

1 HB426  
2 182073-4  
3 By Representative Whorton (I)  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 16-MAR-17

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7  
8 SYNOPSIS: Under existing law, the Electronic Security  
9 Board of Licensure licenses installers of alarm  
10 systems and electronic access control systems and  
11 traditional locksmiths.

12 This bill would further provide for  
13 definitions, including the definition of  
14 locksmiths, and would further provide for the  
15 regulation of electronic security systems and for  
16 the operation of the board.

17 Amendment 621 of the Constitution of Alabama  
18 of 1901, now appearing as Section 111.05 of the  
19 Official Recompilation of the Constitution of  
20 Alabama of 1901, as amended, prohibits a general  
21 law whose purpose or effect would be to require a  
22 new or increased expenditure of local funds from  
23 becoming effective with regard to a local  
24 governmental entity without enactment by a 2/3 vote  
25 unless: it comes within one of a number of  
26 specified exceptions; it is approved by the  
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

3 The purpose or effect of this bill would be  
4 to require a new or increased expenditure of local  
5 funds within the meaning of the amendment. However,  
6 the bill does not require approval of a local  
7 governmental entity or enactment by a 2/3 vote to  
8 become effective because it comes within one of the  
9 specified exceptions contained in the amendment.

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT

14  
15 Relating to the Electronic Security Board of  
16 Licensure; to amend Sections 34-1A-1, 34-1A-2, 34-1A-3,  
17 34-1A-4, 34-1A-5, 34-1A-6, 34-1A-7 of the Code of Alabama  
18 1975, to provide for definitions, including the definition of  
19 locksmiths, and to further provide for the regulation of  
20 electronic security systems and for the operation of the  
21 board; and in connection therewith would have as its purpose  
22 or effect the requirement of a new or increased expenditure of  
23 local funds within the meaning of Amendment 621 of the  
24 Constitution of Alabama of 1901, now appearing as Section  
25 111.05 of the Official Recompilation of the Constitution of  
26 Alabama of 1901, as amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Sections 34-1A-1, 34-1A-2, 34-1A-3,  
2           34-1A-4, 34-1A-5, 34-1A-6, 34-1A-7 of the Code of Alabama  
3           1975, are amended to read as follows:

4           "§34-1A-1.

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

8           "(1) ADMINISTRATIVE EMPLOYEE. A person in this state  
9           who engages in clerical duties for a licensee who has access  
10           to sensitive client information and whose work is restricted  
11           to office duties. Sensitive client information includes, but  
12           is not limited to, Social Security numbers, customer  
13           passcodes, customer passwords, and similar information.

14           "~~(1)~~(2) ALARM MONITORING COMPANY. Any person,  
15           company, corporation, partnership, or business, or a  
16           representative or agency thereof, authorized to provide alarm  
17           monitoring services for alarm systems or other similar  
18           electronic security systems whether the systems are maintained  
19           on commercial business property, public property, or  
20           individual residential property.

21           "~~(2)~~(3) ALARM SYSTEM. Burglar alarms, security  
22           cameras, or other electrical or electronic device used to  
23           prevent or detect burglary, theft, shoplifting, pilferage, and  
24           other similar losses. The term does not include any fire  
25           detection, fire alarm, or fire communication system.

26           "(4) ALARM VERIFICATION. A reasonable attempt by an  
27           alarm monitoring company to contact the alarm site or alarm

1 user by telephone or other electronic means to determine  
2 whether an alarm signal is valid prior to requesting law  
3 enforcement to be dispatched to the location and, if the  
4 initial attempted contact is not made, a second reasonable  
5 attempt to make a contact utilizing a different telephone  
6 number or electronic address or number.

7 "(5) BURGLAR ALARM. An assembly of equipment and  
8 devices, or a single device such as a solid-state unit which  
9 plugs directly into an AC line, designed to detect an  
10 unauthorized intrusion or an attempted robbery at a protected  
11 premises or signal public police or private guards to respond,  
12 or both.

13 "(6) CLOSED CIRCUIT TELEVISION SYSTEM (CCTV). A  
14 combination of electronic equipment and devices designed and  
15 arranged for the viewing, monitoring, or recording of video  
16 signals transmitted from transmitters, such as cameras, to  
17 receivers, such as monitors, digital video recorders, and  
18 network video recorders (NVR) through a closed cable or other  
19 video signal transmission method.

