

HB260 ENROLLED



1 1V20LZ-3
2 By Representative Sells
3 RFD: Boards, Agencies and Commissions
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5 2023 Regular Session



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1 Enrolled, An Act,

2

3 Relating to the Alabama Electronic Security Board of
4 Licensure; to amend Sections 34-1A-1, 34-1A-3, 34-1A-5, and
5 34-1A-7, Code of Alabama 1975, to create and provide for the
6 qualifications of a qualifying agent license; to authorize the
7 board to levy and collect administrative fines; to revise the
8 process for pursuing disciplinary actions and cease and desist
9 orders; and in connection therewith would have as its purpose
10 or effect the requirement of a new or increased expenditure of
11 local funds within the meaning of Section 111.05 of the
12 Constitution of Alabama of 2022

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 34-1A-1, 34-1A-3, 34-1A-5, and
15 34-1A-7 of the Code of Alabama 1975, are amended to read as
16 follows:

17 "§34-1A-1

18 For the purpose of this chapter, the following terms
19 shall have the following meanings unless the context clearly
20 indicates otherwise:

21 (1) ADMINISTRATIVE EMPLOYEE. ~~A person~~ An individual who
22 engages in clerical duties for a licensed company, whose work
23 is restricted to office duties, and who has access to
24 sensitive client information including, but not limited to,
25 Social Security numbers, customer privacy codes, customer
26 passwords, and similar information.

27 (2) ADMINISTRATIVE FINE. A monetary fine assessed by
28 the board for unlicensed activity or ~~unethical behavior~~ by an



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29 individual, company, corporation, firm, or business entity.

30 ~~(2)~~ (3) ALARM MONITORING COMPANY. Any ~~person~~ individual,
31 company, corporation, partnership, or business, or a
32 representative or agency thereof, authorized to provide alarm
33 monitoring services for alarm systems or other similar
34 electronic security systems whether the systems are maintained
35 on commercial business property, public property, or
36 individual residential property.

37 ~~(3)~~ (4) ALARM SYSTEM. Burglar alarms, security cameras,
38 or other electrical or electronic device used to prevent or
39 detect burglary, theft, shoplifting, pilferage, and other
40 similar losses. The term does not include any fire detection,
41 fire alarm, or fire communication system.

42 ~~(4)~~ (5) ALARM VERIFICATION. A reasonable attempt by an
43 alarm monitoring company to contact the alarm site or alarm
44 user by telephone or other electronic means to determine
45 whether an alarm signal is valid prior to requesting law
46 enforcement to be dispatched to the location and, if the
47 initial attempted contact is not made, a second reasonable
48 attempt to make a contact utilizing a different telephone
49 number or electronic address or number.

50 ~~(5)~~ (6) BURGLAR ALARM. An assembly of equipment and
51 devices, or a single device such as a solid-state unit which
52 plugs directly into an AC line, designed to detect an
53 unauthorized intrusion or an attempted robbery at a protected
54 premises or signal public police or private guards to respond,
55 or both.

56 ~~(6)~~ (7) CLOSED CIRCUIT TELEVISION SYSTEM (CCTV). A



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57 combination of electronic equipment and devices designed and
58 arranged for the viewing, monitoring, or recording of video
59 signals transmitted from transmitters, such as cameras, to
60 receivers, such as monitors, digital video recorders, and
61 network video recorders (NVR) through a closed cable or other
62 video signal transmission method.

63 ~~(7)~~ (8) ELECTRONIC ACCESS CONTROL SYSTEM. A system that
64 is used as a process to grant or deny an individual access to
65 a specific area or object based upon his or her possession of
66 an item, a code, or physical characteristic.

67 ~~(8)~~ (9) HVAC SYSTEM. Heating, ventilation, or air
68 conditioning devices or mechanisms to provide heating or
69 cooling to a building or other structure or the devices used
70 to control the temperature of the heating or cooling devices
71 in a building or other structure.

72 ~~(9)~~ (10) INSTALLATION. The initial placement of
73 equipment or the extension, modification, or alteration of
74 equipment after initial placement.

