

# HB260 INTRODUCED



1 1V20LZ-1  
2 By Representative Sells  
3 RFD: Boards, Agencies and Commissions  
4 First Read: 05-Apr-23  
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SYNOPSIS:

Under existing law, the Alabama Electronic Security Board is responsible for regulating individuals and business entities that provide, sell, service, install, maintain, or monitor burglar alarm, access control, or closed-circuit TV systems as well as locksmiths.

This bill would create and provide for the qualifications of a qualifying agent license and for the board to levy and collect administrative fines for violations of the licensing law or rules adopted by the board.

This bill would also revise the board's process for pursuing disciplinary actions and cease and desist orders for violations of the licensing law or rules adopted by the board.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for



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29 the purpose.

30 The purpose or effect of this bill would be to  
31 require a new or increased expenditure of local funds  
32 within the meaning of the amendment. However, the bill  
33 does not require approval of a local governmental  
34 entity or enactment by a 2/3 vote to become effective  
35 because it comes within one of the specified exceptions  
36 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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Relating to the Alabama Electronic Security Board of  
44 Licensure; to amend Sections 34-1A-1, 34-1A-3, 34-1A-5, and  
45 34-1A-7, Code of Alabama 1975, to create and provide for the  
46 qualifications of a qualifying agent license; to authorize the  
47 board to levy and collect administrative fines; to revise the  
48 process for pursuing disciplinary actions and cease and desist  
49 orders; and in connection therewith would have as its purpose  
50 or effect the requirement of a new or increased expenditure of  
51 local funds within the meaning of Section 111.05 of the  
52 Constitution of Alabama of 2022

53

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

54

Section 1. Sections 34-1A-1, 34-1A-3, 34-1A-5, and  
55 34-1A-7 of the Code of Alabama 1975, are amended to read as  
56 follows:



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57           "§34-1A-1

58           For the purpose of this chapter, the following terms  
59 shall have the following meanings unless the context clearly  
60 indicates otherwise:

61           (1) ADMINISTRATIVE EMPLOYEE. ~~A person~~ An individual who  
62 engages in clerical duties for a licensed company, whose work  
63 is restricted to office duties, and who has access to  
64 sensitive client information including, but not limited to,  
65 Social Security numbers, customer privacy codes, customer  
66 passwords, and similar information.

67           (2) ADMINISTRATIVE FINE. A monetary fine assessed by  
68 the board for unlicensed activity or unethical behavior by an  
69 individual, company, corporation, firm, or business entity.

70           ~~(2)~~ (3) ALARM MONITORING COMPANY. Any ~~person~~ individual,  
71 company, corporation, partnership, or business, or a  
72 representative or agency thereof, authorized to provide alarm  
73 monitoring services for alarm systems or other similar  
74 electronic security systems whether the systems are maintained  
75 on commercial business property, public property, or  
76 individual residential property.

77           ~~(3)~~ (4) ALARM SYSTEM. Burglar alarms, security cameras,  
78 or other electrical or electronic device used to prevent or  
79 detect burglary, theft, shoplifting, pilferage, and other  
80 similar losses. The term does not include any fire detection,  
81 fire alarm, or fire communication system.

82           ~~(4)~~ (5) ALARM VERIFICATION. A reasonable attempt by an  
83 alarm monitoring company to contact the alarm site or alarm  
84 user by telephone or other electronic means to determine



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85 whether an alarm signal is valid prior to requesting law  
86 enforcement to be dispatched to the location and, if the  
87 initial attempted contact is not made, a second reasonable  
88 attempt to make a contact utilizing a different telephone  
89 number or electronic address or number.

90 ~~(5)~~ (6) BURGLAR ALARM. An assembly of equipment and  
91 devices, or a single device such as a solid-state unit which  
92 plugs directly into an AC line, designed to detect an  
93 unauthorized intrusion or an attempted robbery at a protected  
94 premises or signal public police or private guards to respond,  
95 or both.

96 ~~(6)~~ (7) CLOSED CIRCUIT TELEVISION SYSTEM (CCTV). A  
97 combination of electronic equipment and devices designed and  
98 arranged for the viewing, monitoring, or recording of video  
99 signals transmitted from transmitters, such as cameras, to  
100 receivers, such as monitors, digital video recorders, and  
101 network video recorders (NVR) through a closed cable or other  
102 video signal transmission method.

