

HB404 INTRODUCED



1 HB404
2 481TRRR-1
3 By Representative Lawrence
4 RFD: Boards, Agencies and Commissions
5 First Read: 02-Apr-24



SYNOPSIS:

Under existing law, individuals engaged in certain activities related to security systems must receive a license to do so from the Alabama Electronic Security Board of Licensure.

This bill would define the terms "branch office," "helper," and "trainee" for the purposes of providing for the licensing of each of these types of persons.

This bill would further provide for the requirements a person must satisfy to receive and maintain licenses issued by the board.

This bill would provide procedures and conduct that applicants for licensing and licensees must adhere to, as well as provide actions that are prohibited.

This bill would also further provide for violations of the board's rules and procedures by both unlicensed and licensed individuals.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Electronic Security Board of



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Licensure; to amend Sections 34-1A-1, 34-1A-3, 34-1A-5, and 34-1A-7, Code of Alabama 1975, as last amended by Act 2023-278, 2023 Regular Session, and to amend Section 34-1A-6, Code of Alabama 1975, to define the terms "branch office," "helper," and "trainee" for the purposes of providing for the licensing of each of these types of persons; to further provide for the requirements that persons must satisfy to receive and maintain certain licenses; to provide procedures and conduct by which certain applicants and licensees must operate; to prohibit certain conduct for applicants and licensees; and to further provide for violations of the board's rules and procedures.

ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-1A-1, 34-1A-3, 34-1A-5, and 34-1A-7, Code of Alabama 1975, as last amended by Act 2023-278, 2023 Regular Session, and Section 34-1A-6, Code of Alabama 1975, are amended to read as follows:

"§34-1A-1

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

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

(2) ADMINISTRATIVE FINE. A monetary fine assessed by



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the board for unlicensed activity or by an individual, company, corporation, firm, or business entity.

(3) ALARM MONITORING COMPANY. Any individual, company, corporation, partnership, or business entity, or a representative or agency thereof, authorized to provide alarm monitoring services for alarm systems or other similar electronic security systems whether the systems are maintained on commercial business property, public property, or individual residential property.

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

(5) ALARM VERIFICATION. A reasonable attempt by an alarm monitoring company to contact the alarm site or alarm user by telephone or other electronic means to determine whether an alarm signal is valid prior to requesting law enforcement to be dispatched to the location and, if the initial attempted contact is not made, a second reasonable attempt to make a contact utilizing a different telephone number or electronic address or number.

(6) BOARD. The Alabama Electronic Security Board of Licensure.

(7) BRANCH OFFICE. Any office of a business entity licensed pursuant to this chapter that is located at a place other than the entity's principal place of business as recorded by the board and that is held out to the public as a



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place from which the business of planning, installing, inspecting, repairing, and servicing alarm systems or locks used to protect against or detect burglary, theft, shoplifting, pilferage, or other losses is conducted on a regular basis.

~~(6)~~ (8) BURGLAR ALARM. An assembly of equipment and devices, or a single device such as a solid-state unit which plugs directly into an AC line, designed to detect an unauthorized intrusion or an attempted robbery at a protected premises or signal public police or private guards to respond, or both.

(9) BUSINESS ENTITY. Any corporation, company, firm, association, partnership, limited liability company, limited liability partnership, trademarked entity, or other legal entity.

~~(7)~~ (10) CLOSED--CIRCUIT TELEVISION SYSTEM (CCTV). A combination of electronic equipment and devices designed and arranged for the viewing, monitoring, or recording of video signals transmitted from transmitters, such as cameras, to receivers, such as monitors, digital video recorders, and network video recorders (NVR) through a closed cable or other video signal transmission method.

~~(8)~~ (11) ELECTRONIC ACCESS CONTROL SYSTEM. A system that is used as a process to grant or deny an individual access to a specific area or object based upon his or her possession of an item, a code, or physical characteristic.

(12) HELPER. A registrant with the board whose responsibilities are limited while learning the alarm system



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113 installer or locksmith trade.