75 ~~(10)~~ (11) LOCKSMITH.

76 a. ~~A person~~ An individual or business entity in a
77 commercial, residential, or automotive setting that does any
78 of the following for compensation or other consideration:

- 79 1. Repairs locks.
- 80 2. Rebuilds locks.
- 81 3. Rekeys locks.
- 82 4. Services locks.
- 83 5. Adjusts locks.
- 84 6. Installs locks or mechanical locking devices.



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- 85 7. Installs or services egress controls devices.
- 86 8. Installs or services vaults and safety deposit
87 boxes, including those services performed by safe technicians.
- 88 9. Creates or copies transponder keys and any other
89 automotive keys and electronic operating devices connected to
90 motor vehicles.
- 91 10. Creates or copies key fobs, proximity keys, smart
92 keys, door and ignition key devices, or successive electronic
93 or other high security key technology.
- 94 11. Uses any other method of bypassing a locking
95 mechanism of any kind including, but not limited to, shimming
96 a lock or picking and popping a lock.
- 97 b. The term does not include any of the following:
- 98 1. ~~A person~~ An individual whose activities are limited
99 to making a duplicate key of an existing key.
- 100 2. ~~A person~~ An individual or business entity that does
101 not advertise providing locksmith services to the public.
- 102 3. ~~A person~~ An individual or business entity that is
103 licensed by the board on July 1, 2018, to install or service
104 electronic access control systems, provided any lock being
105 serviced or installed has electronic access control
106 capabilities.
- 107 4. Police, fire, medical, or other government or
108 emergency personnel performing activities within the scope of
109 their official duties.
- 110 5. ~~A person~~ An individual operating a licensed towing
111 and recovery service who does not advertise services as a
112 locksmith or otherwise perform locksmith services.



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113 6. An individual or business entity who owns or manages
114 property, or his or her agent, and who does not advertise
115 services as a locksmith to the public.

116 ~~(11)~~ (12) MONITORING STATION. A location where alarm
117 signals are received as a part of an alarm system and then
118 relayed via operator to law enforcement officials.

119 (13) QUALIFYING AGENT. A licensee of the board who
120 serves in a management and supervisory position with a
121 company.

122 ~~(12)~~ (14) SALESPERSON. ~~A person~~ An individual who, for
123 financial compensation or in exchange for a thing of value,
124 sells goods or services to the public on behalf of any
125 company, business, or other entity that sells, services, or
126 installs alarm systems, CCTV systems, electronic access
127 control systems, or mechanical locks.

128 ~~(13)~~ (15) SERVICE. Necessary repair in order to return
129 the system to operational condition.

130 ~~(14)~~ (16) SYSTEM INSTALLER. ~~A person~~ An individual or
131 business entity that offers to undertake, represents itself as
132 being able to undertake, or does undertake the installation,
133 service, or monitoring of alarm systems, CCTV systems,
134 electronic access control systems, or mechanical locking
135 systems for the public for any type of compensation or in
136 exchange for a thing of value."

137 "§34-1A-3

138 The board shall have all of the following powers:

139 (1) License and regulate ~~persons~~ individuals and
140 business entities who hold themselves out as engaging in the



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141 business of alarm system, CCTV, or electronic access control
142 system installation or service, as a locksmith, or as an alarm
143 monitoring company.

144 (2) Establish the qualifications for licensure to
145 ensure competency and integrity to engage in these businesses
146 and allow graduates of technical school or community college
147 programs in related fields to qualify. Qualifications for
148 licensure shall include the requirement that the applicant is
149 a United States citizen or legally present in this state.

150 (3) Examine, or cause to be examined, the
151 qualifications of each applicant for licensure including the
152 preparation, administration, and grading of examinations, and
153 when necessary, requiring the applicant to supply a board
154 approved criminal background check. A nonresident who is not
155 physically working in the state, located more than 100 miles
156 from the nearest state border, and whose duties are limited to
157 administrative employee or monitoring station is exempt from
158 the requirement of a criminal background check.

