

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

X New 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?

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 Taunton*
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-.06 Exemptions

INTENDED ACTION: Add New Rule

SUBSTANCE OF PROPOSED ACTION:

In order to comply with ACT# 2014-160, add a new rule that explains the process of applying for an exemption for licensure.

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.

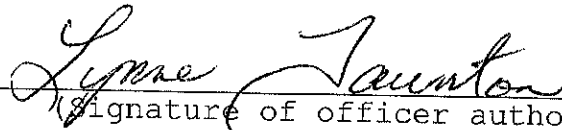
Public Hearing: Tuesday, November 13, 2018, 9:30 a.m., Alabama Industrial Development Training Center, One Technology Court, Montgomery, AL 36116.

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-.06 **Administrative Complaints 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.

(e) If the exemption is denied, the company or individual will have 30 days from the denial 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 ; effective