

1 SB236
2 206404-5
3 By Senator McClendon
4 RFD: Governmental Affairs
5 First Read: 23-FEB-21

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8 SYNOPSIS: Under existing law, the Legislative
9 Oversight Committee on License Plates oversees the
10 process for approval and reissuance of certain
11 distinctive license plates. Some distinctive
12 license plates created by legislation currently
13 fall outside the legislative oversight committee's
14 scope of review.

15 This bill would provide that the reissuance
16 of all distinctive license plates created by
17 legislation shall be subject to the approval and
18 oversight of the legislative oversight committee in
19 accordance with the five-year reissuance and
20 recertification provisions in existence for license
21 plates authorized by the committee.

22 This bill would further provide for an
23 initial application fee for a proposed distinctive
24 license plate design equal to the cost of producing
25 the distinctive license plate template not to
26 exceed \$100.

1 Also under existing law, the legislative
2 oversight committee is prohibited from considering
3 for approval applications for groups within high
4 schools, junior colleges, universities, and
5 technical schools, such as band and athletic
6 boosters.

7 This bill would authorize the legislative
8 oversight committee to approve groups within high
9 schools, junior colleges, universities, and
10 technical schools, including band boosters and
11 athletic boosters, upon receiving approval from the
12 group's affiliated school, college, or university.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to the Legislative Oversight Committee on
19 License Plates; to amend Sections 32-6-64 and 32-6-67, Code of
20 Alabama, 1975; to provide that all distinctive license plates
21 be subject to approval and oversight of the legislative
22 oversight committee; to provide for an application fee; and to
23 provide for reissuance requirements.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Sections 32-6-64 and 32-6-67, Code of
26 Alabama 1975, are amended to read as follows:

27 "§32-6-64.

1 "(a) (1) The design of license plates, including all
2 emblems, slogans, symbols, or characters appearing on the
3 plates, shall be by rule as ~~promulgated~~ adopted by the
4 Commissioner of Revenue, and as otherwise specified by law.
5 The face of the license plate to be displayed shall be fully
6 treated with a reflective material which will increase the
7 nighttime visibility and legibility of the plate.

8 "(2) Characters on the license plate which designate
9 the county of issuance shall be numeric, and all numerals on
10 the license plates shall be no smaller than two and
11 three-fourths inches in height. The following numbering scheme
12 shall be used:

13 "a. Jefferson County, 1; Mobile County, 2;
14 Montgomery County, 3.

15 "b. All other counties shall be ranked
16 alphabetically and assigned consecutive numbers beginning with
17 4 and concluding with 67.

18 "c. The Department of Revenue shall be responsible
19 for the numbering of distinctive license plates and shall
20 establish a system to minimize duplication of license plate
21 numbers. License plates that shall be approved for manufacture
22 under subsection (b) shall be numbered or personalized.

23 "(b) The sponsoring organization of any new or
24 reissued distinctive license plate that is not of ~~a~~ an
25 in-state college or in-state university as provided in
26 subsection (b) of Section 32-6-150, or the Alabama Gold Star
27 Family license plate as provided in Section 32-6-630 or a

1 military or veteran related category shall assure a minimum
2 quantity of 250 registrations in order for the proposed plate
3 to qualify for production consideration by the legislative
4 oversight committee under the provisions of Section 32-6-67.

5 "(1) The procedure to assure the quantity minimum
6 for a distinctive license plate shall be as follows:

7 "a. The sponsoring organization shall apply to the
8 Department of Revenue for approval for the proposed
9 distinctive license plate from the legislative oversight
10 committee. A sponsoring organization shall be limited to one
11 distinctive license plate design per application. At the time
12 of application, and upon payment of the application fee
13 required in paragraph b., if applicable, the sponsoring
14 organization shall submit a design for the plate or logo for
15 the quantity class being applied for as described below:

16 "1. Quantity Class 1 (250 to 999 registrations). A
17 new distinctive license plate category, or an existing
18 distinctive license plate to be reissued, in which
19 registrations are estimated to be at least 250, but less than
20 1,000, shall be in conformity with the design approved by the
21 legislative oversight committee for license plates in this
22 quantity class. This plate shall include a space designated on
23 the left side of the license plate, not exceeding two and
24 one-half inches in width and height, in which an appropriate
25 emblem, slogan, or logo design may be applied to represent the
26 organization for whom the distinctive license plate is issued.

