

1 SB459  
2 152169-1  
3 By Senator Dial  
4 RFD: Commerce, Transportation, and Utilities  
5 First Read: 18-APR-13

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8 SYNOPSIS: This bill would relate to motor vehicles  
9 and would define medium speed vehicles. The bill  
10 would provide for the issuance of a restricted  
11 motor vehicle license plate for medium speed  
12 vehicles to operate on public roads where the  
13 minimum posted speed is not greater than 40 miles  
14 per hour. The bill would further provide that the  
15 vehicles would be registered in the same manner as  
16 private passenger automobiles and would exempt  
17 medium speed vehicles from any requirement to have  
18 a certificate of title. The bill would also specify  
19 certain safety equipment and federal safety  
20 standards for medium speed vehicles.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 To add Section 32-6-59.1 to the Code of Alabama  
27 1975, and to amend Sections 32-8-31 and 40-12-240 of the Code

1 of Alabama 1975; to establish a license plate category for  
2 medium speed vehicles; to exempt medium speed vehicles from  
3 certificate of title requirements; to establish a definition  
4 and safety standards for medium speed vehicles.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 32-6-59.1 is added to Title 32 of  
7 the Code of Alabama 1975, to read as follows:

8 §32-6-59.1

9 License taxes and registration fees - Medium speed  
10 vehicles.

11 (a) The annual license tax and registration fee for  
12 a medium speed vehicle, as defined in Section 40-12-240, shall  
13 be fifty dollars (\$50) and the fees shall be distributed in  
14 the same manner as for a private passenger automobile with any  
15 excess funds going to the State General Fund.

16 (b) Medium speed vehicles may be operated subject to  
17 the following restrictions:

18 (1) Only on a public highway, road, or street where  
19 the posted speed limit is 40 miles per hour or less. This  
20 restriction does not prohibit a medium speed vehicle from  
21 crossing a public highway, road, or street at an intersection  
22 where the public highway, road, or street has a posted speed  
23 limit of more than 40 miles per hour.

24 (2) On a public highway, road, or street in the  
25 state only if the proper license tag therefor has been  
26 procured and is securely attached in the same manner as a

1 private passenger automobile. The license tag shall indicate  
2 that it is for restricted medium speed use.

3 Section 2. Sections 32-8-31 and 40-12-240 of the  
4 Code of Alabama 1975, are amended to read as follows:

5 "§32-8-31.

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

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

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

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

16 "(4) A vehicle for which the Alabama license plate  
17 issuing official has verified that both the current owner and  
18 operator is recorded as the owner and operator on a currently  
19 effective certificate of title issued by another state and the  
20 certificate of title is being held by a recorded lienholder.

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

22 "(6) An implement of husbandry.

23 "(7) Special mobile equipment.

24 "(8) A pole trailer.

25 "(9) Travel trailers and mobile trailers designated  
26 1989 year models and prior year models.

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

3                   "(11) Utility trailers other than moving collapsible  
4 and folding campers designated 1990 and subsequent year  
5 models.

6                   "(12) A vehicle designated a 1974 year model or  
7 prior year model.

8                   "(13) Any other vehicles as prescribed by the  
9 department.

10                  "(14) A mini-truck as defined in Section 40-12-240.

11                  "(15) A medium speed vehicle as defined in Section  
12 40-12-240.

13                  "§40-12-240.

14                  "For the purpose of this article, the following  
15 terms shall have the respective meanings ascribed by this  
16 section:

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

20                  "(2) FARM TRACTOR. Every motor vehicle designed and  
21 used primarily as a farm implement for drawing plows, mowing  
22 machines, and other implements designed and used for  
23 agricultural purposes and only incidentally moved upon public  
24 highways.

25                  "(3) FULL-TIME SALESPERSON. A person whose principal  
26 income is derived from selling motor vehicles for a licensed  
27 dealer and the income is reflected on the dealership payroll

1 for the withholding of income taxes on income derived from  
2 motor vehicle sales.

3 "(4) GROSS VEHICLE WEIGHT. Whenever used in Section  
4 40-12-248, or elsewhere in this section, the empty weight of  
5 the truck or truck tractor, plus the heaviest load to be  
6 carried and, in the case of combinations, the empty weight of  
7 the heaviest trailer with which the power unit shall be placed  
8 in combination, plus the heaviest load to be carried. The  
9 intent being that all licenses which are levied on the basis  
10 of the "gross vehicle weight" of the vehicle plus the heaviest  
11 load to be carried, as "gross vehicle weight" is hereinabove  
12 defined, shall be collected and enforced uniformly.

13 "(5) MEDIUM SPEED VEHICLE. Any four-wheeled electric  
14 or gasoline-powered vehicle, excluding a golf cart, except as  
15 otherwise provided herein, whose top speed is greater than 30  
16 miles per hour, but not greater than 35 miles per hour,  
17 including neighborhood electric vehicles. Medium speed  
18 vehicles shall comply with the standards in 49 CFR 571.500. A  
19 golf cart that meets the standards in 49 CFR 571.500 is a  
20 medium speed vehicle.

