

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 304 Department or Agency Alabama Electronic Security Board of
Licensure

Rule No. 304-X-1-.11

Rule Title: Injunctive Relief and Recoupment of Costs

 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 Quet Pomins

Date March 10, 2022

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-.11 Injunctive Relief and
Recoupment of Costs

INTENDED ACTION: To Amend Rule

SUBSTANCE OF PROPOSED ACTION:

To amend in order to change the term "penalty" to "fine" as
stated in Code of Alabama 1975, § 34-1A-7(f).

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

304-X-1-.11

Injunctive Relief and Recoupment of Costs

(1) Any person or business entity that is not licensed by the board, or who has not renewed a license within the preceding 24 months, may be sued for injunctive relief in a court of competent jurisdiction.

(2) If the board obtains injunctive relief in a Court of Law, the individual or business entity shall be subject to a one thousand-dollar (\$1, 000.00) ~~penalty~~ fine for each instance of performing locksmith, alarm, CCTV, or other activity regulated by this Chapter, while unlicensed by the Board.

(3) In any civil or administrative action initiated by the board, the Board may seek court costs, reasonable attorney's fees, and reasonable investigatory fees that the board has incurred investigating a complaint, hearing a complaint, or negotiating the settlement of a complaint.

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 _____.