103 ~~(7)~~ (8) ELECTRONIC ACCESS CONTROL SYSTEM. A system that  
104 is used as a process to grant or deny an individual access to  
105 a specific area or object based upon his or her possession of  
106 an item, a code, or physical characteristic.

107 ~~(8)~~ (9) HVAC SYSTEM. Heating, ventilation, or air  
108 conditioning devices or mechanisms to provide heating or  
109 cooling to a building or other structure or the devices used  
110 to control the temperature of the heating or cooling devices  
111 in a building or other structure.

112 ~~(9)~~ (10) INSTALLATION. The initial placement of



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113 equipment or the extension, modification, or alteration of  
114 equipment after initial placement.

115 ~~(10)~~ (11) LOCKSMITH.

116 a. ~~A person~~ An individual or business entity in a  
117 commercial, residential, or automotive setting that does any  
118 of the following for compensation or other consideration:

- 119 1. Repairs locks.
- 120 2. Rebuilds locks.
- 121 3. Rekeys locks.
- 122 4. Services locks.
- 123 5. Adjusts locks.
- 124 6. Installs locks or mechanical locking devices.
- 125 7. Installs or services egress controls devices.
- 126 8. Installs or services vaults and safety deposit  
127 boxes, including those services performed by safe technicians.
- 128 9. Creates or copies transponder keys and any other  
129 automotive keys and electronic operating devices connected to  
130 motor vehicles.
- 131 10. Creates or copies key fobs, proximity keys, smart  
132 keys, door and ignition key devices, or successive electronic  
133 or other high security key technology.
- 134 11. Uses any other method of bypassing a locking  
135 mechanism of any kind including, but not limited to, shimming  
136 a lock or picking and popping a lock.

137 b. The term does not include any of the following:

- 138 1. ~~A person~~ An individual whose activities are limited  
139 to making a duplicate key of an existing key.
- 140 2. ~~A person~~ An individual or business entity that does



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141 not advertise providing locksmith services to the public.

142 3. ~~A person~~ An individual or business entity that is  
143 licensed by the board on July 1, 2018, to install or service  
144 electronic access control systems, provided any lock being  
145 serviced or installed has electronic access control  
146 capabilities.

147 4. Police, fire, medical, or other government or  
148 emergency personnel performing activities within the scope of  
149 their official duties.

150 5. ~~A person~~ An individual operating a licensed towing  
151 and recovery service who does not advertise services as a  
152 locksmith or otherwise perform locksmith services.

153 ~~(11)~~ (12) MONITORING STATION. A location where alarm  
154 signals are received as a part of an alarm system and then  
155 relayed via operator to law enforcement officials.

156 (13) QUALIFYING AGENT. A licensee of the board who  
157 serves in a management and supervisory position with a  
158 company.

159 ~~(12)~~ (14) SALESPERSON. ~~A person~~ An individual who, for  
160 financial compensation or in exchange for a thing of value,  
161 sells goods or services to the public on behalf of any  
162 company, business, or other entity that sells, services, or  
163 installs alarm systems, CCTV systems, electronic access  
164 control systems, or mechanical locks.

165 ~~(13)~~ (15) SERVICE. Necessary repair in order to return  
166 the system to operational condition.

167 ~~(14)~~ (16) SYSTEM INSTALLER. ~~A person~~ An individual or  
168 business entity that offers to undertake, represents itself as



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169 being able to undertake, or does undertake the installation,  
170 service, or monitoring of alarm systems, CCTV systems,  
171 electronic access control systems, or mechanical locking  
172 systems for the public for any type of compensation or in  
173 exchange for a thing of value."

174 "§34-1A-3

175 The board shall have all of the following powers:

176 (1) License and regulate ~~persons~~ individuals and  
177 business entities who hold themselves out as engaging in the  
178 business of alarm system, CCTV, or electronic access control  
179 system installation or service, as a locksmith, or as an alarm  
180 monitoring company.

181 (2) Establish the qualifications for licensure to  
182 ensure competency and integrity to engage in these businesses  
183 and allow graduates of technical school or community college  
184 programs in related fields to qualify. Qualifications for  
185 licensure shall include the requirement that the applicant is  
186 a United States citizen or legally present in this state.

187 (3) Examine, or cause to be examined, the  
188 qualifications of each applicant for licensure including the  
189 preparation, administration, and grading of examinations, and  
190 when necessary, requiring the applicant to supply a board  
191 approved criminal background check. A nonresident who is not  
192 physically working in the state, located more than 100 miles  
193 from the nearest state border, and whose duties are limited to  
194 administrative employee or monitoring station is exempt from  
195 the requirement of a criminal background check.

