

1 SB165
2 117815-2
3 By Senators Keahey, Glover, and Brooks
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 12-JAN-10

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to motor vehicles; to add Section 32-6-59
12 to the Code of Alabama 1975, and to amend Sections 32-8-31, as
13 last amended by Act 2009-746, 2009 Regular Session (Acts 2009,
14 p. 2236), and 40-12-240 of the Code of Alabama 1975; to
15 establish a license plate category for low speed vehicles and
16 mini-trucks; to exempt low speed vehicles and mini-trucks from
17 certificate of title requirements; and to establish a
18 definition and safety standards for low speed vehicles and
19 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 License taxes and registration fees - Low speed
25 vehicles and mini-trucks.

26 (a) The annual license tax and registration fee for
27 a low speed vehicle or mini-truck, as defined in Section

1 40-12-240, shall be the same as a private passenger
2 automobile, and the fees shall be distributed in the same
3 manner as for a private passenger automobile.

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

6 (1) Low speed vehicles and mini-trucks may only be
7 operated on a public highway, road, or street where the posted
8 minimum speed limit is 25 miles per hour or less. This
9 restriction does not prohibit a low speed vehicle or
10 mini-truck from crossing a public highway, road, or street at
11 an intersection where the public highway, road, or street has
12 a posted speed limit of more than 25 miles per hour.

13 (2) Low speed vehicles and mini-trucks shall be
14 prohibited from operating on any public highway, road, or
15 street in the state unless the proper license tag therefor has
16 been procured and is securely attached in the same manner as a
17 private passenger automobile. The license tag shall indicate
18 that it is for restricted low speed use.

19 Section 2. Sections 32-8-31, as last amended by Act
20 2009-746, 2009 Regular Session (Acts 2009, p. 2236), and
21 40-12-240 of the Code of Alabama 1975, are amended to read as
22 follows:

23 "§32-8-31.

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

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

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

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

7 "(4) A vehicle for which the Alabama license plate
8 issuing official has verified that both the current owner ~~or~~
9 and operator is recorded as the owner ~~or~~ and operator on a
10 currently effective certificate of title issued by another
11 state and the certificate of title is being held by a recorded
12 lienholder.

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

14 "(6) An implement of husbandry.

15 "(7) Special mobile equipment.

16 "(8) A pole trailer.

17 "(9) Travel trailers, and mobile trailers designated
18 1989 year models and prior year models.

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

21 "(11) Utility trailers other than moving collapsible
22 and folding campers designated 1990 and subsequent year
23 models.

24 "(12) A vehicle designated a 1974 year model or
25 prior year model.

26 "(13) A low speed vehicle or mini-truck as defined
27 in Section 40-12-240.

1 "§40-12-240.

2 "For the purpose of this article, the following
3 terms shall have the respective meanings ascribed by this
4 section:

5 "(1) ESTABLISHED PLACE OF BUSINESS. A place actually
6 occupied either continuously or at regular periods at or from
7 which a business or a part thereof is transacted.

8 "(2) FARM TRACTOR. Every motor vehicle designed and
9 used primarily as a farm implement for drawing plows, mowing
10 machines, and other implements designed and used for
11 agricultural purposes and only incidentally moved upon public
12 highways.

13 "(3) FULL-TIME SALESPERSON. A person whose principal
14 income is derived from selling motor vehicles for a licensed
15 dealer and the income is reflected on the dealership payroll
16 for the withholding of income taxes on income derived from
17 motor vehicle sales.

18 "(4) GROSS VEHICLE WEIGHT. Whenever used in Section
19 40-12-248, or elsewhere in this section, the empty weight of
20 the truck or truck tractor, plus the heaviest load to be
21 carried and, in the case of combinations, the empty weight of
22 the heaviest trailer with which the power unit shall be placed
23 in combination, plus the heaviest load to be carried. The
24 intent being that all licenses which are levied on the basis
25 of the "gross vehicle weight" of the vehicle plus the heaviest
26 load to be carried, as "gross vehicle weight" is hereinabove
27 defined, shall be collected and enforced uniformly.