114 ~~(9)~~ (13) HVAC SYSTEM. Heating, ventilation, or air
115 conditioning devices or mechanisms to provide heating or
116 cooling to a building or other structure or the devices used
117 to control the temperature of the heating or cooling devices
118 in a building or other structure.

119 ~~(10)~~ (14) INSTALLATION. The initial placement of
120 equipment or the extension, modification, or alteration of
121 equipment after initial placement.

122 ~~(11)~~ (15) LOCKSMITH.

123 a. An individual or business entity in a commercial,
124 residential, or automotive setting that does any of the
125 following for compensation or other consideration:

- 126 1. Repairs locks.
- 127 2. Rebuilds locks.
- 128 3. Rekeys locks.
- 129 4. Services locks.
- 130 5. Adjusts locks.
- 131 6. Installs locks or mechanical locking devices.
- 132 7. Installs or services egress controls devices.
- 133 8. Installs or services vaults and safety deposit
134 boxes, including those services performed by safe technicians.
- 135 9. Creates or copies transponder keys and any other
136 automotive keys and electronic operating devices connected to
137 motor vehicles.
- 138 10. Creates or copies key fobs, proximity keys, smart
139 keys, door and ignition key devices, or successive electronic
140 or other high security key technology.



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11. Uses any other method of bypassing a locking mechanism of any kind including, but not limited to, shimming a lock or picking and popping a lock.

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

1. An individual whose activities are limited to making a duplicate key of an existing key.

2. An individual or business entity that does not advertise providing locksmith services to the public.

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

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

5. An individual operating a licensed towing and recovery service who does not advertise services as a locksmith or otherwise perform locksmith services.

6. An individual or business entity who owns or manages property, or his or her agent, and who does not advertise services as a locksmith to the public.

~~(12)~~ (16) MONITORING STATION. A location where alarm signals are received as a part of an alarm system and then relayed via operator to law enforcement officials.

~~(13)~~ (17) QUALIFYING AGENT. A licensee of the board who serves in a management and supervisory position with a company.

~~(14)~~ (18) SALESPERSON. An individual who, for financial



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compensation or in exchange for a thing of value, sells goods or services to the public on behalf of any company, business entity, or other entity that sells, services, or installs alarm systems, CCTV systems, electronic access control systems, or mechanical locks.

~~(15)~~ (19) SERVICE. Necessary repair in order to return the system to operational condition.

~~(16)~~ (20) SYSTEM INSTALLER. An individual or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the installation, service, or monitoring of alarm systems, CCTV systems, electronic access control systems, or mechanical locking systems for the public for any type of compensation or in exchange for a thing of value.

(21) TRAINEE. A registrant with the board who has applied to become a licensed system installer, locksmith, or salesperson."

"§34-1A-3

The board shall have all of the following powers:

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

(2) Establish the qualifications for ~~licensure~~ licensing to ensure competency and integrity to engage in these businesses and allow graduates of technical school or community college programs in related fields to qualify.



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Qualifications for ~~licensure~~ licensing shall include the requirement that the applicant is a United States citizen or legally present in this state.

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

(4) Require applicants for licensing to complete all training certifications for each license classification he or she seeks to obtain, as required by rule of the board. Classifications include burglar alarm, CCTV, electronic access control, locksmith, sales, and monitoring.

~~(4)~~ (5) License qualified applicants regulated by the board. Licensing of a qualified applicant should be completed within six calendar weeks after the board receives all required paperwork from the applicant. This time frame may be extended during annual renewal.

~~(5)~~ (6) Revoke, suspend, or fail to renew a license for just cause as provided in the rules of the board.

~~(6)~~ (7) Levy and collect reasonable fees for ~~licensure~~ licensing including, but not limited to, the application process and testing of applicants, and renewal, suspension,



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225 and reissuance of licenses, and costs of necessary hearings,
226 that are sufficient to cover all expenses for the
227 administration and operation of the board.