20 "(7) ELECTRONIC ACCESS CONTROL SYSTEM. A system that  
21 is ~~powered by the building's primary power source and is used~~  
22 as a process to grant or deny an individual access to a  
23 specific area or object based upon his or her possession of an  
24 item, a code, or physical characteristic.

25 (8) HOME CONTROL. The use of one or more devices to  
26 control basic functions and features automatically or remotely

1 and in conjunction with an alarm system, CCTV, or access  
2 control system.

3 "(9) HVAC SYSTEM. Heating, ventilation, or air  
4 conditioning devices or mechanisms to provide heating or  
5 cooling to a building or other structure or the devices used  
6 to control the temperature of heating or cooling devices in a  
7 building or other structure.

8 "(8)(10) INSTALLATION. The initial placement of  
9 equipment or the extension, modification, or alteration of  
10 equipment after initial placement.

11 "(9)(11) a. LOCKSMITH. A person or business entity  
12 that offers to undertake, represents itself as being able to  
13 undertake, or does undertake the installation or service of  
14 locks for motor vehicles or for residential or commercial use.  
15 The term does not include a person whose financial  
16 compensation from services as a locksmith for the installation  
17 or service of locks for residential use does not exceed five  
18 hundred dollars (\$500) annually and who does not advertise for  
19 his or her services as a locksmith. A person or business  
20 entity in a commercial, residential, or automotive setting  
21 that does any of the following for compensation or other  
22 consideration:

23 "1. Repairs locks.

24 "2. Rebuilds locks.

25 "3. Rekeys locks.

26 "4. Services locks.

27 "5. Adjusts locks.

1                   "6. Installs locks or mechanical locking devices.

2                   "7. Installs or services egress controls devices.

3                   "8. Services or installs vaults and safety deposit  
4 boxes, including those services performed by safe technicians.

5                   "9. Creates or copies transponder keys and any other  
6 automotive keys and electronic operating devices connected to  
7 motor vehicles.

8                   "10. Creates or copies key fobs, proximity keys,  
9 smart keys, door and ignition key devices, or successive  
10 electronic and other high security key technology.

11                   "11. Uses any method to bypass a locking mechanism  
12 of any kind in the commercial or residential or automotive  
13 setting, including, but not limited to, shimming a lock,  
14 picking and popping a lock, or any other method to bypass a  
15 locking mechanism.

16                   "b. The term locksmith does not include any of the  
17 following:

18                   "1. A person whose activities are limited to making  
19 a duplicate key of an existing key.

20                   "2. An individual or business entity that does not  
21 advertise services to the public as providing locksmith  
22 services.

23                   "3. Individuals or business entities that are  
24 currently licensed by the board to install or service  
25 electronic access control systems provided any lock being  
26 serviced or installed has electronic access control  
27 capabilities.

1           "4. Police, fire, medical or other government or  
2 emergency personnel performing activities within the scope of  
3 their official duties.

4           "5. A person operating a licensed towing and  
5 recovery service.

6           "~~(10)~~ (12) MONITORING STATION. A location where alarm  
7 signals are received as a part of an alarm system and then  
8 relayed via operator to law enforcement officials.

9           "(13) SALESPERSON. A person in this state who sells  
10 goods or services on behalf of any company, business, or any  
11 type of entity that sells, services, or installs alarm  
12 systems, CCTV systems, electronic access control systems, or  
13 mechanical locks to the public for financial compensation or  
14 in exchange for a thing of value.

15           "~~(11)~~ (14) SERVICE. Necessary repair in order to  
16 return the system to operational condition.

17           "~~(3)~~ (15) ALARM SYSTEM INSTALLER. A person or  
18 business entity that offers to undertake, represents itself as  
19 being able to undertake, or does undertake the installation,  
20 service, or monitoring, of alarm systems, CCTV systems,  
21 electronic access control systems, and mechanical locking  
22 systems for the public for any type of compensation or in  
23 exchange for a thing of value.

24           "§34-1A-2.

