

1 HB78
2 116300-3
3 By Representative Collier
4 RFD: Public Safety
5 First Read: 12-JAN-10
6 PFD: 01/06/2010

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

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

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

16 Section 2. Sections 32-8-31, as last amended by Act
17 2009-746, 2009 Regular Session (Acts 2009, p. 2236), and
18 40-12-240 of the Code of Alabama 1975, are amended to read as
19 follows:

20 "§32-8-31.

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

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

25 "(2) A vehicle owned by a manufacturer or dealer and
26 held for sale, even though incidentally moved on the highway

1 or used for purposes of testing or demonstration, or a vehicle
2 used by a manufacturer solely for testing.

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

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

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

12 "(6) An implement of husbandry.

13 "(7) Special mobile equipment.

14 "(8) A pole trailer.

15 "(9) Travel trailers, and mobile trailers designated
16 1989 year models and prior year models.

17 "(10) A manufactured home as defined in Section
18 32-20-2.

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

22 "(12) A vehicle designated a 1974 year model or
23 prior year model.

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

26 "§40-12-240.

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

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

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

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

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

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

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

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

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

1 "~~(7)~~(9) MOTOR VEHICLE DEALER. Every person currently
2 licensed under Section 40-12-390, et seq. as a new motor
3 vehicle dealer, as a used motor vehicle dealer, or licensed
4 under Section 40-12-169 and engaged in the business of buying,
5 selling, or exchanging of trailers, semitrailers, or
6 manufactured homes.

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

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

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

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

1 "~~(12)~~(14) MUNICIPALITY. Any incorporated city or
2 town in this state.

3 "~~(13)~~(15) NONRESIDENT. Every person who is not a
4 resident of this state.

5 "~~(14)~~(16) OWNER. Any of the following:

6 "a. A person or persons holding the legal title to a
7 motor vehicle.

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

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

16 "~~(15)~~(17) PERSON. Every individual, firm,
17 partnership, association, estate, trust, or corporation, and
18 the receiver, assignee, agent, administrator, or other
19 representative of any of them.

20 "~~(16)~~(18) PRIVATE PASSENGER AUTOMOBILE. Every motor
21 vehicle designed primarily for the transportation of nine
22 persons or less except the following:

23 "a. Motorcycles.

24 "b. Motor vehicles used in the transportation of
25 persons for hire.

26 "c. Trailers or semitrailers.

1 "d. Self-propelled campers or house cars including
2 every motor vehicle of the type usually referred to as a bus
3 which is owned and operated by an individual for personal or
4 private use and not for hire, rent, or compensation. Motor
5 trucks of the type commonly known as "pickups" or "pickup
6 trucks," regardless of the use made of any such motor trucks
7 and regardless of whether the owner thereof owns or has access
8 to any other mode of transportation, shall not be deemed to
9 constitute a private passenger automobile.

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

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

1 "~~(19)~~ (21) SEMITRAILER. Every vehicle without motive
2 power designed for carrying persons or property and for being
3 drawn by a motor vehicle and so constructed that some part of
4 its weight and some part of its load rest upon or are carried
5 by another motor vehicle.

6 "~~(20)~~ (22) STATE. A state, territory, or possession
7 of the United States, the District of Columbia, the
8 Commonwealth of Puerto Rico, or a province of the Dominion of
9 Canada.

10 "~~(21)~~ (23) TAX YEAR. The tax year of this state,
11 being the 12-month period commencing on each October 1.

12 "~~(22)~~ (24) TRAILER. Every vehicle without motive
13 power designed to carry persons or property wholly on its own
14 structure and to be drawn by another motor vehicle.

15 "~~(23)~~ (25) TRAVEL TRAILER. A vehicle without motive
16 power, designed and constructed as a camping vehicle or a
17 temporary dwelling, living, or sleeping place drawn by a
18 private passenger automobile or a pickup truck, but not
19 including folding or collapsible camping trailers included
20 within the definition of utility trailer, nor manufactured
21 homes as defined in Section 40-12-255(n).

22 "~~(24)~~ (26) TRUCK. Every self-propelled motor vehicle
23 designed and used primarily for the transportation of property
24 in or upon its own structure, every self-propelled motor
25 vehicle of the types known as "campers" and "house cars," and
26 every vehicle of the type commonly called a wrecker, which is

1 used to move disabled motor vehicles for repair, storage, and
2 other purposes.

3 "~~(25)~~ (27) TRUCK TRACTOR. Every motor vehicle
4 designed and used primarily for drawing other vehicles and not
5 so constructed as to carry a load other than a part of the
6 weight of the vehicles and load so drawn.

7 "~~(26)~~ (28) UTILITY TRAILER. A trailer primarily
8 designed to be drawn by a passenger car or pickup truck,
9 including luggage trailers, folding or collapsible camping
10 trailers, and other small trailers of similar size and
11 function, but shall not include boat trailers.

12 "~~(27)~~ (29) VEHICLE. Every device in, upon, or by
13 which any person or property is or may be transported or drawn
14 upon a highway, excepting devices moved by muscular power or
15 used exclusively upon rails or tracks or electric personal
16 assistive mobility devices.

17 "All references in this article to the judge of
18 probate shall be deemed to include the commissioner of
19 revenue, license commissioner, or other county official
20 designated by law to register motor vehicles, issue license
21 plates, and perform other duties in connection with motor
22 vehicle licenses."

23 Section 3. This act shall become effective on
24 January 1, 2011, following its passage and approval by the
25 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety 12-JAN-10

Read for the second time and placed
on the calendar with 1 substitute
and 14-JAN-10

Read for the third time and passed
as amended 21-JAN-10

Yeas 83, Nays 8, Abstains 1

Greg Pappas
Clerk