

1 HB221
2 209286-1
3 By Representative Ledbetter
4 RFD: State Government
5 First Read: 02-FEB-21
6 PFD: 01/29/2021

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8 SYNOPSIS: Under existing law, a manufacturer of a
9 mobile home, trailer coach, travel trailer, house
10 trailer, semitrailer or trailer, including a
11 utility trailer, or boat who has a manufacturing,
12 constructing, or assembling plant in this state may
13 make application to the Department of Revenue for
14 authority to issue temporary license plates and
15 temporary registration certificates.

16 This bill would provide that a manufacturer
17 of motor vehicles who has a manufacturing,
18 constructing, or assembling plant in this state may
19 make application to the department for authority to
20 issue temporary license plates and temporary
21 registration certificates.

22 This bill would also provide that a
23 transporter of a motor vehicle, mobile home,
24 trailer coach, travel trailer, house trailer,
25 semitrailer or trailer, including a utility
26 trailer, or boat may also make application to the
27 department for authority to issue temporary license

1 plates and temporary registration certificates in
2 connection with the transportation of those
3 vehicles.

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5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 Relating to the registration of motor vehicles; to
10 amend Section 32-8-2, as last amended by Act 2019-238 (2019
11 Regular Session), and Sections 32-6-210, 32-6-212, 32-6-214,
12 32-6-215, 32-6-216, 32-6-217, 32-6-218, 32-6-219, Code of
13 Alabama 1975, to update definitions and provide for a
14 definition of a transporter; and to provide that a
15 manufacturer of a motor vehicle or transporter of certain
16 vehicles may make application to the Department of Revenue for
17 authority to issue temporary license plates and temporary
18 registration certificates.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 32-8-2, as last amended by Act
21 2019-238 (2019 Regular Session), and Sections 32-6-210,
22 32-6-212, 32-6-214, 32-6-215, 32-6-216, 32-6-217, 32-6-218,
23 32-6-219, Code of Alabama 1975, are amended to read as
24 follows:

25 "§32-8-2.

26 "For the purpose of this chapter, the following
27 terms shall have the meanings respectively ascribed to them in

1 this section, except where the context clearly indicates a
2 different meaning:

3 "(1) CURRENT ADDRESS. A new address different from
4 the address shown on the application or on the certificate of
5 title. The owner, within 30 days after the address is changed
6 from that shown on the application or on the certificate of
7 title, shall notify the department of the change of address in
8 the manner prescribed by the department.

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

16 "(3) DEPARTMENT. The Department of Revenue of this
17 state.

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

1 Such dealers or other designated persons may perform their
2 duties under this chapter either personally, through any of
3 their officers or employees, or through a title service
4 provider.

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

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

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

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

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

25 "a. Every automobile, motorcycle, mobile trailer,
26 semitrailer, truck, truck tractor, trailer, and other device
27 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
26 lessee or purchaser with a security interest or right to

1 purchase, the lessee or purchaser shall be the owner for
2 purposes of this chapter.

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

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

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

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

23 "(17) SCRAP VEHICLE. Any vehicle that has been
24 crushed or flattened by mechanical means or has been otherwise
25 damaged to the extent that it cannot economically be repaired
26 or made roadworthy.

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

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

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

16 "~~(20)~~ (21) SPECIAL MOBILE EQUIPMENT. Every vehicle
17 not designed or used primarily for the transportation of
18 persons or property and only incidentally operated or moved
19 over the highway, including but not limited to: ditch-digging
20 apparatus; well-boring apparatus; road construction and
21 maintenance machinery such as asphalt spreaders, bituminous
22 mixers, bucket loaders, tractors other than truck tractors,
23 ditchers, leveling graders, finishing machines, motor graders,
24 road rollers, scarifiers, earth-moving carryalls and scrapers,
25 power shovels and draglines, and self-propelled cranes; and
26 earth-moving equipment. The term does not include manufactured
27 homes, dump trucks, truck-mounted transit mixers, cranes, or

1 shovels, or other vehicles designed for the transportation of
2 persons or property to which machinery has been attached.

