

1 HB571  
2 163541-2  
3 By Representative England  
4 RFD: Ways and Means General Fund  
5 First Read: 30-APR-15

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8 SYNOPSIS: Under existing law, the Public Service  
9 Commission administers the federal Unified Carrier  
10 Registration Act of 2005 (UCRA) in the state and  
11 collects the assessments associated with  
12 administration of the UCRA.

13 Also under existing law, certain law  
14 enforcement responsibilities of the Public Service  
15 Commission relating to motor carrier functions were  
16 transferred to the newly created Alabama Law  
17 Enforcement Agency (ALEA).

18 This bill would transfer the enforcement  
19 responsibility of the UCRA to ALEA and the  
20 administration of the UCRA to the Department of  
21 Revenue. This bill would also provide that the  
22 Department of Revenue would collect the fees  
23 associated with registration of UCRA and administer  
24 the provisions of UCRA in Alabama and for the  
25 distribution of the net fees.

26  
27 A BILL

1 TO BE ENTITLED

2 AN ACT

3  
4 To amend and renumber Section 37-3-32.1, Code of  
5 Alabama 1975, as Article 10, Section 40-12-435, Code of  
6 Alabama 1975; to transfer responsibility for the enforcement  
7 of the federal Unified Carrier Registration Act of 2005 to the  
8 Alabama Law Enforcement Agency (ALEA) and the administration  
9 of UCRA to the Department of Revenue; to provide that the  
10 Department of Revenue shall collect the fees associated with  
11 registration of UCRA and administer the provisions of UCRA in  
12 this state; and to provide for distribution of the net fees to  
13 ALEA to enable enforcement of the act.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. An article heading is added preceding  
16 Section 40-12-435 of the Code of Alabama 1975, to read as  
17 follows:

18 Article 10. Administration of Unified Carrier  
19 Registration Act of 2005.

20 Section 2. Section 37-3-32.1, Code of Alabama 1975,  
21 is amended and renumbered to read as follows:

22 "~~§37-3-32.1.~~ 40-12-435.

23 "(a) Foreign and domestic motor carriers, motor  
24 private carriers, leasing companies, brokers, and freight  
25 forwarders shall not operate in interstate commerce in this  
26 state without first registering with a base state and paying

1 all fees as required under the federal Unified Carrier  
2 Registration Act of 2005.

3 " (b) The ~~Public Service Commission~~ Department of  
4 Revenue is the state agency in this state responsible for the  
5 administration of the federal Unified Carrier Registration Act  
6 of 2005, including participating in the development,  
7 modification, implementation, and administration of the  
8 Unified Carrier Registration Agreement. The ~~commission may~~  
9 department shall follow rules governing the Unified Carrier  
10 Registration Agreement issued under the Unified Carrier  
11 Registration Plan by its board of directors.

12 " (c) The ~~commission may follow rules and~~ department  
13 shall collect fee assessments set by the federal Secretary of  
14 Transportation in accordance with federal rules and  
15 regulations from foreign and domestic motor carriers, motor  
16 private carriers, leasing companies, brokers, and freight  
17 forwarders, and do all things necessary to enable this state  
18 to participate in the federal Unified Carrier Registration  
19 Agreement pursuant to the federal Unified Carrier Registration  
20 Act of 2005. The ~~commission may~~ department shall register  
21 applicants and collect all fees without notice or a public  
22 hearing. Unified Carrier Registration filings shall be  
23 submitted in a manner prescribed by the department. Any credit  
24 card processing fee, any other fees associated with the  
25 registration or filing, or any other fee or payment paid by  
26 credit card to the department or the Alabama Law Enforcement

1 Agency (ALEA) shall be paid by the registrant and shall be  
2 nonrefundable.

3 "(d) Any fees collected by the ~~commission~~ Department  
4 of Revenue pursuant to ~~this section, except application fees~~  
5 subsection (c), shall be distributed as follows: ~~One-sixth~~  
6 ~~shall be paid in the Motor Carrier Fund in the State Treasury~~  
7 ~~Fund; and the remaining five-sixths of the fees shall be paid~~  
8 ~~in the Public Service Commission's operating fund, and shall~~  
9 ~~be expended for the payment of expenses incurred by the~~  
10 ~~commission in the regulation of motor carriers upon~~  
11 ~~appropriation as provided by law.~~

12 "(1) In addition to any other funds appropriated,  
13 for the fiscal year beginning October 1, 2015, and continuing  
14 every year thereafter, the first charge against the fees  
15 collected shall be to the Department of Revenue in the sum of  
16 one hundred fifty thousand dollars (\$150,000) to offset the  
17 department's costs to implement and administer the Unified  
18 Carrier Registration Program.

19 "(2) One-sixth of the remaining total amount of the  
20 fees to the Public Road and Bridge Fund of the Department of  
21 Transportation.

22 "(3) The remaining portion of the fees to the Public  
23 Safety Fund which shall be expended for the payment of  
24 expenses incurred by ALEA in the regulation of motor carriers  
25 or upon appropriation as provided by law.

26 "(e) This section shall not be construed as  
27 transferring any authority of ALEA to enforce for the

1 ~~enforcement of the federal Motor Carrier Safety Regulations,~~  
2 ~~or any part of the Motor Carrier Safety Assistance Program,~~  
3 ~~from the Department of Public Safety or any other program~~  
4 ~~relating to motor carrier enforcement.~~"

5           Section 3. The Department of Revenue, within 30  
6 days, shall amend the plan for participation by the State of  
7 Alabama in the federal Unified Carrier Registration Plan to  
8 reflect the transfer of responsibility from the Public Service  
9 Commission to the Department of Revenue as provided in this  
10 act.

11           Section 4. Section 3 of this act shall become  
12 effective following its passage and approval by the Governor,  
13 or its otherwise becoming law. The remainder of this act shall  
14 become effective on the first day of the third month following  
15 its passage and approval by the Governor, or its otherwise  
16 becoming law.