

1 HB532  
2 149239-2  
3 By Representative Wood (N & P)  
4 RFD: Local Legislation  
5 First Read: 02-APR-13

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Calhoun County; to establish a county  
14 business license for persons engaged in commercial  
15 door-to-door sales promotion of products or services for  
16 profit; to establish requirements for and the process to  
17 obtain a door-to-door sales license and the fees for the  
18 license; to provide penalties for violations; to amend  
19 Sections 45-8-70.01 and 45-8-241, Code of Alabama 1975; to  
20 provide an automobile allowance for the commissioner of  
21 licenses; to provide a citation fee for persons cited for  
22 failure to pay a county business license; and in connection  
23 therewith would have as its purpose or effect the requirement  
24 of a new or increased expenditure of local funds within the  
25 meaning of Amendment 621 of the Constitution of Alabama of  
26 1901, now appearing as Section 111.05 of the Official

1       Recompilation of the Constitution of Alabama of 1901, as  
2       amended.

3       BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4               Section 1. (a) All persons engaged in the business  
5       of selling products door-to-door for profit shall have a state  
6       transient business license and a county business license  
7       issued by the commissioner of licenses as provided in Section  
8       45-8-241, Code of Alabama 1975, and shall pay any license or  
9       privilege fee and any issuance fee required therein.

10              (b) The person or business shall apply for  
11       application to the commissioner of licenses on forms provided  
12       by the commissioner. The application form shall require the  
13       applicant to fully describe the nature of the business and  
14       type of products or services to be sold.

15              (c) Any person who is to be engaged in door-to-door  
16       sales shall provide to the commissioner his or her full name,  
17       date of birth, driver's license, or other government issued  
18       identification number, address, and the name and address of  
19       the business with which he or she is employed as a  
20       door-to-door salesperson. The information collected shall be  
21       submitted to the Calhoun County Sheriff for a criminal  
22       background check and a check as to whether the person is  
23       required to register as a sex offender. The sheriff shall  
24       report to the commissioner of licenses his or her findings. No  
25       person convicted of a felony or required to register as a sex  
26       offender shall be eligible to be licensed. Any person denied a

1 license to conduct door-to-door sales shall be entitled to a  
2 hearing before the commissioner of licenses.

3 (d) Those persons who become licensed to conduct  
4 door-to-door sales in Calhoun County shall be required to wear  
5 an identification badge clearly visible to others while  
6 conducting business or visiting homes in the course of their  
7 business. The badge shall, at a minimum, display all of the  
8 following: The name of the person, the name of the business, a  
9 valid telephone number, and a color photograph of the person.  
10 The identification badge shall be approved by the commissioner  
11 of licenses. The commissioner may adjust the requirements of  
12 the badge at his or her discretion.

13 (e) The salesperson shall keep a copy of both  
14 licenses for each person in his or her vehicle during hours of  
15 operation.

16 (f) Any vehicle used by a door-to-door salesperson  
17 shall display a sign on each side of the vehicle, that is at  
18 least 24 inches by 30 inches, and that is clearly visible and  
19 clean. The commissioner of licenses shall approve all vehicle  
20 signs.

21 (g) The salesperson may engage in door-to-door sales  
22 only between sunrise and sunset.

23 (h) The commissioner of licenses shall make a  
24 recommendation to the Calhoun County Commission as to the  
25 amount of the fee, and the county commission, by resolution,  
26 shall set the fee for the license.

1 (i) Nothing in this act shall limit or prevent the  
2 sale of charitable items by students to benefit their school,  
3 Girl Scouts, Boy Scouts, or similar organizations, including  
4 volunteer organizations such as volunteer fire departments.

5 (j) A person who engages in the door-to-door sales  
6 or promotions of products or services in violation of this act  
7 shall be guilty of a Class C misdemeanor and may be punished  
8 as provided by law.

9 Section 2. Sections 45-8-70.01 and 45-8-241, Code of  
10 Alabama 1975, are amended to read as follows:

11 "§45-8-70.01.

12 "(a) This section shall apply only to Calhoun  
13 County.

14 "(b) Each Commissioner of the Calhoun County  
15 Commission and the county commissioner of licenses shall have  
16 the option of electing, as hereinafter provided in subsection  
17 (c), to have an automobile furnished by Calhoun County, for  
18 use in carrying out his or her official duties as a  
19 commissioner, and payment for or reimbursement for fuel and  
20 oil for and repairs of the automobile, or in lieu of the  
21 automobile and expenses therefor, to have a travel expense  
22 allowance of four hundred dollars (\$400) per month.

23 "(c) (1) Each incumbent Calhoun County Commissioner  
24 shall inform the Administrator/Treasurer of the Calhoun County  
25 Commission in writing within 30 days of this section becoming  
26 effective, and the incumbent county commissioner of licenses  
27 within 30 days of the effective date of the amendatory act

1 adding this language, whether he or she elects to be furnished  
2 an automobile and expenses therefor, or a travel expense  
3 allowance as provided in subsection (b), during his or her  
4 remaining term in office as a commissioner.