25           "(a) The Alabama Electronic Security Board of  
26 Licensure is created.



1           "(b) The board, which shall reflect the racial,  
2 gender, geographic, urban and rural, and economic diversity of  
3 the state, shall consist of the following members, who are  
4 citizens of this state, appointed by the Governor, and subject  
5 to confirmation by the Alabama Senate:

6           "(1) Two members representing the alarm system  
7 industry selected from five nominees submitted by the Alabama  
8 Alarm Association.

9           "(2) One member of the Alabama Consulting Engineers  
10 Association selected from three nominees submitted by that  
11 association.

12           "(3) One member of the Alabama Sheriff's Association  
13 selected from three nominees submitted by that association.

14           "(4) One member who is a locksmith selected from  
15 three nominees submitted by the Alabama Locksmith Association.

16           "(5) A person who is a representative of the  
17 consumers of the state.

18           "(c) (1) The terms of the board members shall be four  
19 years.

20           "(2) Of these members first appointed, two shall be  
21 appointed to four-year terms, two for three-year terms, and  
22 one for a two-year term.

23           "(3) Any vacancy occurring other than by expiration  
24 of terms shall be filled for the remainder of the unexpired  
25 term by appointment by the Governor, subject to the nominating  
26 process specified in subsection (b).

1           "(4) No member shall serve more than two successive  
2 four-year terms.

3           "(5) A member shall serve until a successor is  
4 appointed and assumes office.

5           "(d) Members shall be paid out of the funds of the  
6 board the same per diem as prescribed by law for state  
7 employees for each day of attendance ~~of board business~~ at a  
8 board meeting or a committee meeting of the board.

9           "(e) Meetings shall be held at least four times per  
10 year. Special meetings shall be held at the call of the chair  
11 or by a majority of the members.

12           "(f) (1) The board may adopt rules of proceedings.

13           "(2) Three members of the board who are physically  
14 present constitute a quorum.

15           "(3) The board shall elect a chair and a vice chair  
16 on an annual basis. The chair or vice chair may call a meeting  
17 to order.

18           "(4) Members of the board may participate in a board  
19 meeting by means of video conferencing methods. Participation  
20 by that means shall qualify as attendance at a meeting in  
21 person. Notwithstanding the foregoing, at least three members  
22 shall be physically present at the board meeting in order for  
23 the board to conduct any official business. Attendance by  
24 phone without video conferencing shall not constitute  
25 attendance at a board meeting or committee meeting.

26           "(5) Members of a committee of the board may attend  
27 a committee meeting by means of video conferencing methods.

1 Participation by that means shall qualify as attending the  
2 meeting in person. In order for the committee to issue an  
3 order or render a decision, board legal counsel and a member  
4 of the board's administrative or management staff shall be  
5 physically present. A majority of the committee members  
6 physically present shall constitute a quorum to conduct  
7 committee business and render a decision. If board counsel is  
8 not a member of the committee, only the physical presence of a  
9 member of the administrative staff and one committee member is  
10 required to conduct business, if the rest of the quorum of the  
11 committee can be met by the presence of other committee  
12 members using a video conferencing method.

13 "§34-1A-3.

14 "The board shall have all of the following powers:

15 "(1) License and regulate persons and business  
16 entities engaged in business as an ~~alarm~~ system installer or  
17 as a locksmith.

18 "(2) Establish the qualifications for licensure to  
19 ensure competency and integrity to engage in these businesses  
20 and allow graduates of technical school or community college  
21 programs in related fields to qualify. Qualifications for  
22 licensure shall include the requirement that the applicant is  
23 a United States citizen or legally present in this state.

24 "(3) Examine, or cause to be examined, the  
25 qualifications of each applicant for licensure including the  
26 preparation, administration, and grading of examinations, and

1 when necessary, requiring the applicant to supply a board  
2 approved background investigation.

3 "(4) License qualified applicants regulated by the  
4 board.

5 "(5) Revoke, suspend, or fail to renew a license for  
6 just cause as enumerated in the regulations of the board.

7 "(6) Levy and collect reasonable fees for licensure,  
8 including, but not limited to, the application process and  
9 testing of applicants, and renewal, suspension, and reissuance  
10 of licenses, and costs of necessary hearings, that are  
11 sufficient to cover all expenses for the administration and  
12 operation of the board.

