

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 304 Department or Agency Alabama Electronic Security Board of
Licensure

Rule No. 304-X-1-.01

Rule Title: Definitions

 New X 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? n/a

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

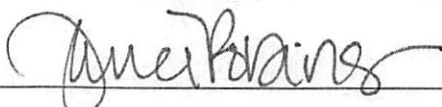
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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 March 10, 2022

REC'D & FILED

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APA-2

Alabama Electronic Security Board of Licensure

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Electronic Security Board
of Licensure

RULE NO. & TITLE: 304-X-1-.01 Definitions

INTENDED ACTION: To Amend Rule

SUBSTANCE OF PROPOSED ACTION:

To amend in order to add definitions regarding arrests, CCTV waiver, consumer reporting and consumer reporting agency, identity theft, third-party lending, unauthorized co-signing, and white paging. Definitions for fines and penalties were clarified, and two other definitions were placed in alphabetical order.

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, May 10, 2022, 9:30 a.m., Halcyon Pointe - Building I - Meeting Room, 7515 Halcyon Summit Drive, Montgomery, AL 36117.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

May 10, 2022

CONTACT PERSON AT AGENCY:

Janet Robinson, Executive Director, Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116. Telephone# 334-557-0983



Janet Robinson, Executive Director

**ALABAMA ELECTRONIC SECURITY BOARD OF LICENSURE
ADMINISTRATIVE CODE**

**CHAPTER 304-X-1
INITIAL RULES**

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304-X-1-.01 Definitions.

(1) Administrative Employee: A person who engages in clerical duties for a licensed company, whose work is restricted to office duties, and who has access to sensitive client information including, but not limited to, Social Security numbers, customer privacy codes, customer passwords, and similar information.

(2) Administrative Fee: A fee is charged to first time applicants, or those reapplying as first time applicants, or to licensees who wish to have a change of address or name, to cover the expenses of setting up applicants' data files.

(3) Administrative Management: Pertains to those individuals who may be an owner or in a management, administrative or clerical position who has access to personal and confidential records of clients and who shall register with the Board as Administrative. An individual who registers as Administrative shall not have direct contact with customers on a daily basis, may not enter client homes or businesses, must pass a criminal background check, and shall not be issued an AESBL ID card.

(4) Alarm Monitoring Company: Any person, company, corporation, partnership, or business, or a representative or agency thereof, authorized to provide alarm monitoring services for alarm systems or other similar electronic security systems whether the systems are maintained on commercial business property, public property, or individual residential property.

(5) Alarm System: Burglar alarms, security cameras, or other electrical or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage, and other similar losses. The term does not include any fire detection, fire alarm, or fire communication system.

(6) Alarm Verification: A reasonable attempt by an alarm monitoring company to contact the alarm site or alarm user by telephone or other electronic means to determine whether an alarm signal is valid prior to requesting law enforcement to be dispatched to the location and, if the initial attempted contact is not made, a second reasonable attempt to make a contact utilizing a different telephone number or electronic address or number.

(7) Arrest: Seized by legal authority and taken into custody. This includes, but is not limited to, being placed in handcuffs, being fingerprinted by a legal authority, and having a mugshot taken at a processing facility. Even arrests that do not result in conviction are subject to this definition.

~~(7)~~ (8) Branch Office: An office established or maintained at some place other than the principal place of business as shown in the Board of Licensure records and is identified to the public at a place from which business of planning, installation, inspecting, repairing, and servicing alarm systems or locks used to protect against or detect burglary, theft, shoplifting, pilferage, or other losses is conducted on a regular basis.

~~(8)~~ (9) Branch Office License: A license granted by the Board of Licensure entitling a person to operate as a security service contractor of an alarm systems company or a locksmith company at a location other than the principal place of business shown in the Board of Licensure records.

~~(9)~~ (10) Burglar Alarm (B): An assembly of equipment and devices, or a single device such as a solid-state unit which plugs directly into an AC line, designed to detect an unauthorized intrusion or an attempted robbery at a protected premises or signal public police or private guards to respond, or both.

~~(10) Monitoring Station: A location where alarm signals are received as part of an alarm system and then relayed via operator to law enforcement officials.~~

(11) Certified Proctor: A proctor who supervises an exam within their discipline and has been previously approved as a proctor by the AESBL.

(12) Closed Circuit Television System (CCTV): A combination of electronic equipment and devices designed and arranged for the viewing, monitoring, or recording of video signals transmitted from transmitters such as cameras to receivers such as monitors, digital video recorders, and network video recorders (NVR) through a closed cable or other video signal transmission method.

