

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 304 Department or Agency Alabama Electronic Security Board of
Licensure

Rule No. 304-X-1-02

Rule Title: Licensure Procedures

 New X 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? No

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? No

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 412223, 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 *Scame Austin*

Date June 10, 2011

(DATE FILED)
(STAMP)

ALABAMA ELECTRONIC SECURITY BOARD OF LICENSURE

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Electronic Security Board of Licensure

RULE NO. & TITLE: 304-X-1-.02 Licensure Procedures

INTENDED ACTION: To Amend Rule

SUBSTANCE OF PROPOSED ACTION:

To delete (2)(d)10. referring to student helpers. Change authority to Board in (3)(a)2. Change (6)(c) by eliminating six months to get training and change trainee to Helper with on the job supervision by a licensed Qualifying Agent, Installer or Locksmith.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Written comments may be submitted to; Alabama Electronic Security Board of Licensure, 7956 Vaughn Road, PMB 392, Montgomery, AL 36116.

Public Hearing; Tuesday, August 90, 2011, 9:30 a.m., Alabama Industrial Development Training Center, One Technology Court, Montgomery, Alabama.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 9, 2011

CONTACT PERSON AT AGENCY:

Lynne Taunton, Executive Secretary, Alabama Electronic Security Board of Licensure, 7956 Vaughn Road, PMB 392, Montgomery, AL 36116


Lynne Taunton, Executive Secretary

(1) Section 1

(a) No person operating an alarm system company or locksmith company may sell, install, monitor or otherwise operate in the state of Alabama without a license from the Board of Licensure.

(b) The company will complete an application and pay the necessary fees to the Board of Licensure and upon receipt of a license they can operate.

(c) The Board has ninety (90) days to act upon a complete application.

(d) No license can be issued without criminal background information having been received by the Board.

(e) A company must make application if it offers to undertake, represents itself as being able to undertake, or does undertake the installation or service of locks for residential or commercial use, or sells, installs, services, monitors burglar alarm systems or holds privacy codes of customers' burglar alarm systems, or sells, installs or services electronic access control systems or CCTV.

(f) A subcontractor who works exclusively for one company is counted as an employee of that company for the purpose of licensing under this code.

(g) Companies located out of the State of Alabama must obtain a "Certificate of Authority of a Foreign Corporation to Transact Business in Alabama" from the Alabama Secretary of State prior to submitting an application to the Electronic Security Board of Licensure.

(h) A licensed alarm system or locksmith company must have a physical location in the state of Alabama or within 50 miles of the Alabama border.

(2) Section 2

(a) Each written contract for services of a company licensed pursuant to this code shall contain the name, mailing address, and telephone number of the Board of Licensure.

(b) There shall be displayed prominently in the place of business of each licensee regulated by this code, a sign containing the name, mailing address, and telephone number of the Board of Licensure, and a statement informing consumers that complaints against licensees may be directed to the Board of Licensure.

(c) It shall be unlawful and punishable for a person to make application to the Board as Qualifying Agent or to serve as manager of an alarm system company, locksmith or Central Station, unless the person is a full time (in excess of 32 hours per week) employee of the entity for which the person serves as Qualifying Agent, and intends to maintain and maintains that supervisory position on a daily basis for the company.

(d) An application for a license pursuant to this code shall be in the form prescribed by the Board of Licensure. All persons' applications shall include the following:

1. A properly completed application.
2. Supporting documentation of meeting training requirements when necessary.
3. Supporting documentation of meeting insurance requirements.
4. A properly completed Alabama Bureau of Investigation (ABI) Form-46 and required processing fees for a criminal background report.
5. New Applicants must submit a properly completed ABI Form-46 and Federal Bureau of Investigation (FBI) fingerprint cards and required processing fees for an FBI criminal background report.
6. The Board will not deny a license for criminal convictions over seven years old unless the criminal conviction directly relates to the occupation or profession for which the license is sought. However, the Board may, if in its opinion it is warranted, require the applicant to submit a new criminal background check at the expiration of one year of the initial application.
7. A check or money order in the proper amount as prescribed in the application.
8. All applications must contain the physical address of the business.
9. All applications must be signed and notarized or witnessed by two individuals.
- ~~10. All applications for student helpers must include proof of full time registration at a high school or post-secondary institution.~~
10. A copy of the company's most recent business license issued by an Alabama city or county.

