

HB260 ENGROSSED



1 1V20LZ-2
2 By Representative Sells
3 RFD: Boards, Agencies and Commissions
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5
6 2023 Regular Session



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A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Electronic Security Board of Licensure; to amend Sections 34-1A-1, 34-1A-3, 34-1A-5, and 34-1A-7, Code of Alabama 1975, to create and provide for the qualifications of a qualifying agent license; to authorize the board to levy and collect administrative fines; to revise the process for pursuing disciplinary actions and cease and desist orders; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-1A-1, 34-1A-3, 34-1A-5, and 34-1A-7 of the Code of Alabama 1975, are amended to read as follows:

"§34-1A-1

For the purpose of this chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) ADMINISTRATIVE EMPLOYEE. ~~A person~~ An individual who engages in clerical duties for a licensed company, whose work is restricted to office duties, and who has access to



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29 sensitive client information including, but not limited to,
30 Social Security numbers, customer privacy codes, customer
31 passwords, and similar information.

32 (2) ADMINISTRATIVE FINE. A monetary fine assessed by
33 the board for unlicensed activity or ~~unethical behavior~~ by an
34 individual, company, corporation, firm, or business entity.

35 ~~(2)~~ (3) ALARM MONITORING COMPANY. Any ~~person~~ individual,
36 company, corporation, partnership, or business, or a
37 representative or agency thereof, authorized to provide alarm
38 monitoring services for alarm systems or other similar
39 electronic security systems whether the systems are maintained
40 on commercial business property, public property, or
41 individual residential property.

42 ~~(3)~~ (4) ALARM SYSTEM. Burglar alarms, security cameras,
43 or other electrical or electronic device used to prevent or
44 detect burglary, theft, shoplifting, pilferage, and other
45 similar losses. The term does not include any fire detection,
46 fire alarm, or fire communication system.

47 ~~(4)~~ (5) ALARM VERIFICATION. A reasonable attempt by an
48 alarm monitoring company to contact the alarm site or alarm
49 user by telephone or other electronic means to determine
50 whether an alarm signal is valid prior to requesting law
51 enforcement to be dispatched to the location and, if the
52 initial attempted contact is not made, a second reasonable
53 attempt to make a contact utilizing a different telephone
54 number or electronic address or number.

55 ~~(5)~~ (6) BURGLAR ALARM. An assembly of equipment and
56 devices, or a single device such as a solid-state unit which



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57 plugs directly into an AC line, designed to detect an
58 unauthorized intrusion or an attempted robbery at a protected
59 premises or signal public police or private guards to respond,
60 or both.

61 ~~(6)~~ (7) CLOSED CIRCUIT TELEVISION SYSTEM (CCTV). A
62 combination of electronic equipment and devices designed and
63 arranged for the viewing, monitoring, or recording of video
64 signals transmitted from transmitters, such as cameras, to
65 receivers, such as monitors, digital video recorders, and
66 network video recorders (NVR) through a closed cable or other
67 video signal transmission method.

68 ~~(7)~~ (8) ELECTRONIC ACCESS CONTROL SYSTEM. A system that
69 is used as a process to grant or deny an individual access to
70 a specific area or object based upon his or her possession of
71 an item, a code, or physical characteristic.

72 ~~(8)~~ (9) HVAC SYSTEM. Heating, ventilation, or air
73 conditioning devices or mechanisms to provide heating or
74 cooling to a building or other structure or the devices used
75 to control the temperature of the heating or cooling devices
76 in a building or other structure.

77 ~~(9)~~ (10) INSTALLATION. The initial placement of
78 equipment or the extension, modification, or alteration of
79 equipment after initial placement.

80 ~~(10)~~ (11) LOCKSMITH.

81 a. ~~A person~~ An individual or business entity in a
82 commercial, residential, or automotive setting that does any
83 of the following for compensation or other consideration:

84 1. Repairs locks.



