer, or
18 transporter qualifying under Section 32-6-212 to issue a
19 temporary license tag or temporary registration certificate
20 with knowledge of such false statement, or for any person to
21 operate a motor vehicle upon the public roads of this state
22 with a temporary license tag which has expired. Anyone
23 violating the provisions of this section shall be guilty of a
24 misdemeanor and shall be punished, upon conviction, by a fine

1 of not more than five hundred dollars ~~(\$500).00~~ or by
2 imprisonment for not more than six months, or by both."

3 Section 2. This act shall become effective October
4 1, 2021, following its passage and approval by the Governor,
5 or its otherwise becoming law.

