

1 HB461
2 158217-2
3 By Representatives Drake, Faust, Carns, Wallace, Standridge,
4 Baker, Patterson and McClendon
5 RFD: Public Safety and Homeland Security
6 First Read: 12-FEB-14

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8 SYNOPSIS: This bill would provide for a distinctive
9 motor vehicle license plate for paid professional
10 firefighters. The bill would provide penalties for
11 falsely obtaining a professional firefighter tag.

12 Amendment 621 of the Constitution of Alabama
13 of 1901, now appearing as Section 111.05 of the
14 Official Recompilation of the Constitution of
15 Alabama of 1901, as amended, prohibits a general
16 law whose purpose or effect would be to require a
17 new or increased expenditure of local funds from
18 becoming effective with regard to a local
19 governmental entity without enactment by a 2/3 vote
20 unless: it comes within one of a number of
21 specified exceptions; it is approved by the
22 affected entity; or the Legislature appropriates
23 funds, or provides a local source of revenue, to
24 the entity for the purpose.

25 The purpose or effect of this bill would be
26 to require a new or increased expenditure of local
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local
2 governmental entity or enactment by a 2/3 vote to
3 become effective because it comes within one of the
4 specified exceptions contained in the amendment.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT
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10 Relating to distinctive license plates for motor
11 vehicles; to provide for distinctive license plates for
12 professional firefighters; to provide penalties for falsely
13 obtaining a professional firefighter tag; and in connection
14 therewith would have as its purpose or effect the requirement
15 of a new or increased expenditure of local funds within the
16 meaning of Amendment 621 of the Constitution of Alabama of
17 1901, now appearing as Section 111.05 of the Official
18 Recompilation of the Constitution of Alabama of 1901, as
19 amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. As used in this act, professional
22 firefighter means a paid member of a paid or part-paid fire
23 department of a city, town, county, or other subdivision of
24 the state, including the chief, assistant chief, warden,
25 engineer, captain, firemen, and all other officers and
26 employees of the department who actually engage in fire
27 fighting or rendering first aid at the scene of an accident.

1 Section 2. (a) Notwithstanding Sections 32-6-64,
2 32-6-67, and 32-6-68, Code of Alabama 1975, a paid
3 professional firefighter, upon application and subject to the
4 provisions of this act, may be issued a distinctive motor
5 vehicle license plate or tag upon identification as a paid
6 professional firefighter.

7 (b) In addition to the proper numbers, words, and
8 insignias used on the standard license plate or tag issued for
9 motor vehicles, the distinctive plates or tags so issued for a
10 professional firefighter shall have a design created by the
11 state association of professional firefighters in coordination
12 with the tag department of the Alabama Department of Revenue.
13 Motor vehicle and motorcycle license plates shall bear the
14 same design.

15 Section 3. (a) The distinctive license plate
16 provided herein shall be prepared, approved by the
17 Commissioner of Revenue, and shall be issued through the judge
18 of probate, license commissioner, or other license issuing
19 official of the several counties of the state in the same
20 manner as are other motor vehicle license plates or tags, and
21 the officers shall be entitled to their regular fees for the
22 service.

23 (b) By December 1 of each year, the Firefighters'
24 Personnel Standards and Education Commission shall submit to
25 the judge of probate, the license commissioner, or other
26 license issuing official of each county a list of eligible

1 professional firefighters from paid or part-paid fire
2 departments under this act.

3 (c) Any person who joins a paid or part-paid fire
4 department after December 1 of any year or any person who is
5 mistakenly omitted from the lists prepared as described above
6 may obtain a distinctive plate by presenting to the license
7 issuing official proof of his or her membership in a fire
8 department by means of a certificate signed by the chief of
9 the department on a form prescribed by the Firefighters'
10 Personnel Standards and Education Commission.

11 (d) Upon the applicant submitting proof of his or
12 her identification, the professional firefighter shall be
13 issued the requested number of distinctive license plates or
14 tags upon the payment of the regular license fee for tags, as
15 provided by law.

16 (e) The distinctive license plates or tags issued
17 pursuant to this section shall be used only upon and for
18 personally owned, private passenger vehicles, to include
19 station wagons, pick-up trucks, and motorcycles registered in
20 the name of the professional firefighter making application
21 therefor, and when so issued to the applicant shall be used
22 upon the vehicle for which issued in lieu of the standard
23 license plates or license tags normally issued for the
24 vehicle.

25 (f) Any person who falsely obtains or certifies an
26 individual to obtain a distinctive professional firefighter
27 license plate, who is not qualified to obtain the plate shall

1 be guilty of a Class C misdemeanor and, upon conviction, shall
2 be punished as provided by law.

3 Section 4. Distinctive plates or tags as provided by
4 this act shall be prepared and furnished for the licensing
5 year commencing January 1, 2015, and thereafter as provided by
6 law for the issuance of other license plates.

7 Section 5. All laws or parts of laws which conflict
8 with this act are repealed.

9 Section 6. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 621 because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

15 Section 7. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.