228 ~~(7)~~ (8) Levy and collect administrative fines for
229 ~~violation~~ violations of the board's Code of Ethics,
230 noncompliance with this chapter including, but not limited to,
231 submitting an incomplete company application for licensing,
232 unlicensed activity, and unethical or fraudulent behavior, and
233 collect the costs of necessary hearings pursuant to the
234 Alabama Administrative Procedure Act. The board may collect
235 fines imposed by a court of competent jurisdiction. The board
236 may file a civil action to collect all fines.

237 ~~(8)~~ (9) Adopt rules in accordance with the Alabama
238 Administrative Procedure Act necessary to perform ~~board~~ the
239 board's duties, to ensure continued competency, to prevent
240 deceptive, misleading, or criminal practices by board
241 licensees, and to effectively administer the regulatory system
242 administered by the board.

243 ~~(9)~~ (10) Register or by other means monitor employees of
244 a licensee to ensure the employees do not impair the ability
245 of the licensee to satisfy the requirements of this chapter.

246 ~~(10)~~ (11) Receive and investigate complaints concerning
247 the conduct of any individual or business entity whose
248 activities are regulated by the board, conduct hearings in
249 accordance with procedures established by the board pursuant
250 to the Alabama Administrative Procedure Act, and take
251 appropriate disciplinary action if warranted.

252 ~~(11)~~ (12) Ensure that periodic inspections are conducted



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253 relating to the operations of licensees to ensure competency
254 and lawful compliance.

255 ~~(12)~~ (13) Require the purchase of comprehensive
256 liability insurance related to business activities in a
257 minimum specified amount. The address of the licensee's
258 principal place of business shall be on the certificate of
259 insurance, or equivalent, and filed with the board.

260 ~~(13)~~ (14) Require licensees and employees of licensees
261 to have visible on their person a photo identification card
262 issued by the board at all times when providing licensed
263 services.

264 ~~(14)~~ (15) Adopt canons of ethics under which the
265 regulated professional activities of individuals and business
266 entities shall be conducted.

267 ~~(15)~~ (16) Employ or contract for necessary personnel,
268 including an executive director, and provide necessary
269 offices, supplies, and equipment to fulfill the requirements
270 of this chapter.

271 ~~(16)~~ (17) Delegate ~~board~~ the board's powers and duties
272 by resolution to a named designee.

273 ~~(17)~~ (18) Enter into contracts and expend funds of the
274 board to fulfill the requirements of this chapter.

275 ~~(18)~~ (19) Borrow money for the initial start-up
276 operation of the board until sufficient receipts are paid into
277 the special revenue trust fund specified in Section 34-1A-9.

278 ~~(19)~~ (20) Work with the ~~Office of the~~ Attorney General
279 and other law enforcement agencies to prohibit any violation
280 of this chapter.



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281 ~~(20)~~ (21) Establish volunteer procedures for those
282 individuals or business entities that are exempt from this
283 chapter.

284 ~~(21)~~ (22) Conduct inspections relating to the operations
285 of unlicensed individuals, firms, or corporations to include
286 the solicitation, installation, servicing, monitoring of
287 burglar alarm systems, locking systems, or mechanisms, the
288 holding of privacy codes for burglar alarm systems of a
289 customer, or the selling, installation, or servicing of access
290 control systems or CCTV to or for a customer to ensure lawful
291 compliance with this chapter.

292 ~~(22)~~ (23) Issue a cease and desist order to any
293 unlicensed individual, company, corporation, firm, or business
294 entity engaged in any activity, conduct, or practice
295 constituting a violation of this chapter or rule adopted by
296 the board pursuant to this chapter."

297 "§34-1A-5

298 (a) The board shall issue licenses authorized by this
299 chapter to all qualified individuals in accordance with rules
300 adopted by the board.

301 (b) (1) ~~Effective beginning January 1, 2014, the~~ The
302 license fee for a two-year period as set by the board shall
303 not exceed three hundred dollars (\$300) for an individual and
304 one thousand five hundred dollars (\$1,500) for a business
305 entity.

