

1 HB501  
2 210539-1  
3 By Representative Sanderford  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 04-MAR-21

SYNOPSIS:           This bill would establish a waiver process for certain occupational licensing boards to use to allow an employing entity, and the employed licensees and certificate holders of that entity, to continue operations on a temporary basis after the death or mental or physical incapacity of the designated qualifying representative, license holder, or certificate holder of the employing entity.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to occupational licensing boards; to add Section 41-9A-3, Code of Alabama 1975, to establish a waiver process for the Alabama Board of Electrical Contractors, the State of Alabama Plumbers and Gas Fitters Examining Board, the Home Builders Licensure Board, the State Licensing Board for General Contractors, and the Board of Heating, Air

1       Conditioning, and Refrigeration Contractors to use for  
2       allowing an employing entity, and its employed licensees, to  
3       continue operations on a temporary basis after the incapacity  
4       of the designated qualifying representative, license holder,  
5       or certificate holder.

6       BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7               Section 1. Section 41-9A-3 is added to the Code of  
8       Alabama 1975, to read as follows:

9               §41-9A-3.

10              (a) For the purposes of this section, an  
11       occupational licensing board includes all of the following:

12              (1) The Alabama Board of Electrical Contractors,  
13       operating pursuant to Chapter 36 of Title 34, Code of Alabama  
14       1975.

15              (2) The State Licensing Board for General  
16       Contractors, operating pursuant to Chapter 8 of Title 34, Code  
17       of Alabama 1975.

18              (3) The Board of Heating, Air Conditioning, and  
19       Refrigeration Contractors, operating pursuant to Chapter 31 of  
20       Title 34, Code of Alabama 1975.

21              (4) The Home Builders Licensure Board, operating  
22       pursuant to Chapter 14A of Title 34, Code of Alabama 1975.

23              (5) The State of Alabama Plumbers and Gas Fitters  
24       Examining Board, operating pursuant to Chapter 37 of Title 34,  
25       Code of Alabama 1975.

26              (b) If the designated qualifying representative,  
27       license holder, or certificate holder for an entity employing

1 other licensees of the same occupational licensing board, is  
2 no longer able to hold a valid license or certificate from  
3 that occupational licensing board, due to his or her death or  
4 mental or physical incapacity, and the holding of a valid  
5 license or certificate is necessary for the employing entity  
6 to continue operations, the applicable occupational licensing  
7 board shall issue a special hardship or temporary license or  
8 certificate waiver to the employing entity. The waiver shall  
9 allow the employing entity, and the employed licensees and  
10 certificate holders to continue operations on a temporary  
11 basis.

12 (c) To request a waiver, a license or certificate  
13 holder employee of the employing entity shall submit to the  
14 applicable occupational licensing board, in writing, notice of  
15 the death or incapacity of the designated qualifying  
16 representative, license holder, or certificate holder, and any  
17 documentation required by the occupational licensing board, on  
18 forms provided by the occupational licensing board. A request  
19 for waiver shall be submitted to the occupational licensing  
20 board within 45 days after the designated qualifying  
21 representative, license holder, or certificate holder dies or  
22 becomes incapacitated. Any request for waiver submitted after  
23 that time may be denied after a show cause hearing by the  
24 occupational licensing board.

25 (d) A waiver shall be valid for no more than 90 days  
26 from the date granted.

1                   (e) Each occupational licensing board may impose a  
2                   waiver fee, in an amount equal to one half of the total  
3                   renewal fee for the license or certificate for which waiver is  
4                   requested.

5                   (f) Each occupational licensing board shall adopt  
6                   rules as necessary to implement this act.

7                   Section 2. This act shall become effective  
8                   immediately following its passage and approval by the  
9                   Governor, or its otherwise becoming law.