

1 SB110
2 134895-2
3 By Senator Bussman
4 RFD: Governmental Affairs
5 First Read: 07-FEB-12
6 PFD: 01/30/2012

1 SB110

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4 ENROLLED, An Act,

5 Relating to the Alabama Sunset Law; to continue the
6 existence and functioning of the State Board of Auctioneers
7 until October 1, 2016, with certain modifications; to amend
8 Section 34-4-21, Code of Alabama 1975, so as to clarify the
9 time period in which a license may be renewed.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Pursuant to the Alabama Sunset Law, the
12 Sunset Committee recommends the continuance of the State Board
13 of Auctioneers until October 1, 2016, with the additional
14 recommendation for statutory change as set out in Section 3.

15 Section 2. The existence and functioning of the
16 State Board of Auctioneers, created and functioning pursuant
17 to Sections 34-4-1 to 34-4-54, inclusive, Code of Alabama
18 1975, is continued until October 1, 2016, and those code
19 sections are expressly preserved.

20 Section 3. Section 34-4-21 of the Code of Alabama
21 1975, is amended to read as follows:

22 "§34-4-21.

23 "(a) Any person desiring to enter into the auction
24 business and obtain a license as an auctioneer or apprentice
25 auctioneer shall make written application for a license to the

1 board. Each application shall be accompanied by an examination
2 fee of an amount not to exceed one hundred dollars (\$100)
3 which shall be collected from each applicant to defray the
4 expenses of the examination. A fee of an amount not to exceed
5 one hundred fifty dollars (\$150) shall also be collected from
6 each nonresident applicant, or resident licensee of another
7 state, who seeks licensing by reciprocity. The application
8 shall be submitted on forms prepared and furnished by the
9 board.

10 "(b) Each applicant for a license as an auctioneer
11 shall be 19 years of age or over, and each applicant for a
12 license as an apprentice auctioneer shall be 18 years of age
13 or over and shall be a citizen of the United States or legally
14 present in this state. Each applicant for an auctioneer's
15 license shall: (1) have completed a prescribed course of study
16 at an accredited auctioneering school approved by the board;
17 (2) have served one year as an apprentice auctioneer under a
18 licensed auctioneer in this state; (3) have been the principal
19 auctioneer in at least five auctions of either real or
20 personal property during this period of time; and (4) furnish
21 satisfactory proof of these requirements to the board. An
22 application shall also be accompanied by a recommendation of
23 an employing auctioneer. If an applicant has not completed a
24 course of study at an accredited auctioneering school, then he
25 or she shall be required to serve two years as an apprentice

1 under a licensed auctioneer, and shall have been the principal
2 auctioneer in at least 10 auctions of real or personal
3 property.

4 "(c) Any person who files an application with the
5 board in the proper manner shall be entitled to take an oral
6 and written examination to determine his or her
7 qualifications. The board shall require applicants to take and
8 pass a written and oral examination establishing in a manner
9 satisfactory to the board that the applicant has a general
10 knowledge of ethics, reading, writing, spelling, elementary
11 arithmetic, elementary principles of land economics, and a
12 general knowledge of the statutes of this state relating to
13 the bulk sales, auctions, brokerage, and this chapter. The
14 examination for an auctioneer's license shall be of a more
15 exacting nature and scope than the examination for an
16 apprentice auctioneer. The board shall, through application
17 and examination, determine whether the applicant is of good
18 repute, trustworthy, honest, and competent to transact the
19 business of an auctioneer, or of an apprentice auctioneer, in
20 a manner that safeguards the interest of the public. The board
21 shall require, and it shall be the responsibility of any
22 applicant for an initial, renewal, or reciprocal license to
23 disclose any prior felony conviction, any prior misdemeanor
24 conviction involving moral turpitude, any pending criminal
25 arrest of any nature except misdemeanor traffic violations,

1 and any prior or pending disciplinary proceedings against the
2 applicant before a board of auctioneers or real estate
3 commission in this or any other state. All auctioneers,
4 apprentice auctioneers, and auction firms are under a
5 continuing duty to report to the board any and all such
6 criminal arrests, charges, convictions, or disciplinary
7 proceedings which they may incur, as well as any civil suits
8 involving them. The board must receive notice of any such
9 arrest, charge, criminal conviction, or commencement of
10 disciplinary proceedings within 30 days of its occurrence.
11 Notice of the commencement of any civil suit must be received
12 by the board within 30 days after service of the complaint
13 upon the defendant in the action.

