

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? 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 *Lynne Lawton*

Date September 18, 2018

APA-2

**Alabama Electronic Security Board of Licensure
(Agency Division: N/A)**

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:

In order to comply with ACT# 2014-160, amend rule to include language specifying that fees can be paid by debit or credit card, to clarify language that ABI is now ALEA, and to change the deadline date for final fine for late/non-renewal of license from May 31st to April 30th.

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.

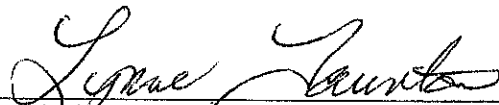
Public Hearing: Tuesday, November 13, 2018, 9:30 a.m., Alabama Industrial Development Training Center, One Technology Court, Montgomery, AL 36116.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

November 13, 2018

CONTACT PERSON AT AGENCY:

Lynne Taunton, Executive Director, Alabama Electronic Security Board of Licensure, 7956 Vaughn Road PMB 392, Montgomery, AL 36116. Telephone# 334-264-9388.



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

304-X-1-.04 ~~Educational Requirements~~ 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 |
| Return Check | | Maximum amount allowed by law |
| Monitoring Station Annual Fee | | Company License Fee \$200.00, Plus \$12.50 per monitoring operator. |

(2) Fees are to be paid to the ~~Alabama Bureau of Investigation (ABI)~~ 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 criminal background report from ABI Form 46 <u>renewing applicant for ALEA criminal background report</u> | | Range from \$25.00 to \$32.00 |

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

(4) 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.

(5) 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 penalties:

(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 submit a new applicant application and shall pay all applicable fees.

(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 penalty.

(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 ~~May 31st~~ April 30th of the current renewal period shall be assessed a ~~\$1,000.00~~ an additional \$500.00 penalty.

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

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

(f) Following notice of an assessed monetary penalty, 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 penalty shall be due and payable.

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

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 ; effective