

1 HB342  
2 190230-1  
3 By Representative Wilcox  
4 RFD: Public Safety and Homeland Security  
5 First Read: 01-FEB-18

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8 SYNOPSIS: This bill provides the owner or owners of a  
9 motor vehicle the ability to authorize the  
10 disclosure of certain personally identifiable  
11 information in the vehicle's registration record to  
12 the sponsoring organization of certain distinctive  
13 license plates and to public colleges and  
14 universities.

15 This bill updates the Legislative Oversight  
16 Committee on License Tags and Plates to reflect  
17 organizational changes in state agencies. This bill  
18 also provides for an additional advisory member.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT

23  
24 To amend Sections 32-6-64 and 32-6-67, Code of  
25 Alabama 1975, relating to motor vehicle distinctive license  
26 plates and motor vehicle registration renewals; to provide the  
27 owner or owners of a motor vehicle to consent to the

1 disclosure of certain information to the sponsoring  
2 organization at the time of registration of certain  
3 distinctive license plates; to provide that the sponsoring  
4 organization be prohibited from the resale or disclosure of  
5 the information; to update the membership references on the  
6 Legislative Oversight Committee on license tags and plates.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 32-6-64, Code of Alabama 1975, is  
9 hereby amended as follows:

10 "§32-6-64.

11 "(a) (1) The design of license plates, including all  
12 emblems, slogans, symbols, or characters appearing on the  
13 plates, shall be by rule as promulgated by the Commissioner of  
14 Revenue, and as otherwise specified by law. The face of the  
15 license plate to be displayed shall be fully treated with a  
16 reflective material which will increase the nighttime  
17 visibility and legibility of the plate.

18 "(2) Characters on the license plate which designate  
19 the county of issuance shall be numeric, and all numerals on  
20 the license plates shall be no smaller than two and  
21 three-fourths inches in height. The following numbering scheme  
22 shall be used:

23 "a. Jefferson County, 1; Mobile County, 2;  
24 Montgomery County, 3.

25 "b. All other counties shall be ranked  
26 alphabetically and assigned consecutive numbers beginning with  
27 4 and concluding with 67.

1            "c. The Department of Revenue shall be responsible  
2 for the numbering of distinctive license plates and shall  
3 establish a system to minimize duplication of license plate  
4 numbers. License plates that shall be approved for manufacture  
5 under subsection (b) shall be numbered or personalized.

6            "(b) The sponsoring organization of any new or  
7 reissued distinctive license plate that is not of a college or  
8 university or a military category shall assure a minimum  
9 quantity of 250 registrations in order for the proposed plate  
10 to qualify for production consideration by the legislative  
11 oversight committee under the provisions of Section 32-6-67.

12            "(1) The procedure to assure the quantity minimum  
13 for a distinctive license plate shall be as follows:

14            "a. The sponsoring organization shall apply to the  
15 Department of Revenue for approval for the proposed  
16 distinctive license plate from the legislative oversight  
17 committee. At the time of application, the sponsoring  
18 organization shall submit a design for the plate or logo for  
19 the quantity class being applied for as described below:

20            "1. Quantity Class 1 (250 to 999 registrations). A  
21 new distinctive license plate category, or an existing  
22 distinctive license plate to be reissued, in which  
23 registrations are estimated to be at least 250, but less than  
24 1,000, shall be in conformity with the design approved by the  
25 legislative oversight committee for license plates in this  
26 quantity class. This plate shall include a space designated on  
27 the left side of the license plate, not exceeding two and

1 one-half inches in width and height, in which an appropriate  
2 emblem, slogan, or logo design may be applied to represent the  
3 organization for whom the distinctive license plate is issued.  
4 Each proposed emblem, slogan, symbol, or logo shall be subject  
5 to the approval of the legislative oversight committee.

6 "2. Quantity Class 2 (1,000 or greater  
7 registrations). This quantity class may use the logo system  
8 described for Quantity Class 1, or may use a unique design for  
9 the entire plate which is approved by the legislative  
10 oversight committee and meets all other design and manufacture  
11 requirements of Alabama law.

12 "b. After the legislative oversight committee  
13 approval and notification to the Department of Revenue, the  
14 department shall also coordinate with the Comptroller to  
15 establish funding procedures for deposit and maintaining  
16 monies held pending issuance of the new category of license  
17 plates.

18 "c. Each person desiring to register a vehicle in  
19 the new category shall make application and shall remit, as a  
20 commitment to purchase, the additional fee associated with the  
21 license plate category in a manner as prescribed by rule of  
22 the Commissioner of Revenue. Any credit card processing fee  
23 associated with the transaction shall be paid by the person  
24 making the commitment to purchase the distinctive license  
25 plate and shall be nonrefundable.