5 "(2) Each incumbent Calhoun County Commissioner, and  
6 each newly elected Calhoun County Commissioner, and the county  
7 commissioner of licenses shall, within 60 days after his or  
8 her election to a new term in office or a term in office,  
9 inform the Administrator/Treasurer of the Calhoun County  
10 Commission in writing whether he or she elects to be furnished  
11 an automobile and expenses therefor, or a travel expense  
12 allowance as provided in subsection (b), during his or her  
13 next or upcoming term in office as a commissioner.

14 "§45-8-241.

15 "(a) This section shall apply only to Calhoun  
16 County, Alabama, and to no other county.

17 "(b) (1) As used in this section, the following words  
18 and terms shall, except as otherwise provided in this section,  
19 have the following meanings hereby ascribed to them: "the  
20 county" means Calhoun County, Alabama; "the governing body"  
21 means the governing body of Calhoun County, Alabama, whether  
22 it be a county commission, board of revenue, or other  
23 governing body; "person" includes any natural person,  
24 partnership, corporation, firm, association, trust, estate or  
25 other entity; and "business" includes all activities engaged  
26 in, or caused to be engaged in, by any person with the object  
27 of gain, profit, benefit, or advantage, either direct or

1 indirect to such person; "license or privilege fee" shall not  
2 include any sales or use tax.

3 "(2) If a business is conducted as a firm,  
4 corporation, professional corporation, association,  
5 partnership, or any other entity in which more than one  
6 natural person is engaged, works, or practices as a lawyer,  
7 actuary, accountant, architect, doctor, dentist, osteopath,  
8 chiropractor, optometrist, oculist, or optician, each natural  
9 person so engaged shall be treated as if such natural person  
10 was conducting a separate business which is subject to paying  
11 a license or privilege fee pursuant to this section and each  
12 such natural person shall pay a license or privilege fee  
13 pursuant to the provisions of this section.

14 "(c) The purposes of this section are to equalize  
15 the burden of taxation by authorizing the county to impose a  
16 license or privilege fee upon persons now engaging in certain  
17 businesses without paying any license fee or tax thereon to  
18 either the state or county, to generate additional revenue for  
19 the county by imposing an additional license or privilege fee  
20 upon persons now engaging or who may hereafter engage in  
21 certain businesses and pay license or privilege fees to the  
22 state or county, and to generate additional revenue for the  
23 county due to urbanization and population creating greater  
24 needs and demands for services than can be provided for by  
25 revenue generated pursuant to the general laws.

26 "(d) The governing body of the county is hereby  
27 authorized to levy an annual license or privilege fee upon any

1 person for engaging in any business in the county. The license  
2 or privilege fee hereby authorized shall be in addition to any  
3 other license or privilege fee which is currently authorized  
4 or may hereafter be authorized.

5 "(e) The fee hereby levied shall be paid annually on  
6 October 1 for the succeeding year to that officer or employee  
7 of the county chargeable with the duty of collecting license  
8 or privilege fees or taxes payable to the county, and shall be  
9 deposited in the county general fund for the use of the  
10 county.

11 "(f) The license or privilege fee levied by the  
12 governing body of the county on any person for engaging in any  
13 business, including the business of selling products  
14 door-to-door pursuant to Section 1 of the act adding this  
15 amendatory language, shall be at a rate of from ten dollars  
16 (\$10) to one hundred dollars (\$100) for each business  
17 conducted in the county. The governing body of the county is  
18 expressly authorized to set the rate of the license or  
19 privilege fee within the limits herein provided for each type  
20 or category of business in the county. The rates of the  
21 license or privilege fee for each type or category of business  
22 shall be uniform throughout the county and shall be set forth  
23 in a schedule promulgated by the governing body of the county  
24 in which the rate for each type or category of business is  
25 dependent on the type, size, gross receipts, and/or number of  
26 employees of the business, and/or such other reasonable  
27 criteria as the governing body of the county shall determine.



1           "(g) The governing body of the county is hereby  
2 expressly authorized to prescribe all necessary or appropriate  
3 rules and regulations for the implementation and enforcement  
4 of this section, including all rules and regulations as may be  
5 necessary by reason of any alteration of law in relation to  
6 this section.

7           "(h) Nothing in this section shall be construed to  
8 authorize or require a license or privilege fee for practicing  
9 the religious tenets of any church.

10           "(i) Any person found by the commissioner of  
11 licenses to be engaging in business without having paid the  
12 license fee required by this section shall pay a citation fee  
13 of seven dollars (\$7) in addition to the regular license fee.  
14 The citation fee shall be deposited into the county treasury  
15 and two dollars (\$2) of each citation fee shall be disbursed  
16 to the commissioner of licenses for the operation of that  
17 office."

18           Section 3. Although this bill would have as its  
19 purpose or effect the requirement of a new or increased  
20 expenditure of local funds, the bill is excluded from further  
21 requirements and application under Amendment 621, now  
22 appearing as Section 111.05 of the Official Recompilation of  
23 the Constitution of Alabama of 1901, as amended, because the  
24 bill defines a new crime or amends the definition of an  
25 existing crime.

1                   Section 4. This act shall become effective on the  
2           first day of the third month following its passage and  
3           approval by the Governor, or its otherwise becoming law.