(e) A check returned for any reason as unpayable by the issuing bank, following the vote of the Board of Licensure, will result in a fine of the maximum amount as set by state law, as well as denial of issuance of the license. Following a nonpayable fine, only a certified or cashiers check will be acceptable for payment of both the fine and that year's license.

(f) The license shall be issued for a term of one year. Each license shall be renewed by the expiration date of the current year's license. Failure to renew a company license by the expiration date will result in a company having to reapply as a new applicant and paying an administrative fee. Renewal applications must include current proof of insurance and training requirements.

(g) Following issuance, the license shall be posted at all times in a conspicuous place in the place of business of the licensee. A license issued pursuant to this code shall not be assignable.

(h) No licensee shall engage in business or advertise under state license number regulated by this code under a name other than the name of the licensee which appears on the certificate issued by the Board of Licensure or in the name of the business entity which the licensee has registered with the Board of Licensure

(i) A branch office of a locksmith or alarm systems business shall be properly licensed. A separate license, stating the location and licensed qualifying agent, shall be posted at all times in a conspicuous place in each branch office. Every business covered pursuant to this code shall file in writing with the Board of Licensure the address of each of its branch offices, if any, within 10 working days after the establishment, closing, or changing of the location of a branch office. A licensed qualifying agent will be required for daily operations for each alarm system business branch office and be readily available to the registrants in the field.

(j) A Qualifying Agent may register with the Board of Licensure for only one business entity at any given time unless the Qualifying Agent owns 25% or more of each burglar alarm business being registered.

(k) In the case of a stand alone Central Station company, the residency requirements of the Qualifying Agent are waived, so long as the stand alone Central Station provides no installation services or repair service calls in Alabama.

(l) Central Station personnel in a stand alone facility located in excess of one hundred (100) miles from the nearest Alabama border, whose only duty is Central Station functions, are exempt from a mandatory background check, but the Board may require Social Security numbers and FBI fingerprint cards and may do random background checks.

(3) Section 3

(a) Each physical location of an alarm system installer shall be operated under the direction and control of a Qualifying Agent. No person shall act as a Qualifying Agent of a licensee until he or she has complied with each of the following:

1. Demonstrated his or her qualifications by a written examination as set forth by the Board of Licensure.

2. Made a satisfactory showing to the ~~authority~~ Board that he or she has satisfied the qualifications prescribed in this code, by presenting proof of meeting the educational requirements in 304-X-1-.04.

3. If the Qualifying Agent, who has been qualified as provided in this section, ceases to be Qualifying Agent, the licensee shall notify the Board of Licensure in writing within 10 days from each cessation. If notice is given, the license shall remain in force for up to 120 days. After which time, a new Qualifying Agent must be in place. If the licensee has not found a replacement, the licensee must submit a request to the Board in writing petitioning an extension. An extension period may be granted at the discretion of the Board of Licensure. If notice is not given, his or her license shall be subject to suspension or revocation.

(b) All personnel that install or service burglar alarm systems (B), CCTV systems (S), electronic access control systems (A), or mechanical locking hardware on behalf of the licensee, including but not limited to, installers, technicians, or locksmiths shall comply with the educational requirements in 304-X-1-.04.

(c) No license will be issued to an applicant unless the applicant files with the Board of Licensure evidence of a policy of liability insurance with limits of not less than two hundred fifty thousand dollars (\$250,000), which policy shall provide for certain coverage for both bodily injury or death of a person as result of the negligent act or acts of the principal insured or his or her agents operating in the course and scope of his or her employment, and for the injury to or destruction of property of others as the result of negligent act or acts of the principal insured or his or her agents operating in the course and scope of his or her agency and any other insurance required by law. The Licensee shall notify the Board of Licensure of any change in coverage by a 30 day notice to the Board of Licensure.

(d) A license or branch office license, when issued, shall be in the form prescribed by the Board of Licensure, and shall include the following:

1. The name of the licensee.
2. The name under which the licensee shall operate.

3. The number and date of the license.

4. Which classifications of work the licensee is licensed for.

(e) The license shall at all times be posted in a conspicuous place in the principal place of business of the licensee. Each branch office license shall at all times be posted in a conspicuous place in each branch office of the business.