306 (2) ~~Effective for the license year beginning January 1,~~
307 ~~2014, and thereafter, the~~ The board may provide for the
308 licenses to be renewed on a staggered basis as determined by



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rule of the board and, in order to stagger the license renewals, may issue the license for less than a two-year period. The amount of the license fees provided in subdivision (1) shall be prorated by the board on a monthly basis for the number of months the board issues the licenses in order to convert to any staggered system of renewals.

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

(d) No license shall be granted to any applicant that submits an incomplete application. A complete application shall include the submission of all required supporting documents and applicable fees, past due amounts, and assessed fines or monetary penalties.

(1) A business entity shall submit a completed company application and qualifying agent application, that includes all supporting documents and fees, to receive a license.

(2) A branch office shall submit a completed company application for its location and qualifying agent application, that includes all supporting documents and fees, to receive a license.

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

(2)a. An applicant shall not be refused a license solely because of a prior criminal conviction, unless the criminal conviction directly relates to the occupation or



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profession for which the license is sought. The board may refuse a license if, based on all the information available, including the applicant's record of prior convictions, the board finds that the applicant is unfit or unsuited to engage in the business.

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

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

~~(f)~~ (g) An affirmative vote of a majority of board



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members shall be required before any action to suspend or revoke a license, to impose a sanction on a licensee, or to levy an administrative fine. A board member shall disqualify himself or herself and withdraw from any case in which he or she cannot accord fair and impartial consideration.

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

(1) Conforming to this chapter and the rules of the board.

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

~~(h)~~ (i) A licensee ~~'s shall display the~~ license shall be displayed at its normal place of business and in a manner easily readable by the general public.

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

~~(j)~~ (k) An individual, ~~company, corporation, firm, business,~~ or ~~trademarked~~ business entity shall be licensed by the name advertised. The license number of a licensee or an Internet address where licensing information can be found shall be displayed in all advertising, including in social media or Internet advertising, or on any vehicle displaying advertising information, as provided by rule of the board.

(l) A business entity shall inform the board of any change in the name under which it operates, its physical



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393 address, or its mailing address.

394 (m) A business entity may be subject to disciplinary
395 action for any employees who violate this chapter or rules of
396 the board.

397 ~~(k)~~ (n) The board shall prepare information of consumer
398 interest describing the regulatory functions and describing
399 the procedures of the board by which consumer complaints shall
400 be filed with and resolved by the board. The board shall make
401 the information available to the general public and
402 appropriate state agencies. The board shall provide, upon
403 request, a listing of all licensees. The board may collect a
404 fee for the cost of duplicating and mailing materials.

405 ~~(l)~~ (o) Each written contract for services in the state
406 of a licensee shall contain the name, mailing address, and
407 telephone number of the board and a statement informing
408 consumers that complaints against licensees may be directed to
409 the board.

410 ~~(m)~~ (p) Notice of the issuance, revocation,
411 reinstatement, or expiration of every license issued by the
412 board shall be furnished to the sheriff of the county and the
413 chief of police, as appropriate, and the inspection department
414 of the city where the principal place of business of a
415 licensee is located.

416 ~~(n)~~ (q) Information contained in alarm system records
417 held by the board concerning the location of an alarm system,
418 the name of the occupant residing at the alarm system
419 location, or the type of alarm system used shall be
420 confidential and disclosed only to the board or as otherwise



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421 required by law.

422 ~~(r)~~ (r) A licensee, upon completing an installation,
423 shall provide a paper copy or electronic copy of all contracts
424 to the consumer, or his or her designee.

425 ~~(s)~~ (s) (1) To be eligible for a qualifying agent
426 license, an individual applicant shall serve in a management
427 and supervisory position with a ~~company~~ business entity for
428 not less than 33 hours per week within this state. A
429 qualifying agent may be subject to disciplinary action for the
430 actions of individuals employed under his or her supervision.
431 With the exception of a ~~company~~ business entity that only
432 performs monitoring work, each ~~licensed company, corporation,~~
433 ~~firm, and~~ business entity is required to have at least one
434 licensed employee designated as a qualifying agent. A business
435 entity shall be licensed for each classification that its
436 qualifying agents hold a training certification.

437 (2) A qualifying agent for more than one business
438 entity or branch office shall hold a minimum of 25 percent
439 ownership in each respective business entity.