26 "d. The Department of Revenue shall deduct from the  
27 additional fee and retain a two and one-half percent

1 commission. The balance shall be forwarded to the Comptroller  
2 to be retained in escrow, until such time as the revenue  
3 received is equal to or greater than the minimum amount  
4 required to issue license plates in that category. If, after  
5 one year from the date of notification of approval by the  
6 legislative oversight committee, the number of subscribers for  
7 a category fails to reach 250 for Quantity Class 1, or fails  
8 to reach 1,000 for Quantity Class 2, the Comptroller shall pay  
9 the money in escrow to the sponsoring organization and no  
10 further consideration for production of this proposed  
11 distinctive plate shall be made under this application. In  
12 addition, the sponsoring organization may not submit another  
13 application for a distinctive license plate for a period of  
14 one year from the date the commitment to purchase period  
15 ended.

16 "e. Upon determination by the Department of Revenue  
17 that a sufficient number of applications for a plate category  
18 has been received, the department shall initiate the ordering  
19 processes for design and manufacture of the approved license  
20 plate. At that time, the Comptroller shall pay out of the  
21 escrow account the amounts referred to in Section 32-6-68.

22 "(2) Notwithstanding any other provisions to the  
23 contrary, except where specifically provided by this  
24 subsection, no series of distinctive license plates shall be  
25 reissued unless the following requirements are met:

1           "a. For Quantity Class 1 distinctive license plates,  
2 there shall have been issued in the prior license year a  
3 minimum of 250 license plates.

4           "b. For Quantity Class 2 distinctive license plates,  
5 there shall have been issued in the prior license year a  
6 minimum of 1,000 license plates.

7           "(3) The use of distinctive license plate categories  
8 shall be limited to use on passenger cars, pick-up trucks, and  
9 self-propelled campers or house cars.

10           "(c) (1) The Department of Corrections is directed to  
11 supply all license plates and revalidation devices required  
12 under this subdivision. The amounts charged by the Department  
13 of Corrections for the manufacture of revalidation devices  
14 shall not be less than that charged for the manufacture of  
15 license plates on a per item basis.

16           "(2) The Department of Corrections shall maintain an  
17 accurate system of record-keeping which shall trace and  
18 account for the handling and distribution of each plate and  
19 revalidation device throughout the manufacturing process until  
20 the items are distributed to each county.

21           "(d) After the five-year license plate has been in  
22 use for a period of three years the Department of Corrections  
23 may manufacture all subsequent license plates for the  
24 remaining two years of the period from a metal of less  
25 durability and quality than the metal used in manufacturing  
26 the five-year license plates.

1           "(e) (1) The department shall provide the owner or  
2 owners of a motor vehicle who register a license plate  
3 provided in this subsection the ability to opt-in to authorize  
4 the release of certain personal information or to opt-out to  
5 restrict the release of certain personal information by the  
6 department to the sponsoring organization, college, or  
7 university. The license plates that shall be subject to the  
8 opt-in and opt-out provisions are as follows:

9           "a. A distinctive license plate issued pursuant to  
10 this section.

11           "b. A collegiate or university distinctive license  
12 plate issued pursuant to Section 32-6-150.

13           "c. Other distinctive license plates as authorized  
14 by the Legislative Oversight Committee.

15           "(2) Each owner of the motor vehicle may designate  
16 his or her consent through the opt-in authorization to release  
17 certain personal information included within a motor vehicle  
18 registration record to the sponsoring organization, college,  
19 or university. The opt-in authorization shall be made at the  
20 time of initial registration through the licensing official  
21 for a license plate as specified in subsection (e) (1).

22 Subsequent opt-in authorizations shall be made directly to the  
23 department. As used herein, the term "personal information"  
24 includes only the following information:

25           "a. Owner name.

26           "b. Owner address.

27           "c. Owner email address, if applicable.



1           "(3) Each owner of the motor vehicle may restrict  
2 the release of personal information included within a motor  
3 vehicle registration record for a license plate as specified  
4 in subsection (e) (1) to the sponsoring organization, college,  
5 or university by selecting to opt-out. The opt-out selection  
6 shall be made directly to the department.

7           "(4) The subsequent opt-in authorization provided in  
8 subsection (e) (2) and opt-out selection provided in subsection  
9 (e) (3) shall be made in a manner as prescribed by the  
10 department.