159 (4) License qualified applicants regulated by the
160 board. Licensing of a qualified applicant should be completed
161 within six calendar weeks after the board receives all
162 required paperwork from the applicant. This time frame may be
163 extended during annual renewal.

164 (5) Revoke, suspend, or fail to renew a license for
165 just cause as ~~enumerated in the regulations~~ provided in the
166 rules of the board.

167 (6) Levy and collect reasonable fees for licensure, ~~r~~
168 including, but not limited to, the application process and



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169 testing of applicants, and renewal, suspension, and reissuance
170 of licenses, and costs of necessary hearings, that are
171 sufficient to cover all expenses for the administration and
172 operation of the board.

173 (7) Levy and collect administrative fines for violation
174 of the board's Code of Ethics, noncompliance with this chapter
175 including, but not limited to, unlicensed activity and
176 ~~unethical or~~ fraudulent behavior, and to collect the costs of
177 necessary hearings pursuant to the Alabama Administrative
178 Procedure Act. The board may collect fines imposed by a court
179 of competent jurisdiction. The board may file a civil action
180 to collect all fines.

181 ~~(7) Promulgate~~ (8) Adopt rules ~~and regulations~~ in
182 accordance with the Alabama Administrative Procedure Act
183 necessary to perform ~~its~~ board duties, to ensure continued
184 competency, to prevent deceptive, misleading, or criminal
185 practices by ~~its~~ board licensees, and to effectively
186 administer the regulatory system administered by the board.

187 ~~(8)~~ (9) Register or by other means monitor employees of
188 a licensee to ensure ~~such~~ the employees do not impair the
189 ability of the licensee to satisfy the requirements of this
190 chapter.

191 ~~(9)~~ (10) Receive and investigate complaints concerning
192 the conduct of any ~~person~~ individual or business entity whose
193 activities are regulated by the board, conduct hearings in
194 accordance with procedures established by the board pursuant
195 to the Alabama Administrative Procedure Act, and take
196 appropriate disciplinary action if warranted.



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197 ~~(10)~~ (11) Ensure that periodic inspections are conducted
198 relating to the operations of licensees to ensure competency
199 and lawful compliance.

200 ~~(11)~~ (12) Require the purchase of comprehensive
201 liability insurance related to business activities in a
202 minimum specified amount.

203 ~~(12)~~ (13) Require licensees and employees of licensees
204 to have visible on their person a photo identification card
205 issued by the board at all times when providing licensed
206 services.

207 ~~(13)~~ ~~Promulgate~~ (14) Adopt canons of ethics under which
208 the regulated professional activities of ~~persons~~ individuals
209 and business entities shall be conducted.

210 ~~(14)~~ (15) Employ or contract for necessary personnel,
211 including an executive director, and provide necessary
212 offices, supplies, and equipment to fulfill the requirements
213 of this chapter.

214 ~~(15)~~ (16) Delegate ~~its~~ board powers and duties by
215 resolution to a named designee.

216 ~~(16)~~ (17) Enter into contracts and expend funds of the
217 board to fulfill the requirements of this chapter.

218 ~~(17)~~ (18) Borrow money for the initial start-up
219 operation of the board until sufficient receipts are paid into
220 the special revenue trust fund specified in Section 34-1A-9.

221 ~~(18)~~ (19) Work with the office of the Attorney General
222 and other law enforcement agencies to prohibit any violation
223 of this chapter.

224 ~~(19)~~ (20) Establish volunteer procedures for those



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225 ~~persons~~ individuals or businesses that are exempt from this
226 chapter.

227 ~~(20)~~ (21) Conduct inspections relating to the operations
228 of unlicensed ~~persons~~ individuals, firms, or corporations to
229 include the solicitation, installation, servicing, monitoring
230 of burglar alarm systems, locking systems, or mechanisms, the
231 holding of privacy codes for burglar alarm systems of a
232 customer, or the selling, installation, or servicing of access
233 control systems or CCTV to or for a customer to ensure lawful
234 compliance with this chapter.