1 "(5) LOW SPEED VEHICLE. A four-wheeled motor
2 vehicle with a top speed of not greater than 25 miles per
3 hour, the gross vehicle weight rating (GVWR) of which is less
4 than 3,000 pounds. The term includes neighborhood electric
5 vehicles. Low speed vehicles, including neighborhood electric
6 vehicles, shall comply with the safety standards provided in
7 49 C.F.R. §571.500.

8 "(6) MINI-TRUCK. A four-wheeled reduced dimension
9 truck that is not less than 48 inches wide, with an unladen
10 weight, including fuels and fluids, of not less than 1,500
11 pounds, equipped with a fully enclosed metal cab, an installed
12 speed governor to prevent the truck from attaining a speed of
13 more than 25 miles per hour, headlamps, stop lamps, front and
14 rear turn signal lamps, tail lamps, reflex reflectors, a
15 parking brake, rearview mirrors, windshield, seat belts, and a
16 nonconforming vehicle identification number.

17 "(5)(7) MOTORCYCLE. Every motor vehicle designed to
18 travel on not more than three wheels in contact with the
19 ground, including motor scooters and motor bicycles, but not
20 including farm tractors.

21 "(6)(8) MOTOR VEHICLE. Every vehicle which is
22 self-propelled, every vehicle which is propelled by electric
23 power, and every vehicle that is drawn by a self-propelled
24 vehicle, including every trailer and semitrailer.

25 "(7)(9) MOTOR VEHICLE DEALER. Every person currently
26 licensed under Section 40-12-390, et seq. as a new motor
27 vehicle dealer, as a used motor vehicle dealer, or licensed

1 under Section 40-12-169 and engaged in the business of buying,
2 selling, or exchanging of trailers, semitrailers, or
3 manufactured homes.

4 "~~(8)~~(10) MOTOR VEHICLE MANUFACTURER. Every person
5 engaged in the business of constructing or assembling vehicles
6 or manufactured homes with manufacturing facilities located
7 within this state.

8 "~~(9)~~(11) MOTOR VEHICLE REBUILDER. Any person engaged
9 in the business of making or causing to be made extensive
10 repairs, replacements, or combinations of different motor
11 vehicles to the extent of extinguishing the identity of the
12 original vehicle to the extent that the finished motor vehicle
13 is required to be assigned a new identification to be issued
14 by the Department of Revenue under Chapter 8 of Title 32.

15 "~~(10)~~(12) MOTOR VEHICLE RECONDITIONER. Any person
16 engaged in the business of refurbishing, repairing, or
17 replacing damaged parts of motor vehicles for the purpose of
18 preparing the vehicle for resale under the same identification
19 and identity that the vehicle bore before the refurbishing.

20 "~~(11)~~(13) MOTOR VEHICLE WHOLESALER. Any person
21 engaged in the business of buying, selling, or exchanging
22 motor vehicles at wholesale to motor vehicle dealers, as
23 defined in this article, and not to the public.

24 "~~(12)~~(14) MUNICIPALITY. Any incorporated city or
25 town in this state.

26 "~~(13)~~(15) NONRESIDENT. Every person who is not a
27 resident of this state.

1 "~~(14)~~(16) OWNER. Any of the following:

2 "a. A person or persons holding the legal title to a
3 motor vehicle.

4 "b. The mortgagor or conditional vendee of a vehicle
5 that is the subject of a chattel mortgage or an agreement for
6 the conditional sale thereof or other like agreement with the
7 right of purchase upon performance of the conditions stated in
8 the agreement and with the immediate right of possession
9 vested in the mortgagor or conditional vendee.

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

12 "~~(15)~~(17) PERSON. Every individual, firm,
13 partnership, association, estate, trust, or corporation, and
14 the receiver, assignee, agent, administrator, or other
15 representative of any of them.

