

1 HB106  
2 204352-1  
3 By Representative Ledbetter  
4 RFD: State Government  
5 First Read: 04-FEB-20

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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.

4  
5 A BILL  
6 TO BE ENTITLED  
7 AN ACT  
8

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

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 32-8-2, 32-6-210, 32-6-212,  
20 32-6-214, 32-6-215, 32-6-216, 32-6-217, 32-6-218, 32-6-219,  
21 Code of Alabama 1975, are amended to read as follows:

22 "§32-8-2.

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

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

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

14           "(3) DEPARTMENT. The Department of Revenue of this  
15 state.

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

1 public highway except such as is moved by animal power or used  
2 exclusively upon stationary rails or tracks.

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

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

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

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

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

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

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

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

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

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

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

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

14           "~~(20)~~ (21) SPECIAL MOBILE EQUIPMENT. Every vehicle  
15 not designed or used primarily for the transportation of  
16 persons or property and only incidentally operated or moved  
17 over the highway, including but not limited to: ditch-digging  
18 apparatus; well-boring apparatus; road construction and  
19 maintenance machinery such as asphalt spreaders, bituminous  
20 mixers, bucket loaders, tractors other than truck tractors,  
21 ditchers, leveling graders, finishing machines, motor graders,  
22 road rollers, scarifiers, earth-moving carryalls and scrapers,  
23 power shovels and draglines, and self-propelled cranes; and  
24 earth-moving equipment. The term does not include manufactured  
25 homes, dump trucks, truck-mounted transit mixers, cranes, or  
26 shovels or other vehicles designed for the transportation of  
27 persons or property to which machinery has been attached.



1           "~~(21)~~ (22) STATE. A state, territory, or possession  
2 of the United States, the District of Columbia, the  
3 Commonwealth of Puerto Rico, or a province of the Dominion of  
4 Canada.

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

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

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

15           "~~(22)~~ (24) TITLE SERVICE PROVIDER. A person who is  
16 bonded under subsection (d) of Section 32-8-34 and authorized  
17 by the department to act as an agent for a fee or other  
18 consideration on behalf of the following persons in the  
19 performance of their duties under this chapter:

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

23           "b. A lienholder who appears on a certificate of  
24 title.

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

26           "~~(23)~~ (25) TRAVEL TRAILER. A vehicle without motive  
27 power, designed and constructed as a camping vehicle or a

1 temporary dwelling, living, or sleeping place and designed to  
2 be drawn or pulled on the highway, also known as a house  
3 trailer, but not including folding or collapsible camping  
4 trailers as defined in this section.

5 ~~"(24)~~ (26) USED VEHICLE. A motor vehicle that has  
6 been the subject of a first sale for use, whether within this  
7 state or elsewhere, or is being sold by a used motor vehicle  
8 dealer as defined in Section 40-12-390.

9 ~~"(25)~~ (27) UTILITY TRAILER. A vehicle without motive  
10 power designed to be drawn by a passenger car or pickup truck,  
11 including folding or collapsible camping trailers.

12 ~~"(26)~~ (28) VEHICLE IDENTIFICATION NUMBER. The  
13 numbers and letters on a motor vehicle designated by the  
14 manufacturer or assigned by the department for the purpose of  
15 identifying the motor vehicle.

16 "§32-6-210.

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

20 "§32-6-212.

21 "(a) A manufacturer of a motor vehicle, mobile home,  
22 trailer coach, travel trailer, house trailer, semitrailer or  
23 trailer, including a utility trailer, manufactured on a  
24 chassis or undercarriage as an integral part thereof drawn by  
25 a self-propelled vehicle who has a manufacturing,  
26 constructing, or assembling plant in this state may make  
27 application to the department for authority to issue temporary

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

20 "(b) A manufacturer of a boat who has a  
21 manufacturing, constructing, or assembling plant in this state  
22 may make application to the department for authority to issue  
23 a temporary license plate and temporary registration  
24 certificate in connection with the boat trailer used to  
25 transport such boat manufactured by it in this state when the  
26 boat is to be domiciled in some state other than Alabama. A  
27 dealer in boats may also make application to the department

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

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

20 "§32-6-214.

21 "Each temporary license tag and temporary  
22 registration certificate issued hereunder shall be valid for  
23 20 days from the date of issuance and shall be used only on  
24 the vehicle for which issued. No temporary license tag shall  
25 be renewed nor shall successive temporary license tags be  
26 issued in connection with the same motor vehicle. Provided,  
27 however, that a judge of probate ~~judge~~ or other county

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

9 "§32-6-215.

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

24 "§32-6-216.

25 "Every designated agent, ~~or~~ manufacturer, ~~or~~ dealer, ~~or~~  
26 or transporter qualifying under Section 32-6-212 issuing a  
27 temporary license tag shall insert clearly and indelibly on

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

16 "§32-6-217.

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

1           "§32-6-218.

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

18           "§32-6-219.

19           "It shall be unlawful for any owner to make any  
20 false statement in making application for issuance of a  
21 temporary license tag and temporary registration certificate,  
22 or for any designated agent, ~~or~~ manufacturer, ~~or~~ dealer, or  
23 transporter qualifying under Section 32-6-212 to issue a  
24 temporary license tag or temporary registration certificate  
25 with knowledge of such false statement, or for any person to  
26 operate a motor vehicle upon the public roads of this state  
27 with a temporary license tag which has expired. Anyone

1       violating the provisions of this section shall be guilty of a  
2       misdemeanor and shall be punished, upon conviction, by a fine  
3       of not more than \$500.00 or by imprisonment for not more than  
4       six months, or by both."

5                   Section 2. This act shall become effective October  
6       1, 2020, following its passage and approval by the Governor,  
7       or its otherwise becoming law.