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- 85 2. Rebuilds locks.
- 86 3. Rekeys locks.
- 87 4. Services locks.
- 88 5. Adjusts locks.
- 89 6. Installs locks or mechanical locking devices.
- 90 7. Installs or services egress controls devices.
- 91 8. Installs or services vaults and safety deposit
- 92 boxes, including those services performed by safe technicians.
- 93 9. Creates or copies transponder keys and any other
- 94 automotive keys and electronic operating devices connected to
- 95 motor vehicles.
- 96 10. Creates or copies key fobs, proximity keys, smart
- 97 keys, door and ignition key devices, or successive electronic
- 98 or other high security key technology.
- 99 11. Uses any other method of bypassing a locking
- 100 mechanism of any kind including, but not limited to, shimming
- 101 a lock or picking and popping a lock.
- 102 b. The term does not include any of the following:
- 103 1. ~~A person~~ An individual whose activities are limited
- 104 to making a duplicate key of an existing key.
- 105 2. ~~A person~~ An individual or business entity that does
- 106 not advertise providing locksmith services to the public.
- 107 3. ~~A person~~ An individual or business entity that is
- 108 licensed by the board on July 1, 2018, to install or service
- 109 electronic access control systems, provided any lock being
- 110 serviced or installed has electronic access control
- 111 capabilities.
- 112 4. Police, fire, medical, or other government or



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113 emergency personnel performing activities within the scope of
114 their official duties.

115 5. ~~A person~~ An individual operating a licensed towing
116 and recovery service who does not advertise services as a
117 locksmith or otherwise perform locksmith services.

118 6. An individual or business entity who owns or manages
119 property, or his or her agent, and who does not advertise
120 services as a locksmith to the public.

121 ~~(11)~~ (12) MONITORING STATION. A location where alarm
122 signals are received as a part of an alarm system and then
123 relayed via operator to law enforcement officials.

124 (13) QUALIFYING AGENT. A licensee of the board who
125 serves in a management and supervisory position with a
126 company.

127 ~~(12)~~ (14) SALESPERSON. ~~A person~~ An individual who, for
128 financial compensation or in exchange for a thing of value,
129 sells goods or services to the public on behalf of any
130 company, business, or other entity that sells, services, or
131 installs alarm systems, CCTV systems, electronic access
132 control systems, or mechanical locks.

133 ~~(13)~~ (15) SERVICE. Necessary repair in order to return
134 the system to operational condition.

135 ~~(14)~~ (16) SYSTEM INSTALLER. ~~A person~~ An individual or
136 business entity that offers to undertake, represents itself as
137 being able to undertake, or does undertake the installation,
138 service, or monitoring of alarm systems, CCTV systems,
139 electronic access control systems, or mechanical locking
140 systems for the public for any type of compensation or in



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141 exchange for a thing of value."

142 "§34-1A-3

143 The board shall have all of the following powers:

144 (1) License and regulate ~~persons~~ individuals and
145 business entities who hold themselves out as engaging in the
146 business of alarm system, CCTV, or electronic access control
147 system installation or service, as a locksmith, or as an alarm
148 monitoring company.

149 (2) Establish the qualifications for licensure to
150 ensure competency and integrity to engage in these businesses
151 and allow graduates of technical school or community college
152 programs in related fields to qualify. Qualifications for
153 licensure shall include the requirement that the applicant is
154 a United States citizen or legally present in this state.

155 (3) Examine, or cause to be examined, the
156 qualifications of each applicant for licensure including the
157 preparation, administration, and grading of examinations, and
158 when necessary, requiring the applicant to supply a board
159 approved criminal background check. A nonresident who is not
160 physically working in the state, located more than 100 miles
161 from the nearest state border, and whose duties are limited to
162 administrative employee or monitoring station is exempt from
163 the requirement of a criminal background check.

164 (4) License qualified applicants regulated by the
165 board. Licensing of a qualified applicant should be completed
166 within six calendar weeks after the board receives all
167 required paperwork from the applicant. This time frame may be
168 extended during annual renewal.



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169 (5) Revoke, suspend, or fail to renew a license for
170 just cause as ~~enumerated in the regulations~~ provided in the
171 rules of the board.

172 (6) Levy and collect reasonable fees for licensure,
173 including, but not limited to, the application process and
174 testing of applicants, and renewal, suspension, and reissuance
175 of licenses, and costs of necessary hearings, that are
176 sufficient to cover all expenses for the administration and
177 operation of the board.

