

1 HB328  
2 156817-2  
3 By Representative Wren  
4 RFD: Ways and Means General Fund  
5 First Read: 21-JAN-14

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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 UCRA.

13 This bill would transfer the responsibility  
14 for administration of UCRA to the Department of  
15 Revenue which, in turn, will assist in the  
16 administrative functions that will ultimately be  
17 enforced by the Department of Public Safety. This  
18 bill would also provide that the department would  
19 collect the fees associated with registration of  
20 UCRA and administer the provisions of UCRA in  
21 Alabama and for the distribution of the net fees.

22 This bill would also transfer collection of  
23 the \$6 registration fee for intrastate motor  
24 carriers from the Public Service Commission to the  
25 Department of Public Safety, with a portion of the  
26 fee disbursed to the operating fund of the  
27 Department of Public Safety.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT  
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6 To amend Section 37-3-32, Code of Alabama 1975; to  
7 transfer provisions governing the collection of the \$6  
8 registration fee for intrastate motor carriers to the newly  
9 created Section 40-12-435, to specify that the Department of  
10 Public Safety, rather than the Public Service Commission, will  
11 collect the fee; to provide for the disbursement of the fee;  
12 to amend and renumber Section 37-3-32.1, Code of Alabama 1975,  
13 as Article 10, Section 40-12-435, Code of Alabama 1975; to  
14 transfer responsibility for administration of the federal  
15 Unified Carrier Registration Act of 2005 (UCRA) to the  
16 Department of Revenue; to provide that the department collect  
17 the fees associated with registration of UCRA and administer  
18 the provisions of UCRA in this state; and to provide for  
19 distribution of the net fees to the Department of Public  
20 Safety.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 37-3-32, Code of Alabama 1975, is  
23 amended to read as follows:

24 "§37-3-32.

25 "In addition to all of the taxes and fees prescribed  
26 by law, motor carriers shall pay to the commission under the  
27 provisions of this chapter the following:

1           "(1) Every application for a certificate of public  
2 convenience and necessity or permit under this chapter shall  
3 be accompanied by an application fee in the amount of \$100.00.

4           "(2) Every application for an amendment of a  
5 certificate of public convenience and necessity or permit  
6 shall be accompanied by an application fee of \$100.00.

7           "(3) Every application for transfer of a certificate  
8 of public convenience and necessity or permit shall be  
9 accompanied by a fee of \$25.00.

10           "(4) Every application for approval of a lease of a  
11 certificate of public convenience and necessity for a period  
12 of more than six months shall be accompanied by a fee of  
13 \$10.00.

14           ~~"(5)a. For every motor vehicle to be used by a motor~~  
15 ~~carrier on the highways of the State of Alabama there shall be~~  
16 ~~paid a registration fee in the amount of \$6.00, and the~~  
17 ~~commission is given authority to adopt reasonable rules and~~  
18 ~~regulations for the issuance of an appropriate or~~  
19 ~~distinguishing number for each such motor vehicle upon which~~  
20 ~~the registration fee prescribed by this chapter shall have~~  
21 ~~been paid and such registration or distinguishing number shall~~  
22 ~~remain with the motor vehicle for which it was issued and~~  
23 ~~shall be nontransferable.~~

24           ~~"b. The registration fee for tour buses, as defined~~  
25 ~~in Section 40-19-1(10), shall be paid pursuant to Section~~  
26 ~~40-17-150(e).~~

1           ~~"c. It shall be unlawful for a motor vehicle to be~~  
2 ~~operated on the highways of this state without having~~  
3 ~~conspicuously displayed on its sides a registration or~~  
4 ~~distinguishing number prescribed and issued for the vehicle by~~  
5 ~~the commission under this chapter.~~

6           ~~"d. Of such registration fee, \$1.00 shall be paid~~  
7 ~~into the State Treasury in the motor carrier fund as provided~~  
8 ~~in this section. The remaining portion of this fee shall be~~  
9 ~~paid over to the treasurer and shall be held in the~~  
10 ~~commission's operating fund, and shall be paid out by the~~  
11 ~~treasurer in payment of expenses incurred by the commission in~~  
12 ~~the regulation of motor carriers upon warrants drawn as~~  
13 ~~provided by law upon the treasurer and approved as required by~~  
14 ~~law.~~

15           ~~"The commission may negotiate and enter into written~~  
16 ~~reciprocity agreements with other states regarding the payment~~  
17 ~~of these fees.~~

18           ~~"All tax penalties, fees, and allowances collected~~  
19 ~~under this chapter, except those registration fees in excess~~  
20 ~~of \$1.00 collected under subsection (5) above shall be paid~~  
21 ~~into the State Treasury within 30 days after their receipt and~~  
22 ~~shall be kept separate and apart from all other funds by the~~  
23 ~~state treasury in a fund to be known as the "motor carrier~~  
24 ~~fund".~~

25           Section 2. An article heading is added preceding  
26 Section 40-12-435 of the Code of Alabama 1975, to read as  
27 follows:

1 Article 10. Administration of Unified Carrier  
2 Registration Act of 2005.

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

5 "~~§37-3-32.1.~~ 40-12-435.

