

1 HB210
2 127108-1
3 By Representatives Beech, Millican, Jackson, Shiver, Baker,
4 Black, McCutcheon, Oden, Thomas and Ball
5 RFD: Public Safety and Homeland Security
6 First Read: 09-MAR-11

SYNOPSIS: This bill would relate to motor vehicles and would define low speed vehicles and mini-trucks. The bill would provide for the issuance of a restricted motor vehicle license plate for low speed vehicles and mini-trucks to operate on public roads where the minimum posted speed is not greater than 25 miles per hour. The bill would further provide that the vehicles would be registered in the same manner as private passenger automobiles and would exempt low speed vehicles and mini-trucks from any requirement to have a certificate of title. The bill would also specify certain safety equipment and federal safety standards for low speed vehicles and mini-trucks.

A BILL
TO BE ENTITLED
AN ACT

1 To add Section 32-6-59 to the Code of Alabama 1975,
2 and to amend Sections 32-8-31 and 40-12-240 of the Code of
3 Alabama 1975; to establish a license plate category for low
4 speed vehicles and mini-trucks; to exempt low speed vehicles
5 and mini-trucks from certificate of title requirements; to
6 establish a definition and safety standards for low speed
7 vehicles and mini-trucks.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 32-6-59 is added to Title 32 of
10 the Code of Alabama 1975, to read as follows:

11 §32-6-59.

12 License taxes and registration fees - Low speed
13 vehicles and mini-trucks.

14 (a) The annual license tax and registration fee for
15 a low speed vehicle or mini-truck, as defined in Section
16 40-12-240, shall be the same as a private passenger automobile
17 and the fees shall be distributed in the same manner as for a
18 private passenger automobile.

19 (b) Low speed vehicles and mini-trucks may be
20 operated subject to the following restrictions:

21 (1) Low speed vehicles and mini-trucks may only be
22 operated on a public highway, road, or street where the posted
23 minimum speed limit is 25 miles per hour or less. This
24 restriction does not prohibit a low speed vehicle or
25 mini-truck from crossing a public highway, road, or street at
26 an intersection where the public highway, road, or street has
27 a posted speed limit of more than 25 miles per hour.

1 (2) Low speed vehicles and mini-trucks shall be
2 prohibited from operating on any public highway, road, or
3 street in the state unless the proper license tag therefor has
4 been procured and is securely attached in the same manner as a
5 private passenger automobile. The license tag shall indicate
6 that it is for restricted low speed use.

7 Section 2. Sections 32-8-31 and 40-12-240 of the
8 Code of Alabama 1975, are amended to read as follows:

9 "§32-8-31.

10 "No certificate of title shall be issued under this
11 chapter for any of the following:

12 "(1) A vehicle owned by the United States or any
13 agency thereof.

14 "(2) A vehicle owned by a manufacturer or dealer and
15 held for sale, even though incidentally moved on the highway
16 or used for purposes of testing or demonstration, or a vehicle
17 used by a manufacturer solely for testing.

18 "(3) A vehicle owned by a nonresident of this state
19 and not required by law to be registered in this state.

20 "(4) A vehicle for which the Alabama license plate
21 issuing official has verified that both the current owner and
22 operator is recorded on a currently effective certificate of
23 title issued by another state and the certificate of title is
24 being held by a recorded lienholder.

25 "(5) A vehicle moved solely by animal power.

26 "(6) An implement of husbandry.

27 "(7) Special mobile equipment.

1 "(8) A pole trailer.

2 "(9) Travel trailers and mobile trailers designated
3 1989 year models and prior year models.

4 "(10) A manufactured home as defined in Section
5 32-20-2.

6 "(11) Utility trailers other than moving collapsible
7 and folding campers designated 1990 and subsequent year
8 models.

9 "(12) A vehicle designated a 1974 year model or
10 prior year model.

11 "(13) Any other vehicles as prescribed by the
12 department.

13 "(14) A low speed vehicle or mini-truck as defined
14 in Section 40-12-240.

15 "§40-12-240.

16 "For the purpose of this article, the following
17 terms shall have the respective meanings ascribed by this
18 section:

19 "(1) ESTABLISHED PLACE OF BUSINESS. A place actually
20 occupied either continuously or at regular periods at or from
21 which a business or a part thereof is transacted.

22 "(2) FARM TRACTOR. Every motor vehicle designed and
23 used primarily as a farm implement for drawing plows, mowing
24 machines, and other implements designed and used for
25 agricultural purposes and only incidentally moved upon public
26 highways.

