

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 304 Department or Agency Alabama Electronic Security Board of  
Licensure

Rule No. 304-X-1-.06

Rule Title: Exemptions

         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 Perkins        

Date     March 10, 2022    

REC'D & FILED

MAR 10 2022

LEGISLATIVE SVC AGENCY

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-.06 Exemptions

**INTENDED ACTION:** To Amend Rule

**SUBSTANCE OF PROPOSED ACTION:**

To amend in order to add language that allows for an  
Administrative Hearing should an exemption request be denied by  
the Board.

**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-.06 Exemptions**

(1) Pursuant to Code of Alabama 1975 34-1A-6, an exemption from the licensing and regulatory provision of this chapter may be granted to certain persons or entities.

(2) Those persons or entities may request a letter of exemption from the board by submitting the following:

(a) A letter of request shall be mailed to the board;

(b) A notarized affidavit stating with specificity the activities of the individual or the company or the entity and stating why said company or entity is exempt from licensure.

(c) The board shall review the request and render a decision at its next scheduled board meeting.

(d) If approved, a letter of exemption shall be mailed to the individual or entity. Said approval letter will include a statement that the individual or company may be subject to an injunctive action if the Board receives information that the company or individual is indeed engaged in non-exempt activity regulated by the board. The letter of exemption issued by the Board shall be signed by both the Board Chair and the Executive Director. The original letter of exemption will be kept on file at the Board's administrative office, and a copy of the letter will be mailed to the entity requesting the exemption.

(e) If the exemption is denied, the company or individual may request an administrative hearing before an independent hearing officer. The hearing request shall be made no later than thirty (30) days of the date noted on the official letter of denial. If a request is made, an administrative hearing shall be held not less than thirty (30) days after the receipt of the request by the Board.

~~(e)~~ (f) If, after an administrative hearing, the denial of the exemption is upheld, the exemption is denied, the company or individual will have 30 days from the denial final decision to appeal the action to the Montgomery County Alabama Circuit Court, pursuant to the Administrative Procedures Act, or must complete the requirements to become licensed within thirty (30) days or cease operation in the State of Alabama.

**Author:** Lynne Taunton

**Statutory Authority:** Code of Ala. 1975, §34-1A.

**History: New Rule:** Filed November 19, 2018; effective January 3, 2019. **Amended:** Filed June 10, 2021; effective October 15, 2021.

**Amended:** Filed March 10, 2022; effective \_\_\_\_\_.