1   SB107

2   135468-2

3   By Senator Bussman

4   RFD: Governmental Affairs

5   First Read: 07-FEB-12

6   PFD: 01/30/2012

1   SB107

2

3

4   ENROLLED, An Act,

5   Relating to the Alabama Sunset Law; to continue the

6   existence and functioning of the Alabama Electronic Security

7   Board of Licensure with certain modifications; to amend

8   Section 34-1A-5, Code of Alabama 1975, so as to authorize the

9   board to provide for the staggering of licenses.

10   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11   Section 1. Pursuant to the Alabama Sunset Law, the

12   Sunset Committee recommends the continuance of the Alabama

13   Electronic Security Board of Licensure until October 1, 2016,

14   with the additional recommendation for statutory change as set

15   out in Section 3.

16   Section 2. The existence and functioning of the

17   Alabama Electronic Security Board of Licensure, created and

18   functioning pursuant to Sections 34-1A-1 to 34-1A-11,

19   inclusive, Code of Alabama 1975, is continued until October 1,

20   2016, and those code sections are expressly preserved.

21   Section 3. Section 34-1A-5 of the Code of Alabama

22   1975, is amended to read as follows:

23   "§34-1A-5.

1   "(a) The board shall issue licenses authorized by

2   this chapter to all qualified individuals in accordance with

3   rules or regulations established by the board.

4   "(b) The annual license fee as set by the board

5   shall not exceed one hundred fifty dollars ($150) for an

6   individual and seven hundred fifty dollars ($750) for a

7   business entity.

8   "(c) The license shall not be transferred or

9   assigned and is valid only with respect to the person to whom

10   it is issued.

11   "(d)(1) No license shall be granted if the applicant

12   has had any prior business license revoked for fraud,

13   misrepresentation, or any other act that would constitute a

14   violation of this chapter.

15   "(2)a. An applicant shall not be refused a license

16   solely because of a prior criminal conviction, unless the

17   criminal conviction directly relates to the occupation or

18   profession for which the license is sought. The board may

19   refuse a license if, based on all the information available,

20   including the applicant's record of prior convictions, the

21   board finds that the applicant is unfit or unsuited to engage

22   in the business.

23   "b. The board may consult with appropriate state or

24   federal law enforcement authorities to verify whether an

25   applicant has a criminal record prior to granting any license

1 and, as an aid to this duty, each applicant may be required to

2 provide his or her fingerprints and complete an affidavit of

3 his or her criminal record, if any, as a part of the

4 application. The board may periodically consult with state and

5 federal law enforcement officials to determine whether current

6 licensees have new criminal convictions.

7   "(e) Any license granted pursuant to this chapter

8 shall expire on a schedule established by rule of the board,

9 unless it is renewed pursuant to regulations established by

10 the board or unless it is suspended or revoked.

11   "(f) An affirmative vote of a majority of board

12 members shall be required before any action to suspend or

13 revoke a license, to impose a sanction on a licensee, or to

14 levy a monetary penalty. A board member shall disqualify

15 himself or herself and withdraw from any case in which he or

16 she cannot accord fair and impartial consideration.

17   "(g) A nonresident of this state may be licensed by

18 meeting one of the following requirements:

19   "(1) Conforming to the provisions of this chapter

20 and the regulations of the board.

21   "(2) Holding a valid license in another state with

22 which reciprocity has been established by the board.

23   "(h) A licensee shall display the license at its

24 normal place of business and in a manner easily readable by

25 the general public.

1   "(i) A notice shall be displayed prominently in the

2   place of business of each licensee regulated pursuant to this

3   chapter containing the name, mailing address, and telephone

4   number of the board, and a statement informing consumers that

5   complaints against licensees may be directed to the board.

6   "(j) The license number of a licensee shall be

7   displayed in all advertising.

8   "(k) The board shall prepare information of consumer

9   interest describing the regulatory functions and describing

10 the procedures of the board by which consumer complaints shall

11 be filed with and resolved by the board. The board shall make

12 the information available to the general public and

13 appropriate state agencies. The board shall provide upon

14 request a listing of all licensees. The board may collect a

15 fee for the cost of duplicating and mailing materials.

16   "(l) Each written contract for services in the state

17 of a licensee shall contain the name, mailing address, and

18 telephone number of the board and a statement informing

19 consumers that complaints against licensees may be directed to

20 the board.

21   "(m) Notice of the issuance, revocation,

22 reinstatement, or expiration of every license issued by the

23 board shall be furnished to the sheriff of the county and the

24 chief of police, as appropriate, and the inspection department

1   of the city where the principal place of business of a

2   licensee is located.

3   "(n) Information contained in alarm system records

4   held by the board concerning the location of an alarm system,

5   the name of the occupant residing at the alarm system

6   location, or the type of alarm system used shall be

7   confidential and disclosed only to the board or as otherwise

8   required by law."

9   Section 4. The Legislature concurs in the

10   recommendations of the Sunset Committee as provided in

11   Sections 1, 2, and 3.

12   Section 5. This act shall become effective

13   immediately upon its passage and approval by the Governor, or

14   its otherwise becoming law.

1

2

3

_____

4   President and Presiding Officer of the Senate

5

_____

6   Speaker of the House of Representatives

7 SB107
8 Senate 14-MAR-12
9 I hereby certify that the within Act originated in and passed
10 the Senate, as amended.
11
12   Patrick Harris
13   Secretary
14

15

_____

16

17 House of Representatives
18 Amended and passed 22-MAR-12

19

_____

20

21 Senate concurred in House amendment 03-APR-12

22

_____

23

24 By: Senator Bussman