178 (7) Levy and collect administrative fines for violation
179 of the board's Code of Ethics, noncompliance with this chapter
180 including, but not limited to, unlicensed activity and
181 unethical or fraudulent behavior, and to collect the costs of
182 necessary hearings pursuant to the Alabama Administrative
183 Procedure Act. The board may collect fines imposed by a court
184 of competent jurisdiction. The board may file a civil action
185 to collect all fines.

186 ~~(7) Promulgate~~ (8) Adopt rules ~~and regulations~~ in
187 accordance with the Alabama Administrative Procedure Act
188 necessary to perform ~~its board~~ duties, to ensure continued
189 competency, to prevent deceptive, misleading, or criminal
190 practices by ~~its board~~ licensees, and to effectively
191 administer the regulatory system administered by the board.

192 ~~(8)~~ (9) Register or by other means monitor employees of
193 a licensee to ensure ~~such~~ the employees do not impair the
194 ability of the licensee to satisfy the requirements of this
195 chapter.

196 ~~(9)~~ (10) Receive and investigate complaints concerning

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197 the conduct of any ~~person~~ individual or business entity whose
198 activities are regulated by the board, conduct hearings in
199 accordance with procedures established by the board pursuant
200 to the Alabama Administrative Procedure Act, and take
201 appropriate disciplinary action if warranted.

202 ~~(10)~~ (11) Ensure that periodic inspections are conducted
203 relating to the operations of licensees to ensure competency
204 and lawful compliance.

205 ~~(11)~~ (12) Require the purchase of comprehensive
206 liability insurance related to business activities in a
207 minimum specified amount.

208 ~~(12)~~ (13) Require licensees and employees of licensees
209 to have visible on their person a photo identification card
210 issued by the board at all times when providing licensed
211 services.

212 ~~(13)~~ ~~Promulgate~~ (14) Adopt canons of ethics under which
213 the regulated professional activities of ~~persons~~ individuals
214 and business entities shall be conducted.

215 ~~(14)~~ (15) Employ or contract for necessary personnel,
216 including an executive director, and provide necessary
217 offices, supplies, and equipment to fulfill the requirements
218 of this chapter.

219 ~~(15)~~ (16) Delegate ~~its~~ board powers and duties by
220 resolution to a named designee.

221 ~~(16)~~ (17) Enter into contracts and expend funds of the
222 board to fulfill the requirements of this chapter.

223 ~~(17)~~ (18) Borrow money for the initial start-up
224 operation of the board until sufficient receipts are paid into



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225 the special revenue trust fund specified in Section 34-1A-9.

226 ~~(18)~~ (19) Work with the office of the Attorney General
227 and other law enforcement agencies to prohibit any violation
228 of this chapter.

229 ~~(19)~~ (20) Establish volunteer procedures for those
230 ~~persons~~ individuals or businesses that are exempt from this
231 chapter.

232 ~~(20)~~ (21) Conduct inspections relating to the operations
233 of unlicensed ~~persons~~ individuals, firms, or corporations to
234 include the solicitation, installation, servicing, monitoring
235 of burglar alarm systems, locking systems, or mechanisms, the
236 holding of privacy codes for burglar alarm systems of a
237 customer, or the selling, installation, or servicing of access
238 control systems or CCTV to or for a customer to ensure lawful
239 compliance with this chapter.

240 (22) Issue a cease and desist order to any unlicensed
241 individual, company, corporation, firm, or business entity
242 engaged in any activity, conduct, or practice constituting a
243 violation of this chapter or rule adopted by the board
244 pursuant to this chapter."

245 "§34-1A-5

246 (a) The board shall issue licenses authorized by this
247 chapter to all qualified individuals in accordance with rules
248 ~~or regulations established~~ adopted by the board.

249 (b) (1) Effective beginning January 1, 2014, the license
250 fee for a two-year period as set by the board shall not exceed
251 three hundred dollars (\$300) for an individual and one
252 thousand five hundred dollars (\$1,500) for a business entity.