196 (4) License qualified applicants regulated by the





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197 board. Licensing of a qualified applicant should be completed  
198 within six calendar weeks after the board receives all  
199 required paperwork from the applicant. This time frame may be  
200 extended during annual renewal.

201 (5) Revoke, suspend, or fail to renew a license for  
202 just cause as ~~enumerated in the regulations~~ provided in the  
203 rules of the board.

204 (6) Levy and collect reasonable fees for licensure,  
205 including, but not limited to, the application process and  
206 testing of applicants, and renewal, suspension, and reissuance  
207 of licenses, and costs of necessary hearings, that are  
208 sufficient to cover all expenses for the administration and  
209 operation of the board.

210 (7) Levy and collect administrative fines for  
211 noncompliance with this chapter including, but not limited to,  
212 unlicensed activity and unethical or fraudulent behavior, and  
213 to collect the costs of necessary hearings pursuant to the  
214 Alabama Administrative Procedure Act. The board may collect  
215 fines imposed by a court of competent jurisdiction. The board  
216 may file a civil action to collect all fines.

217 ~~(7) Promulgate~~ (8) Adopt rules ~~and regulations~~ in  
218 accordance with the Alabama Administrative Procedure Act  
219 necessary to perform ~~its~~ board duties, to ensure continued  
220 competency, to prevent deceptive, misleading, or criminal  
221 practices by ~~its~~ board licensees, and to effectively  
222 administer the regulatory system administered by the board.

223 ~~(8)~~ (9) Register or by other means monitor employees of  
224 a licensee to ensure ~~such~~ the employees do not impair the



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225 ability of the licensee to satisfy the requirements of this  
226 chapter.

227 ~~(9)~~ (10) Receive and investigate complaints concerning  
228 the conduct of any ~~person~~ individual or business entity whose  
229 activities are regulated by the board, conduct hearings in  
230 accordance with procedures established by the board pursuant  
231 to the Alabama Administrative Procedure Act, and take  
232 appropriate disciplinary action if warranted.

233 ~~(10)~~ (11) Ensure that periodic inspections are conducted  
234 relating to the operations of licensees to ensure competency  
235 and lawful compliance.

236 ~~(11)~~ (12) Require the purchase of comprehensive  
237 liability insurance related to business activities in a  
238 minimum specified amount.

239 ~~(12)~~ (13) Require licensees and employees of licensees  
240 to have visible on their person a photo identification card  
241 issued by the board at all times when providing licensed  
242 services.

243 ~~(13)~~ ~~Promulgate~~ (14) Adopt canons of ethics under which  
244 the regulated professional activities of ~~persons~~ individuals  
245 and business entities shall be conducted.

246 ~~(14)~~ (15) Employ or contract for necessary personnel,  
247 including an executive director, and provide necessary  
248 offices, supplies, and equipment to fulfill the requirements  
249 of this chapter.

250 ~~(15)~~ (16) Delegate ~~its~~ board powers and duties by  
251 resolution to a named designee.

252 ~~(16)~~ (17) Enter into contracts and expend funds of the



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253 board to fulfill the requirements of this chapter.

254 ~~(17)~~ (18) Borrow money for the initial start-up  
255 operation of the board until sufficient receipts are paid into  
256 the special revenue trust fund specified in Section 34-1A-9.

257 ~~(18)~~ (19) Work with the office of the Attorney General  
258 and other law enforcement agencies to prohibit any violation  
259 of this chapter.

260 ~~(19)~~ (20) Establish volunteer procedures for those  
261 ~~persons~~ individuals or businesses that are exempt from this  
262 chapter.

263 ~~(20)~~ (21) Conduct inspections relating to the operations  
264 of unlicensed ~~persons~~ individuals, firms, or corporations to  
265 include the solicitation, installation, servicing, monitoring  
266 of burglar alarm systems, locking systems, or mechanisms, the  
267 holding of privacy codes for burglar alarm systems of a  
268 customer, or the selling, installation, or servicing of access  
269 control systems or CCTV to or for a customer to ensure lawful  
270 compliance with this chapter.

271 (22) Issue a cease and desist order to any unlicensed  
272 individual, company, corporation, firm, or business entity  
273 engaged in any activity, conduct, or practice constituting a  
274 violation of this chapter or rule adopted by the board  
275 pursuant to this chapter."