1 "(3) FULL-TIME SALESPERSON. A person whose principal
2 income is derived from selling motor vehicles for a licensed
3 dealer and the income is reflected on the dealership payroll
4 for the withholding of income taxes on income derived from
5 motor vehicle sales.

6 "(4) GROSS VEHICLE WEIGHT. Whenever used in Section
7 40-12-248, or elsewhere in this section, the empty weight of
8 the truck or truck tractor, plus the heaviest load to be
9 carried and, in the case of combinations, the empty weight of
10 the heaviest trailer with which the power unit shall be placed
11 in combination, plus the heaviest load to be carried. The
12 intent being that all licenses which are levied on the basis
13 of the "gross vehicle weight" of the vehicle plus the heaviest
14 load to be carried, as "gross vehicle weight" is hereinabove
15 defined, shall be collected and enforced uniformly.

16 "(5) LOW SPEED VEHICLE. A four-wheeled motor vehicle
17 with a top speed of not greater than 25 miles per hour the
18 gross vehicle weight rating (GVWR) of which is less than 3,000
19 pounds. The term includes neighborhood electric vehicles and
20 speed modified golf carts. Low speed vehicles, including
21 neighborhood electric vehicles and speed modified golf carts,
22 shall comply with the safety standards provided in 49 C.F.R.
23 Section 571.500.

24 "(6) MINI-TRUCK. A four-wheeled reduced dimension
25 truck that is not less than 48 inches wide, with an unladen
26 weight, including fuels and fluids, of not less than 1,500
27 pounds, equipped with a fully enclosed metal cab, an installed

1 speed governor to prevent the truck from attaining a speed of
2 more than 25 miles per hour, headlamps, stop lamps, front and
3 rear turn signal lamps, tail lamps, reflex reflectors, a
4 parking brake, rearview mirrors, windshield, seat belts, and a
5 nonconforming vehicle identification number.

6 "~~(5)~~(7) MOTORCYCLE. Every motor vehicle designed to
7 travel on not more than three wheels in contact with the
8 ground, including motor scooters and motor bicycles, but not
9 including farm tractors.

10 "~~(6)~~(8) MOTOR VEHICLE. Every vehicle which is
11 self-propelled, every vehicle which is propelled by electric
12 power, and every vehicle that is drawn by a self-propelled
13 vehicle, including every trailer and semitrailer.

14 "~~(7)~~(9) MOTOR VEHICLE DEALER. Every person currently
15 licensed under Section 40-12-390, et seq. as a new motor
16 vehicle dealer, as a used motor vehicle dealer, or licensed
17 under Section 40-12-169 and engaged in the business of buying,
18 selling, or exchanging of trailers, semitrailers, or
19 manufactured homes.

20 "~~(8)~~(10) MOTOR VEHICLE MANUFACTURER. Every person
21 engaged in the business of constructing or assembling vehicles
22 or manufactured homes with manufacturing facilities located
23 within this state.

24 "~~(9)~~(11) MOTOR VEHICLE REBUILDER. Any person engaged
25 in the business of making or causing to be made extensive
26 repairs, replacements, or combinations of different motor
27 vehicles to the extent of extinguishing the identity of the

1 original vehicle to the extent that the finished motor vehicle
2 is required to be assigned a new identification to be issued
3 by the Department of Revenue under Chapter 8 of Title 32.

4 "~~(10)~~ (12) MOTOR VEHICLE RECONDITIONER. Any person
5 engaged in the business of refurbishing, repairing, or
6 replacing damaged parts of motor vehicles for the purpose of
7 preparing the vehicle for resale under the same identification
8 and identity that the vehicle bore before the refurbishing.

9 "~~(11)~~ (13) MOTOR VEHICLE WHOLESALER. Any person
10 engaged in the business of buying, selling, or exchanging
11 motor vehicles at wholesale to motor vehicle dealers, as
12 defined in this article, and not to the public.

13 "~~(12)~~ (14) MUNICIPALITY. Any incorporated city or
14 town in this state.

15 "~~(13)~~ (15) NONRESIDENT. Every person who is not a
16 resident of this state.

17 "~~(14)~~ (16) OWNER. Any of the following:

18 "a. A person or persons holding the legal title to a
19 motor vehicle.

20 "b. The mortgagor or conditional vendee of a vehicle
21 that is the subject of a chattel mortgage or an agreement for
22 the conditional sale thereof or other like agreement with the
23 right of purchase upon performance of the conditions stated in
24 the agreement and with the immediate right of possession
25 vested in the mortgagor or conditional vendee.

26 "c. The lessee of a vehicle owned by the United
27 States of America or any of its agencies or instrumentalities.