11           "(5) The sponsoring organization of the distinctive  
12 license plate or each college or university for which a  
13 distinctive license plate has been issued can make an annual  
14 request to the Department for the listing of the owner  
15 authorized opt-in disclosures. The sponsoring organization in  
16 receipt of the listing shall be prohibited from the resale or  
17 disclosure of the information to third parties without written  
18 consent from the owner to whom the information pertains."

19           Section 2. Section 32-6-67, Code of Alabama 1975, is  
20 hereby amended as follows:

21           "§32-6-67.

22           "(a) There is created a legislative committee to  
23 oversee the implementation and administration of this Article  
24 2, except Subdivision 1 of Division 1. The committee shall be  
25 composed of three members of the House of Representatives and  
26 a county license plate issuing official, who shall be  
27 appointed by and serve at the pleasure of the Speaker of the

1 House, and three members of the Senate and a county license  
2 plate issuing official, who shall be appointed by and serve at  
3 the pleasure of the ~~Lieutenant Governor, the Director of the~~  
4 ~~Alabama Criminal Justice Information Center, the Director of~~  
5 ~~Public Safety, and~~ Presiding Officer of the Senate. The  
6 committee shall also be composed of the Secretary of the  
7 Alabama State Law Enforcement Agency or his or her designee  
8 and a probate judge who is a licensing plate official  
9 appointed by the President of the Probate Judges Association,  
10 and a county licensing plate official who shall be appointed  
11 by the Alabama Association of Tax Administrators. The  
12 Department of Revenue shall designate a representative, the  
13 Department of Transportation shall designate a representative,  
14 and the Department of Corrections shall designate a  
15 representative of Alabama Correctional Industries as nonvoting  
16 and advisory members to the committee. The chair, who shall be  
17 picked by the members of the committee from the legislative  
18 members on the committee, shall have the authority to call  
19 meetings of the committee when he or she deems it necessary or  
20 as otherwise provided in this section.

21 "(b) The committee shall:

22 "(1) Meet not less than once every six months or as  
23 otherwise prescribed by the chair.

24 "(2) Require that a simple majority of committee  
25 voting members be in attendance for conducting whatever  
26 business requires committee action.

1           "(3) Establish guidelines for the qualification of  
2 organizations which may sponsor a new or continued issuance of  
3 a license plate category, or may benefit from that issuance.

4           "(4) Approve, disapprove, or indefinitely postpone,  
5 by a vote of two-thirds of the members present at a committee  
6 meeting, a request for a new license plate category.

7           "(c) Decisions of the committee concerning approval,  
8 disapproval, or indefinite postponement of further action on a  
9 proposed distinctive license plate shall be interpreted to be  
10 the intent of the entire body of the Legislature, and  
11 separate, specific action by the Legislature concerning a  
12 distinctive license plate proposal shall not be considered.

13           "(d) The committee shall not consider for approval  
14 applications from the following types of organizations:

15           "(1) Out-of-state colleges and universities except  
16 as provided in subsection (e).

17           "(2) Private businesses, business organizations, or  
18 commercial entities of any type.

19           "(3) Public schools K-12, junior colleges, and  
20 technical schools, exclusive of the Helping Schools Tag as  
21 established in Sections 32-6-300 and 32-6-301.

22           "(4) Groups within high schools, junior colleges,  
23 universities, and technical schools, such as band boosters,  
24 athletic boosters, and the like.

25           "(5) Unions.

26           "(6) Political organizations.

27           "(7) Religious organizations.

1                   "(8) Groups that promote racial or social  
2 disharmony.

3                   "(9) Public officials.

4                   "(e) The committee may consider and approve an  
5 application for a distinctive license plate for an  
6 out-of-state college or university, upon submission of an  
7 application pursuant to Section 32-6-64.

8                   "(f) Upon the request of the chair, the Secretary of  
9 the Senate and the Clerk of the House shall provide clerical  
10 assistance necessary for the work of the committee.

11                   "(g) The committee members who are members of the  
12 Legislature shall be entitled to, and shall receive, the same  
13 daily legislative compensation, expense allowances, per diem,  
14 and other compensation which they receive while in legislative  
15 session for each weekday, Monday through Friday, during any  
16 week in which the committee actually meets. The  
17 non-legislative members of the committee shall be entitled to,  
18 and shall receive, the same per diem and expenses that are  
19 paid to state employees."

20                   Section 3. Section 1 of this act shall become  
21 effective January 1, 2019, following its passage and approval  
22 by the Governor, or its otherwise becoming law. Section 2 of  
23 this act shall be effective immediately, following its passage  
24 and approval by the Governor, or its otherwise becoming law.