

HB374 INTRODUCED



1 HB374
2 AKV2QQ7-1
3 By Representatives Whorton, Rehm, Reynolds, Whitt, Crawford,
4 Marques, Sorrells, Smith, Pettus
5 RFD: State Government
6 First Read: 21-Mar-24



4 SYNOPSIS:

5 This bill would increase the fees for volunteer
6 and professional firefighter distinctive motor vehicle
7 license plates and would provide for the distribution
8 of the fees collected.

9 Section 111.05 of the Constitution of Alabama of
10 2022 prohibits a general law whose purpose or effect
11 would be to require a new or increased expenditure of
12 local funds from becoming effective without enactment
13 by a 2/3 vote unless: it comes within one of a number
14 of specified exceptions; it is approved by the affected
15 entity; or the Legislature appropriates funds, or
16 provides a local source of revenue, to the entity for
17 the purpose.

18 The purpose or effect of this bill would be to
19 require a new or increased expenditure of local funds
20 within the meaning of the section. However, the bill
21 does not require approval of a local governmental
22 entity or enactment by a 2/3 vote to become effective
23 because it comes within one of the specified exceptions
24 contained in the section.

28 A BILL



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TO BE ENTITLED

AN ACT

Relating to motor vehicle registration; to amend Sections 32-6-271 and 32-6-280, Code of Alabama 1975, to increase the fees for volunteer and professional firefighter distinctive motor vehicle license plates and to provide for the distribution of the fees collected.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 32-6-271 and 32-6-280, Code of Alabama 1975, are amended to read as follows:

"§32-6-271

(a) A firefighter, upon application and subject to this division, may be issued a distinctive motor vehicle license plate as identification as a firefighter. In addition to the proper numbers, words, and insignias used on the standard license plate issued for motor vehicles, the distinctive plates issued to firefighters shall bear a red Maltese cross emblem on each side to the left and right of the regular tag numbers. The ~~words "Fire Fighter"~~ word "Firefighter" should be centered at the bottom of the license plate.

(b) In addition to any other fees provided for by law, an annual additional fee of ~~one dollar~~ ten dollars ~~(\$1.00)~~ (\$10) is added to the cost of the firefighter distinctive license plate provided for in this division, effective January 1, ~~2022~~ 2025. The combined ~~annual additional fee~~ fees collected pursuant to this section shall be distributed by each licensing official to the ~~state~~ Comptroller. ~~The state~~



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~~Comptroller~~, who shall distribute the total net proceeds monthly as follows:

(1) ~~Fifty cents (\$.50)~~ One dollar fifty cents (\$1.50) shall be deposited into a fund managed by the Alabama Joint Fire Council and shall be used for the purpose of expanding and maintaining the Alabama Firefighter Memorial located in Tuscaloosa.

(2) ~~Fifty cents (\$.50)~~ One dollar fifty cents (\$1.50) shall be distributed to the Alabama Joint Fire Council to be used for expenses associated with the Firefighter Peer Support Program.

(3) Three dollars fifty cents (\$3.50) shall be distributed to the board of the Alabama Firefighters Annuity and Benefit Fund.

(4) Three dollars fifty cents (\$3.50) shall be distributed to the secretary-treasurer of the State of Alabama Firefighters Emergency Relief Fund.

(c) The funds generated by ~~this~~ the additional fee shall be subject to audit from either the Department of Examiners of Public Accounts or an independent certified public accountant once every three calendar years ~~effective~~ beginning January 1, ~~2022~~ 2025."

"§32-6-280

(a) As used in this ~~section~~ division, the following terms ~~shall~~ have the following meanings:

(1) ~~Professional firefighter~~ PROFESSIONAL FIREFIGHTER.
~~means a~~ A paid member of a paid or part-paid fire department of a city, town, county, or other subdivision of the state,



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including the chief, assistant chief, warden, engineer, captain, ~~firemen~~ firefighters, and all other officers and employees of the department who actually engage in ~~fire fighting~~ firefighting or rendering first aid at the scene of an accident.