235 (22) Issue a cease and desist order to any unlicensed
236 individual, company, corporation, firm, or business entity
237 engaged in any activity, conduct, or practice constituting a
238 violation of this chapter or rule adopted by the board
239 pursuant to this chapter."

240 "§34-1A-5

241 (a) The board shall issue licenses authorized by this
242 chapter to all qualified individuals in accordance with rules
243 ~~or regulations established~~ adopted by the board.

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

248 (2) Effective for the license year beginning January 1,
249 2014, and thereafter, the board may provide for the licenses
250 to be renewed on a staggered basis as determined by rule of
251 the board and, in order to stagger the license renewals, may
252 issue the license for less than a two-year period. The amount



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253 of the license fees provided in subdivision (1) shall be
254 prorated by the board on a monthly basis for the number of
255 months the board issues the licenses in order to convert to
256 any staggered system of renewals.

257 (c) The license shall not be transferred or assigned
258 and is valid only with respect to the ~~person~~ individual to
259 whom it is issued.

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

264 (2)a. An applicant shall not be refused a license
265 solely because of a prior criminal conviction, unless the
266 criminal conviction directly relates to the occupation or
267 profession for which the license is sought. The board may
268 refuse a license if, based on all the information available,
269 including the applicant's record of prior convictions, the
270 board finds that the applicant is unfit or unsuited to engage
271 in the business.

272 b. The board may consult with appropriate state or
273 federal law enforcement authorities to verify whether an
274 applicant has a criminal record prior to granting any license
275 and, as an aid to this duty, each applicant may be required to
276 provide his or her fingerprints and complete an affidavit of
277 his or her criminal record, if any, as a part of the
278 application. The board may periodically consult with state and
279 federal law enforcement officials to determine whether current
280 licensees have new criminal convictions. The administrative or



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281 management staff of the board may also consult with state or
282 federal law enforcement authorities to determine if a current
283 or potential employee has a criminal conviction. Dissemination
284 of criminal history record information shall be handled in
285 accordance with the rules and procedures of the Alabama State
286 Law Enforcement Agency or the Federal Bureau of Investigation,
287 as applicable.

288 (e) Any license granted pursuant to this chapter shall
289 be issued for a two-year period, but may be staggered for
290 renewal as otherwise provided ~~for~~. Any license shall expire on
291 a schedule established by rule of the board, unless it is
292 renewed pursuant to ~~regulations established~~ rules adopted by
293 the board or unless it is suspended or revoked.

294 (f) An affirmative vote of a majority of board members
295 shall be required before any action to suspend or revoke a
296 license, to impose a sanction on a licensee, or to levy ~~a~~
297 ~~monetary penalty~~ an administrative fine. A board member shall
298 disqualify himself or herself and withdraw from any case in
299 which he or she cannot accord fair and impartial
300 consideration.

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

303 (1) Conforming to ~~the provisions of~~ this chapter and
304 the ~~regulations~~ rules of the board.

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

307 (h) A licensee shall display the license at its normal
308 place of business and in a manner easily readable by the



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309 general public.

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

315 (j) An individual, company, corporation, firm,
316 business, or trademarked entity shall be licensed by the name
317 advertised. The license number of a licensee shall be
318 displayed in all advertising.

319 (k) The board shall prepare information of consumer
320 interest describing the regulatory functions and describing
321 the procedures of the board by which consumer complaints shall
322 be filed with and resolved by the board. The board shall make
323 the information available to the general public and
324 appropriate state agencies. The board shall provide, upon
325 request, a listing of all licensees. The board may collect a
326 fee for the cost of duplicating and mailing materials.

327 (l) Each written contract for services in the state of
328 a licensee shall contain the name, mailing address, and
329 telephone number of the board and a statement informing
330 consumers that complaints against licensees may be directed to
331 the board.

332 (m) Notice of the issuance, revocation, reinstatement,
333 or expiration of every license issued by the board shall be
334 furnished to the sheriff of the county and the chief of
335 police, as appropriate, and the inspection department of the
336 city where the principal place of business of a licensee is



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337 located.