276 "§34-1A-5

277 (a) The board shall issue licenses authorized by this  
278 chapter to all qualified individuals in accordance with rules  
279 ~~or regulations established~~ adopted by the board.

280 (b) (1) Effective beginning January 1, 2014, the license



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281 fee for a two-year period as set by the board shall not exceed  
282 three hundred dollars (\$300) for an individual and one  
283 thousand five hundred dollars (\$1,500) for a business entity.

284 (2) Effective for the license year beginning January 1,  
285 2014, and thereafter, the board may provide for the licenses  
286 to be renewed on a staggered basis as determined by rule of  
287 the board and, in order to stagger the license renewals, may  
288 issue the license for less than a two-year period. The amount  
289 of the license fees provided in subdivision (1) shall be  
290 prorated by the board on a monthly basis for the number of  
291 months the board issues the licenses in order to convert to  
292 any staggered system of renewals.

293 (c) The license shall not be transferred or assigned  
294 and is valid only with respect to the ~~person~~ individual to  
295 whom it is issued.

296 (d) (1) No license shall be granted if the applicant has  
297 had any prior business license revoked for fraud,  
298 misrepresentation, or any other act that would constitute a  
299 violation of this chapter.

300 (2)a. An applicant shall not be refused a license  
301 solely because of a prior criminal conviction, unless the  
302 criminal conviction directly relates to the occupation or  
303 profession for which the license is sought. The board may  
304 refuse a license if, based on all the information available,  
305 including the applicant's record of prior convictions, the  
306 board finds that the applicant is unfit or unsuited to engage  
307 in the business.

308 b. The board may consult with appropriate state or



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309 federal law enforcement authorities to verify whether an  
310 applicant has a criminal record prior to granting any license  
311 and, as an aid to this duty, each applicant may be required to  
312 provide his or her fingerprints and complete an affidavit of  
313 his or her criminal record, if any, as a part of the  
314 application. The board may periodically consult with state and  
315 federal law enforcement officials to determine whether current  
316 licensees have new criminal convictions. The administrative or  
317 management staff of the board may also consult with state or  
318 federal law enforcement authorities to determine if a current  
319 or potential employee has a criminal conviction. Dissemination  
320 of criminal history record information shall be handled in  
321 accordance with the rules and procedures of the Alabama State  
322 Law Enforcement Agency or the Federal Bureau of Investigation,  
323 as applicable.

324 (e) Any license granted pursuant to this chapter shall  
325 be issued for a two-year period, but may be staggered for  
326 renewal as otherwise provided ~~for~~. Any license shall expire on  
327 a schedule established by rule of the board, unless it is  
328 renewed pursuant to ~~regulations established~~ rules adopted by  
329 the board or unless it is suspended or revoked.

330 (f) An affirmative vote of a majority of board members  
331 shall be required before any action to suspend or revoke a  
332 license, to impose a sanction on a licensee, or to levy ~~a~~  
333 ~~monetary penalty~~ an administrative fine. A board member shall  
334 disqualify himself or herself and withdraw from any case in  
335 which he or she cannot accord fair and impartial  
336 consideration.



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337 (g) A nonresident of this state may be licensed by  
338 meeting one of the following requirements:

339 (1) Conforming to ~~the provisions of~~ this chapter and  
340 the ~~regulations~~ rules of the board.

341 (2) Holding a valid license in another state with which  
342 reciprocity has been established by the board.

343 (h) A licensee shall display the license at its normal  
344 place of business and in a manner easily readable by the  
345 general public.

346 (i) A notice shall be displayed prominently in the  
347 place of business of each licensee regulated pursuant to this  
348 chapter containing the name, mailing address, and telephone  
349 number of the board, and a statement informing consumers that  
350 complaints against licensees may be directed to the board.

351 (j) An individual, company, corporation, firm,  
352 business, or trademarked entity shall be licensed by the name  
353 advertised. The license number of a licensee shall be  
354 displayed in all advertising.

355 (k) The board shall prepare information of consumer  
356 interest describing the regulatory functions and describing  
357 the procedures of the board by which consumer complaints shall  
358 be filed with and resolved by the board. The board shall make  
359 the information available to the general public and  
360 appropriate state agencies. The board shall provide, upon  
361 request, a listing of all licensees. The board may collect a  
362 fee for the cost of duplicating and mailing materials.