(2) ~~Retired professional firefighter~~ RETIRED PROFESSIONAL FIREFIGHTER. ~~means a~~ retired member of a paid or part-paid fire department of a city, town, county, or other subdivision of the state, including the chief, assistant chief, warden, engineer, captain, ~~firemen~~ firefighters, and all other officers and employees of the department who actually engaged in ~~fire fighting~~ firefighting or rendering first aid at the scene of an accident. Notwithstanding any other provision of this division, ~~retired professional firefighter~~ the term includes a retired professional firefighter who is a resident of this state and who has retired from a professional fire department in another state and otherwise meets the requirements of this ~~section~~ division.

(b) (1) Notwithstanding Sections 32-6-64, 32-6-67, and 32-6-68, a professional firefighter or a retired professional firefighter, upon application and subject to ~~the provisions of~~ this ~~section~~ division, may be issued a distinctive motor vehicle license plate as identification as a professional firefighter or a retired professional firefighter, ~~and a professional firefighter, upon application and subject to this section, may be issued a distinctive motor vehicle license plate as identification as a professional firefighter.~~

(2) In addition to the proper numbers, words, and



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insignias used on the standard license plate issued for motor vehicles, the distinctive ~~plates~~ license plate issued for a retired professional firefighter shall have a design created by the state association of professional firefighters in coordination with the Mobile Retired Firefighters and Paramedics Association and the Tuscaloosa Retired Firefighters Association, and the distinctive license plate ~~so~~ issued for a professional firefighter shall have a design created by the state association of professional firefighters.

(c) (1) The distinctive license plates provided ~~herein~~ in this division shall be approved by the Commissioner of Revenue and shall be issued through the judge of probate, license commissioner, or other license issuing official of the several counties of the state in the same manner as are other motor vehicle license plates and the officers shall be entitled to their regular fees for the service.

(2) By December 1 of each year, the Firefighters' Personnel Standards and Education Commission shall submit to the judge of probate, the license commissioner, or other license issuing official of each county a list of eligible professional firefighters and retired professional firefighters ~~retired from paid or part-paid fire departments under this section~~. The Firefighters' Personnel Standards and Education Commission shall also add to the list any retired professional firefighter ~~retired from a paid or part-paid fire department in~~ from another state who submits proof to the commission of eligibility pursuant to this division. ~~The Firefighters' Personnel Standards and Education Commission~~



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~~shall also submit to the judge of probate, the license commissioner, or other license issuing official of each county a list of eligible professional firefighters from paid or part-paid fire departments.~~

(3) Any ~~person~~individual who joins a paid or part-paid fire department after December 1 of any year or any ~~person~~individual who is omitted from the list prepared as described in subdivision (2) may obtain a distinctive license plate by presenting to the license issuing official proof of his or her membership in a paid or part-paid fire department by means of a certificate signed by the chief of the department on a form prescribed by the Firefighters' Personnel Standards and Education Commission.

(4) Upon the initial application for a retired professional firefighter distinctive license plate under this ~~section~~division, an applicant for a distinctive license plate provided in this ~~section~~division shall present to the judge of probate, the license commissioner, or other license issuing official of the county, proof of his or her retirement from a fire department that is included on the list provided by the Firefighters' Personnel Standards and Education Commission. Proof of the ~~person's~~individual's retirement from a fire department included on ~~the~~that list ~~from the Firefighters' Personnel Standards and Education Commission~~ is not required for renewal of the distinctive license plate.

(5) Upon ~~the applicant~~ submitting proof of his or her identification, the professional firefighter or retired professional firefighter shall be issued the requested number



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of distinctive license plates upon the payment of the regular fee for license plates, as provided by law, but shall not be required to pay the three dollar (\$3) fee.

