

1 HB217
2 154775-3
3 By Representatives Boothe, Sessions, Ingram, Martin,
4 Standridge, Johnson (K), Pringle, Tuggle, Clouse, Lee, Davis,
5 Chesteen, South, Ball, McCutcheon, Wood, Jones, Johnson (R),
6 Millican, McMillan, Forte, Sells and Faust
7 RFD: Public Safety and Homeland Security
8 First Read: 10-MAR-15

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ENROLLED, An Act,

To amend Sections 40-12-240 and 40-12-248, Code of Alabama 1975, relating to the annual license tax and registration fee with respect to truck tractors owned and used by a farmer to transport farm products; to further provide for the definition of farmer; to change the limitation authorizing a farmer to obtain a tag at a reduced annual license tax and registration fee for only one truck tractor to four truck tractors.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. ~~Section 40-12-248~~ Sections 40-12-240 and 40-12-248, Code of Alabama 1975, ~~is~~ are amended to read as follows:

"§40-12-240.

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

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

"(2) FARM TRACTOR. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements designed and used for

1 agricultural purposes and only incidentally moved upon public highways.

2 "(3) FARMER. An individual, partnership, cooperative
 3 corporation or other entity actively engaged in agriculture or
 4 agricultural activities as the same are circumscribed and
 5 defined in paragraphs a. and b. of Section 41-14-51(1).

6 "~~(3)~~ (4) FULL-TIME SALESPERSON. A person whose
 7 principal income is derived from selling motor vehicles for a
 8 licensed dealer and the income is reflected on the dealership
 9 payroll for the withholding of income taxes on income derived
 10 from motor vehicle sales.

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

22 "~~(5)~~ (6) MINI-TRUCK. A four-wheeled reduced
 23 dimension truck that is not less than 48 inches wide, with an
 24 unladen weight, including fuels and fluids, of not less than
 25 1,500 pounds, equipped with a fully enclosed metal cab, an

1 installed speed governor to prevent the truck from attaining a
2 speed of more than 25 miles per hour, headlamps, stop lamps,
3 front and rear turn signal lamps, tail lamps, reflex
4 reflectors, a parking brake, rearview mirrors, windshield,
5 seat belts, and a nonconforming vehicle identification number.

6 "~~(6)~~ (7) MOTORCYCLE. Every motor vehicle designed to
7 travel on not more than three wheels in contact with the
8 ground, including motor scooters and motor bicycles, but not
9 including farm tractors.

10 "~~(7)~~ (8) MOTOR VEHICLE. Every vehicle which is
11 self-propelled, every vehicle which is propelled by electric
12 power, and every vehicle that is drawn by a self-propelled
13 vehicle, including every trailer and semitrailer.

14 "~~(8)~~ (9) MOTOR VEHICLE DEALER. Every person
15 currently licensed under Section 40-12-390, et seq. as a new
16 motor vehicle dealer, as a used motor vehicle dealer, or
17 licensed under Section 40-12-169 and engaged in the business
18 of buying, selling, or exchanging of trailers, semitrailers,
19 or manufactured homes.

20 "~~(9)~~ (10) MOTOR VEHICLE MANUFACTURER. Every person
21 engaged in the business of constructing or assembling vehicles
22 or manufactured homes with manufacturing facilities located
23 within this state.

24 "~~(10)~~ (11) MOTOR VEHICLE REBUILDER. Any person
25 engaged in the business of making or causing to be made

1 extensive repairs, replacements, or combinations of different
2 motor vehicles to the extent of extinguishing the identity of
3 the original vehicle to the extent that the finished motor
4 vehicle is required to be assigned a new identification to be
5 issued by the Department of Revenue under Chapter 8 of Title
6 32.

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

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

16 "~~(13)~~ (14) MUNICIPALITY. Any incorporated city or
17 town in this state.

18 "~~(14)~~ (15) NONRESIDENT. Every person who is not a
19 resident of this state.

20 "~~(15)~~ (16) OWNER. Any of the following:

21 "a. A person or persons holding the legal title to a
22 motor vehicle.