363 (l) Each written contract for services in the state of  
364 a licensee shall contain the name, mailing address, and



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365 telephone number of the board and a statement informing  
366 consumers that complaints against licensees may be directed to  
367 the board.

368 (m) Notice of the issuance, revocation, reinstatement,  
369 or expiration of every license issued by the board shall be  
370 furnished to the sheriff of the county and the chief of  
371 police, as appropriate, and the inspection department of the  
372 city where the principal place of business of a licensee is  
373 located.

374 (n) Information contained in alarm system records held  
375 by the board concerning the location of an alarm system, the  
376 name of the occupant residing at the alarm system location, or  
377 the type of alarm system used shall be confidential and  
378 disclosed only to the board or as otherwise required by law.

379 (o) A licensee, upon completing an installation, shall  
380 provide a paper copy or electronic copy of all contracts to  
381 the consumer, or his or her designee.

382 (p) To be eligible for a qualifying agent license, an  
383 individual applicant shall serve in a management and  
384 supervisory position with a company for not less than 33 hours  
385 per week. A qualifying agent may be subject to disciplinary  
386 action for the actions of individuals employed under his or  
387 her supervision. With the exception of a company that only  
388 performs monitoring work, each licensed company, corporation,  
389 firm, and business entity is required to have at least one  
390 licensed employee designated as a qualifying agent."

391 "§34-1A-7

392 (a) Effective January 1, 1998, it shall be unlawful for



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393 any ~~person~~ individual or business entity to engage in a  
394 business regulated by this chapter in this state without a  
395 current valid license or in violation of this chapter and  
396 applicable rules ~~and regulations~~ of the board.

397 (b) Effective January 1, 1998, it shall be unlawful for  
398 ~~a person~~ an individual or business entity not licensed under  
399 this chapter to advertise or hold out to the public that he or  
400 she is a licensee of the board.

401 (c) Any ~~person~~ individual or business entity who  
402 violates this chapter or any order, or rule, ~~or regulation~~ of  
403 the board shall be guilty of a Class A misdemeanor, and for  
404 each offense for which he or she is convicted shall be  
405 punished as provided by law.

406 (d) Effective January 1, 1998, it shall constitute a  
407 Class A misdemeanor to willfully or intentionally do any of  
408 the following:

409 (1) Obliterate the serial number on an alarm system for  
410 the purpose of falsifying service reports.

411 (2) Knowingly and deliberately improperly install an  
412 alarm system, or knowingly and deliberately improperly service  
413 such a system.

414 (3) While holding a license, allow another ~~person~~  
415 individual or business entity to use the license or license  
416 number.

417 (4) Use, or permit the use of, any license by ~~a person~~  
418 an individual or business entity other than the one to whom  
419 the license is issued.

420 (5) Use any credential, method, means, or practice to





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421 impersonate a representative of the board.

422 (6) Make use of any designation provided by statute or  
423 regulation to denote a standard of professional or  
424 occupational competence without being duly licensed.

425 (7) Make use of any title, words, letters, or  
426 abbreviations which may reasonably be confused with a  
427 designation provided by statute or regulation to denote a  
428 standard of professional or occupational competence without  
429 being duly licensed.

430 (8) Provide material misrepresenting facts in an  
431 application for licensure or in other communications with the  
432 board.

433 (9) Refuse to furnish the board information or records  
434 required or requested pursuant to statute or regulation.

435 (e) Commencing July 1, 2018, it shall also constitute a  
436 Class A misdemeanor to willfully or intentionally do any of  
437 the following:

438 (1) Advertise alarm system services or locksmith  
439 services to the public by any means without possessing an  
440 active license issued by the board during the licensing year  
441 in which the advertisement appears.

442 (2) Install, service, or sell an alarm system or  
443 provide locksmith services while on state or federal probation  
444 or parole without a license or, if licensed, without first  
445 providing proper written documentation by certified mail or  
446 courier service of the probation or parole status to the  
447 board.

448 (3) Perform unsolicited sales or installation, or both,



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449 of an alarm system or locking system at the home or property  
450 of ~~a person~~ an individual who is age 75 or older, without  
451 providing the ~~person~~ individual with a waiting period of at  
452 least four business days after the initial contact and at  
453 least 30 business days to cancel any executed contract, before  
454 performing the installation or service, unless otherwise  
455 authorized by this chapter.

