

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:

In order to comply with ACT 2013-221, amend code to include additional language that is proposed to be redacted from Fees – 304-X-1-.03 in order to keep referenced language that states company names beginning with letters A-H are in one licensing period and company names beginning with letters I-Z are in a different licensing period.

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 16, 2016, 9:30 a.m., Alabama Industrial Development Training Center, One Technology Court, Montgomery, AL

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 16, 2016

CONTACT PERSON AT AGENCY:

Lynne Taunton, Executive Secretary, Alabama Electronic Security Board of Licensure, 7956 Vaughn Road, PMB 392, Montgomery, AL 36116.
Telephone # 334-264-9388.


Lynne Taunton, Executive Secretary

Licensure Procedures.

(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 motor vehicles or 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 must meet the licensing requirements of the Board of Licensure.

(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 Monitoring 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. 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 the license.

(f) The license shall be issued for a term of one year or two years, companies with a beginning letter of A-H renew in odd numbered years and I-Z companies renew in even years. Each license shall be renewed by the expiration date of the current license. Failure to submit a renewal application by the licensee's designated expiration date (as evidenced by the postmark date) may result in the company or individual having to reapply as a new applicant. Renewal applications must include current proof of insurance for the company and training requirements for individuals.

(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) Monitoring Station personnel in a standalone facility located in excess of one hundred (100) miles from the nearest Alabama border, whose only duty is Monitoring 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.

(l) Any person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the monitoring of an alarm system for the

public any type of compensation or, any monitoring station, must, with each renewal application, submit a report which provides the following: (1) the name of the person or business entity that requested their accounts be monitored as an alarm system installer or dealer and (2) the date the company began monitoring accounts on behalf of the alarm system installer or dealer. Said reporting list shall include monitored accounts for persons or business entities who have requested monitoring of accounts in the State of Alabama only and said list shall not include the individual customer list for each alarm system installer or dealer.

(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 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, monitor or service burglar alarm systems (B), CCTV systems, monitoring station operators, (S), electronic access control systems (A), motor vehicle locks 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 a company unless the company 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 or suspension if any licensee fails to disclose pertinent information on the initial or renewal application, misleads, or is untruthful 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 the licensee of a pending suspension or revocation will be sent, via certified mail, to the last known address of the licensee subject to a suspension or revocation. The licensee shall have 15 days from receipt of written notification to respond in writing to the notice of suspension or revocation. On the 16th day of no response, the license shall be suspended or revoked without further notification. If the licensee responds within the stated time period, a formal hearing before a quorum of the Board of Licensure shall be held solely to address the issue

of the immediate license suspension or revocation. Following the hearing a simple majority vote of a quorum of the board will determine whether the licensee's license shall be suspended or revoked.

(b) Notice of current licensed companies and disciplinary actions taken by the Board of Licensure shall be posted on the Board's web site: www.aesbl.alabama.gov.

(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), monitoring station operator (MS), 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 submit the required paperwork and fees with to the Board of Licensure within ten (10) business days after the commencement of employment with an alarm or locksmith company.

(b) Newly hired employees of alarm companies in counties having a population of less than 30,000 inhabitants and meet the exemption requirements of Code of Alabama, Section 34-1A-10 are considered New Applicants and must submit the completed forms and fees required for an ABI and FBI criminal background report within ten (10) business days of employment.

(6) Section 6

(a) Each applicant must pay the license fee, the administrative fee, if applicable, and any outstanding 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.

(7) Section 7

(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.
Amended: Filed November 13, 2007; effective December 18, 2007.
Amended: Filed November 21, 2008; effective December 26, 2008.
Amended: Filed February 18, 2010; effective March 25, 2010.
Amended: Filed August 20, 2010; effective September 24, 2010.
Amended: Filed August 15, 2011; effective September 19, 2011.
Amended: Filed November 27, 2012; effective January 2, 2013.
Amended: Filed May 28, 2013; effective July 2, 2013.
Amended: Filed November 19, 2013; effective December 24, 2013.
Amended: Filed May 27, 2014; effective July 1, 2014.
Amended: Filed November 19, 2014; effective December 24, 2014.
Amended: Filed June 16, 2016