23 "b. The mortgagor or conditional vendee of a vehicle
24 that is the subject of a chattel mortgage or an agreement for
25 the conditional sale thereof or other like agreement with the

1 right of purchase upon performance of the conditions stated in
2 the agreement and with the immediate right of possession
3 vested in the mortgagor or conditional vendee.

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

6 "~~(16)~~ (17) PERSON. Every individual, firm,
7 partnership, association, estate, trust, or corporation, and
8 the receiver, assignee, agent, administrator, or other
9 representative of any of them.

10 "~~(17)~~ (18) PRIVATE PASSENGER AUTOMOBILE. Every motor
11 vehicle designed primarily for the transportation of nine
12 persons or less except the following:

13 "a. Motorcycles.

14 "b. Motor vehicles used in the transportation of
15 persons for hire.

16 "c. Trailers or semitrailers.

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

1 "~~(18)~~ (19) PUBLIC HIGHWAY. Every highway, road,
2 street, alley, lane, court, place, trail, drive, bridge,
3 viaduct, or trestle, located either within a municipality or
4 in unincorporated territory, and laid out or erected by the
5 public or dedicated or abandoned to the public or intended for
6 use by or for the public. The term "public highway" shall
7 apply to and include driveways upon the grounds of
8 universities, colleges, schools, and institutions, but shall
9 not include private driveways, private roads, or private
10 places not intended for use by the public.

11 "~~(19)~~ (20) SELF-PROPELLED CAMPERS or HOUSE CARS. A
12 self-propelled motor vehicle designed and used primarily for
13 mobile living quarters. The living quarters on self-propelled
14 campers or house cars are constructed as an integral part of
15 the motor vehicle and are not detachable. Self-propelled
16 campers or house cars are commonly known as motor homes.

17 "~~(20)~~ (21) SEMITRAILER. Every vehicle without motive
18 power designed for carrying persons or property and for being
19 drawn by a motor vehicle and so constructed that some part of
20 its weight and some part of its load rest upon or are carried
21 by another motor vehicle.

22 "~~(21)~~ (22) STATE. A state, territory, or possession
23 of the United States, the District of Columbia, the
24 Commonwealth of Puerto Rico, or a province of the Dominion of
25 Canada.

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

3 ~~"(23)~~ (24) TRAILER. Every vehicle without motive
4 power designed to carry persons or property wholly on its own
5 structure and to be drawn by another motor vehicle.

6 ~~"(24)~~ (25) TRAVEL TRAILER. A vehicle without motive
7 power, designed and constructed as a camping vehicle or a
8 temporary dwelling, living, or sleeping place drawn by a
9 private passenger automobile or a pickup truck, but not
10 including folding or collapsible camping trailers included
11 within the definition of utility trailer, nor manufactured
12 homes as defined in Section 40-12-255(n).

13 ~~"(25)~~ (26) TRUCK. Every self-propelled motor vehicle
14 designed and used primarily for the transportation of property
15 in or upon its own structure, every self-propelled motor
16 vehicle of the types known as "campers" and "house cars," and
17 every vehicle of the type commonly called a wrecker, which is
18 used to move disabled motor vehicles for repair, storage, and
19 other purposes.

20 ~~"(26)~~ (27) TRUCK TRACTOR. Every motor vehicle
21 designed and used primarily for drawing other vehicles and not
22 so constructed as to carry a load other than a part of the
23 weight of the vehicles and load so drawn.

24 ~~"(27)~~ (28) UTILITY TRAILER. A trailer primarily
25 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 "~~(28)~~ (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 "§40-12-248.

16 "(a) For each truck or truck tractor using the
17 public highways of this state, annual license taxes and
18 registration fees based on the gross vehicle weight in pounds
19 are imposed and shall be charged. For the purposes of this
20 section, the term "gross vehicle weight" shall mean the empty
21 weight of the truck or truck tractor plus the heaviest load to
22 be carried and, in the case of combinations, shall be deemed
23 to include also the empty weight of the heaviest trailer with
24 which the power unit shall be placed in combination, plus the
25 heaviest load to be carried. No tolerance or margin of error

1 shall be allowable under this section, except as provided in
 2 subsection (b).