3 ~~"(21)~~ (22) STATE. A state, territory, or possession
4 of the United States, the District of Columbia, the
5 Commonwealth of Puerto Rico, or a province of the Dominion of
6 Canada.

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

9 "a. Facilitating the delivery of motor vehicles,
10 mobile homes, trailer coaches, travel trailers, house
11 trailers, semitrailers or trailers, including utility
12 trailers, or boats between manufacturers, distributors,
13 dealers, or persons.

14 "b. Facilitating the delivery of special mobile
15 equipment from the manufacturer of the equipment to a facility
16 of a dealer.

17 ~~"(22)~~ (24) TITLE SERVICE PROVIDER. A person who is
18 bonded under subsection (d) of Section 32-8-34 and authorized
19 by the department to act as an agent for a fee or other
20 consideration on behalf of the following persons in the
21 performance of their duties under this chapter:

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

25 "b. A lienholder who appears on a certificate of
26 title.

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

1 "~~(23)~~ (25) TRAVEL TRAILER. A vehicle without motive
2 power, designed and constructed as a camping vehicle or a
3 temporary dwelling, living, or sleeping place and designed to
4 be drawn or pulled on the highway, also known as a house
5 trailer, but not including folding or collapsible camping
6 trailers as defined in this section.

7 "~~(24)~~ (26) USED VEHICLE. A motor vehicle that has
8 been the subject of a first sale for use, whether within this
9 state or elsewhere, or is being sold by a used motor vehicle
10 dealer as defined in Section 40-12-390.

11 "~~(25)~~ (27) UTILITY TRAILER. A vehicle without motive
12 power designed to be drawn by a passenger car or pickup truck,
13 including folding or collapsible camping trailers.

14 "~~(26)~~ (28) VEHICLE IDENTIFICATION NUMBER. The
15 numbers and letters on a motor vehicle designated by the
16 manufacturer or assigned by the department for the purpose of
17 identifying the motor vehicle.

18 "§32-6-210.

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

22 "§32-6-212.

23 "(a) A manufacturer of a motor vehicle, mobile home,
24 trailer coach, travel trailer, house trailer, semitrailer or
25 trailer, including a utility trailer, manufactured on a
26 chassis or undercarriage as an integral part thereof drawn by
27 a self-propelled vehicle who has a manufacturing,

1 constructing, or assembling plant in this state may make
2 application to the department for authority to issue temporary
3 license plates and temporary registration certificates in
4 connection with such motor vehicles, mobile homes, trailer
5 coaches, travel trailers, house trailers, semitrailers or
6 trailers, including utility trailers, manufactured by it in
7 this state and which are to be permanently licensed in some
8 state other than Alabama. A dealer in motor vehicles, mobile
9 homes, trailer coaches, travel trailers, house trailers,
10 semitrailers or trailers, including utility trailers, may also
11 make application to the department for authority to issue
12 temporary license plates and temporary registration
13 certificates in connection with such vehicles sold by it which
14 are to be permanently licensed in some state other than the
15 State of Alabama. A transporter of motor vehicles, mobile
16 homes, trailer coaches, travel trailers, house trailers, and
17 semitrailers or trailers, including utility trailers, may also
18 make application to the department for authority to issue
19 temporary license plates and temporary registration
20 certificates in connection with the transporting of those
21 vehicles.

22 "(b) A manufacturer of a boat who has a
23 manufacturing, constructing, or assembling plant in this state
24 may make application to the department for authority to issue
25 a temporary license plate and temporary registration
26 certificate in connection with the boat trailer used to
27 transport such boat manufactured by it in this state when the

1 boat is to be domiciled in some state other than Alabama. A
2 dealer in boats may also make application to the department
3 for authority to issue temporary license plates and temporary
4 registration certificates in connection with a boat trailer
5 used to transport a boat sold by it which is to be domiciled
6 in some state other than the State of Alabama. A transporter
7 of boats may also make application to the department for
8 authority to issue temporary license plates and temporary
9 registration certificates in connection with transporting the
10 boat trailer used to transport a boat.

