

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-5.13
Rule Title: Institution of Criminal Proceedings
 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

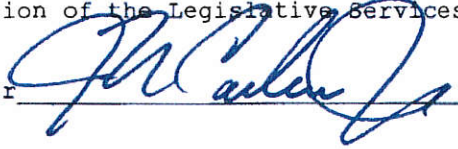
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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.

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-5-.10. Reissuance or Reinstatement of License After Revocation or Suspension.

Ala. Admin. Code r. 465-X-5-.13. Institution of Criminal Proceedings.

Ala. Admin. Code r. 465-X-5-.14. Public Records – Public Information.

INTENDED ACTION: Amend rules.

SUBSTANCE OF PROPOSED ACTION:

The amendment of Ala. Admin. Code r. 465-X-5.10 adds language regarding suspensions or revocations for not meeting bond requirement.

The amendment of Ala. Admin. Code r. 465-X-5-.13 authorized Board to pursue criminal charges against unlicensed residential roofers as well as unlicensed builders.

The amendment of Ala. Admin. Code r. 465-X-5-.14 grants authority to provide public records information on residential roofers.

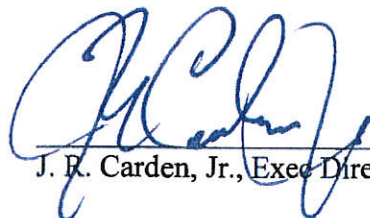
TIME, PLACE, MANNER OF PRESENTING VIEWS:

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., Exec Director

465-X-5-13 Institution of Criminal Proceedings. Upon receipt of evidence that any person has:

(1) Undertaken or attempted to undertake the business of residential home building or residential roofing without first having procured a valid license as required by the act,

(2) Knowingly presented to or filed false information with the Board for the purpose of obtaining a license, or

(3) Violated any law or code adopted by a county commission under the provisions of the Act, the Executive Director, acting on the instructions of the Board, shall present such evidence to the appropriate governmental authority within the county in which the residential home builder or residential roofer has acted and may file a complaint regarding the violations directly with the sheriff in the appropriate county.

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

Statutory Authority: Code of Ala. 1975, §§ 34-14A-2, 34-14A-5, 34-14A-11, 34-14A-13, 34-14A-14.

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 _____.