

HB374 INTRODUCED



1 HB374

2 AKV2QQ7-1

3 By Representatives Whorton, Rehm, Reynolds, Whitt, Crawford,
4 Marques, Sorrells, Smith, Pettus

5 RFD: State Government

6 First Read: 21-Mar-24



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SYNOPSIS:

This bill would increase the fees for volunteer and professional firefighter distinctive motor vehicle license plates and would provide for the distribution of the fees collected.

Section 111.05 of the Constitution of Alabama of 2022 prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the section. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the section.

A BILL



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29 TO BE ENTITLED

30 AN ACT

31

32 Relating to motor vehicle registration; to amend
33 Sections 32-6-271 and 32-6-280, Code of Alabama 1975, to
34 increase the fees for volunteer and professional firefighter
35 distinctive motor vehicle license plates and to provide for
36 the distribution of the fees collected.

37 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

38 Section 1. Sections 32-6-271 and 32-6-280, Code of
39 Alabama 1975, are amended to read as follows:

40 "§32-6-271

41 (a) A firefighter, upon application and subject to this
42 division, may be issued a distinctive motor vehicle license
43 plate as identification as a firefighter. In addition to the
44 proper numbers, words, and insignias used on the standard
45 license plate issued for motor vehicles, the distinctive
46 plates issued to firefighters shall bear a red Maltese cross
47 emblem on each side to the left and right of the regular tag
48 numbers. The ~~words "Fire Fighter"~~ word "Firefighter" should be
49 centered at the bottom of the license plate.

50 (b) In addition to any other fees provided for by law,
51 an annual additional fee of ~~one dollar~~ ten dollars ~~(\$1.00)~~ (\$10)
52 is added to the cost of the firefighter distinctive license
53 plate provided for in this division, effective January 1,
54 ~~2022~~ 2025. The combined ~~annual additional fee~~ fees collected
55 pursuant to this section shall be distributed by each
56 licensing official to the ~~state~~ Comptroller. ~~The state~~



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57 ~~Comptroller, who~~ shall distribute the total net proceeds
58 monthly as follows:

59 (1) ~~Fifty cents (\$.50)~~ One dollar fifty cents (\$1.50)
60 shall be deposited into a fund managed by the Alabama Joint
61 Fire Council and shall be used for the purpose of expanding
62 and maintaining the Alabama Firefighter Memorial located in
63 Tuscaloosa.

64 (2) ~~Fifty cents (\$.50)~~ One dollar fifty cents (\$1.50)
65 shall be distributed to the Alabama Joint Fire Council to be
66 used for expenses associated with the Firefighter Peer Support
67 Program.

68 (3) Three dollars fifty cents (\$3.50) shall be
69 distributed to the board of the Alabama Firefighters Annuity
70 and Benefit Fund.

71 (4) Three dollars fifty cents (\$3.50) shall be
72 distributed to the secretary-treasurer of the State of Alabama
73 Firefighters Emergency Relief Fund.

74 (c) The funds generated by ~~this~~ the additional fee shall
75 be subject to audit from either the Department of Examiners of
76 Public Accounts or an independent certified public accountant
77 once every three calendar years ~~effective~~ beginning January 1,
78 ~~2022~~ 2025."

79 "§32-6-280

80 (a) As used in this ~~section~~ division, the following
81 terms ~~shall~~ have the following meanings:

82 (1) ~~Professional firefighter~~ PROFESSIONAL FIREFIGHTER.
83 ~~means a~~ A paid member of a paid or part-paid fire department of
84 a city, town, county, or other subdivision of the state,



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85 including the chief, assistant chief, warden, engineer,
86 captain, ~~firemen~~ firefighters, and all other officers and
87 employees of the department who actually engage in ~~fire~~
88 ~~fighting~~ firefighting or rendering first aid at the scene of
89 an accident.

90 (2) ~~Retired professional firefighter~~ RETIRED
91 PROFESSIONAL FIREFIGHTER. ~~means a~~ retired member of a paid or
92 part-paid fire department of a city, town, county, or other
93 subdivision of the state, including the chief, assistant
94 chief, warden, engineer, captain, ~~firemen~~ firefighters, and
95 all other officers and employees of the department who
96 actually engaged in ~~fire fighting~~ firefighting or rendering
97 first aid at the scene of an accident. Notwithstanding any
98 other provision of this division, ~~retired professional~~
99 ~~firefighter~~ the term includes a retired professional
100 firefighter who is a resident of this state and who has
101 retired from a professional fire department in another state
102 and otherwise meets the requirements of this ~~section~~ division.

