

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board  
Rule No. 465-X-4  
Rule Title: Fees  
         New     X     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?         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 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 June 20, 2018

(DATE FILED)  
(STAMP)

**Home Builders Licensure Board**  
**NOTICE OF INTENDED ACTION**

AGENCY NAME: Home Builders Licensure Board

RULE NO. & TITLE:

Ala. Admin. Code r. 465-X-4. Fees.

INTENDED ACTION: Amend rules.

SUBSTANCE OF PROPOSED ACTION:

The amendment to Chapter 465-X-4 authorizes Board to accept electronic payments; requires request for refund to be made within three years of final Board action, sets the cost of the residential roofing license and increased other fees and adds reason for fee adjustment.

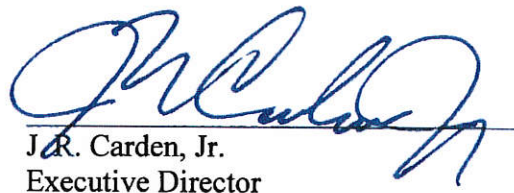
TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35-day period beginning June 29, 2018. Persons wishing to submit data, views or arguments orally should contact the Board's executive director between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 25, 2018

CONTACT PERSON AT AGENCY:

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J.R. Carden, Jr.  
Executive Director

## CHAPTER 465-X-4

## FEES

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**465-X-4-.01 When Required; Failure for Timely Payment.** An application for a license or any request for which a fee is required, must be accompanied by payment of the requisite fee in full, or else the application or request shall be denied.

**Authors:** David R. Boyd, Dorman Walker, Lois Woodward

**Statutory Authority:** Code of Ala. 1975, §§ 34-14A-5, 34-14A-11.

**History:** Original Rule and Emergency Rule filed March 22, 1993; Emergency Rule effective March 22, 1993; Permanent Rule effective June 16, 1993; Amendment and Emergency Amendment filed June 20, 1994; Emergency Amendment effective June 20, 1994; Amendment effective October 28, 1994.

**465-X-4-.02 Method of Payment; Time of Payment.** Fees may be paid by a personal check, certified check, cashier's check, or money order, or by electronic means using a credit or debit card. Fees are deemed paid when the funds represented by the check or money order actually are received by or made available to the Board's Executive Director.

**Authors:** David R. Boyd, Dorman Walker, Lois Woodward, Jamie A. Durham, Seth Gowan.

**Statutory Authority:** Code of Ala. 1975, §§ 34-14A-5, 34-14A-11.

**History:** Emergency Rule filed March 22, 1993; Emergency Rule effective March 22, 1993; Permanent Rule effective June 16, 1993; Amendment and Emergency Amendment filed June 20, 1994; Emergency Amendment effective June 20, 1994; Amendment effective October 28, 1994.

**465-X-4-.03 Fees Not Refundable.** No fee or part of a fee paid by an applicant for a license, or any request for which a fee is required, shall be refunded as a result of the revocation or suspension of the applicant's license. In the event an applicant fails to complete the application process successfully or to take or pass the examination (testing experience and ability, conducted either by the Board or a third party under contract with the Board), or the Board refuses to issue a license to an applicant, any license fee or Homeowners' Recovery Fund fee submitted as part of the application process shall be refunded to the applicant upon receipt of a written request for refund from the applicant, submitted within three years of final board action on the application, except the nonrefundable application processing fee.

**Authors:** David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield

**Statutory Authority:** Code of Ala. 1975, §§ 34-14A-7, 34-14A-11.

**History:** Filed March 22, 1993. **New Rule:** Filed May 12, 1993, effective June 16, 1993.

**Emergency Amendment:** Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. **Amendment and Emergency Amendment** filed October 1, 1997;

Emergency Amendment effective October 1, 1997. Amended: Filed January 28, 1998; effective March 4, 1998. Amended: Filed May 6, 2002; effective June 10, 2002.

465-X-4-.04 Fees: Fees shall be as follows:

- (1) Annual License Fees. 190.00  
 This fee must accompany the initial application for a license and each annual license renewal application. ~~Beginning October 1, 2015, this fee will be \$235.00.~~  

