

1 HB105
2 126344-2
3 By Representatives McClendon, Brown, Williams (D), Williams
4 (J), Mask, Black, Morrow, Hill, Love, Canfield, Fincher,
5 Barton, Davis, Bridges, McCutcheon, Clouse, Buttram, Henry,
6 Rich, Hubbard (J), Wood, Weaver, Ball, Sanderford, Johnson
7 (W), Nordgren, Boman and Johnson (K)
8 RFD: Transportation, Utilities and Infrastructure
9 First Read: 01-MAR-11

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ENROLLED, An Act,

Relating to motor vehicles; to amend Section 40-12-248 of the Code of Alabama 1975, relating to the licensing and registration of trucks and truck tractors, to provide for the licensing and registration of motor vehicle wreckers, commonly known as tow trucks, based on the gross vehicle weight of the wrecker without regard to the gross vehicle weight of any motor vehicle to be towed by the wrecker.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-12-248 of the Code of Alabama 1975, is amended to read as follows:

"§40-12-248.

"(a) For each truck or truck tractor using the public highways of this state, annual license taxes and registration fees based on the gross vehicle weight in pounds are imposed and shall be charged. For the purposes of this section, the term "gross vehicle weight" shall mean the empty weight of the truck or truck tractor plus the heaviest load to be carried and, in the case of combinations, shall be deemed to include also the empty weight of the heaviest trailer with which the power unit shall be placed in combination, plus the heaviest load to be carried. No tolerance or margin of error

1 shall be allowable under this section, except as provided in
 2 subsection (b).

3 "(b) For each truck or truck tractor using the pub-
 4 lic highways of this state, the annual license taxes and reg-
 5 istration fees herein imposed (i) shall consist of the base
 6 amount applicable to the truck or truck tractor under the
 7 schedule of base amounts set forth in this subsection, plus
 8 (ii) the additional amount, if any, applicable to the truck or
 9 truck tractor under the schedule of additional amounts set
 10 forth in this subsection:

11 "SCHEDULE OF BASE AMOUNTS

12

Gross Vehicle	Base Amount
Weight in Pounds	
0 to 8,000	\$10.70
8,001 to 10,000	17.50
10,001 to 12,000	52.50
12,001 to 18,000	85.00
18,001 to 26,000	117.50
26,001 to 33,000	150.00
33,001 to 42,000	260.00

1	42,001 to 55,000	292.50
2	55,001 to 64,000	325.00
3	64,001 to 73,280	357.50
4	73,281 to 80,000	407.50
5	80,001 or over	445.00

6 "SCHEDULE OF ADDITIONAL AMOUNTS

7

8	Gross Vehicle	
9	Weight in Pounds	Additional Amount
10	0 to 8,000	\$2.30
11	8,001 to 10,000	17.50
12	10,001 to 12,000	52.50
13	12,001 to 18,000	85.00
14	18,001 to 26,000	117.50
15	26,001 to 33,000	150.00
16	33,001 to 42,000	260.00
17	42,001 to 55,000	292.50
18	55,001 to 64,000	325.00

1	64,001 to 73,280	357.50
2	73,281 to 80,000	407.50
3	80,001 or over	445.00

4 "The total amount of the annual license tax and
5 registration fee shall be limited with respect to trucks or
6 truck tractors owned and used by a farmer for transporting
7 farm products or the personal property of the farmer for use
8 on his or her farm to a maximum of thirty dollars (\$30) where
9 the gross vehicle weight of the truck does not exceed 30,000
10 pounds; to a maximum of eighty-five dollars (\$85) where the
11 gross vehicle weight of the truck exceeds 30,000 pounds, but
12 does not exceed 42,000 pounds; and to a maximum of two hundred
13 fifty dollars (\$250) where the gross vehicle weight of the
14 truck or truck tractor is up to and including the class
15 currently designated 80,001 pounds or over; provided, however,
16 a farmer shall be entitled to pay this reduced annual license
17 tax and registration fee for only one truck tractor; for each
18 additional truck tractor the annual license tax and
19 registration fee shall be determined from the "schedule of
20 base amounts" and "the schedule of additional amounts" based
21 on the gross vehicle weight in pounds; and the annual license
22 tax and registration fee shall be limited with respect to
23 trucks owned and used by any person for transporting forest

1 products from the point of severance to a sawmill, to a
2 papermill, or to a concentration yard to a maximum of forty
3 dollars (\$40) where the gross vehicle weight of the truck does
4 not exceed 30,000 pounds and to a maximum of sixty-five
5 dollars (\$65) where the gross vehicle weight exceeds 30,000
6 pounds, but does not exceed 42,000 pounds.