1 Each proposed emblem, slogan, symbol, or logo shall be subject
2 to the approval of the legislative oversight committee.

3 "2. Quantity Class 2 (1,000 or greater
4 registrations). This quantity class may use the logo system
5 described for Quantity Class 1, or may use a unique design for
6 the entire plate which is approved by the legislative
7 oversight committee and meets all other design and manufacture
8 requirements of Alabama law.

9 "b. Effective January 1, 2022, each sponsoring
10 organization shall submit an application fee equal to the cost
11 of producing the distinctive license plate template not to
12 exceed one hundred dollars (\$100) at the time the initial
13 application is made, the funds of which shall be distributed
14 by the Comptroller to the Department of Corrections to cover
15 the costs of producing the template of the distinctive license
16 plate for the sponsoring organization. On or before October 1,
17 2021, and by each October 1 thereafter, the Department of
18 Corrections shall certify the cost of production to the
19 legislative oversight committee for the subsequent calendar
20 year.

21 "b c. After the legislative oversight committee
22 approval and notification to the Department of Revenue, the
23 department shall also coordinate with the Comptroller to
24 establish funding procedures for ~~deposit~~ depositing and
25 maintaining monies held pending issuance of the new category
26 of license plates.

1 "e d. Each person desiring to register a vehicle in
2 the new category shall make application and shall remit, as a
3 commitment to purchase, the additional fee associated with the
4 license plate category in a manner as prescribed by rule of
5 the Commissioner of Revenue. Any credit card processing fee
6 associated with the transaction shall be paid by the person
7 making the commitment to purchase the distinctive license
8 plate and shall be nonrefundable.

9 "e e. The Department of Revenue shall deduct from
10 the additional fee and retain a two and one-half percent
11 commission. The balance shall be forwarded to the Comptroller
12 to be retained in escrow, until such time as the revenue
13 received is equal to or greater than the minimum amount
14 required to issue license plates in that category. If, after
15 one year from the date of notification of approval by the
16 legislative oversight committee, the number of subscribers for
17 a category fails to reach 250 for Quantity Class 1, or fails
18 to reach 1,000 for Quantity Class 2, the Comptroller shall pay
19 the money in escrow to the sponsoring organization and no
20 further consideration for production of this proposed
21 distinctive plate shall be made under this application. In
22 addition, the sponsoring organization may not submit another
23 application for a distinctive license plate for a period of
24 one year from the date the commitment to purchase period
25 ended.

26 "e f. Upon determination by the Department of
27 Revenue that a sufficient number of applications for a plate

1 category has been received, the department shall initiate the
2 ordering processes for design and manufacture of the approved
3 license plate. At that time, the Comptroller shall pay out of
4 the escrow account the amounts referred to in Section 32-6-68.

5 "(2) Notwithstanding any other provisions to the
6 contrary, except where specifically provided by this
7 subsection, no ~~series of~~ distinctive license plates shall be
8 reissued unless the following requirements are met:

9 "a. For Quantity Class 1 distinctive license plates,
10 there shall have been issued in the prior license year a
11 minimum of 250 license plates.

12 "b. For Quantity Class 2 distinctive license plates,
13 there shall have been issued in the prior license year a
14 minimum of 1,000 license plates.

15 "(3) The use of distinctive license plate categories
16 shall be limited to use on passenger cars, pick-up trucks, and
17 self-propelled campers or house cars.

18 "(c) (1) The Department of Corrections is directed to
19 supply all license plates and revalidation devices required
20 under this subdivision. The amounts charged by the Department
21 of Corrections for the manufacture of revalidation devices
22 shall not be less than that charged for the manufacture of
23 license plates on a per item basis.

