

1 SB253
2 125408-1
3 By Senators Keahey and Dial
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 22-MAR-11

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8 SYNOPSIS: This bill would relate to motor vehicles and
9 would define low speed vehicles and mini-trucks.

10 The bill would provide for the issuance of a
11 restricted motor vehicle license plate for low
12 speed vehicles and mini-trucks to operate on public
13 roads where the minimum posted speed is not greater
14 than 25 miles per hour. The bill would further
15 provide that the vehicles would be registered in
16 the same manner as private passenger automobiles
17 and would exempt low speed vehicles and mini-trucks
18 from any requirement to have a certificate of
19 title. The bill would also specify certain safety
20 equipment and federal safety standards for low
21 speed vehicles and mini-trucks.

22
23 A BILL

24 TO BE ENTITLED

25 AN ACT

To add Section 32-6-59 to the Code of Alabama 1975, and to amend Sections 32-8-31, as amended by Act 2010-519, 2010 Regular Session (Acts 2010, p. 873), and 40-12-240 of the Code of Alabama 1975; to establish a license plate category for low speed vehicles and mini-trucks; to exempt low speed vehicles and mini-trucks from certificate of title requirements; to establish a definition and safety standards for low speed vehicles and mini-trucks.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

§32-6-59.

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

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

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

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