~~(6) Upon the applicant submitting proof of his or her identification, the retired professional firefighter shall be issued the requested number of distinctive license plates upon the payment of the regular license fee for plates, as provided by law, but shall not be required to pay the three dollar (\$3) fee.~~

~~(7)~~ (6) The distinctive license plates ~~so~~ issued shall be used only upon and for personally owned, private passenger vehicles, to include station wagons and pick-up trucks, registered in the name of the retired professional firefighter or professional firefighter making application therefor, and when ~~so~~ issued to the applicant shall be used upon the vehicle for which issued in lieu of the standard license plates normally issued for the vehicle.

~~(8)a.~~ (7)a. In addition to any other fees provided for by law, an annual additional fee of one dollar ~~(\$1.00)~~ (\$1) is added to the cost of the retired professional firefighter and the professional firefighter distinctive license plates provided for in this division, effective January 1, 2022. The annual additional fee collected pursuant to this ~~section~~ paragraph shall be distributed by each licensing official to the ~~state~~ Comptroller, who shall distribute monthly fifty cents (\$0.50) of each fee into a fund managed by the Alabama Joint Fire Council to be used for the purpose of expanding and maintaining the Alabama Firefighter Memorial



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located in Tuscaloosa and fifty cents (\$0.50) of each fee to the Alabama Joint Fire Council to be used for expenses associated with the First Responder Peer Support Program.

b. Effective January 1, 2025, an annual additional fee of ten dollars (\$10) is added to the cost of the professional firefighter distinctive license plates provided for in this paragraph. The combined fees shall be distributed by each licensing official to ~~The~~ the ~~state~~ Comptroller, who shall distribute the total net proceeds monthly as follows:

1. ~~Fifty cents (\$.50)~~ One dollar fifty cents (\$1.50) shall be deposited into a fund managed by the Alabama Joint Fire Council and shall be used for the purpose of expanding and maintaining the Alabama Firefighter Memorial located in Tuscaloosa.

2. ~~Fifty cents (\$.50)~~ One dollar fifty cents (\$1.50) shall be distributed to the Alabama Joint Fire Council to be used for expenses associated with the Firefighter Peer Support Program.

3. Three dollars fifty cents (\$3.50) shall be distributed to the board of the Alabama Firefighters Annuity and Benefit Fund.

4. Three dollars fifty cents (\$3.50) shall be distributed to the secretary-treasurer of the State of Alabama Firefighters Emergency Relief Fund.

~~b.c.~~ c. The funds generated by ~~this~~ the additional fee shall be subject to audit from either the Department of Examiners of Public Accounts or an independent certified public accountant once every three calendar years



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225 ~~effective~~beginning January 1, 2022.

226 ~~(9)~~ (8) Anyone who is proven to have either falsely
227 obtained or certified an individual to obtain a distinctive
228 professional firefighter or retired professional firefighter
229 license plate ~~or a distinctive professional firefighter~~
230 ~~license plate~~ shall be guilty of a Class C misdemeanor, and
231 upon conviction, shall be punished according to law.

232 (d) Retired professional ~~firefighters~~firefighter
233 distinctive license plates and professional firefighter
234 distinctive license plates ~~as provided by this section~~ shall
235 be prepared and furnished ~~for the licensing year commencing~~
236 ~~January 1, 2012, and thereafter~~ as is provided by law for the
237 issuance of other license plates. ~~Professional firefighters~~
238 ~~distinctive license plates as provided by this section shall~~
239 ~~be prepared and furnished for the licensing year commencing~~
240 ~~January 1, 2016, and thereafter as is provided by law for the~~
241 ~~issuance of other license plates.~~

242 (e) The Department of Revenue may adopt any rules
243 necessary to administer this ~~section~~division."

244 Section 2. Although this bill would have as its purpose
245 or effect the requirement of a new or increased expenditure of
246 local funds, the bill is excluded from further requirements
247 and application under Section 111.05 of the Constitution of
248 Alabama of 2022, because the bill defines a new crime of
249 amends the definition of an existing crime.

250 Section 3. This act shall become effective on October
251 1, 2024.