21 "~~(5)~~ (6) 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 "~~(6)~~ (7) 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 "~~(7)~~ (8) 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 "~~(8)~~ (9) 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 "~~(9)~~ (10) 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 "~~(10)~~ (11) MOTOR VEHICLE REBUILDER. Any person  
22 engaged in the business of making or causing to be made  
23 extensive repairs, replacements, or combinations of different  
24 motor vehicles to the extent of extinguishing the identity of  
25 the original vehicle to the extent that the finished motor  
26 vehicle is required to be assigned a new identification to be

1 issued by the Department of Revenue under Chapter 8 of Title  
2 32.

3 "~~(11)~~(12) MOTOR VEHICLE RECONDITIONER. Any person  
4 engaged in the business of refurbishing, repairing, or  
5 replacing damaged parts of motor vehicles for the purpose of  
6 preparing the vehicle for resale under the same identification  
7 and identity that the vehicle bore before the refurbishing.

8 "~~(12)~~(13) MOTOR VEHICLE WHOLESALER. Any person  
9 engaged in the business of buying, selling, or exchanging  
10 motor vehicles at wholesale to motor vehicle dealers, as  
11 defined in this article, and not to the public.

12 "~~(13)~~(14) MUNICIPALITY. Any incorporated city or  
13 town in this state.

14 "~~(14)~~(15) NONRESIDENT. Every person who is not a  
15 resident of this state.

16 "~~(15)~~(16) OWNER. Any of the following:

17 "a. A person or persons holding the legal title to a  
18 motor vehicle.

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

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



1           "~~(16)~~(17) PERSON. Every individual, firm,  
2 partnership, association, estate, trust, or corporation, and  
3 the receiver, assignee, agent, administrator, or other  
4 representative of any of them.

5           "~~(17)~~(18) PRIVATE PASSENGER AUTOMOBILE. Every motor  
6 vehicle designed primarily for the transportation of nine  
7 persons or less except the following:

8           "a. Motorcycles.

9           "b. Motor vehicles used in the transportation of  
10 persons for hire.

11          "c. Trailers or semitrailers.

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

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

1 universities, colleges, schools, and institutions, but shall  
2 not include private driveways, private roads, or private  
3 places not intended for use by the public.

4 "~~(19)~~(20) SELF-PROPELLED CAMPERS or HOUSE CARS. A  
5 self-propelled motor vehicle designed and used primarily for  
6 mobile living quarters. The living quarters on self-propelled  
7 campers or house cars are constructed as an integral part of  
8 the motor vehicle and are not detachable. Self-propelled  
9 campers or house cars are commonly known as motor homes.

10 "~~(20)~~(21) SEMITRAILER. Every vehicle without motive  
11 power designed for carrying persons or property and for being  
12 drawn by a motor vehicle and so constructed that some part of  
13 its weight and some part of its load rest upon or are carried  
14 by another motor vehicle.

15 "~~(21)~~(22) STATE. A state, territory, or possession  
16 of the United States, the District of Columbia, the  
17 Commonwealth of Puerto Rico, or a province of the Dominion of  
18 Canada.

19 "~~(22)~~(23) TAX YEAR. The tax year of this state,  
20 being the 12-month period commencing on each October 1.

21 "~~(23)~~(24) TRAILER. Every vehicle without motive  
22 power designed to carry persons or property wholly on its own  
23 structure and to be drawn by another motor vehicle.

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

1 including folding or collapsible camping trailers included  
2 within the definition of utility trailer, nor manufactured  
3 homes as defined in Section 40-12-255(n).

4 "~~(25)~~(26) TRUCK. Every self-propelled motor vehicle  
5 designed and used primarily for the transportation of property  
6 in or upon its own structure, every self-propelled motor  
7 vehicle of the types known as "campers" and "house cars," and  
8 every vehicle of the type commonly called a wrecker, which is  
9 used to move disabled motor vehicles for repair, storage, and  
10 other purposes.

11 "~~(26)~~(27) TRUCK TRACTOR. Every motor vehicle  
12 designed and used primarily for drawing other vehicles and not  
13 so constructed as to carry a load other than a part of the  
14 weight of the vehicles and load so drawn.

15 "~~(27)~~(28) UTILITY TRAILER. A trailer primarily  
16 designed to be drawn by a passenger car or pickup truck,  
17 including luggage trailers, folding or collapsible camping  
18 trailers, and other small trailers of similar size and  
19 function, but shall not include boat trailers.

20 "~~(28)~~(29) VEHICLE. Every device in, upon, or by  
21 which any person or property is or may be transported or drawn  
22 upon a highway, excepting devices moved by muscular power or  
23 used exclusively upon rails or tracks or electric personal  
24 assistive mobility devices.

25 "All references in this article to the judge of  
26 probate shall be deemed to include the commissioner of  
27 revenue, license commissioner, or other county official

1 designated by law to register motor vehicles, issue license  
2 plates, and perform other duties in connection with motor  
3 vehicle licenses."

4 Section 3. This act shall become effective on  
5 January 1, 2014, following its passage and approval by the  
6 Governor, or its otherwise becoming law.