

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 304 Department or Agency Alabama Electronic Security Board of  
Licensure

Rule No. 304-X-1-.04

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?         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        

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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         Janet Bowling        

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-.04 Fees

**INTENDED ACTION:** To Amend Rule

**SUBSTANCE OF PROPOSED ACTION:**

To amend in order to comply with a finding during a Legal Compliance Audit by the Examiners of Public Accounts in December 2021. The amended Rules remove language regarding the Board assessing administrative fines for companies that renew late or do not renew at all and adds language to represent the procedure for handling late/non-renewals as outlined in the Statute.

**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

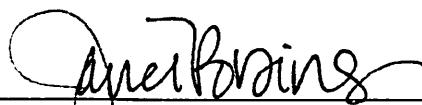
Public Hearing: Tuesday, May 10, 2022, 9:30 a.m., Halcyon Pointe - Building I - Meeting Room, 7515 Halcyon Summit Drive, Montgomery, AL 36117.

**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

  
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Janet Robinson, Executive Director

**304-X-1-.04 Fees.**

(1) Fees are to be paid to the Board of Licensure by certified cashier's check, credit card, debit card, or by money order:

Administrative fee	\$150.00 One time fee upon the first application or late renewal
Partnership or Sole Proprietorship	\$150.00 Annually
Company or Corporation	\$200.00 Annually
Branch Location	\$200.00 Annually
Qualifying Agent (the person responsible)	\$ 25 Annually per classification, maximum \$75.00 Annually
Registrant	\$25.00 Annually
Lost/Replacement ID Card	\$12.50 Issued
Monitoring Station Annual Fee	Company License Fee \$200.00, Plus \$12.50 per monitoring operator.

(2) Fees are to be paid to the Alabama Law Enforcement Agency (ALEA) by certified cashier's check, credit card, debit card, or money order:

Fee for processing New Applicant FBI criminal background report	Range from \$41.50 to \$61.00
Fee for processing renewing applicant for ALEA criminal background report	Range from \$25.00 to \$32.00

(3) NSF fee for returned check \$30.00 per check

(4) If applying for renewal licenses during the assigned renewal period and having been licensed during the most recent licensing period, company and individual fees may qualify for a reduction in fees during the first six months of open renewals. With the exception of the \$150 administration fee, AESBL fees shall

be reduced by 10% between June 1<sup>st</sup> and August 31<sup>st</sup> during a current renewal period, and by 5% between September 1<sup>st</sup> and November 30<sup>th</sup>. Beginning December 1<sup>st</sup> of a current renewal period, application fees will no longer be reduced. ALEA fees shall not be reduced during this time period.

(5) If the applicant fails to renew license within 30 days of expiration, he or she must reapply as a new applicant.

(6) Effective for licensing year 2015, when all licenses will be on a two-year basis, a new company or new applicant's fees will determine based on the date of the application according to the following schedule:

(a) If applying prior to or in the first six months of the two-year, the fees will double the annual fees.

(b) If applying in the second six months of the two-year term, the fees will be one and one-half times the annual fees.

(c) If applying in the third six months of the two-year term, the fees will be equal to the annual fees.

(d) If applying in the last six months of the two-year term, the fees will be one-half of the annual fees.

(7) All companies, unless specifically exempt by Chapter 1A of Title 34, Code of Ala. 1975, which sell, install, monitor or otherwise operate in the burglar alarm, electronic access control, monitoring station, CCTV, or locksmith business in the State of Alabama must obtain a license from this Board in a timely manner or shall be subject to the following monetary fines action:

~~(a) Companies which are currently in the burglar alarm, electronic access control, monitoring station, CCTV, or locksmith business and do not renew a license by the licensee's designated expiration date (as evidenced by the postmark date) shall be required to pay all applicable fees and/or fines.~~

~~(b) Companies which are currently in the burglar alarm, electronic access control, monitoring station, CCTV, or locksmith business and do not renew an expired license by March 31st of the current renewal period shall be assessed a \$500.00 fine.~~

~~(c) Companies which are currently in the burglar alarm, electronic access control, monitoring station, CCTV, or locksmith business and do not renew an expired license by April 30<sup>th</sup> of the current renewal period shall be assessed an additional \$500.00 fine.~~

~~(d) Monetary fines may be imposed and collected by the staff.~~

~~(e) All monetary fines must be individually approved by the Board at the next official Board meeting following staff notification.~~

~~(f) Following notice of an assessed monetary fine, a licensee and/or Qualifying Agent (QA) must make a written and/or in person appeal of extenuating circumstances for non-licensure or late renewal to the Board at the next meeting. If no appeal is provided to the Board at its next official meeting, the monetary fine shall be due and payable.~~

~~(g) The Board may reduce or cancel any monetary fine following any appeal hearing.~~

(a) Companies that are currently in the burglar alarm, electronic access control, monitoring station, CCTV, or locksmith business that do not renew a license by the licensee's designated expiration date (as evidenced by the postmark date) shall be subject to a Cease and Desist Order issued by the Attorney General's Office of the State of Alabama. Companies may also be subject to injunctive action in a court of competent jurisdiction. If the Board obtains injunctive relief, the company shall be subject to a \$1,000.00 fine for each instance of performing burglar alarm, electronic access control, monitoring, CCTV, or locksmith work. The Board is entitled to court costs, reasonable investigatory fees, and reasonable attorney fees.

(b) If injunctive relief is obtained, the Board may assess a monetary penalty up to \$1,000.00 per violation on any company enjoined by court action. The Board may file a civil action to collect the penalties and fines.

(c) Companies that submit for renewal by the licensee's designated expiration date (as evidenced by the postmark date) but are not complete shall be considered an unlicensed company and subject to a Cease and Desist Order, injunctive action, a \$1,000.00 fine per violation imposed by the court, and a \$1,000.00 monetary penalty per violation assessed 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 November 14, 2011; effective  
December 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 September 29, 2016; effective  
November 13, 2016. **Amended:** Filed November 19, 2018; effective  
January 3, 2019. **Amended:** August 9, 2019; effective September 23,  
2019. **Amended:** Filed June 10, 2021; effective October 15, 2021.  
**Amended:** Filed March 10, 2022; effective \_\_\_\_\_.