13 "(7) Promulgate rules and regulations in accordance  
14 with the Administrative Procedure Act necessary to perform its  
15 duties, to ensure continued competency, to prevent deceptive,  
16 misleading, or criminal practices by its licensees, and to  
17 effectively administer the regulatory system administered by  
18 the board.

19 "(8) Register or by other means monitor employees of  
20 a licensee to ensure such employees do not impair the ability  
21 of the licensee to satisfy the requirements of this chapter.

22 "(9) Receive and investigate complaints concerning  
23 the conduct of any person or business entity whose activities  
24 are regulated by the board, conduct hearings in accordance  
25 with procedures established by the board pursuant to the  
26 Alabama Administrative Procedure Act, and take appropriate  
27 disciplinary action if warranted.

1           "(10) Ensure that periodic inspections are conducted  
2 relating to the operations of licensees to ensure competency  
3 and lawful compliance.

4           "(11) Require the purchase of comprehensive  
5 liability insurance related to business activities in a  
6 minimum specified amount.

7           "(12) Require licensees and employees of licensees  
8 ~~have available~~ to have on their person a photo identification  
9 card issued by the board at all times when providing licensed  
10 services.

11           "(13) Promulgate canons of ethics under which the  
12 regulated professional activities of persons and business  
13 entities shall be conducted.

14           "(14) Employ or contract for necessary personnel,  
15 including ~~a~~ an executive director or an executive secretary,  
16 and provide necessary offices, supplies, and equipment to  
17 fulfill the requirements of this chapter.

18           "(15) Delegate its powers and duties by resolution  
19 to a named designee.

20           "(16) Enter into contracts and expend funds of the  
21 board to fulfill the requirements of this chapter.

22           "(17) Borrow money for the initial start-up  
23 operation of the board until sufficient receipts are paid into  
24 the special revenue trust fund specified in Section 34-1A-9.

25           "(18) Work with the office of the Attorney General  
26 and other law enforcement agencies to prohibit any violation  
27 of this chapter.

1           "(19) Establish volunteer procedures for those  
2 persons or businesses that are exempt from this chapter.

3           "(20) Conduct inspections relating to the operations  
4 of unlicensed persons, firms, or corporations to include the  
5 solicitation, installation, servicing, monitoring of burglar  
6 alarm systems of a customer, or the holding of privacy codes  
7 for burglar alarm systems of a customer, or the selling,  
8 installation, or servicing of access control systems or CCTV  
9 to or for a customer to ensure lawful compliance with this  
10 chapter.

11           "§34-1A-4.

12           "(a) The board shall promulgate ~~regulations~~ rules  
13 and standards for the training and licensing of locksmiths and  
14 ~~alarm~~ system installers. The board shall examine and license  
15 and shall establish classifications for the purpose of  
16 training and licensing for licensees under this chapter based  
17 on the work performed. Licensees shall be classified as  
18 administrative employee, salesperson, locksmith, burglar  
19 alarm, electronic access control system, closed circuit  
20 television system, or ~~central~~ monitoring station. Licensees  
21 shall be licensed in an appropriate classification in order to  
22 perform work in each respective classification.

23           "(b) The board shall, after a public hearing and  
24 consultation with persons who are knowledgeable regarding the  
25 business and pursuant to the Alabama Administrative Procedure  
26 Act, establish by board rules or regulations competency  
27 standards and any changes of the standards.

1           "(c) The board may evaluate the competency of  
2 applicants for licenses. The board may either develop and  
3 administer an examination to evaluate competency, or rely on  
4 an examination developed and administered by a national or  
5 regional professional association.

6           "§34-1A-5.

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

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

15           "(2) Effective for the license year beginning  
16 January 1, 2014, and thereafter, the board may provide for the  
17 licenses to be renewed on a staggered basis as ~~determine~~  
18 determined by rule of the board and, in order to stagger the  
19 license renewals, may issue the license for less than a  
20 two-year period. The amount of the license fees provided in  
21 subdivision (1) shall be prorated by the board on a monthly  
22 basis for the number of months the board issues the licenses  
23 in order to convert to any staggered system of renewals.