3 "(b) For each truck or truck tractor using the pub-
 4 lic highways of this state, the annual license taxes and reg-
 5 istration fees herein imposed (i) shall consist of the base
 6 amount applicable to the truck or truck tractor under the
 7 schedule of base amounts set forth in this subsection, plus
 8 (ii) the additional amount, if any, applicable to the truck or
 9 truck tractor under the schedule of additional amounts set
 10 forth in this subsection:

11 "SCHEDULE OF BASE AMOUNTS

12

13	"Gross Vehicle	
14	"Weight in Pounds	Base Amount
15	"0 to 8,000	\$10.70
16	"8,001 to 10,000	17.50
17	"10,001 to 12,000	52.50
18	"12,001 to 18,000	85.00
19	"18,001 to 26,000	117.50
20	"26,001 to 33,000	150.00
21	"33,001 to 42,000	260.00

1	"42,001 to 55,000	292.50
2	"55,001 to 64,000	325.00
3	"64,001 to 73,280	357.50
4	"73,281 to 80,000	407.50
5	"80,001 or over	445.00

"SCHEDULE OF ADDITIONAL AMOUNTS

8	"Gross Vehicle	
9	"Weight in Pounds	Additional Amount
10	"0 to 8,000	\$2.30
11	"8,001 to 10,000	17.50
12	"10,001 to 12,000	52.50
13	"12,001 to 18,000	85.00
14	"18,001 to 26,000	117.50
15	"26,001 to 33,000	150.00
16	"33,001 to 42,000	260.00
17	"42,001 to 55,000	292.50
18	"55,001 to 64,000	325.00

1	"64,001 to 73,280	357.50
2	"73,281 to 80,000	407.50
3	"80,001 or over	445.00

4 "The total amount of the annual license tax and
5 registration fee shall be limited with respect to trucks or
6 truck tractors owned and used by a farmer for transporting
7 farm products or the personal property of the farmer for use
8 on his or her farm to a maximum of thirty dollars (\$30) where
9 the gross vehicle weight of the truck does not exceed 30,000
10 pounds; to a maximum of eighty-five dollars (\$85) where the
11 gross vehicle weight of the truck exceeds 30,000 pounds, but
12 does not exceed 42,000 pounds; and to a maximum of two hundred
13 fifty dollars (\$250) where the gross vehicle weight of the
14 truck or truck tractor is up to and including the class
15 currently designated 80,001 pounds or over; provided, however,
16 a farmer shall be entitled to pay this reduced annual license
17 tax and registration fee for only one truck tractor four truck
18 tractors; for each additional truck tractor the annual license
19 tax and registration fee shall be determined from the
20 "schedule of base amounts" and "the schedule of additional
21 amounts" based on the gross vehicle weight in pounds; and the
22 annual license tax and registration fee shall be limited with
23 respect to trucks owned and used by any person for

1 transporting forest products from the point of severance to a
2 sawmill, to a papermill, or to a concentration yard to a
3 maximum of forty dollars (\$40) where the gross vehicle weight
4 of the truck does not exceed 30,000 pounds and to a maximum of
5 sixty-five dollars (\$65) where the gross vehicle weight
6 exceeds 30,000 pounds, but does not exceed 42,000 pounds. The
7 reduced annual license tax and registration fee shall not be
8 available for truck tractors used on a for hire basis.

9 "For purposes of enforcement of farm truck license
10 tags, or of forest products truck license tags for trucks that
11 do not exceed 42,000 pounds in gross vehicle weight, all
12 scaled weight shall be allowed a tolerance or a margin of
13 error of 10 percent of the true gross or axle weights to allow
14 for any climatic conditions.