456 (4) Deceive or defraud ~~a person~~ an individual who is  
457 age 60 or older in violation of the Protecting Alabama's  
458 Elders Act, Chapter 6, commencing with Section 13A-6-190, of  
459 Title 13A.

460 ~~(f) Any person or business entity that is not licensed~~  
461 ~~by the board, or has not renewed a license within the~~  
462 ~~immediately preceding 24 months, may be subject to injunctive~~  
463 ~~action in a court of competent jurisdiction. The board may~~  
464 ~~institute proceedings in equity to enjoin any person or~~  
465 ~~business entity from engaging in any unlawful act enumerated~~  
466 ~~in this chapter. Such proceedings shall be brought in the name~~  
467 ~~of this state by the board in the circuit court of the city or~~  
468 ~~county in which the unlawful act occurred or in which the~~  
469 ~~defendant resides. If the board obtains injunctive relief, the~~  
470 ~~individual or business entity shall be subject to a one~~  
471 ~~thousand dollar (\$1,000) fine for each instance of performing~~  
472 ~~locksmith, alarm, CCTV, or other activity regulated by this~~  
473 ~~chapter.~~

474 ~~(g) In addition to any other disciplinary action taken~~  
475 ~~by the board, any person or business entity licensed by the~~  
476 ~~board who violates this chapter or rule or regulation~~



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477 ~~promulgated pursuant to this chapter shall be subject to a~~  
478 ~~monetary penalty. If the board determines that the person is~~  
479 ~~in fact guilty of the violation, the board shall determine the~~  
480 ~~amount of the monetary penalty for the violation, which shall~~  
481 ~~not exceed one thousand dollars (\$1,000) for each violation.~~  
482 ~~The board may file a civil action to collect the penalty.~~

483 (f) (1) Upon notification that an individual, company,  
484 corporation, firm, or business entity has engaged in any  
485 activity, conduct, or practice constituting a violation of  
486 this chapter or rule adopted by the board pursuant to this  
487 chapter, or has not renewed a company license or completed the  
488 renewal of a company license immediately upon expiration, the  
489 board may issue a letter to show cause why an order should not  
490 be issued directing the individual, company, corporation,  
491 firm, or business entity to cease and desist from the  
492 activity, conduct, practice, or the performance of any work  
493 being done then or about to be commenced.

494 (2) If the individual, company, corporation, firm, or  
495 business entity files a written request for a hearing before  
496 the board within 14 days after receipt of the letter, the  
497 board, not less than 30 days thereafter, shall hold a hearing  
498 on the matter. After a hearing, or if no hearing is requested,  
499 the board may issue a cease and desist order to the  
500 individual, company, corporation, firm, or business entity. If  
501 an order is issued, the order shall be issued in the name of  
502 the State of Alabama under the official seal of the board.

503 (3) If the individual, company, corporation, firm, or  
504 business entity to whom the board directs a cease and desist



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505 order does not cease or desist the proscribed activity,  
506 conduct, practice, or performance of the work immediately, the  
507 board may impose an administrative fine of not more than five  
508 thousand dollars (\$5,000) per violation.

509 (g) Upon finding an individual, company, corporation,  
510 firm, or business entity has engaged in any activity, conduct,  
511 or practice constituting a violation of this chapter or rule  
512 adopted by the board pursuant to this chapter, or has not  
513 renewed a company license or completed the renewal of a  
514 company license immediately upon expiration, the board may  
515 investigate the activities of licensed and unlicensed entities  
516 and individuals. If the board finds that an individual,  
517 corporation, or business entity is engaged in performing any  
518 work covered by this chapter without having obtained a proper  
519 license, whether by renewal or first-time licensure, the board  
520 may do any of the following:

521 (1) Impose an administrative fine of up to, but not  
522 more than five thousand dollars (\$5,000) per violation.

523 (2) Deny an application for licensure.

524 (3) Issue a cease and desist order.

525 (4) Petition the circuit court of the county where the  
526 act occurred to enforce the cease and desist order or collect  
527 the assessed fine, or both.

528 (h) Any individual aggrieved by any adverse action  
529 taken by the board may appeal the adverse action in accordance  
530 with the Alabama Administrative Procedure Act.