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

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

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

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

25           "(e) Any license granted pursuant to this chapter  
26 shall be issued for a two-year period, but may be staggered  
27 for renewal as otherwise provided for. Any license shall



1 expire on a schedule established by rule of the board, unless  
2 it is renewed pursuant to regulations established by the board  
3 or unless it 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.

26 "(k) The board shall prepare information of consumer  
27 interest describing the regulatory functions and describing

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

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

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

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

24 "§34-1A-6.

25 "The licensing and regulatory provision of this  
26 chapter shall not apply to any of the following persons,

1 entities, or activities regulated by this chapter not covered  
2 by a specific exemption:

3 ~~"(1) A person or business entity which only sells~~  
4 ~~alarm systems at the premises of a customer, but does not~~  
5 ~~enter the premises of the customer or install, service,~~  
6 ~~monitor, or respond to the alarm system at the premises of the~~  
7 ~~customer.~~

8 ~~"(2) (1) The installation, servicing, monitoring, or~~  
9 ~~responding to an alarm device which is installed in a motor~~  
10 ~~vehicle, aircraft, or boat.~~

11 ~~"(3) (2) The installation of an alarm system on~~  
12 ~~property owned by or leased to the installer.~~

13 ~~"(4) (3) A person or business entity who owns,~~  
14 ~~installs, or monitors alarm systems, on his or her own~~  
15 ~~property owned by the person or business or, if ~~he or she~~ the~~  
16 ~~person or entity does not charge for the system or its~~  
17 ~~installation, installs it for the protection of his or her~~  
18 ~~personal property located on the property of another, and does~~  
19 ~~not install or monitor the system as a normal business~~  
20 ~~practice on the property of another.~~

21 ~~"(5) (4) A person or business entity whose sale of~~  
22 ~~an alarm system, a CCTV system, an electronic access control~~  
23 ~~system, or a mechanical lock is exclusively over-the-counter,~~  
24 ~~by telephone, by the Internet, or by mail order.~~

25 ~~"(6) (5) A person or business entity in the business~~  
26 ~~of building construction that installs electrical wiring and~~

1 devices that may include in part the installation of an alarm  
2 system if both of the following apply:

3 "a. The person or business entity is a party to a  
4 contract that provides that the installation shall be  
5 performed under the direct supervision of, inspected, and  
6 certified by a person or business entity licensed to install  
7 an alarm system and that the licensee assumes full  
8 responsibility for the installation and service of the alarm  
9 system.

10 "b. The person or business entity does not service,  
11 monitor, or maintain the alarm system.

12 "~~(7)~~ (6) The response to an alarm system or lockout  
13 by a law enforcement agency or by a law enforcement officer or  
14 emergency response officer acting in an official capacity.

15 "~~(8)~~ (7) A business that engages in the installation  
16 or operation of telecommunications facilities or equipment  
17 which are used for the transport of any signal, data, or  
18 information outside the continuous premises on which any alarm  
19 system is installed or maintained.

20 "~~(9)~~ (8) Any business entity, business owner, or  
21 person, or the agent or employee of such business entity,  
22 business owner, or person engaging in the routine visual  
23 inspection or manufacturer's or installer's recommended  
24 testing of an alarm system subject to this chapter owned by  
25 the business entity, business owner, or person and installed  
26 on property under the control of the business entity, business  
27 owner, or person.

1           "~~(10)~~ (9) Any business entity, or person, or those  
2 engaged in property management, or agent or subcontractors or  
3 employees thereof, who, in the normal course of business,  
4 engage in the routine inspection, service, or replacement of  
5 such alarm systems, fire alarm or fire/smoke detection  
6 systems, fire communication systems, or security devices  
7 subject to this chapter, on or in property owned or under the  
8 control of such business entity, or person, or property  
9 manager.

10           "~~(11)~~ (10) Consulting engineers who design, develop,  
11 modify, or offer other services within the scope of their  
12 profession regarding alarm systems.

13           "~~(12)~~ (11) A licensed general contractor and the  
14 employees of the contractor whose activities are limited to  
15 the projects that qualify for a license by the State Licensing  
16 Board for General Contractors.

