

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Board of Heating, Air Conditioning & Refrigeration Contractors
Rule No. 440-X-3-.15
Rule Title: Background Checks
 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's
Police power and the protection of the public health,
Safety or welfare? Yes

Is there another, less restrictive method of regulation
Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or
Indirectly increasing the costs of any goods or services
Involved and, if so, to what degree? Yes

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule? No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? Yes

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by
a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama,
1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the
Requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all
applicable filing requirements of the Administrative Procedure Division of the Legislative
Reference Service.

Signature of certifying officer Kay S. Cotton

Date: 12/13/12

(DATE FILED)
(STAMP)

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07/04

Alabama State Board of Heating, Air Conditioning & Refrigeration Contractors

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Heating, Air Conditioning & Refrigeration Contractors

RULE NO. & TITLE: 440-X-3-.15 Background Checks

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The Board proposes a rule to require background checks for all new applicants.

TIME, PLACE, MANNER OF PRESENTING VIEW:

Comments may be submitted in writing or orally at a public hearing to be held at 9:00am, February 21, 2013, in the 8 Commerce Street Auditorium located at 8 Commerce Street, Montgomery, Alabama 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

February 21, 2013

CONTACT PERSON AT AGENCY:

Kathy LeCroix

(334) 241-0840


Kathy S. LeCroix, Executive Director

440-X-3-.15 BACKGROUND CHECKS

- 1) The Board may require each applicant to provide a criminal background check prior to submitting an application for examination. Once their background check has been completed and reviewed by the Board, all further documents will be reviewed to determine a candidate's fitness to sit for examination.

Author: Jeffrey Becraft, Kathy S. LeCroix

Statutory Authority: *Code of Alabama 1975*, Section 34-31-21(a); Act No. 2009-486

History: Filed December 13, 2013

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ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23(f))

Control No. _____ Department or Agency: Board of Heating, Air Conditioning & Refrigeration Contractors

Rule No. 440-X-3-.15

Rule Title: Background Checks

New Amend Repeal Adopt by Reference

This rule has no economic impact

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

This rule is to implement a safe environment for homeowners from potentially harmful contractors who may enter their home.

2. COST/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATE PURPOSE:

This requires applicants to provide the Board with a background check in order to adequately protect consumers. Cost varies depending on the service used by applicant. The Board does not collect this fee.

3. EFFECT OF THIS RULE ON COMPETITION:

None

4. EFFECT OF THIS RULE ON COST OF LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO IMPLEMENTED:

There is a slight increase in the costs an applicant must spend in order to apply for examination.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

This rule will protect the consumer by giving the Board the opportunity to determine if any negative background information could prevent an applicant from receiving a license.

6. SOURCE OF REVENUE TO USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

None

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

Cost only applies to applicants and is not oppressive

8. UNCERTANTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

None

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

None

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT EMPLIMENTED:

If this rule is not implemented, consumers will not be protected from potentially violent offenders who have the potential to become a licensed heating and air conditioning or refrigeration contractor.