

1 HB87
2 196379-1
3 By Representative Shedd
4 RFD: Boards, Agencies and Commissions
5 First Read: 05-MAR-19

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8 SYNOPSIS: This bill would prohibit any state
9 occupational licensing board, agency, or commission
10 from assessing a monetary fine or penalty against a
11 business entity consumer or individual consumer.

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13 A BILL
14 TO BE ENTITLED
15 AN ACT

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17 To add Chapter 9A, commencing with Section 41-9A-1,
18 to Title 41, Code of Alabama 1975, relating to general
19 provisions relating to state occupational licensing boards,
20 agencies, and commissions; to prohibit any state occupational
21 licensing board, agency, or commission from assessing a
22 monetary fine or penalty against a business entity consumer or
23 individual consumer.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Chapter 9A, commencing with Section
26 41-9A-1, is added to Title 41 of the Code of Alabama 1975, to
27 read as follows:

1 §41-9A-1.

2 For the purposes of this chapter, the following
3 terms shall have the following meanings:

4 (1) CONSUMER. A business entity or individual who
5 obtains information, advice, or services from an individual
6 believed by the business entity or individual to be
7 appropriately licensed by the occupational licensing board
8 that regulates the profession providing the information,
9 advice, or services provided.

10 (2) LICENSE. Any license, certificate, or other
11 evidence of qualification that an individual is required to
12 obtain before engaging in or representing himself or herself
13 to be a member of a particular profession or occupation, or a
14 business entity is required to obtain before operating a
15 business where individuals engage in a particular profession
16 or occupation.

17 (3) OCCUPATIONAL LICENSING BOARD. Any state board,
18 agency, commission, or other entity in Alabama that is
19 established for the primary purpose of regulating the entry of
20 individuals into, or the conduct of individuals within, or
21 both, a particular profession or occupation, and that is
22 authorized to issue licenses. The term does not include state
23 agencies, staffed by full-time state employees, which as a
24 part of their regular functions, may issue licenses.

25 §41-9A-2.

1 (a) Commencing on January 1, 2020, no occupational
2 licensing board may assesses a monetary fine or penalty
3 against a consumer.

4 (b) Nothing in this section shall be interpreted as
5 affecting the authority of an occupational licensing board to
6 assess a monetary fine or penalty against any person who
7 undertakes or attempts to undertake the practice of an
8 occupation for remuneration among consumers without first
9 having procured a valid license or permit, or who knowingly
10 presents or files false information with the occupational
11 licensing board for the purpose of obtaining a license.

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