

APA-1  
11/96

**TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION**

Control \_\_\_\_\_ Department or Agency: Alabama State Board of Auctioneers

Rule No.: 150-X-1-.03

Rule Title: Advertisements

\_\_\_\_\_ 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 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 

Date: June 4, 2013

(DATE FILED)  
(STAMP)

**Alabama State Board of Auctioneers**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama State Board of Auctioneers

**RULE NO. & TITLE:** 150-X-1-.03 Advertisements

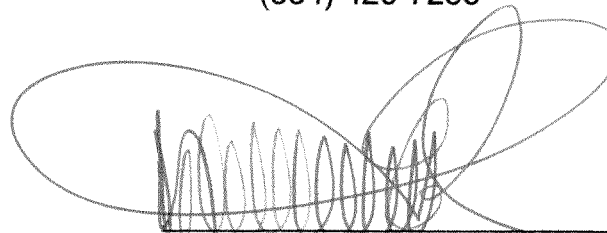
**INTENDED ACTION:** Amend

**SUBSTANCE OF PROPOSED ACTION:** The Board proposes to amend this rule to include the auction company advertisement requirements.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Written comments will be received by the Board until 4:00 p.m. on Friday, August 2, 2013. Comments should be directed to Keith E. Warren, Executive Director at 2777 Zelda Road, Montgomery, AL 36106 or via electronic mail at [keith@warrenandco.com](mailto:keith@warrenandco.com) or via telephone at 334-420-7238.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**  
Friday, August 2, 2013.

**CONTACT PERSON AT AGENCY:** Keith E. Warren  
*Executive Director*  
2777 Zelda Road  
Montgomery, AL 36106  
(334) 420-7235



Keith E. Warren, *Executive Director*  
Alabama State Board of Auctioneers

**150-X-1-.03. Advertisements.**

- (a) Any advertisements for auction sale must identify the name and license number of the auctioneer and any apprentices who will be conducting the auction business.
- (b) Apprentice auctioneers must meet the same requirements and must additionally identify their sponsor's name and state license number.
- (c) This rule pertains to any and all advertisements and includes billboards, Internet, television and radio advertisements, etc. Auction companies must include the name and state license number of the principal auctioneer in any and all advertisements. All auction advertisements posted on the Internet must list the name and state license number of the principal auctioneer and any other auctioneer responsible for the auction; Internet advertisements for specific auctions with online-bidding must list the name and state license number of the auction company's principal auctioneer.
- (d) Auctioneers will be held responsible for all advertising and should take precautions that mistakes do not occur.
- (e) False, deceptive, misleading and untruthful advertising is expressly prohibited. Any advertisement or advertising shall be deemed to be false, deceptive, misleading or untruthful, if it:
- (1) Contains misrepresentations of facts;
  - (2) Is misleading or deceptive because in its content or in the context in which it is presented, it makes only a partial disclosure of relevant facts;
  - (3) Creates false or unjustified exceptions of the services to be performed;
  - (4) Contains any representation or claim which the advertising licensee fails to perform;
  - (5) Advertises an auction as absolute when any portion to be sold is subject to confirmation or with reserve or with minimum bids.
- (f) Advertising designed to generate business and let the public know of the availability of an auctioneer's services need not include the auctioneer's name and state license number.
- ~~(g) Auction houses must include the name and license number of the principal auctioneer in any and all advertisements. (34-4-29)~~

**Author:** J.O. Blandenburg

**Statutory Authority:** Code of Ala. 1975, § 34-4-29.