338 (n) Information contained in alarm system records held
339 by the board concerning the location of an alarm system, the
340 name of the occupant residing at the alarm system location, or
341 the type of alarm system used shall be confidential and
342 disclosed only to the board or as otherwise required by law.

343 (o) A licensee, upon completing an installation, shall
344 provide a paper copy or electronic copy of all contracts to
345 the consumer, or his or her designee.

346 (p) To be eligible for a qualifying agent license, an
347 individual applicant shall serve in a management and
348 supervisory position with a company for not less than 33 hours
349 per week. A qualifying agent may be subject to disciplinary
350 action for the actions of individuals employed under his or
351 her supervision. With the exception of a company that only
352 performs monitoring work, each licensed company, corporation,
353 firm, and business entity is required to have at least one
354 licensed employee designated as a qualifying agent."

355 "§34-1A-7

356 (a) Effective January 1, 1998, it shall be unlawful for
357 any ~~person~~ individual or business entity to engage in a
358 business regulated by this chapter in this state without a
359 current valid license or in violation of this chapter and
360 applicable rules ~~and regulations~~ of the board.

361 (b) Effective January 1, 1998, it shall be unlawful for
362 ~~a person~~ an individual or business entity not licensed under
363 this chapter to advertise or hold out to the public that he or
364 she is a licensee of the board.



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365 (c) Any ~~person~~ individual or business entity who
366 violates this chapter or any order, or rule, ~~or regulation~~ of
367 the board shall be guilty of a Class A misdemeanor, and for
368 each offense for which he or she is convicted shall be
369 punished as provided by law.

370 (d) Effective January 1, 1998, it shall constitute a
371 Class A misdemeanor to willfully or intentionally do any of
372 the following:

373 (1) Obliterate the serial number on an alarm system for
374 the purpose of falsifying service reports.

375 (2) Knowingly and deliberately improperly install an
376 alarm system, or knowingly and deliberately improperly service
377 such a system.

378 (3) While holding a license, allow another ~~person~~
379 individual or business entity to use the license or license
380 number.

381 (4) Use, or permit the use of, any license by ~~a person~~
382 an individual or business entity other than the one to whom
383 the license is issued.

384 (5) Use any credential, method, means, or practice to
385 impersonate a representative of the board.

386 (6) Make use of any designation provided by statute or
387 regulation to denote a standard of professional or
388 occupational competence without being duly licensed.

389 (7) Make use of any title, words, letters, or
390 abbreviations which may reasonably be confused with a
391 designation provided by statute or regulation to denote a
392 standard of professional or occupational competence without



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393 being duly licensed.

394 (8) Provide material misrepresenting facts in an
395 application for licensure or in other communications with the
396 board.

397 (9) Refuse to furnish the board information or records
398 required or requested pursuant to statute or regulation.

399 (e) Commencing July 1, 2018, it shall also constitute a
400 Class A misdemeanor to willfully or intentionally do any of
401 the following:

402 (1) Advertise alarm system services or locksmith
403 services to the public by any means without possessing an
404 active license issued by the board during the licensing year
405 in which the advertisement appears.

406 (2) Install, service, or sell an alarm system or
407 provide locksmith services while on state or federal probation
408 or parole without a license or, if licensed, without first
409 providing proper written documentation by certified mail or
410 courier service of the probation or parole status to the
411 board.

412 (3) Perform unsolicited sales or installation, or both,
413 of an alarm system or locking system at the home or property
414 of ~~a person~~ an individual who is age 75 or older, without
415 providing the ~~person~~ individual with a waiting period of at
416 least four business days after the initial contact and at
417 least 30 business days to cancel any executed contract, before
418 performing the installation or service, unless otherwise
419 authorized by this chapter.

420 (4) Deceive or defraud ~~a person~~ an individual who is



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421 age 60 or older in violation of the Protecting Alabama's
422 Elders Act, Chapter 6, commencing with Section 13A-6-190, of
423 Title 13A.