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253 (2) Effective for the license year beginning January 1,
254 2014, and thereafter, the board may provide for the licenses
255 to be renewed on a staggered basis as determined by rule of
256 the board and, in order to stagger the license renewals, may
257 issue the license for less than a two-year period. The amount
258 of the license fees provided in subdivision (1) shall be
259 prorated by the board on a monthly basis for the number of
260 months the board issues the licenses in order to convert to
261 any staggered system of renewals.

262 (c) The license shall not be transferred or assigned
263 and is valid only with respect to the ~~person~~ individual to
264 whom it is issued.

265 (d) (1) No license shall be granted if the applicant has
266 had any prior business license revoked for fraud,
267 misrepresentation, or any other act that would constitute a
268 violation of this chapter.

269 (2)a. An applicant shall not be refused a license
270 solely because of a prior criminal conviction, unless the
271 criminal conviction directly relates to the occupation or
272 profession for which the license is sought. The board may
273 refuse a license if, based on all the information available,
274 including the applicant's record of prior convictions, the
275 board finds that the applicant is unfit or unsuited to engage
276 in the business.

277 b. The board may consult with appropriate state or
278 federal law enforcement authorities to verify whether an
279 applicant has a criminal record prior to granting any license
280 and, as an aid to this duty, each applicant may be required to



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281 provide his or her fingerprints and complete an affidavit of
282 his or her criminal record, if any, as a part of the
283 application. The board may periodically consult with state and
284 federal law enforcement officials to determine whether current
285 licensees have new criminal convictions. The administrative or
286 management staff of the board may also consult with state or
287 federal law enforcement authorities to determine if a current
288 or potential employee has a criminal conviction. Dissemination
289 of criminal history record information shall be handled in
290 accordance with the rules and procedures of the Alabama State
291 Law Enforcement Agency or the Federal Bureau of Investigation,
292 as applicable.

293 (e) Any license granted pursuant to this chapter shall
294 be issued for a two-year period, but may be staggered for
295 renewal as otherwise provided ~~for~~. Any license shall expire on
296 a schedule established by rule of the board, unless it is
297 renewed pursuant to ~~regulations established~~ rules adopted by
298 the board or unless it is suspended or revoked.

299 (f) An affirmative vote of a majority of board members
300 shall be required before any action to suspend or revoke a
301 license, to impose a sanction on a licensee, or to levy ~~a~~
302 ~~monetary penalty~~ an administrative fine. A board member shall
303 disqualify himself or herself and withdraw from any case in
304 which he or she cannot accord fair and impartial
305 consideration.

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

308 (1) Conforming to ~~the provisions of~~ this chapter and



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309 the ~~regulations~~ rules of the board.

310 (2) Holding a valid license in another state with which
311 reciprocity has been established by the board.

312 (h) A licensee shall display the license at its normal
313 place of business and in a manner easily readable by the
314 general public.

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

320 (j) An individual, company, corporation, firm,
321 business, or trademarked entity shall be licensed by the name
322 advertised. The license number of a licensee shall be
323 displayed in all advertising.

324 (k) The board shall prepare information of consumer
325 interest describing the regulatory functions and describing
326 the procedures of the board by which consumer complaints shall
327 be filed with and resolved by the board. The board shall make
328 the information available to the general public and
329 appropriate state agencies. The board shall provide, upon
330 request, a listing of all licensees. The board may collect a
331 fee for the cost of duplicating and mailing materials.

332 (l) Each written contract for services in the state of
333 a licensee shall contain the name, mailing address, and
334 telephone number of the board and a statement informing
335 consumers that complaints against licensees may be directed to
336 the board.



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337 (m) Notice of the issuance, revocation, reinstatement,
338 or expiration of every license issued by the board shall be
339 furnished to the sheriff of the county and the chief of
340 police, as appropriate, and the inspection department of the
341 city where the principal place of business of a licensee is
342 located.

343 (n) Information contained in alarm system records held
344 by the board concerning the location of an alarm system, the
345 name of the occupant residing at the alarm system location, or
346 the type of alarm system used shall be confidential and
347 disclosed only to the board or as otherwise required by law.