1 "~~(15)~~(17) PERSON. Every individual, firm,
2 partnership, association, estate, trust, or corporation, and
3 the receiver, assignee, agent, administrator, or other
4 representative of any of them.

5 "~~(16)~~(18) PRIVATE PASSENGER AUTOMOBILE. Every motor
6 vehicle designed primarily for the transportation of nine
7 persons or less except the following:

8 "a. Motorcycles.

9 "b. Motor vehicles used in the transportation of
10 persons for hire.

11 "c. Trailers or semitrailers.

12 "d. Self-propelled campers or house cars including
13 every motor vehicle of the type usually referred to as a bus
14 which is owned and operated by an individual for personal or
15 private use and not for hire, rent, or compensation. Motor
16 trucks of the type commonly known as "pickups" or "pickup
17 trucks," regardless of the use made of any such motor trucks
18 and regardless of whether the owner thereof owns or has access
19 to any other mode of transportation, shall not be deemed to
20 constitute a private passenger automobile.

21 "~~(17)~~(19) PUBLIC HIGHWAY. Every highway, road,
22 street, alley, lane, court, place, trail, drive, bridge,
23 viaduct, or trestle, located either within a municipality or
24 in unincorporated territory, and laid out or erected by the
25 public or dedicated or abandoned to the public or intended for
26 use by or for the public. The term "public highway" shall
27 apply to and include driveways upon the grounds of

1 universities, colleges, schools, and institutions, but shall
2 not include private driveways, private roads, or private
3 places not intended for use by the public.

4 "~~(18)~~ (20) SELF-PROPELLED CAMPERS or HOUSE CARS. A
5 self-propelled motor vehicle designed and used primarily for
6 mobile living quarters. The living quarters on self-propelled
7 campers or house cars are constructed as an integral part of
8 the motor vehicle and are not detachable. Self-propelled
9 campers or house cars are commonly known as motor homes.

10 "~~(19)~~ (21) SEMITRAILER. Every vehicle without motive
11 power designed for carrying persons or property and for being
12 drawn by a motor vehicle and so constructed that some part of
13 its weight and some part of its load rest upon or are carried
14 by another motor vehicle.

15 "~~(20)~~ (22) STATE. A state, territory, or possession
16 of the United States, the District of Columbia, the
17 Commonwealth of Puerto Rico, or a province of the Dominion of
18 Canada.

19 "~~(21)~~ (23) TAX YEAR. The tax year of this state,
20 being the 12-month period commencing on each October 1.

21 "~~(22)~~ (24) TRAILER. Every vehicle without motive
22 power designed to carry persons or property wholly on its own
23 structure and to be drawn by another motor vehicle.

24 "~~(23)~~ (25) TRAVEL TRAILER. A vehicle without motive
25 power, designed and constructed as a camping vehicle or a
26 temporary dwelling, living, or sleeping place drawn by a
27 private passenger automobile or a pickup truck, but not

1 including folding or collapsible camping trailers included
2 within the definition of utility trailer, nor manufactured
3 homes as defined in Section 40-12-255(n).

4 "~~(24)~~ (26) TRUCK. Every self-propelled motor vehicle
5 designed and used primarily for the transportation of property
6 in or upon its own structure, every self-propelled motor
7 vehicle of the types known as "campers" and "house cars," and
8 every vehicle of the type commonly called a wrecker, which is
9 used to move disabled motor vehicles for repair, storage, and
10 other purposes.

11 "~~(25)~~ (27) TRUCK TRACTOR. Every motor vehicle
12 designed and used primarily for drawing other vehicles and not
13 so constructed as to carry a load other than a part of the
14 weight of the vehicles and load so drawn.

15 "~~(26)~~ (28) UTILITY TRAILER. A trailer primarily
16 designed to be drawn by a passenger car or pickup truck,
17 including luggage trailers, folding or collapsible camping
18 trailers, and other small trailers of similar size and
19 function, but shall not include boat trailers.

20 "~~(27)~~ (29) VEHICLE. Every device in, upon, or by
21 which any person or property is or may be transported or drawn
22 upon a highway, excepting devices moved by muscular power or
23 used exclusively upon rails or tracks or electric personal
24 assistive mobility devices.

25 "All references in this article to the judge of
26 probate shall be deemed to include the commissioner of
27 revenue, license commissioner, or other county official

1 designated by law to register motor vehicles, issue license
2 plates, and perform other duties in connection with motor
3 vehicle licenses."

4 Section 3. This act shall become effective on
5 January 1, 2011, following its passage and approval by the
6 Governor, or its otherwise becoming law.