424 ~~(f) Any person or business entity that is not licensed~~
425 ~~by the board, or has not renewed a license within the~~
426 ~~immediately preceding 24 months, may be subject to injunctive~~
427 ~~action in a court of competent jurisdiction. The board may~~
428 ~~institute proceedings in equity to enjoin any person or~~
429 ~~business entity from engaging in any unlawful act enumerated~~
430 ~~in this chapter. Such proceedings shall be brought in the name~~
431 ~~of this state by the board in the circuit court of the city or~~
432 ~~county in which the unlawful act occurred or in which the~~
433 ~~defendant resides. If the board obtains injunctive relief, the~~
434 ~~individual or business entity shall be subject to a one~~
435 ~~thousand dollar (\$1,000) fine for each instance of performing~~
436 ~~locksmith, alarm, CCTV, or other activity regulated by this~~
437 ~~chapter.~~

438 ~~(g) In addition to any other disciplinary action taken~~
439 ~~by the board, any person or business entity licensed by the~~
440 ~~board who violates this chapter or rule or regulation~~
441 ~~promulgated pursuant to this chapter shall be subject to a~~
442 ~~monetary penalty. If the board determines that the person is~~
443 ~~in fact guilty of the violation, the board shall determine the~~
444 ~~amount of the monetary penalty for the violation, which shall~~
445 ~~not exceed one thousand dollars (\$1,000) for each violation.~~
446 ~~The board may file a civil action to collect the penalty.~~

447 (f) (1) Upon notification that an individual, company,
448 corporation, firm, or business entity has engaged in any



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449 activity, conduct, or practice constituting a violation of
450 this chapter or rule adopted by the board pursuant to this
451 chapter, or has not renewed a company license or completed the
452 renewal of a company license immediately upon expiration, the
453 board may issue a letter to show cause why an order should not
454 be issued directing the individual, company, corporation,
455 firm, or business entity to cease and desist from the
456 activity, conduct, practice, or the performance of any work
457 being done then or about to be commenced.

458 (2) If the individual, company, corporation, firm, or
459 business entity files a written request for a hearing before
460 the board within 14 days after receipt of the letter, the
461 board, not less than 30 days thereafter, shall hold a hearing
462 on the matter. After a hearing, or if no hearing is requested,
463 the board may issue a cease and desist order to the
464 individual, company, corporation, firm, or business entity. If
465 an order is issued, the order shall be issued in the name of
466 the State of Alabama under the official seal of the board.

467 (3) If the individual, company, corporation, firm, or
468 business entity to whom the board directs a cease and desist
469 order does not cease or desist the proscribed activity,
470 conduct, practice, or performance of the work immediately, the
471 board may impose an administrative fine of not more than five
472 thousand dollars (\$5,000) per violation.

473 (g) Upon finding an individual, company, corporation,
474 firm, or business entity has engaged in any activity, conduct,
475 or practice constituting a violation of this chapter or rule
476 adopted by the board pursuant to this chapter, or has not



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477 renewed a company license or completed the renewal of a
478 company license immediately upon expiration, the board may
479 investigate the activities of licensed and unlicensed entities
480 and individuals. If the board finds that an individual,
481 corporation, or business entity is engaged in performing any
482 work covered by this chapter without having obtained a proper
483 license, whether by renewal or first-time licensure, the board
484 may do any of the following:

485 (1) Impose an administrative fine of up to, but not
486 more than five thousand dollars (\$5,000) per violation.

487 (2) Deny an application for licensure.

488 (3) Issue a cease and desist order.

489 (4) Petition the circuit court of the county where the
490 act occurred to enforce the cease and desist order or collect
491 the assessed fine, or both.

492 (h) Any individual aggrieved by any adverse action
493 taken by the board may appeal the adverse action in accordance
494 with the Alabama Administrative Procedure Act.

