

1 SB368
2 158583-1
3 By Senators Glover and Fielding
4 RFD: Finance and Taxation General Fund
5 First Read: 13-FEB-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 specify that the Department
14 of Public Safety is responsible for the enforcement
15 of UCRA in this state and that the commission and
16 the Department of Public Safety shall coordinate in
17 the administration of UCRA.

18 This bill would also further provide for the
19 sharing of certain fees collected by the commission
20 in the administration of UCRA between the
21 Department of Public Safety and the commission.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 To amend Sections 37-3-32.1 and 37-3-32, Code of
2 Alabama 1975, relating to the Unified Carrier Registration Act
3 of 2005 (UCRA), to specify that the Department of Public
4 Safety is responsible for the enforcement of UCRA in this
5 state; to require the commission and the Department of Public
6 Safety to coordinate in the administration of UCRA; and to
7 further provide for the distribution of fees collected under
8 UCRA.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 37-3-32.1 and 37-3-32, Code of
11 Alabama 1975, are amended to read as follows:

12 "§37-3-32.1.

13 "(a) Foreign and domestic motor carriers, motor
14 private carriers, leasing companies, brokers, and freight
15 forwarders shall not operate in interstate commerce in this
16 state without first registering with a base state and paying
17 all fees as required under the federal Unified Carrier
18 Registration Act of 2005.

19 "(b) The Public Service Commission is the state
20 agency in this state responsible for the administration of the
21 federal Unified Carrier Registration Act of 2005, including
22 participating in the development, modification,
23 implementation, and administration of the Unified Carrier
24 Registration Agreement. The commission ~~may~~ shall follow rules
25 governing the Unified Carrier Registration Agreement issued
26 under the Unified Carrier Registration Plan by its board of
27 directors. The Department of Public Safety shall be

1 responsible for the enforcement of the federal Unified Carrier
2 Registration Act of 2005 in this state. The commission and the
3 Department of Public Safety shall coordinate the exercise of
4 their responsibilities under this subsection.

5 "(c) The commission ~~may~~ shall follow rules and
6 collect fee assessments set by the federal Secretary of
7 Transportation from foreign and domestic motor carriers, motor
8 private carriers, leasing companies, brokers, and freight
9 forwarders, and do all things necessary to enable this state
10 to participate in the federal Unified Carrier Registration
11 Agreement pursuant to the federal Unified Carrier Registration
12 Act of 2005. The commission may register applicants and
13 collect all fees without notice or a public hearing.

14 "(d) Any fees collected by the commission pursuant
15 to this section, ~~except application fees,~~ shall be distributed
16 as follows:

17 "(1) One-sixth One-half shall be paid ~~in the Motor~~
18 ~~Carrier Fund in the State Treasury Fund and the remaining~~
19 ~~five-sixths of the fees shall be paid in~~ to the Public Service
20 Commission's operating fund, and shall be expended for the
21 payment of expenses incurred by the commission in the
22 regulation of motor carriers upon appropriation as provided by
23 law.

24 "(2) One-half shall be paid to a separate account
25 within the Department of Public Safety's operating fund as
26 determined by the department, which shall be expended for the
27 payment of expenses incurred by the department in the

1 enforcement of commercial motor vehicle regulations,
2 standards, or orders.

3 "(e) This section shall not be construed as
4 transferring authority for the enforcement of the federal
5 Motor Carrier Safety Regulations or any part of the Motor
6 Carrier Safety Assistance Program from the Department of
7 Public Safety.

8 "§37-3-32.

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

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

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

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

21 "(4) Every application for approval of a lease of a
22 certificate of public convenience and necessity for a period
23 of more than six months shall be accompanied by a fee of
24 \$10.00.

25 "(5)a. For every motor vehicle to be used by a motor
26 carrier on the highways of the State of Alabama there shall be
27 paid a registration fee in the amount of \$6.00, and the

1 commission is given authority to adopt reasonable rules and
2 regulations for the issuance of an appropriate or
3 distinguishing number for each such motor vehicle upon which
4 the registration fee prescribed by this chapter shall have
5 been paid and such registration or distinguishing number shall
6 remain with the motor vehicle for which it was issued and
7 shall be nontransferable.

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

11 "c. It shall be unlawful for a motor vehicle to be
12 operated on the highways of this state without having
13 conspicuously displayed on its sides a registration or
14 distinguishing number prescribed and issued for the vehicle by
15 the commission under this chapter.

16 "d. Of such registration fee, ~~\$1.00 shall be paid~~
17 ~~into the State Treasury in the motor carrier fund as provided~~
18 ~~in this section. The remaining portion of this fee shall be~~
19 ~~paid over to the treasurer and shall be held in one-half shall~~
20 ~~be paid to the commission's operating fund, and shall be paid~~
21 ~~out by the treasurer in payment of expenses incurred by the~~
22 ~~commission in the regulation of motor carriers upon warrants~~
23 ~~drawn as provided by law upon the treasurer and approved as~~
24 ~~required by law and one-half shall be paid to a separate~~
25 ~~account within the Department of Public Safety's operating~~
26 ~~fund as determined by the department, which shall be expended~~
27 ~~for the payment of expenses incurred by the department in the~~

1 enforcement of commercial motor vehicle regulations,
2 standards, or orders.

3 "The commission may negotiate and enter into written
4 reciprocity agreements with other states regarding the payment
5 of these fees.

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

13 Section 2. This act shall become effective on
14 October 1, 2014, following its passage and approval by the
15 Governor, or its otherwise becoming law.