

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

1 SB253

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4 ENROLLED, An Act,

5 To add Section 32-6-59 to the Code of Alabama 1975,
6 and to amend Sections 32-8-31, as amended by Act 2010-519,
7 2010 Regular Session (Acts 2010, p. 873), and 40-12-240 of the
8 Code of Alabama 1975; to establish a license plate category
9 for mini-trucks; to exempt mini-trucks from certificate of
10 title requirements; to establish a definition and safety
11 standards for mini-trucks.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 §32-6-59.

16 License taxes and registration fees -Mini-trucks.

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

22 (b) Mini-trucks may be operated subject to the
23 following restrictions:

24 (1) Mini-trucks may not be operated on interstate
25 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 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 mini-truck as defined in Section 40-12-240.

19 "§40-12-240.

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

23 " (1) ESTABLISHED PLACE OF BUSINESS. A place actually
24 occupied either continuously or at regular periods at or from
25 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

1 more than 25 miles per hour, headlamps, stop lamps, front and
2 rear turn signal lamps, tail lamps, reflex reflectors, a
3 parking brake, rearview mirrors, windshield, seat belts, and a
4 nonconforming vehicle identification number.

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

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

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

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

23 "(10) MOTOR VEHICLE REBUILDER. Any person engaged in
24 the business of making or causing to be made extensive
25 repairs, replacements, or combinations of different motor

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

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

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

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

16 "(14) NONRESIDENT. Every person who is not a
17 resident of this state.

18 "(15) OWNER. Any of the following:

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

21 "b. The mortgagor or conditional vendee of a vehicle
22 that is the subject of a chattel mortgage or an agreement for
23 the conditional sale thereof or other like agreement with the
24 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 "(16) PERSON. Every individual, firm, partnership,
6 association, estate, trust, or corporation, and the receiver,
7 assignee, agent, administrator, or other representative of any
8 of them.

9 "(17) 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.

1 "(18) PUBLIC HIGHWAY. Every highway, road, street,
2 alley, lane, court, place, trail, drive, bridge, viaduct, or
3 trestle, located either within a municipality or in
4 unincorporated territory, and laid out or erected by the
5 public or dedicated or abandoned to the public or intended for
6 use by or for the public. The term "public highway" shall
7 apply to and include driveways upon the grounds of
8 universities, colleges, schools, and institutions, but shall
9 not include private driveways, private roads, or private
10 places not intended for use by the public.

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

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

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

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

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

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

13 "(25) TRUCK. Every self-propelled motor vehicle
14 designed and used primarily for the transportation of property
15 in or upon its own structure, every self-propelled motor
16 vehicle of the types known as "campers" and "house cars," and
17 every vehicle of the type commonly called a wrecker, which is
18 used to move disabled motor vehicles for repair, storage, and
19 other purposes.

20 "(26) TRUCK TRACTOR. Every motor vehicle designed
21 and used primarily for drawing other vehicles and not so
22 constructed as to carry a load other than a part of the weight
23 of the vehicles and load so drawn.

24 "(27) UTILITY TRAILER. A trailer primarily designed
25 to be drawn by a passenger car or pickup truck, including

1 luggage trailers, folding or collapsible camping trailers, and
2 other small trailers of similar size and function, but shall
3 not include boat trailers.

4 "(28) VEHICLE. Every device in, upon, or by which
5 any person or property is or may be transported or drawn upon
6 a highway, excepting devices moved by muscular power or used
7 exclusively upon rails or tracks or electric personal
8 assistive mobility devices.

9 "All references in this article to the judge of
10 probate shall be deemed to include the commissioner of
11 revenue, license commissioner, or other county official
12 designated by law to register motor vehicles, issue license
13 plates, and perform other duties in connection with motor
14 vehicle licenses."

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

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

7 SB253

8 Senate 05-APR-11

9 I hereby certify that the within Act originated in and passed
10 the Senate, as amended.

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17 House of Representatives

18 Passed: 26-APR-11

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21 By: Senator Keahen