440 (3) A business entity shall inform the board in writing
441 anytime a qualified agent ceases to be its employee. If a
442 business entity is left with no qualifying agent, it shall
443 employ a new qualifying agent within 120 days after the date
444 it informed the board its previous qualifying agent ceased
445 employment. The license of a business entity that does not
446 inform the board pursuant to this subsection shall be subject
447 to immediate suspension or revocation.

448 (t) An individual application, including a qualifying



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agent application, may be considered denied by the board if not completed within 30 days of the board requesting the missing information, applicable fees, or required supporting documentation. If an application has been deemed denied by the board, a new application, including required fees, shall be required to receive a license.

(u) Licensed individuals, including qualified agents, whose licenses have expired and who have not submitted an application for renewal within 31 days of the license expiring, or who have not otherwise renewed the license in a timely manner as determined by the board, shall be subject to a criminal background check approved by the board.

(v) Individual licenses, including qualifying agent licenses, shall be void upon an individual ceasing to be employed by a licensed business entity. An individual shall renew his or her license within 10 days after beginning employment for a new licensed business entity.

(w) Any business entity subject to this chapter that ceases to operate shall submit to the board a notarized statement attesting the date upon which the business entity ceased to operate.

(x) All branch offices of a licensed business entity shall maintain a separate and independent license from the business entity's principal place of business.

"§34-1A-7

(a) ~~Effective January 1, 1998, it shall be~~ It is unlawful for any individual or business entity to engage in a business regulated by this chapter in this state without a



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current valid license or in violation of this chapter and applicable rules of the board, unless the individual or business entity has received a letter of exemption from the board.

(b) ~~Effective January 1, 1998, it shall be~~ It is unlawful for an individual or business entity not licensed under this chapter to advertise or hold out to the public that ~~he or she is~~ they are a licensee of the board, unless the individual or business entity has received a letter of exemption from the board.

(c) There shall be no grace period in which a licensee may operate beyond the date their license expires. No extension of time during which a license may be renewed may be granted beyond December 31 of the applicable licensing expiration period. A licensee is considered unlicensed on the date of their license's expiration and is subject to any applicable administrative fines.

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

~~(d) Effective January 1, 1998, it shall constitute~~ (e) It is a Class A misdemeanor to willfully or intentionally do any of the following:

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

(2) Knowingly and deliberately improperly install an alarm system, or knowingly and deliberately improperly service



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505 such a system.

506 (3) While holding a license, allow another individual
507 or business entity to use the license or license number.

508 (4) Use, or permit the use of, any license by an
509 individual or business entity other than the one to whom the
510 license is issued.

511 (5) Use any credential, method, means, or practice to
512 impersonate a representative of the board.

513 (6) Make use of any designation provided by statute or
514 rule to denote a standard of professional or occupational
515 competence without being duly licensed.

516 (7) Make use of any title, words, letters, or
517 abbreviations that may reasonably be confused with a
518 designation provided by statute or rule to denote a standard
519 of professional or occupational competence without being duly
520 licensed.

521 (8) Provide material misrepresenting facts in an
522 application for ~~licensure~~ licensing or in other communications
523 with the board.

524 (9) Refuse to furnish the board information or records
525 required or requested pursuant to statute or rule.

526 ~~(c) Commencing July 1, 2018, it shall also constitute a~~
527 ~~Class A misdemeanor to willfully or intentionally do any of~~
528 ~~the following:~~

529 ~~(1)~~ (10) Advertise alarm system services or locksmith
530 services to the public by any means without possessing an
531 active license issued by the board during the licensing year
532 in which the advertisement appears.



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533 ~~(2)~~ (11) Install, service, or sell an alarm system or
534 provide locksmith services while on state or federal probation
535 or parole without a license or, if licensed, without first
536 providing proper written documentation by certified mail or
537 courier service of the probation or parole status to the
538 board.