16 "~~(16)~~(18) PRIVATE PASSENGER AUTOMOBILE. Every motor
17 vehicle designed primarily for the transportation of nine
18 persons or less except the following:

19 "a. Motorcycles.

20 "b. Motor vehicles used in the transportation of
21 persons for hire.

22 "c. Trailers or semitrailers.

23 "d. Self-propelled campers or house cars including
24 every motor vehicle of the type usually referred to as a bus
25 which is owned and operated by an individual for personal or
26 private use and not for hire, rent, or compensation. Motor
27 trucks of the type commonly known as "pickups" or "pickup

1 trucks," regardless of the use made of any such motor trucks
2 and regardless of whether the owner thereof owns or has access
3 to any other mode of transportation, shall not be deemed to
4 constitute a private passenger automobile.

5 "~~(17)~~(19) PUBLIC HIGHWAY. Every highway, road,
6 street, alley, lane, court, place, trail, drive, bridge,
7 viaduct, or trestle, located either within a municipality or
8 in unincorporated territory, and laid out or erected by the
9 public or dedicated or abandoned to the public or intended for
10 use by or for the public. The term "public highway" shall
11 apply to and include driveways upon the grounds of
12 universities, colleges, schools, and institutions, but shall
13 not include private driveways, private roads, or private
14 places not intended for use by the public.

15 "~~(18)~~(20) SELF-PROPELLED CAMPERS or HOUSE CARS. A
16 self-propelled motor vehicle designed and used primarily for
17 mobile living quarters. The living quarters on self-propelled
18 campers or house cars are constructed as an integral part of
19 the motor vehicle and are not detachable. Self-propelled
20 campers or house cars are commonly known as motor homes.

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

26 "~~(20)~~(22) STATE. A state, territory, or possession
27 of the United States, the District of Columbia, the

1 Commonwealth of Puerto Rico, or a province of the Dominion of
2 Canada.

3 "~~(21)~~(23) TAX YEAR. The tax year of this state,
4 being the 12-month period commencing on each October 1.

5 "~~(22)~~(24) TRAILER. Every vehicle without motive
6 power designed to carry persons or property wholly on its own
7 structure and to be drawn by another motor vehicle.

8 "~~(23)~~(25) TRAVEL TRAILER. A vehicle without motive
9 power, designed and constructed as a camping vehicle or a
10 temporary dwelling, living, or sleeping place drawn by a
11 private passenger automobile or a pickup truck, but not
12 including folding or collapsible camping trailers included
13 within the definition of utility trailer, nor manufactured
14 homes as defined in Section 40-12-255(n).

15 "~~(24)~~(26) TRUCK. Every self-propelled motor vehicle
16 designed and used primarily for the transportation of property
17 in or upon its own structure, every self-propelled motor
18 vehicle of the types known as "campers" and "house cars," and
19 every vehicle of the type commonly called a wrecker, which is
20 used to move disabled motor vehicles for repair, storage, and
21 other purposes.

22 "~~(25)~~(27) TRUCK TRACTOR. Every motor vehicle
23 designed and used primarily for drawing other vehicles and not
24 so constructed as to carry a load other than a part of the
25 weight of the vehicles and load so drawn.

26 "~~(26)~~(28) UTILITY TRAILER. A trailer primarily
27 designed to be drawn by a passenger car or pickup truck,

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

4 "~~(27)~~(29) VEHICLE. Every device in, upon, or by
5 which any person or property is or may be transported or drawn
6 upon a highway, excepting devices moved by muscular power or
7 used 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, 2011, following its passage and approval by the
17 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Commerce, Transportation, and Utili-
ties 12-JAN-10

Read for the second time and placed on the calen-
dar with 1 substitute and 04-FEB-10

Read for the third time and passed as amended ... 18-FEB-10

Yeas 33
Nays 0

McDowell Lee
Secretary