

1 SB253  
2 125408-1  
3 By Senators Keahey and Dial  
4 RFD: Commerce, Transportation, and Utilities  
5 First Read: 22-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, as amended by Act 2010-519,  
3           2010 Regular Session (Acts 2010, p. 873), and 40-12-240 of the  
4           Code of Alabama 1975; to establish a license plate category  
5           for low speed vehicles and mini-trucks; to exempt low speed  
6           vehicles and mini-trucks from certificate of title  
7           requirements; to establish a definition and safety standards  
8           for low speed vehicles and mini-trucks.

9           BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12           §32-6-59.

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

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

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

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

1 an intersection where the public highway, road, or street has  
2 a posted speed limit of more than 25 miles per hour.

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

9 Section 2. Sections 32-8-31, as amended by Act  
10 2010-579, 2010 Regular Session (Acts 2010, p. 873), and  
11 40-12-240 of the Code of Alabama 1975, are amended to read as  
12 follows:

13 "§32-8-31.

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

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

18 "(2) A vehicle owned by a manufacturer or dealer and  
19 held for sale, even though incidentally moved on the highway  
20 or used for purposes of testing or demonstration, or a vehicle  
21 used by a manufacturer solely for testing.

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

24 "(4) A vehicle for which the Alabama license plate  
25 issuing official has verified that both the current owner and  
26 operator is recorded as the owner and operator on a currently

1 effective certificate of title issued by another state and the  
2 certificate of title is being held by a recorded lienholder.

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

4 "(6) An implement of husbandry.

5 "(7) Special mobile equipment.

6 "(8) A pole trailer.

7 "(9) Travel trailers and mobile trailers designated  
8 1989 year models and prior year models.

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

11 "(11) Utility trailers other than moving collapsible  
12 and folding campers designated 1990 and subsequent year  
13 models.

14 "(12) A vehicle designated a 1974 year model or  
15 prior year model.

16 "(13) Any other vehicles as prescribed by the  
17 department.

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

20 "§40-12-240.

21 "For the purpose of this article, the following  
22 terms shall have the respective meanings ascribed by this  
23 section:

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

1           "(2) FARM TRACTOR. Every motor vehicle designed and  
2       used primarily as a farm implement for drawing plows, mowing  
3       machines, and other implements designed and used for  
4       agricultural purposes and only incidentally moved upon public  
5       highways.

6           "(3) FULL-TIME SALESPERSON. A person whose principal  
7       income is derived from selling motor vehicles for a licensed  
8       dealer and the income is reflected on the dealership payroll  
9       for the withholding of income taxes on income derived from  
10      motor vehicle sales.

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

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

1           "(6) MINI-TRUCK. A four-wheeled reduced dimension  
2 truck that is not less than 48 inches wide, with an unladen  
3 weight, including fuels and fluids, of not less than 1,500  
4 pounds, equipped with a fully enclosed metal cab, an installed  
5 speed governor to prevent the truck from attaining a speed of  
6 more than 25 miles per hour, headlamps, stop lamps, front and  
7 rear turn signal lamps, tail lamps, reflex reflectors, a  
8 parking brake, rearview mirrors, windshield, seat belts, and a  
9 nonconforming vehicle identification number.

10           ~~"(5)"~~ (7) MOTORCYCLE. Every motor vehicle designed to  
11 travel on not more than three wheels in contact with the  
12 ground, including motor scooters and motor bicycles, but not  
13 including farm tractors.

14           ~~"(6)"~~ (8) MOTOR VEHICLE. Every vehicle which is  
15 self-propelled, every vehicle which is propelled by electric  
16 power, and every vehicle that is drawn by a self-propelled  
17 vehicle, including every trailer and semitrailer.

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

24           ~~"(8)"~~ (10) MOTOR VEHICLE MANUFACTURER. Every person  
25 engaged in the business of constructing or assembling vehicles  
26 or manufactured homes with manufacturing facilities located  
27 within this state.

