

1 SB415
2 174596-2
3 By Senator Chambliss (N & P)
4 RFD: Local Legislation
5 First Read: 13-APR-16

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Autauga County; to establish a county
14 business license for persons engaged in commercial
15 door-to-door sales promotion of products or services for
16 profit; to establish requirements for the process to obtain a
17 door-to-door sales license and the fees for the license; to
18 provide civil penalties for violations; to provide a citation
19 fee for persons cited for failure to obtain a county business
20 license.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. This act shall apply only in Autauga
23 County.

24 Section 2. (a) All persons engaged in the business
25 of selling products door-to-door for profit shall have a state
26 transient business license and a county business license
27 issued by the commissioner of licenses, and shall pay any

1 license or privilege fee and any issuance fee required
2 therefor.

3 (b) The person or business shall apply for
4 application to the commissioner of licenses on forms provided
5 by the commissioner. The application form shall require the
6 applicant to fully describe the nature of the business and the
7 type of products or services to be sold.

8 (c) Any person who is engaged in door-to-door sales
9 shall provide to the commissioner his or her full name, date
10 of birth, driver's license or other government issued
11 identification number, address, and the name and address of
12 the business with which he or she is employed as a
13 door-to-door salesperson. The information collected shall be
14 submitted to the Autauga County Sheriff for a criminal
15 background check and a check as to whether the person is
16 required to register as a sex offender. The sheriff shall
17 report to the commissioner of licenses his or her findings. No
18 person convicted of a felony or required to register as a sex
19 offender shall be eligible to be licensed. Any person denied a
20 license to conduct door-to-door sales shall be entitled to a
21 hearing before the commissioner of licenses.

22 (d) Those persons who become licensed to conduct
23 door-to-door sales in Autauga County shall be required to wear
24 an identification badge clearly visible to others while
25 conducting business or visiting homes in the course of their
26 business. The badge, at a minimum, shall display all of the
27 following: The name of the person, the name of the business, a

1 valid telephone number, and color photograph of the person.
2 The identification badge shall be approved by the commissioner
3 of licenses. The commissioner may adjust the requirements of
4 the badge at his or her discretion.

5 (e) The salesperson shall keep a copy of licenses
6 for each person in his or her vehicle during the hours of
7 operation.

8 (f) Any vehicle used by a door-to-door salesperson
9 shall display a sign on each side of the vehicle that is at
10 least 24 inches by 30 inches, and be clearly visible and
11 clean. The commissioner of licenses shall approve all vehicle
12 signs.

13 (g) The salesperson may engage in door-to-door sales
14 only during the hours between 8:00 a.m. and sunset.

15 (h) The commissioner of licenses shall make a
16 recommendation to the Autauga County Commission as to the fee
17 to be charged for the license and the county commission, by
18 resolution, shall set the fee for the license.

19 (i) Nothing in this act shall limit or prevent the
20 sale of items by students to benefit their schools or
21 organizations, including, but not limited to, the Girl Scouts,
22 Boy Scouts, or volunteer organizations such as volunteer fire
23 departments.

24 (j) A person who engages in the door-to-door sales
25 or promotions of products or services in violation of this act
26 may be assessed a civil penalty of fifty dollars (\$50) for the
27 first violation and one hundred dollars (\$100) for each

1 subsequent violation. Any law enforcement officer in the
2 county may issue a citation for a violation of this section.
3 The person charged with the violation may pay the civil fine
4 or request, within 30 days of receipt of the citation, a due
5 process hearing before the county commission or its hearing
6 officer on the validity of the citation. An order of the
7 county commission finding a violation and an assessment of a
8 civil fine shall be final within 30 days thereof unless
9 appealed to the Circuit Court in Autauga County based on the
10 administrative record of the hearing. Any fine due and owing
11 shall be considered a debt owed to the Autauga County
12 Commission and shall be enforceable by civil action in the
13 same manner as any other debt. The person owing the fine shall
14 be liable for all costs, including court costs and attorney
15 fees, and all other expenses of litigation if action is taken
16 to collect the fine owed.

17 Section 3. (a) As used in this section, the
18 following words and terms shall have the following meanings:

19 (1) BUSINESS. Includes all activities engaged in, or
20 caused to be engaged in, by any person with the object of
21 gain, profit, benefit, or advantage, either direct or indirect
22 to such person.

23 (2) COUNTY. Autauga County, Alabama.

24 (3) GOVERNING BODY. The governing body of Autauga
25 County, Alabama, whether it be a county commission, board of
26 revenue, or other governing body.

1 (4) LICENSE OR PRIVILEGE FEE. Does not include any
2 sales or use tax.

3 (5) PERSON. Includes any natural person,
4 partnership, corporation, firm, association, trust, estate, or
5 other entity.

6 (b) The purposes of this section are to equalize the
7 burden of taxation by authorizing the county to impose a
8 license or privilege fee upon persons now engaging in certain
9 businesses without paying any license fee or tax thereon to
10 the county. By imposing an additional license or privilege fee
11 upon persons now engaging in or who may hereafter engage in
12 certain businesses to pay license or privilege fees to the
13 county to generate additional revenue for the county.

14 (c) The governing body of the county is hereby
15 authorized to levy an annual license or privilege fee upon any
16 person for engaging in any business in the county. The license
17 or privilege fee hereby authorized shall be in addition to any
18 other license or privilege fee which is currently authorized
19 or may hereafter be authorized.

20 (d) The fee hereby levied shall be paid annually on
21 October 1 for the succeeding year to that officer or employee
22 of the county chargeable with the duty of collecting license
23 or privilege fees and shall be deposited in the county general
24 fund for the use of the county.

25 (e) The license or privilege fee levied by the
26 governing body of the county on any person for engaging in any
27 business, including the business of selling products

1 door-to-door pursuant to this act, shall be at a rate of from
2 ten dollars (\$10) to one hundred dollars (\$100) for each
3 business conducted in the county. The governing body of the
4 county is expressly authorized to set the rate of the license
5 or privilege fee within the limits herein provided for each
6 type or category of business in the county. The rates of the
7 license or privilege fee for each type or category of business
8 shall be uniform throughout the county and shall be set forth
9 in a schedule promulgated by the governing body of the county
10 in which the rate for each type or category of business is
11 dependent on the type, size, gross receipts, or number of
12 employees, or both, of the business, or such other reasonable
13 criteria as the governing body of the county shall determine.

14 (f) The governing body of the county is hereby
15 expressly authorized to prescribe all necessary or appropriate
16 rules for the implementation and enforcement of this section,
17 including all rules as may be necessary by reason of any
18 alteration of law in relation to this section.

19 (g) Nothing in this section shall be construed to
20 authorize or require a license or privilege fee for practicing
21 the religious tenets of any church.

22 (h) Any person found by the commissioner of licenses
23 to be engaging in business without having paid the license fee
24 required by this section shall pay a citation fee of seven
25 dollars (\$7) in addition to the regular license fee. The
26 citation fee shall be deposited into the county treasury for
27 the county general fund.

1 Section 4. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.