ALABAMA BOARD OF POLYGRAPH EXAMINERS ADMINISTRATIVE CODE

CHAPTER 740-X-3 LICENSES

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740-X-3-.01 Qualifications Of Examiners To Be Licensed.

(1) The qualifications which a person must possess in order to receive a license as a polygraph examiner are those which are set out in §34-25-21 of the act.

(2) Pursuant to the authority vested in it by Code of Ala. 1975, §34-25-21(a)(6), the Board will approve those polygraph examiners' courses or schools which are fully accredited by the American Polygraph Association. The Board will either approve or disapprove unaccredited courses or schools on a case-by-case basis as the occasions arise.

(3) The Board does not interpret the "five consecutive years of active investigative experience" referred to in §34-25-21(a)(5) of the act as requiring that the investigativeexperience necessarily be in the same position or for the same employer. However, as that provision of the statute makes clear, the five years active investigative experience must be immediately preceding the application. The Board will decide on a case by case basis any

questions that arise about whether an applicant's experience is "active investigative experience," and "immediately preceding" the application.
Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed October 8, 1981.

740-X-3-.02 Applications For A License.

In order to be complete, all applications for a polygraph examiner's license must contain, with each application:

(a) An application form, prescribed and supplied by the Board, completed by the applicant in writing under oath, with necessary supporting documents;

(b) A personal or certified check, or a money order for the $150.00 nonrefundable investigative fee;

(c) Evidence that the applicant holds a baccalaureate degree from a college or university accredited by the Southern, Northern, Eastern or Western Association of Colleges and Schools, or recognized by the Board or in lieu thereof, evidence that the applicant has had five consecutive years of active investigative experience immediately preceding his application;

(d) Evidence that the applicant has successfully completed a polygraph school or course approved by the Board;

(e) Evidence that the applicant is covered by a surety bond or insurance policy in at least the amount of $5000 and conditioned that the obligor therein will pay to the extent of the face amount of surety bond or insurance policy all judgments which may be recovered against the licensee by reason of any wrongful or illegal acts committed by him in the course of his examinations;

(f) One complete fingerprint card and a current photograph; and

(g) any other information which the Board may request from an individual applicant for the administration and enforcement of the Polygraph Examiners Act or the rules and regulations adopted by the Board.
Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed October 8, 1981. **Amended:** Filed February 7, 1984.

740-X-3-.03 Board Review Of Original License Applications.

Applications will be treated in the following manner:

(a) The Board will review each application at the Board's first meeting following receipt of the application.

(b) If an application is incomplete or otherwise inadequate, the Board will notify the applicant, and no other Board action will be taken until the application is complete. If an application is not completed within the six months following the Board's notice to the applicant, the application will be void.

(c) If an application is complete and adequate, the Board will schedule the applicant for written examination and interview and notify the applicant of the date of the examination and interview.

Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed October 8, 1981.

740-X-3-.04 Appearance For Examination.

(1) It is the obligation of any applicant who is unable to attend a scheduled examination to notify the Board in advance.

(2) Any applicant who fails to appear for the initially scheduled examination will be notified to appear at a second scheduled examination.

(3) Failure, for any reason, to appear at the second scheduled examination will void the application. If the applicant thereafter desires to be considered for licensing, the applicant must submit another complete application.

(4) A new application required by subsection (3) of this section must comply in all respects with Rule 740-X-3-.02 and must include a new investigative fee.

Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed October 1, 1981.

740-X-3-.05 Written Examination And Interview.

(1) Except as provided in Rule 740-X-3-.06, before each applicant is licensed, that applicant must:

(a) Submit to the Board the test data and results from a minimum of 10 examinations performed by the applicant;

(b) Pass a written examination given by the Board; and

(c) Undergo a personal interview in which his performance on the written examination will be discussed with him.

(2) The examination will cover all aspects of polygraphy and acceptable polygraph techniques. An applicant must score at least 75% on each portion of the written examination in order to pass. An applicant who fails to score 75% on a portion of the examination may retake that portion. An applicant who wishes to retake one or more portions must do so at either of the next two regularly scheduled examination sessions. An applicant who fails to retake portions of the examination at either of the next two sessions must retake the entire examination.
Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed October 8, 1981.

