

1 HB657
2 66321-5
3 By Representatives Johnson and Carothers (Constitutional
4 Amendment)
5 RFD: Commerce
6 First Read: 18-MAR-04

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ENROLLED, An Act,

Proposing an amendment to Amendment 93, as amended by Amendment 354 of the Constitution of Alabama of 1901, to provide for an excise tax to be levied by the Legislature in lieu of an ad valorem tax on certain motor vehicles and to provide for the distribution.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

Amendment 93 to the Constitution of Alabama of 1901, as amended by Amendment 354 to the Constitution of Alabama of 1901, is amended to read as follows:

"No moneys derived from any fees, excises, or license taxes, levied by the state, relating to registration, operation, or use of vehicles upon the public highways except a vehicle-use tax imposed in lieu of a sales tax, and no moneys derived from any fee, excises, or license taxes, levied by the state, relating to fuels used for propelling such vehicles except pump taxes, shall be expended for other than

1 cost of administering such laws, statutory refunds and
2 adjustments allowed therein, cost of construction,
3 reconstruction, maintenance and repair of public highways and
4 bridges, costs of highway rights-of-way, payment of highway
5 obligations, the cost of traffic regulation, and the expense
6 of enforcing state traffic and motor vehicle laws. The
7 provisions of this amendment shall not apply to any such fees,
8 excises, or license taxes now levied by the state for school
9 purposes for this whole state or for any county or city board
10 of education therein; nor to an excise tax on designated
11 vehicles enacted by the Legislature, as provided in House Bill
12 658 of the 2004 Regular Session, in lieu of ad valorem taxes,
13 with the proceeds payable to the entities now or hereafter
14 authorized entitled to an ad valorem tax on motor vehicles;
15 and the legislature may provide for the manufacture,
16 distribution and use on private passenger or pleasure motor
17 vehicles of personalized license plates or tags, bearing some
18 special letters, figures, mark or badge of distinction or
19 personal prestige in lieu of the regular license plates or
20 tags, and if it does so, the legislature must also require
21 that such tags may be procured only by payment of a fee or
22 charge, in addition to the regular fee, excise or license tax
23 for the registration, operation or use of such motor vehicles
24 upon the highways. The moneys derived from the additional
25 charge made for such special or distinctive license plates or

1 tags, in excess of the cost of the manufacture and
2 distribution of such plates or tags, may be used in such
3 manner as the legislature prescribes."

4 Section 2. An election upon the proposed amendment
5 shall be held in accordance with Sections 284 and 285 of the
6 Constitution of Alabama of 1901, as amended, and the election
7 laws of this state.

8 Section 3. The appropriate election official shall
9 assign a ballot number for the proposed constitutional
10 amendment on the election ballot and shall set forth the
11 following description of the substance or subject matter of
12 the proposed constitutional amendment:

13 "Proposing an amendment to Amendment 93 of the
14 Constitution of Alabama of 1901, as amended by Amendment 354
15 to the Constitution of Alabama of 1901, to authorize the
16 Legislature to levy an excise tax in lieu of ad valorem taxes
17 on designated motor vehicles, and provide for the proceeds of
18 the excise tax to be distributed to those entities currently
19 or hereafter authorized to receive ad valorem taxes on motor
20 vehicles.

21 "Proposed by Act _____."

22 This description shall be followed by the following
23 language:

24 "Yes () No ()."

