

1 SB346
2 173189-6
3 By Senators Singleton and Smitherman
4 RFD: Judiciary
5 First Read: 10-MAR-16

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8 SYNOPSIS: This bill would require a person who
9 advertises for the purchase of a salvage or junk
10 branded motor vehicle to display his or her current
11 license number on the sign or advertisement.

12 This bill would provide criminal penalties
13 for the failure to display the license number and
14 would provide exemptions.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to the advertisement for the purchase of a
14 salvage or junk branded motor vehicle; to require the license
15 number be displayed; to provide criminal penalties; to provide
16 exemptions; and in connection therewith to have as its purpose
17 or effect the requirement of a new or increased expenditure of
18 local funds within the meaning of Amendment 621 of the
19 Constitution of Alabama of 1901, now appearing as Section
20 111.05 of the Official Recompilation of the Constitution of
21 Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) A person, as defined in Section
24 32-8-2 of the Code of Alabama 1975, who advertises in a
25 newspaper, on a website, on a public display or sign, or
26 through an online service, for the purchase of a salvage or
27 junk branded motor vehicle shall clearly and conspicuously

1 disclose on the advertisement his or her true and correct
2 company name, physical address, telephone number, and current
3 license number issued under Article 8 or Article 9, Chapter
4 12, Title 40, or Chapter 8, Title 13A, Code of Alabama 1975.

5 (b) (1) A person who advertises in violation of
6 subsection (a) commits a Class A misdemeanor.

7 (2) A person required by state law to be licensed as
8 a motor vehicle dealer, who is not licensed, and who
9 advertises in violation of subsection (a), commits a Class A
10 misdemeanor.

11 (3) One half of any fines assessed and collected for
12 violations of this subsection shall be deposited into the
13 General Fund and one half of any fines assessed and collected
14 for violations of this subsection shall be deposited with the
15 local law enforcement agency that has jurisdiction over the
16 crime committed.

17 (c) Subsections (a) and (b) do not apply to either
18 of the following:

19 (1) A person who offers to purchase a motor vehicle
20 on his or her behalf for personal purposes other than
21 rebuilding, dismantling, or recycling into metallic scrap as
22 provided by Section 32-8-87 of the Code of Alabama 1975.

23 (2) A motor vehicle dealer with an advertisement
24 that is physically attached to the outside of its physical
25 address or location, located on dealership property, or on an
26 easement directly adjacent to dealership property.

27 (d) This act does not apply to any of the following:

1 (1) A person conducting a private transaction
2 seeking to sell his or her own personal vehicle.

3 (2) A person licensed under Article 8 or Article 9,
4 Chapter 12, Title 40, Code of Alabama 1975.

5 (3) A person licensed under Article 1A, Chapter 8,
6 Title 13A, Code of Alabama 1975.

7 Section 2. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended, because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

15 Section 3. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.