14 "(d) The license fee for each auctioneer shall be an
15 amount to be determined by the board, not to exceed two
16 hundred fifty dollars (\$250), and the license fee for each
17 apprentice auctioneer shall be an amount to be determined by
18 the board, not to exceed one hundred dollars (\$100). The
19 license fees for an auctioneer shall not be increased more
20 than twenty-five dollars (\$25) in any given year.

21 "(e) All licenses shall expire on September 30 of
22 each year following issuance thereof and may be renewed upon
23 payment of the appropriate license fee as required by this
24 chapter. Renewal of a license may be effected at any time
25 during the months preceding the date of expiration. No

1 examination shall be required for the renewal of any license,
2 unless the license has been revoked or suspended. If a
3 licensee fails to renew his or her license by the deadline of
4 each year, he or she may have his or her license renewed
5 within 60 days after the expiration date, upon payment of the
6 required fee and a late fee of twenty-five dollars (\$25) for
7 apprentices and fifty dollars (\$50) for auctioneers. If a
8 licensee elects not to pay the penalty and renew his or her
9 license, he or she shall submit an application, pay the
10 examination fee, and take the examination required for new
11 licensees.

12 "(f) The board shall adopt a program of continuing
13 education for its licensees. No licensee shall have his or her
14 license renewed unless, in addition to any other requirements
15 of this chapter, the minimum annual continuing education
16 requirements are met. The continuing education program shall
17 not include testing or examination of the licensees in any
18 manner. Any licensee 65 years of age or older shall be exempt
19 from the continuing education requirement.

20 "(g) The board shall prepare and deliver to each
21 licensee a license certificate and pocket card. The
22 certificate shall be displayed openly at all times in the
23 office of the licensee. The certificate and the pocket card of
24 the apprentice auctioneer shall contain his or her name as

1 well as that of the auctioneer under whose supervision he or
2 she is employed.

3 "(h) When any auctioneer discharges an apprentice,
4 or terminates his or her employment with the auctioneer for
5 any reason, the auctioneer shall deliver or mail by registered
6 or certified mail to the board the license of the discharged
7 apprentice auctioneer. It shall be unlawful for any apprentice
8 auctioneer to perform any of the acts contemplated by this
9 chapter, either directly or indirectly under authority of his
10 or her license, until the apprentice auctioneer receives a new
11 license bearing the name and address of his or her new
12 employer. No more than one license shall be issued to any
13 apprentice auctioneer for the same period of time.

14 "(i) Written notice shall be given immediately to
15 the board by each licensee of any change in his or her mailing
16 address and the board shall issue a new license for the
17 unexpired period. A change of mailing address without
18 notification to the board shall automatically cancel the
19 license previously issued. For changing a mailing address and
20 issuance of a new license, the board shall collect a fee of
21 five dollars (\$5). Each prior license shall be returned or
22 accounted for to the board and be canceled before the issuance
23 of the new license. The board may require other proof
24 considered desirable with due regard to the paramount interest
25 of the public in the issuance of the license.

1 "(j) Pursuant to Sections 41-22-1 to 41-22-27,
2 inclusive (the Alabama Administrative Procedure Act), the
3 board may make and enforce any necessary and reasonable rules
4 and regulations pursuant to the application for any license."

5 Section 4. The Legislature concurs in the
6 recommendations of the Sunset Committee as provided in
7 Sections 1, 2, and 3.

8 Section 5. This act shall become effective
9 immediately upon its passage and approval by the Governor, or
10 its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB110

Senate 14-MAR-12

I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 22-MAR-12

By: Senator Bussman