6 "(a) Foreign and domestic motor carriers, motor  
7 private carriers, leasing companies, brokers, and freight  
8 forwarders shall not operate in interstate commerce in this  
9 state without first registering with a base state and paying  
10 all fees as required under the federal Unified Carrier  
11 Registration Act of 2005.

12 "(b) The ~~Public Service Commission~~ Department of  
13 Revenue is the state agency in this state responsible for the  
14 administration of the federal Unified Carrier Registration Act  
15 of 2005, including participating in the development,  
16 modification, implementation, and administration of the  
17 Unified Carrier Registration Agreement. The ~~commission may~~  
18 department shall follow rules governing the Unified Carrier  
19 Registration Agreement issued under the Unified Carrier  
20 Registration Plan by its board of directors.

21 "(c) The ~~commission may follow rules and~~ department  
22 shall collect fee assessments set by the federal Secretary of  
23 Transportation in accordance with federal rules and  
24 regulations from foreign and domestic motor carriers, motor  
25 private carriers, leasing companies, brokers, and freight  
26 forwarders, and do all things necessary to enable this state  
27 to participate in the federal Unified Carrier Registration

1 Agreement pursuant to the federal Unified Carrier Registration  
2 Act of 2005. The ~~commission may~~ department shall register  
3 applicants and collect all fees without notice or a public  
4 hearing. Unified Carrier Registration filings shall be  
5 submitted in a manner prescribed by the department. Any credit  
6 card processing fee or any other fees associated with the  
7 registration or filing shall be paid by the registrant and  
8 shall be nonrefundable.

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

18 "(1) Five percent to the Department of Revenue to be  
19 utilized to administer the Unified Carrier Registration  
20 Program.

21 "(2) Five percent to the Motor Carrier Fund in the  
22 State Treasury.

23 "(3) The remaining portion of the fees to the  
24 Department of Public Safety's operating fund which shall be  
25 expended for the payment of expenses incurred by the  
26 Department of Public Safety in the regulation of motor  
27 carriers or upon appropriation as provided by law.

1           "(e) This section shall not be construed as  
2 transferring any authority of the Department of Public Safety  
3 to enforce for the enforcement of the federal Motor Carrier  
4 Safety Regulations, or any part of the Motor Carrier Safety  
5 Assistance Program, from the Department of Public Safety or  
6 any other program relating to motor carrier enforcement by the  
7 Department of Public Safety.

8           "(f) (1) For every motor vehicle to be used by a  
9 motor carrier on the highways of this state, there shall be  
10 paid a registration fee in the amount of six dollars (\$6). The  
11 Department of Public Safety may adopt reasonable rules for the  
12 issuance of an appropriate or distinguishing number for each  
13 motor vehicle upon which the registration fee prescribed by  
14 this subsection was paid. The registration or distinguishing  
15 number shall remain with the motor vehicle for which it was  
16 issued and shall be nontransferable.

17           "(2) The registration fee for tour buses, as defined  
18 in Section 40-19-1(10), shall be paid pursuant to Section  
19 40-17-150(e).

20           "(3) It shall be unlawful for a motor vehicle to be  
21 operated on the highways of this state without having  
22 conspicuously displayed on its sides a registration or  
23 distinguishing number prescribed and issued for the vehicle by  
24 the Department of Public Safety.

25           "(4) For each registration fee provided in this  
26 subsection, one dollar (\$1) of the fee shall be paid into the  
27 State Treasury in the Motor Carrier Fund. The remaining



1 portion of the fee shall be paid over to the Treasurer and  
2 shall be held in the operating fund of the Department of  
3 Public Safety, to be paid out by the Treasurer upon warrants  
4 drawn and approved as required by law for the payment of  
5 expenses incurred by the department in the regulation of motor  
6 carriers.

7 "(g) The Department of Public Safety may negotiate  
8 and enter into written reciprocity agreements with other  
9 states regarding the payment of fees provided in this  
10 section."

11 Section 4. The Department of Revenue, within 30  
12 days, shall amend the plan for participation by the State of  
13 Alabama in the federal Unified Carrier Registration Plan to  
14 reflect the transfer of responsibility from the Public Service  
15 Commission to the Department of Revenue as provided in this  
16 act.

17 Section 5. Section 4 of this act shall become  
18 effective following its passage and approval by the Governor,  
19 or its otherwise becoming law. The remainder of this act shall  
20 become effective on the first day of the third month following  
21 its passage and approval by the Governor, or its otherwise  
22 becoming law.