531 (i) If the individual, company, corporation, firm, or  
532 business entity to whom the board directs a cease and desist



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533 order does not cease or desist the proscribed activity,  
534 conduct, practice, or performance of the work immediately, the  
535 board may petition any court of competent jurisdiction to  
536 issue a writ of injunction enjoining the individual, company,  
537 corporation, firm, or business entity from engaging in any  
538 activity, conduct, practice, or performance of work as  
539 prohibited by this chapter. Upon a showing by the board that  
540 the individual, company, corporation, firm, or business entity  
541 has engaged or is engaged in any activity, conduct, practice,  
542 or performance of any work prohibited by this chapter, the  
543 court shall grant injunctive relief enjoining the individual,  
544 company, corporation, firm, or business entity from engaging  
545 in the unlawful activity, conduct, practice, or performance of  
546 work. Upon the issuance of a permanent injunction, the court  
547 may fine the offending party up to five thousand dollars  
548 (\$5,000) plus court costs and attorney fees, for each offense.  
549 A judgment for a civil fine, attorney fees, and court costs  
550 may be rendered in the same judgment in which the injunction  
551 is made absolute.

552 ~~(h)~~ (j) The board is entitled to court costs, reasonable  
553 investigatory fees, and reasonable attorney fees in any civil  
554 action or administrative proceeding in which the board obtains  
555 relief.

556 ~~(i) In addition to or in lieu of the criminal penalties~~  
557 ~~and administrative sanctions provided in this chapter, the~~  
558 ~~board may issue an order to any person, firm, or corporation~~  
559 ~~engaged in any activity, conduct, or practice constituting a~~  
560 ~~violation of this chapter to show cause why an order should~~



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561 ~~not be issued directing the person, firm, or corporation to~~  
562 ~~cease and desist from the activity, conduct, practice, or the~~  
563 ~~performance of any work being done then or about to be~~  
564 ~~commenced. If the person, firm, or corporation files a written~~  
565 ~~request for a hearing before the board within 14 days after~~  
566 ~~receipt of the order, the board, not less than 30 days~~  
567 ~~thereafter, shall hold a hearing on the matter. After a~~  
568 ~~hearing, or if no hearing is requested, the board may issue a~~  
569 ~~cease and desist order to the person, firm, or corporation. If~~  
570 ~~an order is issued, the order shall be issued in the name of~~  
571 ~~the State of Alabama under the official seal of the board. If~~  
572 ~~the person, firm, or corporation to whom the board directs a~~  
573 ~~cease and desist order does not cease or desist the proscribed~~  
574 ~~activity, conduct, practice, or performance of the work~~  
575 ~~immediately, the board may petition any court of competent~~  
576 ~~jurisdiction to issue a writ of injunction enjoining the~~  
577 ~~person, firm, or corporation from engaging in any activity,~~  
578 ~~conduct, practice, or performance of work as prohibited by~~  
579 ~~this chapter. Upon a showing by the board that the person,~~  
580 ~~firm, or corporation has engaged or is engaged in any~~  
581 ~~activity, conduct, practice, or performance of any work~~  
582 ~~prohibited by this chapter, the court shall grant injunctive~~  
583 ~~relief enjoining the person, firm, or corporation from~~  
584 ~~engaging in such unlawful activity, conduct, practice, or~~  
585 ~~performance of work. Upon the issuance of a permanent~~  
586 ~~injunction, the court may fine the offending party up to five~~  
587 ~~thousand dollars (\$5,000), plus costs and attorney fees, for~~  
588 ~~each offense. A judgment for a civil fine, attorney fees, and~~



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589 ~~costs may be rendered in the same judgment in which the~~  
590 ~~injunction is made absolute.~~

591 ~~(j)~~ (k) Any person individual, company, corporation,  
592 firm, or business entity violating this chapter who fails to  
593 cease work after a hearing and notification from the board or  
594 having an injunction issued by a court of competent  
595 jurisdiction shall not be eligible to apply for a license from  
596 the board for a period not to exceed one year from the date of  
597 official notification to cease work. In addition, the board  
598 may withhold approval for up to six months of any application  
599 from any ~~person who~~ individual, company, corporation, firm, or  
600 business entity prior to the application has been found in  
601 violation of this chapter."

602 Section 2. Although this bill would have as its purpose  
603 or effect the requirement of a new or increased expenditure of  
604 local funds, the bill is excluded from further requirements  
605 and application under Section 111.05 of the Constitution of  
606 Alabama of 2022, because the bill defines a new crime or  
607 amends the definition of an existing crime.

608 Section 3. This act shall become effective on the first  
609 day of the third month following its passage and approval by  
610 the Governor, or its otherwise becoming law.