24 "(2) The Department of Corrections shall maintain an
25 accurate system of recordkeeping which shall trace and account
26 for the handling and distribution of each plate and

1 revalidation device throughout the manufacturing process until
2 the items are distributed to each county.

3 "(d) After the five-year license plate has been in
4 use for a period of three years, the Department of Corrections
5 may manufacture all subsequent license plates for the
6 remaining two years of the period from a metal of less
7 durability and quality than the metal used in manufacturing
8 the five-year license plates.

9 "(e) (1) The department shall provide the owner or
10 owners of a motor vehicle who register a license plate
11 provided in this subsection the ability to opt-in to authorize
12 the release of certain personal information or to opt-out to
13 restrict the release of certain personal information by the
14 department to the sponsoring organization, college, or
15 university. The license plates that shall be subject to the
16 opt-in and opt-out provisions are as follows:

17 "a. A distinctive license plate issued pursuant to
18 this section.

19 "b. A collegiate or university distinctive license
20 plate issued pursuant to Section 32-6-150.

21 "c. Other distinctive license plates as authorized
22 by the legislative oversight committee.

23 "(2) Each owner of the motor vehicle may designate
24 his or her consent through the opt-in authorization to release
25 certain personal information included within a motor vehicle
26 registration record to the sponsoring organization, college,
27 or university. The opt-in authorization shall be made at the

1 time of initial registration through the licensing official
2 for a license plate as specified in subdivision (1).

3 Subsequent opt-in authorizations shall be made directly to the
4 department. As used in this subsection, the term personal
5 information includes only the following information:

6 "a. Owner name.

7 "b. Owner address.

8 "c. Owner email address, if applicable.

9 "(3) Each owner of the motor vehicle may restrict
10 the release of personal information included within a motor
11 vehicle registration record for a license plate as specified
12 in subdivision (1) to the sponsoring organization, college, or
13 university by selecting to opt-out. The opt-out selection
14 shall be made directly to the department.

15 "(4) The subsequent opt-in authorization provided in
16 subdivision (2) and opt-out selection provided in subdivision
17 (3) shall be made in a manner as prescribed by the department.

18 "(5) The sponsoring organization of the distinctive
19 license plate or each college or university for which a
20 distinctive license plate has been issued can make an annual
21 request to the department for the listing of the owner
22 authorized opt-in disclosures. The sponsoring organization in
23 receipt of the listing shall be prohibited from the resale or
24 disclosure of the information to third parties without written
25 consent from the owner to whom the information pertains.

26 "(f) All proposed distinctive license plates and the
27 continued issuance of all existing distinctive license plates

1 shall be subject to the approval and oversight of the
2 legislative oversight committee under Section 32-6-67 and this
3 section, except for the following:

4 "(1) In-state collegiate or in-state university
5 category license plates.

6 "(2) Military or veteran related category license
7 plates.

8 "(3) Alabama Gold Star Family license plates as
9 provided in Section 32-6-630.

10 "(g) Except as otherwise provided in this
11 subsection, no distinctive license plate shall be issued after
12 five consecutive years in which the plate has not met the
13 requirements for reissuance provided in this section. This
14 subsection does not apply to military or veteran related
15 categories or Alabama Gold Star Family distinctive license
16 plates. The Commissioner of Revenue may require persons who
17 qualify for military and veteran related categories or Alabama
18 Gold Star Family distinctive license plates to be recertified
19 not more than every five years by providing the licensing
20 official with Form DD214 or any other documentation prescribed
21 by law or rule as evidence of qualification for the license
22 plate. In the event that Form DD214 or other qualifying
23 documentation prescribed by law or rule is unavailable, the
24 applicant shall provide the licensing official with a
25 certification of eligibility from the Department of Veterans
26 Affairs after the applicant provides that office with other

1 authoritative documentation evidencing eligibility for the
2 license plate.

