## HB11 ENROLLED



- 1 SL9087-2
- 2 By Representative Sells
- 3 RFD: Boards, Agencies and Commissions
- 4 First Read: 07-Mar-23
- 5 2023 Regular Session



1 Enrolled, An Act,

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- 4 Relating to the Alabama Electronic Security Board of
- 5 Licensure; to amend Section 34-1A-5 of the Code of Alabama
- 6 1975, to further provide for the display of licensing
- 7 information in advertising by licensees of the board.
- 8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- 9 Section 1. Section 34-1A-5 of the Code of Alabama 1975,
- 10 is amended to read as follows:
- 11 "\$34-1A-5
- 12 (a) The board shall issue licenses authorized by this
- 13 chapter to all qualified individuals in accordance with rules
- or regulations established by the board.
- (b) (1) Effective beginning January 1, 2014, the license
- 16 fee for a two-year period as set by the board shall not exceed
- 17 three hundred dollars (\$300) for an individual and one
- thousand five hundred dollars (\$1,500) for a business entity.
- 19 (2) Effective for the license year beginning January 1,
- 20 2014, and thereafter, the board may provide for the licenses
- 21 to be renewed on a staggered basis as determined by rule of
- the board and, in order to stagger the license renewals, may
- issue the license for less than a two-year period. The amount
- 24 of the license fees provided in subdivision (1) shall be
- 25 prorated by the board on a monthly basis for the number of
- 26 months the board issues the licenses in order to convert to
- 27 any staggered system of renewals.
- (c) The license shall not be transferred or assigned



- 29 and is valid only with respect to the person to whom it is
- 30 issued.
- 31 (d) (1) No license shall be granted if the applicant has
- 32 had any prior business license revoked for fraud,
- 33 misrepresentation, or any other act that would constitute a
- 34 violation of this chapter.
- 35 (2)a. An applicant shall not be refused a license
- 36 solely because of a prior criminal conviction, unless the
- 37 criminal conviction directly relates to the occupation or
- 38 profession for which the license is sought. The board may
- 39 refuse a license if, based on all the information available,
- 40 including the applicant's record of prior convictions, the
- 41 board finds that the applicant is unfit or unsuited to engage
- 42 in the business.
- b. The board may consult with appropriate state or
- 44 federal law enforcement authorities to verify whether an
- 45 applicant has a criminal record prior to granting any license
- and, as an aid to this duty, each applicant may be required to
- 47 provide his or her fingerprints and complete an affidavit of
- 48 his or her criminal record, if any, as a part of the
- 49 application. The board may periodically consult with state and
- 50 federal law enforcement officials to determine whether current
- 51 licensees have new criminal convictions. The administrative or
- 52 management staff of the board may also consult with state or
- 53 federal law enforcement authorities to determine if a current
- 54 or potential employee has a criminal conviction. Dissemination
- of criminal history record information shall be handled in
- accordance with the rules and procedures of the Alabama State



- Law Enforcement Agency or the Federal Bureau of Investigation, as applicable.
- (e) Any license granted pursuant to this chapter shall
  be issued for a two-year period, but may be staggered for
  renewal as otherwise provided for. Any license shall expire on
  a schedule established by rule of the board, unless it is
  renewed pursuant to regulations established by the board or
  unless it is suspended or revoked.
  - (f) An affirmative vote of a majority of board members shall be required before any action to suspend or revoke a license, to impose a sanction on a licensee, or to levy a monetary penalty. A board member shall disqualify himself or herself and withdraw from any case in which he or she cannot accord fair and impartial consideration.
- 71 (g) A nonresident of this state may be licensed by
  72 meeting one of the following requirements:

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- 73 (1) Conforming to the provisions of this chapter and 74 the regulations of the board.
- 75 (2) Holding a valid license in another state with which 76 reciprocity has been established by the board.
- 77 (h) A licensee shall display the license at its normal
  78 place of business and in a manner easily readable by the
  79 general public.
  - (i) A notice shall be displayed prominently in the place of business of each licensee regulated pursuant to this chapter containing the name, mailing address, and telephone number of the board, and a statement informing consumers that complaints against licensees may be directed to the board.



(j) The license number of a licensee <u>or an Internet</u>

86 <u>address where licensing information can be found shall be</u>

87 displayed in all advertising, <u>including in social media or</u>

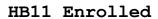
88 <u>Internet advertising</u>, <u>or on any vehicle displaying advertising</u>

89 information, as provided by rule of the board.

- (k) The board shall prepare information of consumer interest describing the regulatory functions and describing the procedures of the board by which consumer complaints shall be filed with and resolved by the board. The board shall make the information available to the general public and appropriate state agencies. The board shall provide upon request a listing of all licensees. The board may collect a fee for the cost of duplicating and mailing materials.
- (1) Each written contract for services in the state of a licensee shall contain the name, mailing address, and telephone number of the board and a statement informing consumers that complaints against licensees may be directed to the board.
- (m) Notice of the issuance, revocation, reinstatement, or expiration of every license issued by the board shall be furnished to the sheriff of the county and the chief of police, as appropriate, and the inspection department of the city where the principal place of business of a licensee is located.
- (n) Information contained in alarm system records held by the board concerning the location of an alarm system, the name of the occupant residing at the alarm system location, or the type of alarm system used shall be confidential and



113	disclosed only to the board or as otherwise required by law.
114	(o) A licensee, upon completing an installation, shall
115	provide a paper copy or electronic copy of all contracts to
116	the consumer, or his or her designee."
117	Section 2. This act shall become effective immediately
118	following its passage and approval by the Governor, or its
119	otherwise becoming law.





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131		House of Representatives			
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133	_	I hereby certify that the with	hin Act originated in and		
134	was pas	ssed by the House 25-APR-23.			
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145	Senate	24-May-23	Passed		