(13) Closed Circuit Television System (CCTV) Waiver: An educational waiver granted to a designated Qualifying Agent for a licensed company in lieu of a CCTV certification held by that person. Approval of the waiver is based on company criteria and does not transfer with the Qualifying Agent should that employee cease employment with his or her current company or seek dual employment with another licensed company.

(14) Consumer Report: Any written, oral or other communication of any information by a Consumer Reporting Agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (a) credit or insurance to be used primarily for personal, family, or household purposes, (b) employment purposes, or (c) any other purpose authorized under FCRA Section 604, 15 U.S.C. § 1681b.

(15) Consumer Reporting Agency or CRA: Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing Consumer Reports to third parties, and which uses any means or facility of interstate commerce for the purposes of preparing or furnishing Consumer Reports.

~~(13)~~ (16) Conviction: The entry of a plea of guilty, a verdict rendered in open court by a judge or jury, a plea of nolo contendere, a plea of nolo contendere, a no contest plea, or a best interest plea that results in the imposition of a fine, prison sentence, or probation.

~~(14)~~ (17) Disciplinary Action: By affirmative vote of a quorum of the Board members, a disciplinary action may consist of; suspension or revocation of a license, imposing a sanction on a license, and/or a monetary penalty not to exceed one thousand dollars (\$1,000.00) per violation. A Board member shall disqualify himself or herself and withdraw from any case in which he or she cannot accord fair and impartial consideration.

~~(15)~~ (18) Electronic Access Control System (A): A system that is used as a process to grant or deny an individual access to a specific area or object based upon his or her possession of an item, a code, or physical characteristic.

~~(16)~~ (19) Helper: Person whose responsibilities are limited while learning the alarm or locksmith business. An alarm Helper may not work without direct, on-the-job, supervision of a licensed Qualifying Agent or installer. An alarm Helper is limited to running wires during the installation of an alarm system. An alarm Helper may not install keypads or assign or program access codes. A locksmith Helper may not work without direct, on-the-job supervision of a licensed locksmith. A locksmith Helper may not change safe combinations or perform work on safe deposit boxes or vaults, nor may a locksmith Helper have access to key codes or customer keying files. Helpers are not subject to the educational requirement of 304-X-1-.05 of this code. A Helper is required to comply with all other sections of this code. No more than two (2) Helpers may be assigned to a licensed individual. Any individual previously fully licensed in their field with the required training cannot subsequently be licensed as a Helper. The licensing classification of Helper is limited to applicants who do not possess training certification.

~~(17)~~ (20) HVAC system: Heating, ventilation, or air conditioning devices or mechanisms to provide heating or cooling to a building or other structure or the devices used to control the temperature of the heating or cooling devices in a building or other structure.

(21) Identification Card: A pocket card of a size, design, and content determined by the Board of Licensure.

(22) Identity Theft: The crime of obtaining the personal or financial information of another person to use their identity to commit fraud, such as making unauthorized transactions or purchases.

~~(18)~~ (23) Installation: The initial placement of equipment or the extension, modification, or alteration of equipment after initial placement.

~~(19)~~ (24) License: A license granted by the Board of Licensure entitling a person to operate as a security services contractor; installer of burglar alarm systems (B), electronic access control systems (A), and /or closed circuit television systems (S); locksmith (L); salesperson (Sales); Monitoring Station (MS); helper (H); or administrative (Adm).

~~(20)~~ (25) Licensee: A person whose application has been approved by the Board of Licensure to perform the duties of a Qualifying Agent, burglar alarm system (B) installer, electronic access control system (A) installer, closed circuit television system (S) installer, locksmith (L), monitoring station operator (MS), salesperson (Sales), helper (H), or administrative (Adm).

~~(21)~~ (26) Lock: Mechanical or electronic device used to physically secure and control access to or egress from a structure or area, or used to control the use of a device; these uses include, but are not limited to, residential or commercial door hardware, motor vehicle locks, safes, safe deposit boxes, vaults, or electronic locking devices.

~~(22)~~ (27) Locksmith:

a. A person or business entity in a commercial, residential, or automotive setting that does any of the following for compensation or other consideration:

1. Repairs locks.
2. Rebuilds locks.
3. Rekeys locks.
4. Services locks.
5. Adjusts locks.
6. Installs locks or mechanical locking devices.
7. Installs or services egress controls devices.
8. Installs or services vaults and safety deposit boxes, including those services performed by safe technicians.