15 "For each truck tractor which is operated by a
16 certificated motor carrier and which is operated exclusively
17 within 15 miles of the corporate limits of the incorporated
18 municipality in which it is customarily domiciled, but not
19 including vehicles operating beyond the borders of Alabama,
20 and which is registered in the county in which it is
21 customarily domiciled, a total annual license tax and
22 registration fee of three hundred dollars (\$300) is imposed
23 and shall be charged.

24 "The total amount of the annual license tax and reg-
25 istration fee shall be limited to the following schedule for

1 all self-propelled campers or house cars, but a self-propelled
2 camper or a house car whose weight does not exceed 8,000
3 pounds, shall be subject to the provisions of Section
4 40-12-273(b):

5 "SCHEDULE OF BASE AMOUNTS

6

7 "Gross Vehicle	
8 "Weight in Pounds	Base Amount
9 "0 to 8,000	\$10.70
10 "8,001 to 12,000	25.00
11 "12,001 to 18,000	50.00
12 "18,001 to 26,000	87.50
13 "26,001 to 33,000	137.50
14 "33,001 to 42,000	250.00

15 "SCHEDULE OF ADDITIONAL AMOUNTS

16

17 "Gross Vehicle

1	"Weight in Pounds	Additional Amount
2	"0 to 8,000	\$2.30
3	"8,001 to 12,000	25.00
4	"12,001 to 18,000	50.00
5	"18,001 to 26,000	87.50
6	"26,001 to 33,000	137.50
7	"33,001 to 42,000	250.00

8 "(1) Notwithstanding the other provisions of this
9 section, a pickup truck as defined in Section 32-8-2, which is
10 used for personal or agricultural use and which is not
11 operated for commercial purposes, shall be licensed and
12 registered based on the gross weight of the vehicle only
13 without regard to the heaviest load to be carried including
14 the heaviest load to be carried on any trailer used in
15 combination with the truck, and, for purposes of this
16 subdivision, the term "gross vehicle weight in pounds" as used
17 in this subsection means the gross weight of the vehicle only
18 without regard to the heaviest load to be carried including
19 the heaviest load to be carried on any trailer used in
20 combination with the truck.

21 "(2) Notwithstanding the other provisions of this
22 section, a motor vehicle wrecker, commonly known as a tow

1 truck, which is used primarily to move, tow, or recover
2 disabled motor vehicles or used for impoundment purposes,
3 shall be licensed and registered based on the gross vehicle
4 weight of the wrecker only without regard to the gross vehicle
5 weight of any motor vehicle to be towed by the wrecker.

6 "(c) Every person making application for license
7 under this section to use a truck or truck tractor on the
8 public highways of this state shall be required to make an
9 affidavit declaring the gross vehicle weight of the truck or
10 truck tractor and file the affidavit with the judge of
11 probate, or other county licensing officer, in the county in
12 which the application is made. Upon payment of the applicable
13 motor vehicle license tax or registration fee, the license to
14 use the truck or truck tractor on the public highways of this
15 state shall be limited to the gross vehicle weight so declared
16 by the owner, which shall be deemed to constitute the
17 allowable gross vehicle weight for which the vehicle is
18 licensed.

19 "After having obtained a license under this section
20 with respect to any truck or truck tractor, the owner thereof
21 may during the then current tax year voluntarily increase the
22 allowable gross vehicle weight for which the vehicle is
23 licensed by making a new affidavit, applying for a new license
24 applicable to the appropriate gross vehicle weight
25 classification, surrendering the license plates or tags

1 previously obtained, and paying the difference between the
2 fees applicable to a license for the higher weight
3 classification desired and the fee in respect of the license
4 so surrendered. The license classification of a truck or truck
5 tractor may not be decreased, however, except once a year at
6 the time new license tags or plates are purchased for the
7 truck or truck tractor."

8 Section 2. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 31-MAR-15.

Jeff Woodard
Clerk

Senate	<hr/> 14-MAY-15 <hr/>	Amended and Passed
House	<hr/> 02-JUN-15 <hr/>	Concurred in Sen- ate Amendment