348 (o) A licensee, upon completing an installation, shall
349 provide a paper copy or electronic copy of all contracts to
350 the consumer, or his or her designee.

351 (p) To be eligible for a qualifying agent license, an
352 individual applicant shall serve in a management and
353 supervisory position with a company for not less than 33 hours
354 per week. A qualifying agent may be subject to disciplinary
355 action for the actions of individuals employed under his or
356 her supervision. With the exception of a company that only
357 performs monitoring work, each licensed company, corporation,
358 firm, and business entity is required to have at least one
359 licensed employee designated as a qualifying agent."

360 "§34-1A-7

361 (a) Effective January 1, 1998, it shall be unlawful for
362 any ~~person~~ individual or business entity to engage in a
363 business regulated by this chapter in this state without a
364 current valid license or in violation of this chapter and



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365 applicable rules ~~and regulations~~ of the board.

366 (b) Effective January 1, 1998, it shall be unlawful for
367 ~~a person~~ an individual or business entity not licensed under
368 this chapter to advertise or hold out to the public that he or
369 she is a licensee of the board.

370 (c) Any ~~person~~ individual or business entity who
371 violates this chapter or any order, or rule, ~~or regulation~~ of
372 the board shall be guilty of a Class A misdemeanor, and for
373 each offense for which he or she is convicted shall be
374 punished as provided by law.

375 (d) Effective January 1, 1998, it shall constitute a
376 Class A misdemeanor to willfully or intentionally do any of
377 the following:

378 (1) Obliterate the serial number on an alarm system for
379 the purpose of falsifying service reports.

380 (2) Knowingly and deliberately improperly install an
381 alarm system, or knowingly and deliberately improperly service
382 such a system.

383 (3) While holding a license, allow another ~~person~~
384 individual or business entity to use the license or license
385 number.

386 (4) Use, or permit the use of, any license by ~~a person~~
387 an individual or business entity other than the one to whom
388 the license is issued.

389 (5) Use any credential, method, means, or practice to
390 impersonate a representative of the board.

391 (6) Make use of any designation provided by statute or
392 regulation to denote a standard of professional or



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393 occupational competence without being duly licensed.

394 (7) Make use of any title, words, letters, or
395 abbreviations which may reasonably be confused with a
396 designation provided by statute or regulation to denote a
397 standard of professional or occupational competence without
398 being duly licensed.

399 (8) Provide material misrepresenting facts in an
400 application for licensure or in other communications with the
401 board.

402 (9) Refuse to furnish the board information or records
403 required or requested pursuant to statute or regulation.

404 (e) Commencing July 1, 2018, it shall also constitute a
405 Class A misdemeanor to willfully or intentionally do any of
406 the following:

407 (1) Advertise alarm system services or locksmith
408 services to the public by any means without possessing an
409 active license issued by the board during the licensing year
410 in which the advertisement appears.

411 (2) Install, service, or sell an alarm system or
412 provide locksmith services while on state or federal probation
413 or parole without a license or, if licensed, without first
414 providing proper written documentation by certified mail or
415 courier service of the probation or parole status to the
416 board.

417 (3) Perform unsolicited sales or installation, or both,
418 of an alarm system or locking system at the home or property
419 of ~~a person~~ an individual who is age 75 or older, without
420 providing the ~~person~~ individual with a waiting period of at



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421 least four business days after the initial contact and at
422 least 30 business days to cancel any executed contract, before
423 performing the installation or service, unless otherwise
424 authorized by this chapter.

425 (4) Deceive or defraud ~~a person~~ an individual who is
426 age 60 or older in violation of the Protecting Alabama's
427 Elders Act, Chapter 6, commencing with Section 13A-6-190, of
428 Title 13A.