(f) Notification to the Board of Licensure shall be made within ten days after the change of address of the principal place of business of a licensee, the change of address of a branch office, or the change of a business name under which a licensee does business. A licensee shall, within ten days after the change, notify the Board of Licensure of all changes of his or her address, the name under which he or she does business, and changes in its officers or partners.

(4) Section 4

(a) A license issued under this code shall be subject to revocation if any licensee violates the rules of application, misleads, or allows untruthfulness during the application process, or has applied for the original license under false pretenses. Any license may be subject to revocation if a person is convicted of a criminal offense during the license's term. A letter notifying of a pending termination will be sent, via certified mail, to the last known address of the licensee subject to revocation. The licensee will have 30 days to request in writing a formal hearing before the Board of Licensure. The board will assign a hearing date to coincide with the next regular meeting of the Board of Licensure. Following the hearing a simple majority vote will determine the revocation.

(b) Notice of the issuance, revocation, reinstatement, or expiration of every license issued by the Board of Licensure shall be furnished to the sheriff of the county and the chief of police and the inspection department of the city of the county where the principal place of business of a licensee is located.

(c) Information contained in alarm systems' records held by a governmental body concerning the location of an alarm system, the name of the occupant of alarm system location, or the type of alarm system used shall be confidential and disclosed only to the Board of Licensure or as otherwise required by law.

(5) Section 5

(a) A person who is employed to be a Qualifying Agent (QA), central station operator (CS), burglar alarm system (B) installer, electronic access control system

(A) installer, closed circuit television system (S) installer, locksmith (L), helper (H), or salesperson (Sales) shall register with the Board of Licensure within ten (10) business days after the commencement of employment ~~in an administrative position~~ by a licensee.

(b) An employee of a licensee who is employed in a capacity that is not subject to mandatory registration under this code may register with the Board of Licensure on a voluntary basis.

(c) An employee of a licensee who is employed in a capacity having direct contact with the public, and is subject to mandatory registration, is to have on his or her person an Identification Card (ID card) showing name of the licensee, the person who carries the card, a current photograph, which classifications of work the employee is licensed for, and the License number from the Board of Licensure. The ID Card must be produced on the demand of any customer, appointed member of the Board of Licensure, employee of the Board of Licensure, law enforcement official, state, city or county code enforcement official, or building inspection personnel.

(6) Section 6

(a) A registrant must apply for licensure within ten (10) business days of being hired.

(b) Each licensee must have on his or her person the ID card supplied by the Board of Licensure at all times in which the licensee is meeting with the public.

(c) ~~A new hire has six months from date of employment to complete the educational requirements of 304 X 1 .04. At the discretion of the Board, a hardship exception may be granted.~~ The Board may issue a ~~trainee~~ Helper identification badge for any new hires who have not completed the educational requirements but perform their work under the direct, on the job, supervision of a licensee licensed Qualifying Agent, Installer or Locksmith.

(7) Section 7

(a) Each applicant must pay the license fee, the administrative fee and any fines due in order for their application to be processed. The administrative fee is not in effect for renewal applications.

(b) The Board does not make complete or partial refunds of any fees received.

(8) Section 8

(a) Each person holding itself out to do business as described in Code of Ala. (1975), Chapter 1A of Title 34, is required to be licensed.

(b) The failure of a person to be licensed in the classification in which he or she is working shall be subject to a monetary penalty (up to \$1,000.00 per violation) as determined by the Board.

Author: Fred Crawford

Statutory Authority: Code of Ala. 1975, § 34-1A

History: **New Rule:** Filed January 20, 1998; effective February 24, 1998.
Amended: Filed April 26, 2000; effective May 31, 2000.
Amended: Filed September 18, 2002; effective October 23, 2002.
Amended: Filed May 25, 2004; effective June 29, 2004.
Amended: Filed September 7, 2005; effective October 12, 2005.
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Amended: Filed November 21, 2008; effective December 26, 2008.
Amended: Filed February 18, 2010; effective March 25, 2010.
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