740-X-3-.06 Reciprocity Agreements.

(1) Full reciprocity agreements, the privileges of which are available to all examinees licensed by reciprocal states, shall be governed by § 34-25-24 of the act.

(2) The Board may enter into limited reciprocal agreements, the privileges of which are available only to qualified examinees licensed by reciprocal states. Qualified examinees are those who meet the minimum requirements of §34-25-21 of the act.
Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed October 8, 1981.

740-X-3-.07 License Years And Fees.

(1) The term of a polygraph examiner's license in Alabama runs from October 1 to September 30 of each year.

(2) Applications for license renewal shall be made upon forms prescribed and supplied by the Board.

(3) The application for renewal and the renewal license fee, which are provided for in §34-25-26(5) of the act, are delinquent after September 30 of each year, and unless the Board receives the renewal license application and the renewal fee on or before September 30, the license shall expire.

(a) A polygraph examiner whose license has expired may at any time within two months after the expiration obtain a renewal license, without examination or later penalty fee, by submitting a renewal application to the board and satisfying subdivisions (2), (3), and (4) of subsection (a) of Section 34-25-21. A polygraph examiner whose license has expired, and who does not apply for renewal within two months following expiration, may at any time within three to six months after the expiration obtain a renewal license, without examination, by paying a $50.00 late penalty fee, submitting a renewal application to the board, and satisfying subdivisions (2), (3), and (4) of subsection (a) of Section 34-25-21.

(4) The full amount of the renewal license fee is due in full for each October 1 to September 30 period or any portion thereof.

(5) The full amount of the renewal license fee is due in full each year, regardless of what portion of the initial license year was covered by the original fee of $150.00.
Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed October 8, 1981. **Amended:** Filed July 30, 2009; effective September 3, 2009.

740-X-3-.08 Temporary Licenses.

The secretary of the Board may issue an Intern polygraph examiner's license pending the Board's approval of the application at the next Board meeting. A Intern license may be issued only if the application is complete and ready for Board action.
Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed October 8, 1981. **Amended:** Filed May 20, 2008; effective June 24, 2008.

740-X-3-.09 Bad Checks.

A "bad check" is a check received by the Board from an applicant, intern, or examiner, which is returned to the Board unpaid for any

reason. The following procedures will govern the receipt of bad checks by the Board:

(a) If the check is from an applicant for an original examiner's license or from an applicant for an intern's license, the processing of the application will he discontinued indefinitely until the fee which the check was to cover is paid. After receipt of the initial bad check, no additional personal checks will be accepted for this payment and the payment must be by cashier's check, certified check, or money order.

(b) If the bad check is from an examiner for renewal of his license, or from an intern for renewal of his internship license, receipt of the bad check shall immediately suspend the license. The license shall remain suspended until the renewal fee is paid. After receipt of the initial bad check, no additional personal check will be accepted for payment of this fee, and payment must be by cashier's check, certified check, or money order.

(c) The secretary Of the Board shall notify an applicant, intern, or examiner whose bad check is received of the fact that the check was returned to the Board unpaid and of the effect which this event has on the application or renewal.

Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed October 8, 1981. **Amended:** Filed February 7, 1984.

740-X-3-.10 Fees For Governmental And Commercial Examiners For A Commercial License.

All polygraph examiners licensed in the State of Alabama on October 1, 1991, will be exempt from the one time investigative fee and original licensing fee formerly required of governmental examiners entering private practice. The renewal license fee, provided for in Code of Ala. 1975, §34-25-26(5), shall be applicable to all examiners for each year thereafter.
Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed November 6, 1991.

Ed. Note: Previous rule 740-X-3-.10 "Fees for Governmental Examiners Who Apply for a Commercial License" filed October 8, 1981. **Amended:** Filed February 7, 1984. **Repealed:** Filed November 6, 1991.

740-X-3-.11 License Form And Identification Card.

(1) The license form approved by the Board will contain the full name of the licensee, the date of issuance and expiration of the license, the seal of the Board, the document control number, and the signature of the members of the Board.