3 "(h) Any distinctive license plate not created
4 pursuant to this section shall be subject to the reissuance
5 provisions of this section and Section 32-6-62 unless
6 specifically exempted by law, provided the Alabama Gold Star
7 Family distinctive license plate design in effect on January
8 1, 2021, shall not be subject to the redesign provisions of
9 Section 32-6-62.

10 "§32-6-67.

11 "(a) There is created a legislative committee to
12 oversee the implementation and administration of this Article
13 2, except Subdivision 1 of Division 1. The committee shall be
14 composed of three members of the House of Representatives and
15 a county license plate issuing official, who shall be
16 appointed by and serve at the pleasure of the Speaker of the
17 House, and three members of the Senate and a county license
18 plate issuing official, who shall be appointed by and serve at
19 the pleasure of the Presiding Officer of the Senate. The
20 committee shall also be composed of the Secretary of the
21 Alabama State Law Enforcement Agency or his or her designee, a
22 ~~probate judge~~ judge of probate who is a licensing plate
23 official appointed by the President of the Probate Judges
24 Association, and a county licensing plate official who shall
25 be appointed by the Alabama Association of Tax Administrators.
26 The Department of Revenue shall designate a representative,
27 the Department of Transportation shall designate a

1 representative, and the Department of Corrections shall
2 designate a representative of Alabama Correctional Industries
3 as nonvoting and advisory members to the committee. The chair,
4 who shall be selected by the members of the committee from the
5 legislative members on the committee, shall have the authority
6 to call meetings of the committee when he or she deems it
7 necessary or as otherwise provided in this section.

8 "(b) The committee shall:

9 "(1) Meet not less than once every six months.

10 "(2) Require that a simple majority of committee
11 voting members be in attendance for conducting whatever
12 business requires committee action.

13 "(3) Establish guidelines for the qualification of
14 organizations which may sponsor a new or continued issuance of
15 a license plate category, or may benefit from that issuance.

16 "(4) Approve, disapprove, or indefinitely postpone,
17 by a vote of two-thirds of the members present at a committee
18 meeting, a request for a new license plate category.

19 "(c) Decisions of the committee concerning approval,
20 disapproval, or indefinite postponement of further action on a
21 proposed distinctive license plate shall be interpreted to be
22 the intent of the entire body of the Legislature, and
23 separate, specific action by the Legislature concerning a
24 distinctive license plate proposal shall not be considered.

25 "(d) The committee shall not consider for approval
26 applications from the following types of organizations:

1 "(1) Out-of-state colleges and universities except
2 as provided in subsection (e).

3 "(2) Private businesses, business organizations, or
4 commercial entities of any type.

5 "(3) Public K-12 schools, private or proprietary
6 two-year colleges, and private or proprietary technical
7 schools, exclusive of the Helping Schools Tag as established
8 in Sections 32-6-300 and 32-6-301.

9 "(4) Groups within high schools, junior colleges,
10 universities, and technical schools, such as band boosters,
11 athletic boosters, and the like, without the express written
12 permission of the high school, junior college, university, or
13 technical school.

14 "(5) Unions.

15 "(6) Political organizations.

16 "(7) Religious organizations.

17 "(8) Groups that promote racial or social
18 disharmony.

19 "(9) Public officials.

20 "(e) The committee may consider and approve an
21 application for a distinctive license plate for an
22 out-of-state college or university, upon submission of an
23 application pursuant to Section 32-6-64.

24 "(f) Upon the request of the chair, the Secretary of
25 the Senate, and the Clerk of the House shall provide clerical
26 assistance necessary for the work of the committee.

1 "(g) The committee members who are members of the
2 Legislature shall be entitled to, and shall receive, the same
3 daily legislative compensation, expense allowances, per diem,
4 and other compensation which they receive while in legislative
5 session for each weekday, Monday through Friday, during any
6 week in which the committee actually meets. The
7 non-legislative members of the committee shall be entitled to,
8 and shall receive, the same per diem and expenses that are
9 paid to state employees."

10 Section 2. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.