539 ~~(3)~~ (12) Perform unsolicited sales or installation, or
540 both, of an alarm system or locking system at the home or
541 property of an individual who is age 75 or older~~7~~ without
542 providing the individual with a waiting period of at least
543 four business days after the initial contact and at least 30
544 business days to cancel any executed contract~~7~~ before
545 performing the installation or service, unless otherwise
546 authorized by this chapter.

547 ~~(4)~~ (13) Deceive or defraud an individual who is age 60
548 or older in violation of the Protecting Alabama's Elders Act,
549 Chapter 6, commencing with Section 13A-6-190, of Title 13A.

550 (f) (1) Upon notification that an individual~~, company,~~
551 ~~corporation, firm,~~ or business entity has engaged in
552 any activity, conduct, or practice constituting a violation of
553 this chapter or rule adopted by the board~~pursuant to this~~
554 ~~chapter,~~ or has not renewed a company license or completed the
555 renewal of a company license immediately upon expiration, the
556 board may issue a letter to show cause why an order should not
557 be issued directing the individual~~, company, corporation,~~
558 ~~firm,~~ or business entity to cease and desist from the
559 activity, conduct, practice, or the performance of any work
560 being done or about to be commenced.



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

(3) If the individual, ~~company, corporation, firm,~~ or business entity to whom the board directs a cease and desist order does not cease or desist the proscribed activity, conduct, practice, or performance of the work immediately, the board may impose an administrative fine of not more than five thousand dollars (\$5,000) per violation.

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

(1) Impose an administrative fine up to five thousand



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589 dollars (\$5,000) per violation.

590 (2) Deny an application for ~~licensure~~ licensing.

591 (3) Issue a cease and desist order.

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

595 (h) Any person aggrieved by any adverse action taken by
596 the board may appeal the adverse action in accordance with the
597 Alabama Administrative Procedure Act.

598 (i) If the individual, ~~company, corporation, firm,~~ or
599 business entity to whom the board directs a cease and desist
600 order does not cease or desist the proscribed activity,
601 conduct, practice, or performance of the work immediately, the
602 board may petition any court of competent jurisdiction to
603 issue a writ of injunction enjoining the individual, ~~company,~~
604 ~~corporation, firm,~~ or business entity from engaging in any
605 activity, conduct, practice, or performance of work as
606 prohibited by this chapter. Upon a showing by the board that
607 the individual, ~~company, corporation, firm,~~ or business
608 entity has engaged or is engaged in any activity, conduct,
609 practice, or performance of any work prohibited by this
610 chapter, the court shall grant injunctive relief enjoining the
611 individual, ~~company, corporation, firm,~~ or business entity
612 from engaging in the unlawful activity, conduct, practice, or
613 performance of work. Upon the issuance of a permanent
614 injunction, the court may fine the offending party up to five
615 thousand dollars (\$5,000) plus court costs and attorney fees,
616 for each offense. A judgment for a civil fine, attorney fees,



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and court costs may be rendered in the same judgment in which the injunction is made absolute.

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

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

(l) No administrative employee of a licensed business entity may enter any client's residence or place of business. No administrative employee may be issued an identification card by the board. An administrative employee shall be required to pass a criminal background check approved by the board to be employed by a licensed entity.

(m) No helper may work without direct, on-the-job supervision of a licensed qualifying agent or installer. A helper may not be required to complete any educational requirements of the alarm system or locksmith certification. A previous licensee that has completed the educational



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requirements of the alarm system or locksmith certification may not subsequently be licensed as a helper without receiving the board's approval. Not more than two helpers may be assigned to a licensed individual.

(1) An alarm helper may only run wires during the installation of an alarm system. An alarm helper may not install keypads or assign or program access codes.

(2) A locksmith helper may not change safe combinations or perform work on safe deposit boxes or vaults, nor may a locksmith helper have access to key codes or customer keying files.

(n) A trainee shall work under the direct, on-the-job supervision of an individual licensee. Not more than two trainees may be assigned to a licensed individual. A trainee shall have six months from the date he or she submitted his or her application for licensing in which to complete any educational requirements for certification and pass any exam required by the board.

Section 2. This act shall become effective on October 1, 2024.