17           "~~(13)~~ (12) A licensed electrician, master  
18 electrician, and electrical contractor who is licensed by the  
19 city, county, or state and their employees whose activities  
20 are limited to the projects of the licensed electrician,  
21 master electrician, and electrical contractor.

22           "~~(14)~~ (13) A licensed homebuilder and the employees  
23 of the homebuilder whose activities are limited to the  
24 projects of the licensed homebuilder.

25           "~~(15)~~ (14) A new motor vehicle dealer, as defined in  
26 subdivision (9) of Section 40-12-390 and licensed by the  
27 Department of Revenue, and employees of the dealer who are

1 replacing or repairing locks or burglar alarm systems on motor  
2 vehicles in the dealer's inventory or on customer-owned  
3 vehicles delivered to the dealer for repair.

4 "(15) The replacement of a thermostat or controlling  
5 device to an existing HVAC system that utilizes the existing  
6 wiring system without alteration of the circuit and is  
7 connected to an electronic alarm, CCTV, or access control  
8 system.

9 "(16) An automobile club that holds a certificate of  
10 authority as provided for in Section 27-39-6 and its  
11 subcontractors that unlocks a vehicle at the request of the  
12 owner or authorized operator of the vehicle, does not  
13 advertise as a locksmith, and does not otherwise perform a  
14 locksmith service.

15 "§34-1A-7.

16 "(a) Effective January 1, 1998, it shall be unlawful  
17 for any person or business entity to engage in a business  
18 regulated by this chapter in this state without a current  
19 valid license or in violation of this chapter and applicable  
20 rules and regulations of the board.

21 "(b) Effective January 1, 1998, it shall be unlawful  
22 for a person or business entity not licensed under this  
23 chapter to advertise or hold out to the public that he or she  
24 is a licensee of the board.

25 "(c) Any person or business entity who violates this  
26 chapter or any order, rule, or regulation of the board shall  
27 be guilty of a Class A misdemeanor, and for each offense for

1 which he or she is convicted shall be punished as provided by  
2 law.

3 "(d) Effective January 1, 1998, it shall also  
4 constitute a Class A misdemeanor to willfully or intentionally  
5 do any of the following:

6 "(1) Obliterate the serial number on an alarm system  
7 for the purpose of falsifying service reports.

8 "(2) Knowingly and deliberately improperly install  
9 an alarm system, or knowingly and deliberately improperly  
10 service such a system.

11 "(3) Advertise alarm system services or locksmith  
12 services to the public by means of yellow pages, online, on  
13 billboards, in a newspaper, or any other medium without  
14 possessing an active license issued by the board during the  
15 licensing year the advertisement appears in the phone book,  
16 online, on a billboard, or newspaper or any other medium.

17 "~~(3)~~ (4) While holding a license, allow another  
18 person or business entity to use the license or license  
19 number.

20 "~~(4)~~ (5) Use, or permit the use of, any license by a  
21 person or business entity other than the one to whom the  
22 license is issued.

23 "~~(5)~~ (6) Use any credential, method, means, or  
24 practice to impersonate a representative of the board.

25 "~~(6)~~ (7) Make use of any designation provided by  
26 statute or regulation to denote a standard of professional or  
27 occupational competence without being duly licensed.

1           "~~(7)~~ (8) Make use of any title, words, letters, or  
2 abbreviations which may reasonably be confused with a  
3 designation provided by statute or regulation to denote a  
4 standard of professional or occupational competence without  
5 being duly licensed.

6           "~~(8)~~ (9) Provide material misrepresenting facts in  
7 an application for licensure or in other communications with  
8 the board.

9           "(10) Installing, servicing, or selling an alarm  
10 system or providing locksmith services while on state or  
11 federal probation or parole and without being licensed or,  
12 while licensed, having failed to inform the board of the state  
13 or federal probation or parole status as evidenced by  
14 documentation received by the board.

15           "~~(9)~~ (11) Refuse to furnish the board information or  
16 records required or requested pursuant to statute or  
17 regulation.

