

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

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

Rule No. 304-X-1-.03

Rule Title: Fees

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? 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? _____

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 Lynne B. Taurton

Date September 17, 2013

(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-.03 Fees

INTENDED ACTION: To Amend Rule

SUBSTANCE OF PROPOSED ACTION:

In order to comply with ACT 2013-221, amend code to include procedures for the migration to a two-year license term and to change to lowest fee charged to obtain an ABI and FBI criminal background report to be "\$41.50".

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, November 5, 2013, 9:30 a.m., Alabama Industrial Development Training Center, One Technology Court, Montgomery, AL

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

November 5, 2013

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

304-X-1-.03

Fees.

(1) Fees are to be paid to the Board of Licensure by personal check, business check, or by money order:

Administrative Fee	\$150.00 One time fee upon the first application
Partnership or Sole Proprietorship	\$150.00 Annually
Company or Corporation	\$200.00 Annually
Branch Location	\$200.00 Annually
Qualifying Agent (the person responsible)	\$75.00 Annually
Registrant / Individual	\$25.00 Annually
Lost/Replacement ID Card	\$12.50 Issued
Return Check	Maximum amount allowed by law
Central Station <u>Annual</u> Fee	Company License Fee \$200.00, Plus \$12.50 per monitoring operator. Additional \$12.50 per photo ID, if requested.

(2) Effective for licensing year beginning January 1, 2014, this board will phase in a licensing fee for a two-year period. For license year 2014, all companies with a name beginning A through H and these company employees shall apply for a one-year license with annual fees. All companies with the name beginning I through Z and these company employees shall apply for a two-year license with double the annual fees. Beginning January 1, 2015, and thereafter, all companies and employees will apply for a two-year license with double the annual fees.

(2) (3) Fees are to be paid to the Alabama Bureau of Investigation (ABI) by business check or money order:

Fee for processing New Applicant FBI criminal background report	Range from \$44.25 <u>41.50</u> to \$61.00
Fee for processing criminal background report from ABI Form-46	Range from \$25.00 to \$32.00

(3) (4) If the applicant fails to renew license within 30 days of expiration, he or she must reapply as a new applicant. ~~A new company or an applicant that applies for a new license after July 1st is required to pay only one-half of the annual fees plus the administrative fee, and that applicant's license will expire on December 31st of that year.~~

(5) Effective for licensing year 2014, a new company with a name beginning A through H or a new applicant at a company with a name beginning A through H that applies for a new license after July 1st is required to pay only one-half of the annual fees and that applicant's license will expire on December 31st of that year. A new company with a name beginning I through Z or a new applicant at a company with a name beginning I through Z that applies for a new license after July 1st is required to pay one and one-half of the annual fees and that applicant's license will expire on December 31st of the next year. New companies will, also, pay the administrative fee.

(6) Effective for licensing year 2015, when all licenses will be on a two-year basis, a new company or new applicant's fees will determine based on the date of the application according to the following schedule: (a) If applying prior to or in the first six months of the two-year, the fees will double the annual fees. (b) If applying in the second six months of the two-year term, the fees will be one and one-half times the annual fees. (c) If applying in the third six months of the two-year term, the fees will be equal to the annual fees. (d) If applying in the last six months of the two-year term, the fees will be one-half of the annual fees.

(4) (7) All companies, unless specifically exempt by Chapter 1A of Title 34, Code of Ala. 1975, which sell, install, monitor or otherwise operate in the burglar alarm, electronic access control, CCTV, or locksmith business in the State of Alabama must obtain a license from this Board in a timely manner or shall be subject to the following monetary penalties:

(a) Companies which are currently in the burglar alarm, electronic access control, CCTV, or locksmith business and do not renew a license by December 31st shall be a new applicant and shall pay all applicable fees.

(b) Companies which are currently in the burglar alarm, electronic access control, CCTV, or locksmith business and do not ~~obtain a~~ renew an expired license by April 30th shall be fined \$500.00 for the current year.

(c) Companies which are currently operating in the burglar alarm, electronic access control, CCTV, or locksmith business and do not ~~obtain a~~ renew an expired license by June 30th, the fine shall be \$1,000.00 per violation.

(d) Fines may be imposed and collected by the staff.

(e) All fines must be individually approved by the Board at the next official Board meeting following staff notification.

(f) Following notice of a fine, a licensee and/or Qualifying Agent (QA) must make a written and /or in person appeal of extenuating circumstances for non-licensure or late renewal to the Board at the next meeting. If no appeal is provided the Board at its next official meeting, the fine will be due and payable.

(g) The Board may reduce or cancel any fine following any appeal hearing.

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 May 25, 2004; effective June 29, 2004.
- 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 November 14, 2011; effective December 19, 2011.
- Amended:** Filed May 28, 2013; effective July 2, 2013.