103 (b) (1) Notwithstanding Sections 32-6-64, 32-6-67, and
104 32-6-68, a professional firefighter or a retired professional
105 firefighter, upon application and subject to ~~the provisions of~~
106 this ~~section~~ division, may be issued a distinctive motor
107 vehicle license plate as identification as a professional
108 firefighter or a retired professional firefighter, ~~and a~~
109 ~~professional firefighter, upon application and subject to this~~
110 ~~section, may be issued a distinctive motor vehicle license~~
111 ~~plate as identification as a professional firefighter.~~

112 (2) In addition to the proper numbers, words, and



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113 insignias used on the standard license plate issued for motor
114 vehicles, the distinctive ~~plates~~ license plate issued for a
115 retired professional firefighter shall have a design created
116 by the state association of professional firefighters in
117 coordination with the Mobile Retired Firefighters and
118 Paramedics Association and the Tuscaloosa Retired Firefighters
119 Association, and the distinctive license plate ~~so~~ issued for a
120 professional firefighter shall have a design created by the
121 state association of professional firefighters.

122 (c) (1) The distinctive license plates provided ~~herein~~ in
123 this division shall be approved by the Commissioner of Revenue
124 and shall be issued through the judge of probate, license
125 commissioner, or other license issuing official of the several
126 counties of the state in the same manner as are other motor
127 vehicle license plates and the officers shall be entitled to
128 their regular fees for the service.

129 (2) By December 1 of each year, the Firefighters'
130 Personnel Standards and Education Commission shall submit to
131 the judge of probate, the license commissioner, or other
132 license issuing official of each county a list of eligible
133 professional firefighters and retired professional
134 firefighters ~~retired from paid or part-paid fire departments~~
135 ~~under this section~~. The Firefighters' Personnel Standards and
136 Education Commission shall also add to the list any retired
137 professional firefighter ~~retired from a paid or part-paid fire~~
138 ~~department in~~ from another state who submits proof to the
139 commission of eligibility pursuant to this division. ~~The~~
140 ~~Firefighters' Personnel Standards and Education Commission~~



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141 ~~shall also submit to the judge of probate, the license~~
142 ~~commissioner, or other license issuing official of each county~~
143 ~~a list of eligible professional firefighters from paid or~~
144 ~~part-paid fire departments.~~

145 (3) Any ~~person~~individual who joins a paid or part-paid
146 fire department after December 1 of any year or any
147 ~~person~~individual who is omitted from the list prepared as
148 described in subdivision (2) may obtain a distinctive license
149 plate by presenting to the license issuing official proof of
150 his or her membership in a paid or part-paid fire department
151 by means of a certificate signed by the chief of the
152 department on a form prescribed by the Firefighters' Personnel
153 Standards and Education Commission.

154 (4) Upon the initial application for a retired
155 professional firefighter distinctive license plate under this
156 ~~section~~division, an applicant for a distinctive license plate
157 provided in this ~~section~~division shall present to the judge of
158 probate, the license commissioner, or other license issuing
159 official of the county, proof of his or her retirement from a
160 fire department that is included on the list provided by the
161 Firefighters' Personnel Standards and Education Commission.
162 Proof of the ~~person's~~individual's retirement from a fire
163 department included on ~~the~~that list ~~from the Firefighters'~~
164 ~~Personnel Standards and Education Commission~~ is not required
165 for renewal of the distinctive license plate.

166 (5) Upon ~~the applicant~~ submitting proof of his or her
167 identification, the professional firefighter or retired
168 professional firefighter shall be issued the requested number



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169 of distinctive license plates upon the payment of the regular
170 fee for license plates, as provided by law, but shall not be
171 required to pay the three dollar (\$3) fee.