18           "(e) Any person or business entity having never been  
19 licensed by the board, or whose license has not been renewed  
20 within the immediately preceding 24 months, may be subject to  
21 injunctive action in a court of competent jurisdiction. The  
22 board may institute proceedings in equity to enjoin any person  
23 or business entity from engaging in any unlawful act  
24 enumerated in this chapter. Such proceedings shall be brought  
25 in the name of this state by the board in the circuit court of  
26 the city or county in which the unlawful act occurred or in  
27 which the defendant resides. If the board prevails in its suit



1 seeking injunctive relief, the individual or business entity  
2 shall be responsible for all court costs, investigatory fees,  
3 and attorney's fees. The individual or company shall also be  
4 subject to a one thousand dollar (\$1,000) fine per instance of  
5 performing locksmith or alarm work while unlicensed.

6 "(f) In addition to any other disciplinary action  
7 taken by the board, any person or business entity licensed by  
8 the board who violates this chapter or rule or regulation  
9 promulgated pursuant to this chapter shall be subject to a  
10 monetary penalty. If the board determines that the person is  
11 in fact guilty of the violation, the board shall determine the  
12 amount of the monetary penalty for the violation, which shall  
13 not exceed one thousand dollars (\$1,000) for each violation.  
14 Each rule or statutory provision violated is defined as a  
15 violation of this chapter. The board may file a civil action  
16 to collect the penalty.

17 "(g) The board is entitled to court costs,  
18 investigatory fees, and reasonable attorney fees in any civil  
19 action or administrative proceeding in which the board obtains  
20 relief.

21 "(h) In addition to or in lieu of the criminal  
22 penalties and administrative sanctions provided in this  
23 chapter, the board may issue an order to any person, firm, or  
24 corporation engaged in any activity, conduct, or practice  
25 constituting a violation of this chapter to show cause why an  
26 order should not be issued directing the person, firm, or  
27 corporation to cease and desist from the activity, conduct,

1 practice, or the performance of any work being done then or  
2 about to be commenced. If the person, firm, or corporation  
3 files a written request for a hearing before the board within  
4 14 days after receipt of the order, the board, not less than  
5 30 days thereafter, shall hold a hearing on the matter. After  
6 a hearing, or if no hearing is requested, the board may issue  
7 a cease and desist order to the person, firm, or corporation.  
8 If an order is issued, the order shall be issued in the name  
9 of the State of Alabama under the official seal of the board.  
10 If the person, firm, or corporation to whom the board directs  
11 a cease and desist order does not cease or desist the  
12 proscribed activity, conduct, practice, or performance of the  
13 work immediately, the board may petition any court of  
14 competent jurisdiction to issue a writ of injunction enjoining  
15 the person, firm, or corporation from engaging in any  
16 activity, conduct, practice, or performance of work as  
17 prohibited by this chapter. Upon a showing by the board that  
18 the person, firm, or corporation has engaged or is engaged in  
19 any activity, conduct, practice, or performance of any work  
20 prohibited by this chapter, the court shall grant injunctive  
21 relief enjoining the person, firm, or corporation from  
22 engaging in such unlawful activity, conduct, practice, or  
23 performance of work. Upon the issuance of a permanent  
24 injunction, the court may fine the offending party up to five  
25 thousand dollars (\$5,000), plus costs and attorney fees, for  
26 each offense. A judgment for a civil fine, attorney fees, and

1 costs may be rendered in the same judgment in which the  
2 injunction is made absolute.

3 "(i) Any person violating this chapter who fails to  
4 cease work after a hearing and notification from the board or  
5 an injunction issued by a court of competent jurisdiction  
6 shall not be eligible to apply for a license from the board  
7 for a period not to exceed one year from the date of official  
8 notification to cease work. In addition, the board may  
9 withhold approval for up to six months of any application from  
10 any person who prior to the application has been found in  
11 violation of this chapter."

12 Section 2. Although this bill would have as its  
13 purpose or effect the requirement of a new or increased  
14 expenditure of local funds, the bill is excluded from further  
15 requirements and application under Amendment 621, now  
16 appearing as Section 111.05 of the Official Recompilation of  
17 the Constitution of Alabama of 1901, as amended, because the  
18 bill defines a new crime or amends the definition of an  
19 existing crime.

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