

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 309 Department or Agency Plumber and Gas Fitters Examining Board
Rule No. 720-X-16-01

Rule Title: Bad Check
New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

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-indirectly Very Minor

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 

Date 9/12/2013

(DATE FILED)
(STAMP)

APA-2
07/04

State of Alabama Plumbers and Gas Fitters
Examining Board

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Plumbers and Gas Fitters Examining Board

RULE NO. & TITLE: 720-x-16-.01 Bad Check

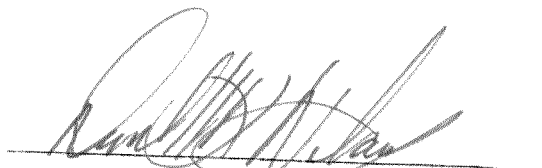
INTENDED ACTION: The Alabama Plumbers and Gas Fitters Examining Board proposes to amend rule 720-x-16-.01 of Alabama Code 34-37.

SUBSTANCE OF PROPOSED ACTION: The proposed action of rule 720-x-16-.01 would allow the Board to impose a bad check fee of \$30.00.

TIME, PLACE, MANNER OF PRESENTING VIEWS:
Comments, both written and oral, will be accepted. A public hearing will be held on October 24, 2013, 3:00 p. m., at the Plumbers and Gas Fitters Board office, 11 West Oxmoor, suite 104 Birmingham, AL 35209. Comments will be accepted until 5:00 p. m. on October 23, 2013.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 4, 2013

CONTACT PERSON AT AGENCY: David H. Wilcox (205) 945-4857



David H. Wilcox
Executive Director

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

Control No. 309 Department or Agency Plumbers and Gas Fitters Examining Board

Rule No: 720-x-16-.01

Rule Title: Bad Check

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:
Allows the Board to recover the cost of a bad check

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
The ability to recoup the cost of a bad check helps to provide adequate funding of the licensing process.

3. EFFECT OF THIS RULE ON COMPETITION:
The rule change would have no effect on competition. The cost is uniformly applied.

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
The amendment to the existing rule will have minimal effect, if any, on cost-of-living and should have minimal impact on business.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
The rule change should have no negative impact on employment in Alabama

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:
Board funds will be used to enforce the rule.

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:
The short and long term economic impact is negligible. The bad check fee is imposed only on individuals. The Board's licensees will benefit from the Board's ability to recoup the fee.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:
The economic burden to business is negligible. It is imposed on an individual bases. The effect is negligible as compared to the ability of the Board to recoup the fee.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
The rule will have no negative effect on the environment or public health.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:
There will be no detrimental effect on the environment or public health if the rule is implemented.

**Additional pages may be used if needed.

State of Alabama Plumbers and Gas Fitters Examining Board

Proposed Rule Change

720-X-16-.01

720-X-16-.01 Bad Check. If a check or negotiable instrument is dishonored, the writer of the check or instrument will be required to tender payment of the full amount of such check or instrument plus a service charge of \$30.00 as established by section 8-8-15 of the Code of Alabama 1975.

- (1) If the dishonored check or instrument was tenured for the purpose of sitting for an examination, payment of the full amount of such check or instrument plus a service charge of \$30.00 must be paid in full prior to the individual being allowed to take the said examination. If the individual has already taken the examination prior to the Board's office receiving notification of the dishonored instrument, the individual's results will be held until such time as payment is made in full including the service charge.
- (2) If the dishonored check or instrument was tenured for the purpose of renewing an individual license or certification, the license or certification is ~~shall be invalidated-invalid~~ and will not be considered in good standing unless the full amount of such check or instrument plus a service charge of \$30.00 is paid ~~the issue is resolved~~ within (30) days.
- (3) If the dishonored check or instrument was tenured for the purpose of applying for a license or certification ~~or~~ or registration, the application will not be processed until such time as the payment is made in full, including the applicable \$30.00 service charge.

Author: David H. Wilcox, Director

Statutory Authority: Section 34-37-2 (Code of Alabama 1975 as amended)

History: Rule Change