

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 810

Department or Agency: Alabama Department of Revenue

Rule No.: 810-5-1-.238

Rule Title: Registration Of Motor Vehicles Not Subject To Titling

Intended Action Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Cameran Clark
Cameran Clark

Date

Thursday, June 13, 2024

REC'D & FILED
JUN 13, 2024
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF REVENUE

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Revenue

RULE NO. & TITLE: 810-5-1-.238 Registration Of Motor Vehicles Not
Subject To Titling

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

In compliance of the Red Tape Reduction Act 2013-088, the rule has been reviewed is being amended to reduce the existing regulatory burden by removing unnecessary language that references engine sizes.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

A public hearing will be conducted at 1:30 P.M. on Tuesday, August 06, 2024 via web-conference. To participate in the upcoming web-conference public hearing please contact the Tax Policy and Governmental Affairs Division at Taxpolicy@revenue.alabama.gov or 334-242-1380 to obtain the appropriate sign-in information for a specific public hearing date. Copies of the rule(s) can be obtained at <http://www.revenue.alabama.gov/tax-policy/>.

All interested parties may present their views in writing to the Secretary of the Alabama Department of Revenue, Room 4131, Gordon Persons Building, 50 N Ripley Street, Montgomery, Alabama 36132 at any time following publication of the notice up until the conclusion of the hearing. Interested parties may also may present their views during the web-conference.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, August 6, 2024

CONTACT PERSON AT AGENCY:

Meagan Barrett
Alabama Department of Revenue
4131 Gordon Persons Building
Montgomery, Alabama 36132
(334) 242-1380

Cameron Clark

Cameron Clark

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

Registration Of Motor Vehicles Not Subject To Titling.

(1) The following motor vehicles are generally not manufactured to comply with federal and state statutes, rules, and regulations governing safety, emissions, and antitheft standards, and cannot be titled or registered in Alabama unless they meet the requirements in paragraph two (2) below:

(a) A dune buggy defined as an open chassis off-road recreational vehicle primarily designed or modified for off-road use on sand dunes or beaches. A dune buggy may also be referred to as a rail buggy, air buggy, or sand rail.

(b) A golf cart defined as an off-road recreational vehicle primarily designed and manufactured for use on a golf course for sporting or recreational purposes.

(c) A Utility Task Vehicle (UTV) or Recreational Off Highway Vehicle (ROV) defined as a motorized off-road vehicle designed to travel on four or more non-highway tires, with a steering wheel, non-straddle seating, seat belts, and an occupant protective structure~~an occupant protective structure, and engine displacement up to 1,000 cc.~~

(d) An All-Terrain Vehicle (ATV) also known as a quad, quad bike, three-wheeler, or four-wheeler, defined as a vehicle that travels on low-pressure tires, with a seat that is straddled by the operator, along with handlebars for steering control.~~Engine sizes usually range from 49 to 1,000 cc (3 to 61 cubic inches).~~

(2) In order to determine if a motor vehicle not subject to titling may be registered, the license plate issuing official must physically inspect the vehicle and vehicle ownership documentation to verify one of the following before issuing a license plate or transferring a registration:

(a) The manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) must state that the vehicle complies with the Federal Motor Vehicle Safety Standards (FMVSS). The MSO, title, or bill of sale may reflect that the vehicle is for off road use only, which indicates that the vehicle is not intended for use on the public roadways and cannot be registered.

(b) A certification label meeting the requirements of 49 CFR Part 567 that, among other things, identifies the vehicle's manufacturer (i.e., the actual assembler of the vehicle), vehicle identification number that conforms with 49 CFR Part 565 requirements, the vehicle's date of manufacture (month and year), and containing the following statement: "This vehicle conforms to all applicable federal motor vehicle safety standards in effect on the date of manufacture shown above."

(3) A mini-truck as defined in §40-12-240, Code of Ala. 1975, is exempt from titling; however, a mini-truck may be issued a

license plate that is restricted to non-interstate use in accordance with §32-6-59, Code of Ala. 1975.

(4) A motor-driven cycle as defined in §32-1-1.1, Code of Ala. 1975, is exempt from titling; however, a motor-driven cycle may be issued a motorcycle license plate. Every motor-driven cycle is required to have a vehicle emission control information label. This label includes the engine displacement. The label should be permanently affixed to the cycle and readily accessible. Locations may vary; however, the most common locations are under the seat and on the frame rails. In addition, the MSO should contain the engine displacement. If the MSO is not available and the decal has been removed or altered and unreadable, the engine displacement may be established using a title history that included the MSO or a statement from the manufacturer attesting to the cycle's engine displacement.

(5) A low-speed vehicle (LSV) is exempt from titling; however, a LSV may be issued a license plate that is restricted to non-interstate use if the LSV complies with FMVSS as provided in 49 C.F.R. Section 571.500. Note: an LSV is not a golf cart or a UTV.

(6) Motor vehicles that are 25 model years old or older are not subject to FMVSS and may be titled and registered with proper ownership documentation.

(7) All motor vehicles not subject to titling that are eligible to be registered must have proper ownership documentation. This documentation includes a bill of sale, court order, properly assigned certificate of origin or certificate of title, or any other documentation as specified by the department.

Author: James Starling

Statutory Authority: Code of Ala. 1975, §§32-1-1.1, 32-6-59, 40-2A-7(a)(5), 40-12-240, and 49 C.F.R. Section 571.500.
40-2A-7(a)(5).

History: **New Rule:** Filed December 1, 2006, effective January 5, 2007. **Repealed:** Filed May 6, 2011; effective June 10, 2011.

New Rule: Filed July 26, 2013, effective August 30, 2013.

Amended: Filed January 6, 2016; effective February 10, 2016.

Amended: Published July 31, 2020; effective September 14, 2020. **Amended:** Published ; effective .