1           "~~(9)~~ (11) MOTOR VEHICLE REBUILDER. Any person engaged  
2           in the business of making or causing to be made extensive  
3           repairs, replacements, or combinations of different motor  
4           vehicles to the extent of extinguishing the identity of the  
5           original vehicle to the extent that the finished motor vehicle  
6           is required to be assigned a new identification to be issued  
7           by the Department of Revenue under Chapter 8 of Title 32.

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

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

17          "~~(12)~~ (14) MUNICIPALITY. Any incorporated city or  
18          town in this state.

19          "~~(13)~~ (15) NONRESIDENT. Every person who is not a  
20          resident of this state.

21          "~~(14)~~ (16) OWNER. Any of the following:

22                 "a. A person or persons holding the legal title to a  
23                 motor vehicle.

24                 "b. The mortgagor or conditional vendee of a vehicle  
25                 that is the subject of a chattel mortgage or an agreement for  
26                 the conditional sale thereof or other like agreement with the  
27                 right of purchase upon performance of the conditions stated in



1 the agreement and with the immediate right of possession  
2 vested in the mortgagor or conditional vendee.

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

5 "~~(15)~~ (17) PERSON. Every individual, firm,  
6 partnership, association, estate, trust, or corporation, and  
7 the receiver, assignee, agent, administrator, or other  
8 representative of any of them.

9 "~~(16)~~ (18) PRIVATE PASSENGER AUTOMOBILE. Every motor  
10 vehicle designed primarily for the transportation of nine  
11 persons or less except the following:

12 "a. Motorcycles.

13 "b. Motor vehicles used in the transportation of  
14 persons for hire.

15 "c. Trailers or semitrailers.

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

25 "~~(17)~~ (19) PUBLIC HIGHWAY. Every highway, road,  
26 street, alley, lane, court, place, trail, drive, bridge,  
27 viaduct, or trestle, located either within a municipality or

1 in unincorporated territory, and laid out or erected by the  
2 public or dedicated or abandoned to the public or intended for  
3 use by or for the public. The term "public highway" shall  
4 apply to and include driveways upon the grounds of  
5 universities, colleges, schools, and institutions, but shall  
6 not include private driveways, private roads, or private  
7 places not intended for use by the public.

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

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

19 ~~"(20)"~~ (22) STATE. A state, territory, or possession  
20 of the United States, the District of Columbia, the  
21 Commonwealth of Puerto Rico, or a province of the Dominion of  
22 Canada.

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

25 ~~"(22)"~~ (24) TRAILER. Every vehicle without motive  
26 power designed to carry persons or property wholly on its own  
27 structure and to be drawn by another motor vehicle.

1           "~~(23)~~(25) TRAVEL TRAILER. A vehicle without motive  
2 power, designed and constructed as a camping vehicle or a  
3 temporary dwelling, living, or sleeping place drawn by a  
4 private passenger automobile or a pickup truck, but not  
5 including folding or collapsible camping trailers included  
6 within the definition of utility trailer, nor manufactured  
7 homes as defined in Section 40-12-255(n).

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

15           "~~(25)~~(27) TRUCK TRACTOR. Every motor vehicle  
16 designed and used primarily for drawing other vehicles and not  
17 so constructed as to carry a load other than a part of the  
18 weight of the vehicles and load so drawn.

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

24           "~~(27)~~(29) VEHICLE. Every device in, upon, or by  
25 which any person or property is or may be transported or drawn  
26 upon a highway, excepting devices moved by muscular power or

1       used exclusively upon rails or tracks or electric personal  
2       assistive mobility devices.

3               "All references in this article to the judge of  
4       probate shall be deemed to include the commissioner of  
5       revenue, license commissioner, or other county official  
6       designated by law to register motor vehicles, issue license  
7       plates, and perform other duties in connection with motor  
8       vehicle licenses."

9               Section 3. This act shall become effective on  
10      January 1, 2012, following its passage and approval by the  
11      Governor, or its otherwise becoming law.