

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

1 SB253  
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ENGROSSED

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6  
7 A BILL  
8

9 TO BE ENTITLED  
10

11 AN ACT  
12

13 To add Section 32-6-59 to the Code of Alabama 1975,  
14 and to amend Sections 32-8-31, as amended by Act 2010-519,  
15 2010 Regular Session (Acts 2010, p. 873), and 40-12-240 of the  
16 Code of Alabama 1975; to establish a license plate category  
17 for mini-trucks; to exempt mini-trucks from certificate of  
18 title requirements; to establish a definition and safety  
19 standards for mini-trucks.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 §32-6-59.  
24

25 License taxes and registration fees -Mini-trucks.  
26

27 (a) The annual license tax and registration fee for  
a 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) Mini-trucks may be operated subject to the following restrictions:

(1) Mini-trucks may not be operated on interstate highways.

(2) Mini-trucks shall be prohibited from operating on any public highway, road, or street in the state unless the proper license tag therefor has been procured and is securely attached in the same manner as a private passenger automobile.

The license tag shall indicate that it is for restricted low speed use.

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

"§32-8-31.

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

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

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

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

"(4) A vehicle for which the Alabama license plate issuing official has verified that both the current owner and

1 operator is recorded as the owner and operator on a currently  
2 effective certificate of title issued by another state and the  
3 certificate of title is being held by a recorded lienholder.

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

5 "(6) An implement of husbandry.

6 "(7) Special mobile equipment.

7 "(8) A pole trailer.

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

10 "(10) A manufactured home as defined in Section  
11 32-20-2.

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

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

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

19 "(14) A mini-truck as defined 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) MINI-TRUCK. A four-wheeled reduced dimension  
22 truck that is not less than 48 inches wide, with an unladen  
23 weight, including fuels and fluids, of not less than 1,500  
24 pounds, equipped with a fully enclosed metal cab, an installed  
25 speed governor to prevent the truck from attaining a speed of  
26 more than 25 miles per hour, headlamps, stop lamps, front and  
27 rear turn signal lamps, tail lamps, reflex reflectors, a

1                   parking brake, rearview mirrors, windshield, seat belts, and a  
2                   nonconforming vehicle identification number.

3                   "~~5~~6 MOTORCYCLE. Every motor vehicle designed to  
4                   travel on not more than three wheels in contact with the  
5                   ground, including motor scooters and motor bicycles, but not  
6                   including farm tractors.

7                   "~~6~~7 MOTOR VEHICLE. Every vehicle which is  
8                   self-propelled, every vehicle which is propelled by electric  
9                   power, and every vehicle that is drawn by a self-propelled  
10                  vehicle, including every trailer and semitrailer.

11                  "~~7~~8 MOTOR VEHICLE DEALER. Every person currently  
12                  licensed under Section 40-12-390, et seq. as a new motor  
13                  vehicle dealer, as a used motor vehicle dealer, or licensed  
14                  under Section 40-12-169 and engaged in the business of buying,  
15                  selling, or exchanging of trailers, semitrailers, or  
16                  manufactured homes.

17                  "~~8~~9 MOTOR VEHICLE MANUFACTURER. Every person  
18                  engaged in the business of constructing or assembling vehicles  
19                  or manufactured homes with manufacturing facilities located  
20                  within this state.

21                  "~~9~~10 MOTOR VEHICLE REBUILDER. Any person engaged  
22                  in the business of making or causing to be made extensive  
23                  repairs, replacements, or combinations of different motor  
24                  vehicles to the extent of extinguishing the identity of the  
25                  original vehicle to the extent that the finished motor vehicle  
26                  is required to be assigned a new identification to be issued  
27                  by the Department of Revenue under Chapter 8 of Title 32.

1                   "~~(10)~~(11) MOTOR VEHICLE RECONDITIONER. Any person  
2 engaged in the business of refurbishing, repairing, or  
3 replacing damaged parts of motor vehicles for the purpose of  
4 preparing the vehicle for resale under the same identification  
5 and identity that the vehicle bore before the refurbishing.

6                   "~~(11)~~(12) MOTOR VEHICLE WHOLESALER. Any person  
7 engaged in the business of buying, selling, or exchanging  
8 motor vehicles at wholesale to motor vehicle dealers, as  
9 defined in this article, and not to the public.

10                  "~~(12)~~(13) MUNICIPALITY. Any incorporated city or  
11 town in this state.