11 "(c) If approved by the department, ~~such~~ the
12 manufacturer, or dealer, or transporter shall enter into a
13 bond with a corporate surety authorized to do business in this
14 state as surety thereon, payable to the State of Alabama in a
15 sum as provided for in Section 40-12-398. Provided that a
16 manufacturer, or dealer, or transporter who has entered into a
17 bond pursuant to Section 32-8-34, 32-20-22, or 40-12-398,
18 shall not be required to obtain another bond pursuant to this
19 section. ~~Such~~ The manufacturer, or dealer, or transporter may
20 perform its duties under this division either personally or
21 through any of its officers or employees.

22 "§32-6-214.

23 "Each temporary license tag and temporary
24 registration certificate issued hereunder shall be valid for
25 20 days from the date of issuance and shall be used only on
26 the vehicle for which issued. No temporary license tag shall
27 be renewed nor shall successive temporary license tags be

1 issued in connection with the same motor vehicle. Provided,
2 however, that a judge of probate judge or other county
3 official authorized and required by law to issue motor vehicle
4 license tags issuing a temporary license tag under the
5 provisions of Section 32-6-213 may issue a temporary license
6 tag for a motor vehicle which has previously received a
7 temporary license tag issued by some other designated agent,
8 manufacturer, ~~or~~ dealer, or transporter and further may issue
9 successive temporary license tags in connection with the same
10 motor vehicle for periods not to exceed a total of 60 days.

11 "§32-6-215.

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

26 "§32-6-216.

1 "Every designated agent, ~~or~~ manufacturer, ~~or~~ dealer, or
2 or transporter qualifying under Section 32-6-212 issuing a
3 temporary license tag shall insert clearly and indelibly on
4 the face of each temporary license tag the date of issuance
5 and expiration, the make and vehicle identification number of
6 the motor vehicle for which issued and ~~such~~ other information
7 as the department shall require. Upon issuance of a temporary
8 license tag, the designated agent, manufacturer, ~~or~~ dealer, or
9 transporter shall also deliver to the owner a temporary
10 registration certificate upon a form prescribed by the
11 department. The designated agent, manufacturer, ~~or~~ dealer, or
12 transporter shall retain a copy of the temporary registration
13 certificate and shall transmit the original of ~~such~~ the
14 certificate to the department, one copy to the judge of
15 probate or other county official authorized and required by
16 law to issue motor vehicle license tags of the county in which
17 the temporary license tag is issued, and one copy to the
18 applicant.

19 "§32-6-217.

20 "Every designated agent, ~~or~~ manufacturer, ~~or~~ dealer, or
21 or transporter qualifying under Section 32-6-212 shall
22 maintain for one year a record of all temporary license tags
23 and temporary registration certificates issued by him or her
24 and shall maintain ~~such~~ any other information pertaining to
25 the issuance of temporary license tags as the department shall
26 require. All ~~such~~ records required under this section to be
27 maintained by the designated agent, manufacturer, ~~or~~ dealer, or

1 or transporter shall be available for inspection and
2 examination by duly authorized representatives of the
3 department upon request.

4 "§32-6-218.

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

21 "§32-6-219.

22 "It shall be unlawful for any owner to make any
23 false statement in making application for issuance of a
24 temporary license tag and temporary registration certificate,
25 or for any designated agent, ~~or manufacturer, or dealer,~~ or
26 transporter qualifying under Section 32-6-212 to issue a
27 temporary license tag or temporary registration certificate

1 with knowledge of such false statement, or for any person to
2 operate a motor vehicle upon the public roads of this state
3 with a temporary license tag which has expired. Anyone
4 violating the provisions of this section shall be guilty of a
5 misdemeanor and shall be punished, upon conviction, by a fine
6 of not more than five hundred dollars ~~(\$500)-.00~~ or by
7 imprisonment for not more than six months, or by both."

8 Section 2. This act shall become effective October
9 1, 2021, following its passage and approval by the Governor,
10 or its otherwise becoming law.