(2) The Board will issue to each licensed polygraph examiner a pocket identification card verifying that he is licensed to perform polygraph examinations in Alabama.

(3) It is the responsibility of each licensed polygraph examiner to prominently display his license form at his place of business. It is further the responsibility of each polygraph examiner to have his pocket identification card in his possession whenever he is conducting a polygraph examination, and to produce it when requested to do so by any person.
Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed October 8, 1981.

740-X-3-.12 License Is Not A License To Do Business.

The polygraph examiner's license is issued by the Board as a determination of the professional qualifications of the licensee. It is not a license to do business, and it does not relieve the examiner of the obligation to comply with state and local business license requirements.
Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed October 8, 1981.

740-X-3-.13 Notification Of Change Of Address.

It is the duty of each intern and examiner to properly notify the Board of any change in his mailing address.
Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed October 8, 1981.

740-X-3-.14 Bonds.

Every polygraph examiner, whether a commercial examiner or a governmental examiner, must be insuredor bonded as an individual

in an amount to be determined by the Board and proof that an examiner has such a bond or insurance must be presented to the Board with that examiner's application for a license.
Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed February 7, 1984. **Amended:** Filed November 6, 1991.

740-X-3-.15 Notification Of Cancellation Or Discontinuance Of Surety Bond.

It is the duty of an examiner to immediately notify the Board if his surety bond, which is required by §34-25-21(b) of the act, has been or is to be cancelled or discontinued or changed in any way.
Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed October 8, 1981.

740-X-3-.16 Continuing Education.

Effective October 1, 1993, every licensed polygraph examiner seeking annual renewal of a license shall, as a prerequisite for renewal of such license, report with the license renewal form satisfactory evidence of having completed at least twelve (12) credit hours of qualified continuing education in the subject areas of polygraph examinations, and/or related field. No polygraph examiner shall be required to complete any credit hours of continuing education during the calendar year in which he or she first becomes licensed.

(a) Seminars, conferences, courses and classes sponsored by national, regional, state and local polygraph associations and those sponsored by individuals nationally recognized as experts in the profession may be accepted as meeting the requirements of this rule.

(b) University or college courses, provided that:

1. For credit courses, each semester hour credit shall equal fifteen (15) continuing education credit hours, and each quarter hour credit equal ten (10) continuing education credit hours.

2. For noncredit short courses, continuing education credit shall equal actual time in class.

(c) Serving in capacity as an intern sponsor during the year licensing period. (5 hours per intern)

(d) Presentation of a related industry paper for a seminar or publication. (5 hours per paper)

(e) Continuing education credit shall be allowed for service as an instructor, discussion leader, or speaker at any program for which participants are eligible to receive continuing education credit. Credit for such service will be awarded on the first presentation only, unless a program has been substantially revised. The amount of credit awarded shall not exceed three (3) times the number of class hours; provided, however, that credit hours awarded under this paragraph shall not exceed fifty percent (50%) of the total number of credit hours required by this chapter within any reporting period.

(f) At the time each examiner submits a request to renew his license for the following year, a copy of the diploma, certificate, or other documentation confirming instruction and attendance shall be submitted.

(g) No license shall be renewed without proof of continuing education as required herein.

(h) Any false or incorrect information submitted hereunder shall be grounds for revocation of any license granted.

(i) If any continuing education credit hours claimed in a statement submitted by a licensee pursuant to paragraph (f) of this rule are disapproved, the Board shall notify such licensee of the reason for the disapproval. The Board may allow a specified period of time for correction of the deficiencies noted.

(j) The Board may, upon written request, extend the time within which licensees must comply with the requirements of this chapter for reasons of poor health, military service or other reasonable and just causes.

(k) Any licensee who requests or is granted an extension of time under this rule shall remain subject to paragraphs (f), (g), (h) and (i), and shall note such extension on any report required thereunder.

Author: Polygraph Examiners Board
Statutory Authority: Code of Ala. 1975, §§34-25-5(a), 41-22-4.
History: Filed November 6, 1991.