

HB11 INTRODUCED



1 SL9087-1
2 By Representative Sells
3 RFD: Boards, Agencies and Commissions
4 First Read: 07-Mar-23
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SYNOPSIS:

Under existing law, the Alabama Electronic Security Board of Licensure licenses and regulates locksmiths and electronic security alarm system installers. Existing law, requires the license number of a licensee of the board to be displayed in all advertising of a licensee. The board has adopted a rule that would allow a licensee of the board to display in advertising the Internet address where licensing information can be found in lieu of the license number of the licensee.

This bill would amend the licensing law to authorize the Internet address where licensing information can be found to be displayed in advertising by a licensee.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Electronic Security Board of Licensure; to amend Section 34-1A-5 of the Code of Alabama 1975, to further provide for the display of licensing information in advertising by licensees of the board.



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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

32 "§34-1A-5

33 (a) The board shall issue licenses authorized by this
34 chapter to all qualified individuals in accordance with rules
35 or regulations established by the board.

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

40 (2) Effective for the license year beginning January 1,
41 2014, and thereafter, the board may provide for the licenses
42 to be renewed on a staggered basis as determined by rule of
43 the board and, in order to stagger the license renewals, may
44 issue the license for less than a two-year period. The amount
45 of the license fees provided in subdivision (1) shall be
46 prorated by the board on a monthly basis for the number of
47 months the board issues the licenses in order to convert to
48 any staggered system of renewals.

49 (c) The license shall not be transferred or assigned
50 and is valid only with respect to the person to whom it is
51 issued.

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

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



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57 solely because of a prior criminal conviction, unless the
58 criminal conviction directly relates to the occupation or
59 profession for which the license is sought. The board may
60 refuse a license if, based on all the information available,
61 including the applicant's record of prior convictions, the
62 board finds that the applicant is unfit or unsuited to engage
63 in the business.

64 b. The board may consult with appropriate state or
65 federal law enforcement authorities to verify whether an
66 applicant has a criminal record prior to granting any license
67 and, as an aid to this duty, each applicant may be required to
68 provide his or her fingerprints and complete an affidavit of
69 his or her criminal record, if any, as a part of the
70 application. The board may periodically consult with state and
71 federal law enforcement officials to determine whether current
72 licensees have new criminal convictions. The administrative or
73 management staff of the board may also consult with state or
74 federal law enforcement authorities to determine if a current
75 or potential employee has a criminal conviction. Dissemination
76 of criminal history record information shall be handled in
77 accordance with the rules and procedures of the Alabama State
78 Law Enforcement Agency or the Federal Bureau of Investigation,
79 as applicable.

80 (e) Any license granted pursuant to this chapter shall
81 be issued for a two-year period, but may be staggered for
82 renewal as otherwise provided for. Any license shall expire on
83 a schedule established by rule of the board, unless it is
84 renewed pursuant to regulations established by the board or



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85 unless it is suspended or revoked.

86 (f) An affirmative vote of a majority of board members
87 shall be required before any action to suspend or revoke a
88 license, to impose a sanction on a licensee, or to levy a
89 monetary penalty. A board member shall disqualify himself or
90 herself and withdraw from any case in which he or she cannot
91 accord fair and impartial consideration.

92 (g) A nonresident of this state may be licensed by
93 meeting one of the following requirements:

94 (1) Conforming to the provisions of this chapter and
95 the regulations of the board.

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

98 (h) A licensee shall display the license at its normal
99 place of business and in a manner easily readable by the
100 general public.

101 (i) A notice shall be displayed prominently in the
102 place of business of each licensee regulated pursuant to this
103 chapter containing the name, mailing address, and telephone
104 number of the board, and a statement informing consumers that
105 complaints against licensees may be directed to the board.

106 (j) The license number of a licensee or an Internet
107 address where licensing information can be found shall be
108 displayed in all advertising, including in social media or
109 Internet advertising, or on any vehicle displaying advertising
110 information, as provided by rule of the board.

111 (k) The board shall prepare information of consumer
112 interest describing the regulatory functions and describing



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113 the procedures of the board by which consumer complaints shall
114 be filed with and resolved by the board. The board shall make
115 the information available to the general public and
116 appropriate state agencies. The board shall provide upon
117 request a listing of all licensees. The board may collect a
118 fee for the cost of duplicating and mailing materials.

119 (l) Each written contract for services in the state of
120 a licensee shall contain the name, mailing address, and
121 telephone number of the board and a statement informing
122 consumers that complaints against licensees may be directed to
123 the board.

124 (m) Notice of the issuance, revocation, reinstatement,
125 or expiration of every license issued by the board shall be
126 furnished to the sheriff of the county and the chief of
127 police, as appropriate, and the inspection department of the
128 city where the principal place of business of a licensee is
129 located.

130 (n) Information contained in alarm system records held
131 by the board concerning the location of an alarm system, the
132 name of the occupant residing at the alarm system location, or
133 the type of alarm system used shall be confidential and
134 disclosed only to the board or as otherwise required by law.

135 (o) A licensee, upon completing an installation, shall
136 provide a paper copy or electronic copy of all contracts to
137 the consumer, or his or her designee."

138 Section 2. This act shall become effective immediately
139 following its passage and approval by the Governor, or its
140 otherwise becoming law.