429 ~~(f) Any person or business entity that is not licensed~~
430 ~~by the board, or has not renewed a license within the~~
431 ~~immediately preceding 24 months, may be subject to injunctive~~
432 ~~action in a court of competent jurisdiction. The board may~~
433 ~~institute proceedings in equity to enjoin any person or~~
434 ~~business entity from engaging in any unlawful act enumerated~~
435 ~~in this chapter. Such proceedings shall be brought in the name~~
436 ~~of this state by the board in the circuit court of the city or~~
437 ~~county in which the unlawful act occurred or in which the~~
438 ~~defendant resides. If the board obtains injunctive relief, the~~
439 ~~individual or business entity shall be subject to a one~~
440 ~~thousand dollar (\$1,000) fine for each instance of performing~~
441 ~~locksmith, alarm, CCTV, or other activity regulated by this~~
442 ~~chapter.~~

443 ~~(g) In addition to any other disciplinary action taken~~
444 ~~by the board, any person or business entity licensed by the~~
445 ~~board who violates this chapter or rule or regulation~~
446 ~~promulgated pursuant to this chapter shall be subject to a~~
447 ~~monetary penalty. If the board determines that the person is~~
448 ~~in fact guilty of the violation, the board shall determine the~~

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449 ~~amount of the monetary penalty for the violation, which shall~~
450 ~~not exceed one thousand dollars (\$1,000) for each violation.~~
451 ~~The board may file a civil action to collect the penalty.~~

452 (f) (1) Upon notification that an individual, company,
453 corporation, firm, or business entity has engaged in any
454 activity, conduct, or practice constituting a violation of
455 this chapter or rule adopted by the board pursuant to this
456 chapter, or has not renewed a company license or completed the
457 renewal of a company license immediately upon expiration, the
458 board may issue a letter to show cause why an order should not
459 be issued directing the individual, company, corporation,
460 firm, or business entity to cease and desist from the
461 activity, conduct, practice, or the performance of any work
462 being done then or about to be commenced.

463 (2) If the individual, company, corporation, firm, or
464 business entity files a written request for a hearing before
465 the board within 14 days after receipt of the letter, the
466 board, not less than 30 days thereafter, shall hold a hearing
467 on the matter. After a hearing, or if no hearing is requested,
468 the board may issue a cease and desist order to the
469 individual, company, corporation, firm, or business entity. If
470 an order is issued, the order shall be issued in the name of
471 the State of Alabama under the official seal of the board.

472 (3) If the individual, company, corporation, firm, or
473 business entity to whom the board directs a cease and desist
474 order does not cease or desist the proscribed activity,
475 conduct, practice, or performance of the work immediately, the
476 board may impose an administrative fine of not more than five



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477 thousand dollars (\$5,000) per violation.

478 (g) Upon finding an individual, company, corporation,
479 firm, or business entity has engaged in any activity, conduct,
480 or practice constituting a violation of this chapter or rule
481 adopted by the board pursuant to this chapter, or has not
482 renewed a company license or completed the renewal of a
483 company license immediately upon expiration, the board may
484 investigate the activities of licensed and unlicensed entities
485 and individuals. If the board finds that an individual,
486 corporation, or business entity is engaged in performing any
487 work covered by this chapter without having obtained a proper
488 license, whether by renewal or first-time licensure, the board
489 may do any of the following:

490 (1) Impose an administrative fine of up to, but not
491 more than five thousand dollars (\$5,000) per violation.

492 (2) Deny an application for licensure.

493 (3) Issue a cease and desist order.

494 (4) Petition the circuit court of the county where the
495 act occurred to enforce the cease and desist order or collect
496 the assessed fine, or both.

497 (h) Any individual aggrieved by any adverse action
498 taken by the board may appeal the adverse action in accordance
499 with the Alabama Administrative Procedure Act.

500 (i) If the individual, company, corporation, firm, or
501 business entity to whom the board directs a cease and desist
502 order does not cease or desist the proscribed activity,
503 conduct, practice, or performance of the work immediately, the
504 board may petition any court of competent jurisdiction to



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505 issue a writ of injunction enjoining the individual, company,
506 corporation, firm, or business entity from engaging in any
507 activity, conduct, practice, or performance of work as
508 prohibited by this chapter. Upon a showing by the board that
509 the individual, company, corporation, firm, or business entity
510 has engaged or is engaged in any activity, conduct, practice,
511 or performance of any work prohibited by this chapter, the
512 court shall grant injunctive relief enjoining the individual,
513 company, corporation, firm, or business entity from engaging
514 in the unlawful activity, conduct, practice, or performance of
515 work. Upon the issuance of a permanent injunction, the court
516 may fine the offending party up to five thousand dollars
517 (\$5,000) plus court costs and attorney fees, for each offense.
518 A judgment for a civil fine, attorney fees, and court costs
519 may be rendered in the same judgment in which the injunction
520 is made absolute.