495 (i) If the individual, company, corporation, firm, or
496 business entity to whom the board directs a cease and desist
497 order does not cease or desist the proscribed activity,
498 conduct, practice, or performance of the work immediately, the
499 board may petition any court of competent jurisdiction to
500 issue a writ of injunction enjoining the individual, company,
501 corporation, firm, or business entity from engaging in any
502 activity, conduct, practice, or performance of work as
503 prohibited by this chapter. Upon a showing by the board that
504 the individual, company, corporation, firm, or business entity



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505 has engaged or is engaged in any activity, conduct, practice,
506 or performance of any work prohibited by this chapter, the
507 court shall grant injunctive relief enjoining the individual,
508 company, corporation, firm, or business entity from engaging
509 in the unlawful activity, conduct, practice, or performance of
510 work. Upon the issuance of a permanent injunction, the court
511 may fine the offending party up to five thousand dollars
512 (\$5,000) plus court costs and attorney fees, for each offense.
513 A judgment for a civil fine, attorney fees, and court costs
514 may be rendered in the same judgment in which the injunction
515 is made absolute.

516 ~~(h)~~ (j) The board is entitled to court costs, reasonable
517 investigatory fees, and reasonable attorney fees in any civil
518 action or administrative proceeding in which the board obtains
519 relief.

520 ~~(i) In addition to or in lieu of the criminal penalties~~
521 ~~and administrative sanctions provided in this chapter, the~~
522 ~~board may issue an order to any person, firm, or corporation~~
523 ~~engaged in any activity, conduct, or practice constituting a~~
524 ~~violation of this chapter to show cause why an order should~~
525 ~~not be issued directing the person, firm, or corporation to~~
526 ~~cease and desist from the activity, conduct, practice, or the~~
527 ~~performance of any work being done then or about to be~~
528 ~~commenced. If the person, firm, or corporation files a written~~
529 ~~request for a hearing before the board within 14 days after~~
530 ~~receipt of the order, the board, not less than 30 days~~
531 ~~thereafter, shall hold a hearing on the matter. After a~~
532 ~~hearing, or if no hearing is requested, the board may issue a~~



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533 ~~cease and desist order to the person, firm, or corporation. If~~
534 ~~an order is issued, the order shall be issued in the name of~~
535 ~~the State of Alabama under the official seal of the board. If~~
536 ~~the person, firm, or corporation to whom the board directs a~~
537 ~~cease and desist order does not cease or desist the proscribed~~
538 ~~activity, conduct, practice, or performance of the work~~
539 ~~immediately, the board may petition any court of competent~~
540 ~~jurisdiction to issue a writ of injunction enjoining the~~
541 ~~person, firm, or corporation from engaging in any activity,~~
542 ~~conduct, practice, or performance of work as prohibited by~~
543 ~~this chapter. Upon a showing by the board that the person,~~
544 ~~firm, or corporation has engaged or is engaged in any~~
545 ~~activity, conduct, practice, or performance of any work~~
546 ~~prohibited by this chapter, the court shall grant injunctive~~
547 ~~relief enjoining the person, firm, or corporation from~~
548 ~~engaging in such unlawful activity, conduct, practice, or~~
549 ~~performance of work. Upon the issuance of a permanent~~
550 ~~injunction, the court may fine the offending party up to five~~
551 ~~thousand dollars (\$5,000), plus costs and attorney fees, for~~
552 ~~each offense. A judgment for a civil fine, attorney fees, and~~
553 ~~costs may be rendered in the same judgment in which the~~
554 ~~injunction is made absolute.~~

555 ~~(j)~~ (k) Any person individual, company, corporation,
556 firm, or business entity violating this chapter who fails to
557 cease work after a hearing and notification from the board or
558 having an injunction issued by a court of competent
559 jurisdiction shall not be eligible to apply for a license from
560 the board for a period not to exceed one year from the date of



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561 official notification to cease work. In addition, the board
562 may withhold approval for up to six months of any application
563 from any ~~person who~~ individual, company, corporation, firm, or
564 business entity prior to the application has been found in
565 violation of this chapter."

566 Section 2. Although this bill would have as its purpose
567 or effect the requirement of a new or increased expenditure of
568 local funds, the bill is excluded from further requirements
569 and application under Section 111.05 of the Constitution of
570 Alabama of 2022, because the bill defines a new crime or
571 amends the definition of an existing crime.

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



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 25-Apr-23, as amended.

John Treadwell
Clerk

Senate

18-May-23

Passed