

ARMOUR L. RUSHING, SR.	§	STATE OF ALABAMA
d/b/a R&R Frame and Body		DEPARTMENT OF REVENUE
472 Shades Crest Road	§	ADMINISTRATIVE LAW
DIVISION		
Birmingham, AL 35226,		
Petitioner,	§	DOCKET NO. MISC. 00-724
v.	§	
STATE OF ALABAMA	§	
DEPARTMENT OF REVENUE.		

**FINAL ORDER**

The Revenue Department denied an application for a motor vehicle rebuilder's license submitted by Armour L. Rushing, Sr. ("Petitioner"). The Petitioner appealed to the Administrative Law Division pursuant to Code of Ala. 1975, §40-2A-8(a). A hearing was conducted on February 15, 2001. The Petitioner and his wife attended the hearing. Assistant Counsel John Breckenridge represented the Department.

The issue in this case is whether the Department properly denied the Petitioner's motor vehicle rebuilder's application because he failed to provide proof that he had blanket motor vehicle liability insurance, as required by Code of Ala. 1975, §40-12-392(e).

The Petitioner applied to the Department for a motor vehicle rebuilder's license for the fiscal year beginning October 1, 2000. The Petitioner failed to provide the Department with proof that he had blanket liability insurance. The Department denied the Petitioner's application. The Petitioner appealed.

Section 40-12-392(e) was added by Act 2000-554, and reads as follows:  
 Motor vehicle dealers, motor vehicle reconditioners,  
 motor vehicle rebuilders, and motor vehicle  
 wholesalers shall be required to maintain blanket  
 motor vehicle liability insurance coverage on vehicles  
 operated on the public streets and highways of this

state, including vehicles in dealership inventory. Evidence of liability insurance for business and inventory vehicles shall be filed with the application for license, and the application for license shall be denied if proof of liability insurance satisfactory to the commissioner is not provided.

The Petitioner in this case concedes that he does not have blanket liability insurance. Rather, he argues that he has insurance on the specific vehicles that he owns, which should be sufficient to satisfy the intent of the statute. I disagree.

As indicated, the statute requires blanket motor vehicle liability insurance coverage for any motor vehicle dealer, reconitioner, rebuilder, or wholesaler. See also, Dept. Reg. 810-8-5-.06. Having coverage on specific vehicles does perhaps protect the public from uninsured motorists, but it does not satisfy the requirements of the statute as enacted by the Legislature. Consequently, the Department's denial of the Petitioner's motor vehicle rebuilder's license is affirmed.

This Final Order may be appealed to circuit court within 30 days. Code of Ala. 1975, §40-2A-9(g).

Entered February 20, 2001.