521 ~~(h)~~ (j) The board is entitled to court costs, reasonable
522 investigatory fees, and reasonable attorney fees in any civil
523 action or administrative proceeding in which the board obtains
524 relief.

525 ~~(i) In addition to or in lieu of the criminal penalties~~
526 ~~and administrative sanctions provided in this chapter, the~~
527 ~~board may issue an order to any person, firm, or corporation~~
528 ~~engaged in any activity, conduct, or practice constituting a~~
529 ~~violation of this chapter to show cause why an order should~~
530 ~~not be issued directing the person, firm, or corporation to~~
531 ~~cease and desist from the activity, conduct, practice, or the~~
532 ~~performance of any work being done then or about to be~~

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533 ~~commenced. If the person, firm, or corporation files a written~~
534 ~~request for a hearing before the board within 14 days after~~
535 ~~receipt of the order, the board, not less than 30 days~~
536 ~~thereafter, shall hold a hearing on the matter. After a~~
537 ~~hearing, or if no hearing is requested, the board may issue a~~
538 ~~cease and desist order to the person, firm, or corporation. If~~
539 ~~an order is issued, the order shall be issued in the name of~~
540 ~~the State of Alabama under the official seal of the board. If~~
541 ~~the person, firm, or corporation to whom the board directs a~~
542 ~~cease and desist order does not cease or desist the proscribed~~
543 ~~activity, conduct, practice, or performance of the work~~
544 ~~immediately, the board may petition any court of competent~~
545 ~~jurisdiction to issue a writ of injunction enjoining the~~
546 ~~person, firm, or corporation from engaging in any activity,~~
547 ~~conduct, practice, or performance of work as prohibited by~~
548 ~~this chapter. Upon a showing by the board that the person,~~
549 ~~firm, or corporation has engaged or is engaged in any~~
550 ~~activity, conduct, practice, or performance of any work~~
551 ~~prohibited by this chapter, the court shall grant injunctive~~
552 ~~relief enjoining the person, firm, or corporation from~~
553 ~~engaging in such unlawful activity, conduct, practice, or~~
554 ~~performance of work. Upon the issuance of a permanent~~
555 ~~injunction, the court may fine the offending party up to five~~
556 ~~thousand dollars (\$5,000), plus costs and attorney fees, for~~
557 ~~each offense. A judgment for a civil fine, attorney fees, and~~
558 ~~costs may be rendered in the same judgment in which the~~
559 ~~injunction is made absolute.~~

560 ~~(j)~~ (k) Any ~~person~~ individual, company, corporation,



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561 firm, or business entity violating this chapter who fails to
562 cease work after a hearing and notification from the board or
563 having an injunction issued by a court of competent
564 jurisdiction shall not be eligible to apply for a license from
565 the board for a period not to exceed one year from the date of
566 official notification to cease work. In addition, the board
567 may withhold approval for up to six months of any application
568 from any ~~person who~~ individual, company, corporation, firm, or
569 business entity prior to the application has been found in
570 violation of this chapter."

571 Section 2. Although this bill would have as its purpose
572 or effect the requirement of a new or increased expenditure of
573 local funds, the bill is excluded from further requirements
574 and application under Section 111.05 of the Constitution of
575 Alabama of 2022, because the bill defines a new crime or
576 amends the definition of an existing crime.

577 Section 3. This act shall become effective on the first
578 day of the third month following its passage and approval by
579 the Governor, or its otherwise becoming law.



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House of Representatives

Read for the first time and referred05-Apr-23
to the House of Representatives
committee on Boards, Agencies and
Commissions
Read for the second time and placed12-Apr-23
on the calendar:
1 amendment
Read for the third time and passed25-Apr-23
as amended
Yeas 103
Nays 0
Abstains 1

John Treadwell
Clerk