

APA-1  
Revised 4/2018

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency: Alabama Dep't of Labor  
Rule No. 480-8-4-.03  
Rule Title: Initiating a Complaint Against a Licensee  
\_\_\_\_\_ 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? 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 action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NO

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
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.

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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 Services Agency.

Signature of certifying officer 

Date 12-18-20

(DATE FILED)  
(STAMP)

BEAR & FILED

DEC 18 2020

LEGISLATIVE SVC AGENCY

**ALABAMA DEPARTMENT  
OF LABOR**

**NOTICE OF INTENDED ACTION**

AGENCY NAME: ALABAMA DEPARTMENT OF LABOR

RULE NO. & TITLE: 480-8-4-.03; Initiating a Complaint Against a Licensee

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INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To amend the above section under the Administrative Procedures Chapter to update certain provisions.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing by mail or in person to the contact person listed below between the hours of 8:00 am and 4:30 pm, Monday through Friday until and including February 4, 2021. Persons wishing to submit data, views or arguments orally should contact the person listed below by telephone during this period to arrange an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: February 4, 2021

CONTACT PERSON AT AGENCY:

Joseph S. Ammons  
Alabama Dep't of Labor  
649 Monroe Street, Suite 1801  
Montgomery, AL 36131  
Telephone: (334) 956-7470



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Joseph S. Ammons  
General Counsel

**ALABAMA DEPARTMENT OF LABOR  
ELEVATOR SAFETY RULES  
ADMINISTRATIVE CODE**

**CHAPTER 480-8-4  
DISCIPLINARY PROCEDURES**

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(1) Form of complaint filing. A person may register a complaint against a mechanic or inspector licensed by the elevator Board by filing a written complaint with the Department of Labor. The written complaint must set forth, at a minimum, the nature, date and place of the alleged violations. The Board may also initiate a license review procedure on its own motion by filing a complaint with the department. The Secretary or his/her designee shall publish a complaint form on the Alabama Department of Labor website (www.labor.alabama.gov) for this purpose.

(2) Verification. Upon receipt of a complaint, the department will verify the license number of the person against whom the complaint is lodged. If the person is unlicensed and the complaint alleges criminal conduct, the department will refer the complaint to the office of the Attorney General or the Office of the District Attorney having jurisdiction over the case. If the person is a licensee of the Board, the department will docket the complaint and open an investigation file under the name and license number of the person.

(3) Investigating Panel. An investigating panel consisting of an investigator designated by the department and an Assistant Attorney General will be formed upon the docketing of a complaint. The Assistant Attorney General assigned to the case will head the panel and supervise the investigation of the complaint.

**Author:** Andrew Hamilton Smith; Elevator Safety Review Board

**Statutory Authority:** Code of Alabama 1975, § 25-13-13, -20 (2003).

**History:** New Rule: Filed June 22, 2004; effective July 27, 2004.

**Amended:** Filed January 9, 2013; effective February 13, 2013;

**Amended: Filed December 18, 2020; effective**