172 ~~(6) Upon the applicant submitting proof of his or her~~
173 ~~identification, the retired professional firefighter shall be~~
174 ~~issued the requested number of distinctive license plates upon~~
175 ~~the payment of the regular license fee for plates, as provided~~
176 ~~by law, but shall not be required to pay the three dollar (\$3)~~
177 ~~fee.~~

178 ~~(7)~~ (6) The distinctive license plates ~~so~~ issued shall
179 be used only upon and for personally owned, private passenger
180 vehicles, to include station wagons and pick-up trucks,
181 registered in the name of the retired professional firefighter
182 or professional firefighter making application therefor, and
183 when ~~so~~ issued to the applicant shall be used upon the vehicle
184 for which issued in lieu of the standard license plates
185 normally issued for the vehicle.

186 ~~(8)a.~~ (7)a. In addition to any other fees provided for
187 by law, an annual additional fee of one dollar ~~(\$1.00)~~ (\$1) is
188 added to the cost of the retired professional firefighter and
189 the professional firefighter distinctive license plates
190 provided for in this division, effective January 1, 2022. The
191 annual additional fee collected pursuant to this
192 ~~section~~ paragraph shall be distributed by each licensing
193 official to the ~~state~~ Comptroller, who shall distribute
194 monthly fifty cents (\$0.50) of each fee into a fund managed by
195 the Alabama Joint Fire Council to be used for the purpose of
196 expanding and maintaining the Alabama Firefighter Memorial



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197 located in Tuscaloosa and fifty cents (\$0.50) of each fee to
198 the Alabama Joint Fire Council to be used for expenses
199 associated with the First Responder Peer Support Program.

200 b. Effective January 1, 2025, an annual additional fee
201 of ten dollars (\$10) is added to the cost of the professional
202 firefighter distinctive license plates provided for in this
203 paragraph. The combined fees shall be distributed by each
204 licensing official to ~~The~~ ~~the~~ ~~state~~ Comptroller, who shall
205 distribute the total net proceeds monthly as follows:

206 1. ~~Fifty cents (\$.50)~~ One dollar fifty cents (\$1.50)
207 shall be deposited into a fund managed by the Alabama Joint
208 Fire Council and shall be used for the purpose of expanding
209 and maintaining the Alabama Firefighter Memorial located in
210 Tuscaloosa.

211 2. ~~Fifty cents (\$.50)~~ One dollar fifty cents (\$1.50)
212 shall be distributed to the Alabama Joint Fire Council to be
213 used for expenses associated with the Firefighter Peer Support
214 Program.

215 3. Three dollars fifty cents (\$3.50) shall be
216 distributed to the board of the Alabama Firefighters Annuity
217 and Benefit Fund.

218 4. Three dollars fifty cents (\$3.50) shall be
219 distributed to the secretary-treasurer of the State of Alabama
220 Firefighters Emergency Relief Fund.

221 ~~b.c.~~ The funds generated by ~~this~~ the additional fee
222 shall be subject to audit from either the Department of
223 Examiners of Public Accounts or an independent certified
224 public accountant once every three calendar years



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225 ~~effective~~beginning January 1, 2022.

226 ~~(9)~~ (8) Anyone who is proven to have either falsely
227 obtained or certified an individual to obtain a distinctive
228 professional firefighter or retired professional firefighter
229 license plate ~~or a distinctive professional firefighter~~
230 ~~license plate~~ shall be guilty of a Class C misdemeanor, and
231 upon conviction, shall be punished according to law.

232 (d) Retired professional ~~firefighters~~firefighter
233 distinctive license plates and professional firefighter
234 distinctive license plates ~~as provided by this section~~ shall
235 be prepared and furnished ~~for the licensing year commencing~~
236 ~~January 1, 2012, and thereafter~~ as is provided by law for the
237 issuance of other license plates. ~~Professional firefighters~~
238 ~~distinctive license plates as provided by this section shall~~
239 ~~be prepared and furnished for the licensing year commencing~~
240 ~~January 1, 2016, and thereafter as is provided by law for the~~
241 ~~issuance of other license plates.~~

242 (e) The Department of Revenue may adopt any rules
243 necessary to administer this ~~section~~division."

244 Section 2. Although this bill would have as its purpose
245 or effect the requirement of a new or increased expenditure of
246 local funds, the bill is excluded from further requirements
247 and application under Section 111.05 of the Constitution of
248 Alabama of 2022, because the bill defines a new crime of
249 amends the definition of an existing crime.

250 Section 3. This act shall become effective on October
251 1, 2024.