

1 SB107
2 135468-1
3 By Senator Bussman
4 RFD: Governmental Affairs
5 First Read: 07-FEB-12
6 PFD: 01/30/2012

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8 SYNOPSIS: Under existing law, termination dates are
9 established for enumerated state agencies. The
10 agencies are periodically reviewed by the Alabama
11 Sunset Committee. After the review process is
12 completed, the committee prepares its
13 recommendations for the agencies to the Legislature
14 in the form of sunset bills which either continue,
15 terminate, or continue with modification each
16 agency reviewed.

17 This bill would provide for the continuance
18 of the Alabama Electronic Security Board of
19 Licensure until October 1, 2016, with the following
20 change: To authorize the board to provide for
21 staggered licensing.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
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1 Relating to the Alabama Sunset Law; to continue the
2 existence and functioning of the Alabama Electronic Security
3 Board of Licensure with certain modifications; to amend
4 Section 34-1A-5, Code of Alabama 1975, so as to authorize the
5 board to provide for the staggering of licenses.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Pursuant to the Alabama Sunset Law, the
8 Sunset Committee recommends the continuance of the Alabama
9 Electronic Security Board of Licensure until October 1, 2016,
10 with the additional recommendation for statutory change as set
11 out in Section 3.

12 Section 2. The existence and functioning of the
13 Alabama Electronic Security Board of Licensure, created and
14 functioning pursuant to Sections 34-1A-1 to 34-1A-11,
15 inclusive, Code of Alabama 1975, is continued until October 1,
16 2016, and those code sections are expressly preserved.

17 Section 3. Section 34-1A-5 of the Code of Alabama
18 1975, is amended to read as follows:

19 "§34-1A-5.

20 "(a) The board shall issue licenses authorized by
21 this chapter to all qualified individuals in accordance with
22 rules or regulations established by the board.

23 "(b) The annual license fee as set by the board
24 shall not exceed one hundred fifty dollars (\$150) for an
25 individual and seven hundred fifty dollars (\$750) for a
26 business entity.

1 "(c) The license shall not be transferred or
2 assigned and is valid only with respect to the person to whom
3 it is issued.

4 "(d) (1) No license shall be granted if the applicant
5 has had any prior business license revoked for fraud,
6 misrepresentation, or any other act that would constitute a
7 violation of this chapter.

8 "(2)a. An applicant shall not be refused a license
9 solely because of a prior criminal conviction, unless the
10 criminal conviction directly relates to the occupation or
11 profession for which the license is sought. The board may
12 refuse a license if, based on all the information available,
13 including the applicant's record of prior convictions, the
14 board finds that the applicant is unfit or unsuited to engage
15 in the business.

16 "b. The board may consult with appropriate state or
17 federal law enforcement authorities to verify whether an
18 applicant has a criminal record prior to granting any license
19 and, as an aid to this duty, each applicant may be required to
20 provide his or her fingerprints and complete an affidavit of
21 his or her criminal record, if any, as a part of the
22 application. The board may periodically consult with state and
23 federal law enforcement officials to determine whether current
24 licensees have new criminal convictions.

25 "(e) Any license granted pursuant to this chapter
26 shall expire ~~December 31 of each year~~ annually, on a schedule

1 established by rule of the board, unless it is renewed
2 pursuant to regulations established by the board or unless it
3 is suspended or revoked.

4 "(f) An affirmative vote of a majority of board
5 members shall be required before any action to suspend or
6 revoke a license, to impose a sanction on a licensee, or to
7 levy a monetary penalty. A board member shall disqualify
8 himself or herself and withdraw from any case in which he or
9 she cannot accord fair and impartial consideration.

10 "(g) A nonresident of this state may be licensed by
11 meeting one of the following requirements:

12 "(1) Conforming to the provisions of this chapter
13 and the regulations of the board.

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

16 "(h) A licensee shall display the license at its
17 normal place of business and in a manner easily readable by
18 the general public.

19 "(i) A notice shall be displayed prominently in the
20 place of business of each licensee regulated pursuant to this
21 chapter containing the name, mailing address, and telephone
22 number of the board, and a statement informing consumers that
23 complaints against licensees may be directed to the board.

24 "(j) The license number of a licensee shall be
25 displayed in all advertising.

1 "(k) The board shall prepare information of consumer
2 interest describing the regulatory functions and describing
3 the procedures of the board by which consumer complaints shall
4 be filed with and resolved by the board. The board shall make
5 the information available to the general public and
6 appropriate state agencies. The board shall provide upon
7 request a listing of all licensees. The board may collect a
8 fee for the cost of duplicating and mailing materials.

9 "(l) Each written contract for services in the state
10 of a licensee shall contain the name, mailing address, and
11 telephone number of the board and a statement informing
12 consumers that complaints against licensees may be directed to
13 the board.

14 "(m) Notice of the issuance, revocation,
15 reinstatement, or expiration of every license issued by the
16 board shall be furnished to the sheriff of the county and the
17 chief of police, as appropriate, and the inspection department
18 of the city where the principal place of business of a
19 licensee is located.

20 "(n) Information contained in alarm system records
21 held by the board concerning the location of an alarm system,
22 the name of the occupant residing at the alarm system
23 location, or the type of alarm system used shall be
24 confidential and disclosed only to the board or as otherwise
25 required by law."

1 Section 4. The Legislature concurs in the
2 recommendations of the Sunset Committee as provided in
3 Sections 1, 2, and 3.

4 Section 5. This act shall become effective
5 immediately upon its passage and approval by the Governor, or
6 its otherwise becoming law.