9. Creates or copies transponder keys and any other automotive keys and electronic operating devices connected to motor vehicles.

10. Creates or copies key fobs, proximity keys, smart keys, door and ignition key devices, or successive electronic or other high security key technology.

11. Uses any other method of bypassing a locking mechanism of any kind including, but not limited to, shimming a lock or picking and popping a lock.

b. The term does not include any of the following:

1. A person whose activities are limited to making a duplicate key of an existing key.

2. A person or business entity that does not advertise providing locksmith services to the public.

3. A person or business entity that is licensed by the board on the effective date of the act adding this amendatory language to install or service electronic access control systems, provided any lock being serviced or installed has electronic access control capabilities.

4. Police, fire, medical, or other government or emergency personnel performing activities within the scope of their official duties.

5. A person operating a licensed towing and recovery service.

(28) Monitoring Station: A location where alarm signals are received as part of an alarm system and then relayed via operator to law enforcement officials.

~~(23) Identification Card: A pocket card of a size, design, and content determined by the Board of Licensure and carried by each employee of an alarm system or locksmith company, excluding administrative management and monitoring station employees.~~

~~(24)~~ (29) New Applicant: A registrant who is employed by a licensed company and who is a first time applicant for licensure or a person who fails to renew a license within thirty (30) days of the expiration date of their most recent license.

~~(25)~~ (30) Person: Includes, a person, firm, association, company, partnership, corporation, nonprofit corporation, institution, or similar entity.

~~(26)~~ (31) Proctored exam: An exam taken in front of a Certified Proctor who is present during the examination.

~~(27)~~ (32) Qualifying Agent: A person in a management position who is certified by the Board of Licensure and whose name and address have been registered with the Board of Licensure. This person is a Licensee. This person may be subject to disciplinary actions for the actions of individuals employed under their supervision.

~~(28)~~ (33) Registrant: A person who files an application for consideration of licensing by the Board of Licensure to perform the duties of a Qualifying Agent (QA), burglar alarms system (B) installer, electronic access control system (A) installer, closed circuit television system (S) installer, locksmith (L), monitoring station operator (MS), salesperson (Sales), helper, (H), or administrative (Adm).

~~(29)~~ (34) Salesperson: A person who, for financial compensation or in exchange for a thing of value, sells goods or services to the public on behalf of any company, business, or other entity that sells, services, or installs alarm services, CCTV systems, electronic access control systems, or mechanical locks.

~~(30)~~ (35) Service: Necessary repair in order to return the alarm system and/or lock to operational condition.

(36) Third-Party Lending: The utilization of a third-party for the financing of any security equipment involved in a sale to a potential customer. The use of a third party for financing is done in lieu of the company financing their equipment directly to a potential customer.

~~(31)~~ (37) Trainee: A registrant who applies as an alarm system installer, locksmith or salesperson and is granted six (6) months to complete the required certification training and pass the required proctored exam. Trainees must work under the direct, on-the-job supervision of a licensed individual.

(38) Unauthorized Co-Signing: Adding an individual as a co-signer to a financial account without their permission.

(39) White Paging: Approving a potential customer for financing by obtaining and utilizing the credit history of a different individual with the same or similar name.

~~(32)~~ (40) Late Fee: A fee of \$150.00 assessed to a company that has not submitted for renewal by December 31st of their expiration year, as evidenced by the postmark.

~~(33)~~ (41) Fine: A monetary fine assessed to a company for late renewal or non renewal by both the March 31st deadline and the April 30th deadline of the year following their licensing expiration. This fine is set at \$500.00 per missed deadline. A monetary fine imposed by a court of competent jurisdiction for failure to renew a company license within the immediately preceding twenty-four (24) months or for any person or business entity working while unlicensed.

~~(34)~~ (42) Penalty: A monetary penalty assessed to a company or an individual who is found to be working unlicensed or for an egregious act as determined by the Board.

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 August 15, 2011; effective September 19, 2011. **Amended:** Filed May 28, 2013; effective July 2, 2013. **Amended:** Filed November 19, 2013; effective December 24, 2013. **Amended:** Filed May 27, 2014; effective July 1, 2014. **Amended:** Filed November 19, 2014; effective December 24, 2014. **Amended:** Filed November 19, 2018; effective January 3, 2019. **Amended:** Filed February 8, 2019; effective March 25, 2019. **Amended:** Filed June 10, 2021; effective October 15, 2021. **Amended:** Filed March 10, 2022; effective _____.