12                  "~~(13)~~(14) NONRESIDENT. Every person who is not a  
13 resident of this state.

14                  "~~(14)~~(15) OWNER. Any of the following:

15                  "a. A person or persons holding the legal title to a  
16 motor vehicle.

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

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

25                  "~~(15)~~(16) PERSON. Every individual, firm,  
26 partnership, association, estate, trust, or corporation, and

1 the receiver, assignee, agent, administrator, or other  
2 representative of any of them.

3                   "(16)(17) PRIVATE PASSENGER AUTOMOBILE. Every motor  
4 vehicle designed primarily for the transportation of nine  
5 persons or less except the following:

6                    "a. Motorcycles.

7                    "b. Motor vehicles used in the transportation of  
8 persons for hire.

9                    "c. Trailers or semitrailers.

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

19                   "(17)(18) PUBLIC HIGHWAY. Every highway, road,  
20 street, alley, lane, court, place, trail, drive, bridge,  
21 viaduct, or trestle, located either within a municipality or  
22 in unincorporated territory, and laid out or erected by the  
23 public or dedicated or abandoned to the public or intended for  
24 use by or for the public. The term "public highway" shall  
25 apply to and include driveways upon the grounds of  
universities, colleges, schools, and institutions, but shall

1 not include private driveways, private roads, or private  
2 places not intended for use by the public.

3                 "(18) (19) SELF-PROPELLED CAMPERS or HOUSE CARS. A  
4 self-propelled motor vehicle designed and used primarily for  
5 mobile living quarters. The living quarters on self-propelled  
6 campers or house cars are constructed as an integral part of  
7 the motor vehicle and are not detachable. Self-propelled  
8 campers or house cars are commonly known as motor homes.

9                 "(19) (20) SEMITRAILER. Every vehicle without motive  
10 power designed for carrying persons or property and for being  
11 drawn by a motor vehicle and so constructed that some part of  
12 its weight and some part of its load rest upon or are carried  
13 by another motor vehicle.

14                 "(20) (21) STATE. A state, territory, or possession  
15 of the United States, the District of Columbia, the  
16 Commonwealth of Puerto Rico, or a province of the Dominion of  
17 Canada.

18                 "(21) (22) TAX YEAR. The tax year of this state,  
19 being the 12-month period commencing on each October 1.

20                 "(22) (23) TRAILER. Every vehicle without motive  
21 power designed to carry persons or property wholly on its own  
22 structure and to be drawn by another motor vehicle.

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

1       within the definition of utility trailer, nor manufactured  
2       homes as defined in Section 40-12-255(n).

3                 "~~(24)~~(25) TRUCK. Every self-propelled motor vehicle  
4       designed and used primarily for the transportation of property  
5       in or upon its own structure, every self-propelled motor  
6       vehicle of the types known as "campers" and "house cars," and  
7       every vehicle of the type commonly called a wrecker, which is  
8       used to move disabled motor vehicles for repair, storage, and  
9       other purposes.

10                "~~(25)~~(26) TRUCK TRACTOR. Every motor vehicle  
11       designed and used primarily for drawing other vehicles and not  
12       so constructed as to carry a load other than a part of the  
13       weight of the vehicles and load so drawn.

14                "~~(26)~~(27) UTILITY TRAILER. A trailer primarily  
15       designed to be drawn by a passenger car or pickup truck,  
16       including luggage trailers, folding or collapsible camping  
17       trailers, and other small trailers of similar size and  
18       function, but shall not include boat trailers.

19                "~~(27)~~(28) VEHICLE. Every device in, upon, or by  
20       which any person or property is or may be transported or drawn  
21       upon a highway, excepting devices moved by muscular power or  
22       used exclusively upon rails or tracks or electric personal  
23       assistive mobility devices.

24                "All references in this article to the judge of  
25       probate shall be deemed to include the commissioner of  
26       revenue, license commissioner, or other county official  
27       designated by law to register motor vehicles, issue license

1 plates, and perform other duties in connection with motor  
2 vehicle licenses."

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

1  
2  
3 Senate

4 Read for the first time and referred to the Senate  
5 committee on Commerce, Transportation, and Utili-  
6 ties..... 22-MAR-11  
7  
8 Read for the second time and placed on the calen-  
9 dar..... 24-MAR-11  
10  
11 Read for the third time and passed as amended .... 05-APR-11

12 Yeas 31  
13 Nays 0

14  
15  
16 Patrick Harris  
17 Secretary  
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