7 "For purposes of enforcement of farm truck license
8 tags, or of forest products truck license tags for trucks that
9 do not exceed 42,000 pounds in gross vehicle weight, all
10 scaled weight shall be allowed a tolerance or a margin of
11 error of 10 percent of the true gross or axle weights to allow
12 for any climatic conditions.

13 "For each truck tractor which is operated by a
14 certificated motor carrier and which is operated exclusively
15 within 15 miles of the corporate limits of the incorporated
16 municipality in which it is customarily domiciled, but not
17 including vehicles operating beyond the borders of Alabama,
18 and which is registered in the county in which it is
19 customarily domiciled, a total annual license tax and
20 registration fee of three hundred dollars (\$300) is imposed
21 and shall be charged.

22 "The total amount of the annual license tax and reg-
23 istration fee shall be limited to the following schedule for
24 all self-propelled campers or house cars, but a self-propelled
25 camper or a house car whose weight does not exceed 8,000

1 pounds, shall be subject to the provisions of Section
2 40-12-273(b):

3 "SCHEDULE OF BASE AMOUNTS

4

5 Gross Vehicle

6	Weight in Pounds	Base Amount
7	0 to 8,000	\$10.70
8	8,001 to 12,000	25.00
9	12,001 to 18,000	50.00
10	18,001 to 26,000	87.50
11	26,001 to 33,000	137.50
12	33,001 to 42, 000	250.00

13 "SCHEDULE OF ADDITIONAL AMOUNTS

14

15 Gross Vehicle

16	Weight in Pounds	Additional Amount
17	0 to 8,000	\$2.30

1	8,001 to 12,000	25.00
2	12,001 to 18,000	50.00
3	18,001 to 26,000	87.50
4	26,001 to 33,000	137.50
5	33,001 to 42, 000	250.00

6 "(1) Notwithstanding the other provisions of this
7 section, a pick up truck as defined in Section 32-8-2, which
8 is used for personal or agricultural use and which is not
9 operated for commercial purposes, shall be licensed and
10 registered based on the gross weight of the vehicle only
11 without regard to the heaviest load to be carried including
12 the heaviest load to be carried on any trailer used in
13 combination with the truck, and, for purposes of this
14 ~~paragraph~~ subdivision, the term "gross vehicle weight in
15 pounds" as used in this subsection means the gross weight of
16 the vehicle only without regard to the heaviest load to be
17 carried including the heaviest load to be carried on any
18 trailer used in combination with the truck.

19 "(2) Notwithstanding the other provisions of this
20 section, a motor vehicle wrecker, commonly known as a tow
21 truck, which is used primarily to move, tow, or recover
22 disabled motor vehicles or used for impoundment purposes,
23 shall be licensed and registered based on the gross vehicle

1 weight of the wrecker only without regard to the gross vehicle
2 weight of any motor vehicle to be towed by the wrecker.

3 "(c) Every person making application for license
4 under this section to use a truck or truck tractor on the
5 public highways of this state shall be required to make an
6 affidavit declaring the gross vehicle weight of the truck or
7 truck tractor and file the affidavit with the judge of
8 probate, or other county licensing officer, in the county in
9 which the application is made. Upon payment of the applicable
10 motor vehicle license tax or registration fee, the license to
11 use the truck or truck tractor on the public highways of this
12 state shall be limited to the gross vehicle weight so declared
13 by the owner, which shall be deemed to constitute the
14 allowable gross vehicle weight for which the vehicle is
15 licensed.

16 "After having obtained a license under this section
17 with respect to any truck or truck tractor, the owner thereof
18 may during the then current tax year voluntarily increase the
19 allowable gross vehicle weight for which the vehicle is
20 licensed by making a new affidavit, applying for a new license
21 applicable to the appropriate gross vehicle weight
22 classification, surrendering the license plates or tags
23 previously obtained, and paying the difference between the
24 fees applicable to a license for the higher weight
25 classification desired and the fee in respect of the license

1 so surrendered. The license classification of a truck or truck
2 tractor may not be decreased, however, except once a year at
3 the time new license tags or plates are purchased for the
4 truck or truck tractor."

5 Section 2. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.

