

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



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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
14 or regulations established by the board.

15 (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
18 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
22 the board and, in order to stagger the license renewals, may
23 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.

28 (c) The license shall not be transferred or assigned



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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.

43 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
46 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
55 of criminal history record information shall be handled in
56 accordance with the rules and procedures of the Alabama State



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57 Law Enforcement Agency or the Federal Bureau of Investigation,
58 as applicable.

59 (e) Any license granted pursuant to this chapter shall
60 be issued for a two-year period, but may be staggered for
61 renewal as otherwise provided for. Any license shall expire on
62 a schedule established by rule of the board, unless it is
63 renewed pursuant to regulations established by the board or
64 unless it is suspended or revoked.

65 (f) An affirmative vote of a majority of board members
66 shall be required before any action to suspend or revoke a
67 license, to impose a sanction on a licensee, or to levy a
68 monetary penalty. A board member shall disqualify himself or
69 herself and withdraw from any case in which he or she cannot
70 accord fair and impartial consideration.

71 (g) A nonresident of this state may be licensed by
72 meeting one of the following requirements:

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.

80 (i) A notice shall be displayed prominently in the
81 place of business of each licensee regulated pursuant to this
82 chapter containing the name, mailing address, and telephone
83 number of the board, and a statement informing consumers that
84 complaints against licensees may be directed to the board.



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85 (j) The license number of a licensee or an Internet
86 address where licensing information can be found shall be
87 displayed in all advertising, including in social media or
88 Internet advertising, or on any vehicle displaying advertising
89 information, as provided by rule of the board.

90 (k) The board shall prepare information of consumer
91 interest describing the regulatory functions and describing
92 the procedures of the board by which consumer complaints shall
93 be filed with and resolved by the board. The board shall make
94 the information available to the general public and
95 appropriate state agencies. The board shall provide upon
96 request a listing of all licensees. The board may collect a
97 fee for the cost of duplicating and mailing materials.

98 (l) Each written contract for services in the state of
99 a licensee shall contain the name, mailing address, and
100 telephone number of the board and a statement informing
101 consumers that complaints against licensees may be directed to
102 the board.

103 (m) Notice of the issuance, revocation, reinstatement,
104 or expiration of every license issued by the board shall be
105 furnished to the sheriff of the county and the chief of
106 police, as appropriate, and the inspection department of the
107 city where the principal place of business of a licensee is
108 located.

109 (n) Information contained in alarm system records held
110 by the board concerning the location of an alarm system, the
111 name of the occupant residing at the alarm system location, or
112 the type of alarm system used shall be confidential and



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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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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 25-APR-23.

John Treadwell
Clerk

Senate

24-May-23

Passed