(a) License without limitation	235.00
(b) License with limitation	235.00
(c) License with limitation, limited to residential roofing	150.00
- (2) Annual Homeowners' Recovery Fund Fee. 15.00  
 This fee must accompany all license applications and license renewal applications for licenses without limitation and with limitation. This fee does not apply to licenses with limitation, limited to roofing.
- (3) Nonrefundable Application Processing Fee For New Applicants. 100.00  
 This fee, ~~along with the annual license fee and the annual Homeowners' Recovery Fund fee,~~ must accompany all applications submitted by applicants for a new license.
- (4) Nonrefundable Application Processing Fee For Applicants Holding Expired Licenses Without Limitation and With Limitation Less Than Three Years Old. ~~295.00~~350.00  
 This fee, ~~along with the annual license fee and the annual Homeowners' Recovery Fund fee,~~ must accompany all applications submitted by applicants holding expired licenses without limitation and with limitation less than three years old, who desire to reactivate the expired license.
- (5) Nonrefundable Application Processing Fee For Applicants Holding Expired Licenses With Limitation, Limited to Residential Roofing Less Than Three Years Old. 150.00  
This fee must accompany all applications submitted by applicants holding expired licenses with limitation, limited to residential roofing less than three years old, who desire to reactivate the expired license.
- (5)6 Inactive Fees for Licenses Without Limitation And With Limitation. 100125.00  
 This fee must accompany an application for an inactive license without limitation and with limitation and each renewal inactive license application. Building officials applying for or renewing an inactive license are exempted from this fee. ~~Beginning October 1, 2015, this fee shall be \$125.00.~~
- (7) Inactive Fees for Licenses With Limitation

Limited to Residential Roofing. 75.00

This fee must accompany an application for an inactive license with limitation, limited to residential roofing and each renewal inactive license application.

(86) Record Fee. 15.00

This fee must accompany a request for an applicant's examination records.

(97) Late Fee. 50.00

This fee must accompany all license renewal applications received on December 1, or thereafter, of the year preceding the year for which the license is to be renewed. Building officials filing a late application for an inactive license are exempted from this fee.

(108) Bad Check Fee. 30.00

Pursuant to Code of Ala. 1975, § 8-8-15, this fee must accompany any check, or other negotiable instrument drawn on a bank or other depository institution and made payable to the Board, if the instrument is not paid or is dishonored by the institution.

(119) Application Package Fee. 25.00

Pursuant to Code of Ala. 1975, § 41-22-4(3), this fee must accompany a request for an application package for a new license to be mailed. The application package includes a copy of Code of Ala. 1975, § 34-14A-1 et seq., administrative rules and necessary forms for licensure.

**Authors:** David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield, Jamie A. Durham, J. Seth Gowan.

**Statutory Authority:** Code of Ala. 1975, §§ 34-14A-2, 34-14A-5, 34-14A-7, 34-14A-11, 34-14A-15.

**History:** Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993.

**Emergency Amendment:** Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. Amendment and Emergency Amendment filed October 1, 1997. Emergency Amendment effective October 1, 1997. **Amended:** Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed September 4, 1998; effective October 9, 1998. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed March 7, 2008; effective April 11, 2008.

**Amended:** Filed February 4, 2009; effective March 11, 2009. **Amended:** Filed June 17, 2010; effective July 23, 2010. **Amended:** Filed May 6, 2011; effective June 10, 2011. **Emergency**

**Amendment:** Filed June 10, 2011. **Amended:** Filed August 25, 2011; effective September 29, 2011. **Amended:** Filed May 28, 2015; effective July 3, 2015. **Amended:** Filed \_\_\_\_\_, effective \_\_\_\_\_.

**465-X-4-05 Additional Costs.** Applicants required to provide to the Board specified information from third parties [including without limitations, credit reports and examination results (testing experience and ability)] shall pay the cost of obtaining such information directly to the provider, provided; however, the cost of obtaining such information shall be payable to the Board and the Board shall reimburse the provider for such cost where the Board and the provider have a contract which provides for payment to be handled in this manner.

**Authors:** David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker

**Statutory Authority:** Code of Ala. 1975, §§ 34-14A-5, 34-14A-11. **History:** Filed: March 22, 1993.

**New Rule:** Filed: May 12, 1993, effective June 16, 1993. **Emergency Amendment:** Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. Amendment

and Emergency Amendment filed October 1, 1997. Emergency Amendment effective October 1, 1997. Amended: Filed January 28, 1998; effective March 4, 1998.

**465-X-4-.06 Fee Adjustments.** The Board may adjust fees as necessary to ~~cover its operating~~ provide sufficient revenues to pay all salaries, costs, and expenses incurred by the board in enforcing this chapter and promoting public health, safety, welfare, and consumer protection.

**Authors:** David R. Boyd, Dorman Walker, Lois Woodward, Jamie A. Durham, J. Seth Gowan.

**Statutory Authority:** Code of Ala. 1975, §§ 34-14A-5, 34-14A-11.

**History:** Original Rule and Emergency Rule filed March 22, 1993; Emergency Rule effective March 22, 1993; Permanent Rule effective June 16, 1993. **Amended:** Filed \_\_\_\_\_; effective \_\_\_\_\_.