

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Sunday, April 28, 2024, and filed with the agency secretary on Sunday, April 28, 2024.

AGENCY NAME: Alabama State Board of Electrical Contractors

INTENDED ACTION: Amend

RULE NO.: 303-X-2-.10
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

RULE TITLE: Discipline Of A License

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted without changes

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 3, AAM,
DATED FRIDAY, DECEMBER 29, 2023.

STATUTORY RULEMAKING AUTHORITY: 34-16-4

(Date Filed)
(For LRS Use Only)

REC'D & FILED

APR 29, 2024

LEGISLATIVE SVC AGENCY

Keith E. Warren

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Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

303-X-2-.10 Discipline Of A License.

(1) When charges are made against a licensed electrical contractor, journeyman electrician, or an unlicensed person practicing without a license, which would justify suspension, revocation, or a Cease and Desist Order, reasonable notice in writing of the specific nature of the charges and the time and place of a hearing shall be issued by the Board and delivered either by personal service, as in civil actions, by certified mail, return receipt requested, or first class mail, postage prepaid, to be effective upon the deposit of the notice in the mail. Delivery of the notice referred to in this subsection shall constitute the commencement of the contested case proceeding. Written complaints against a licensed electrical contractor, a journeyman electrician, or a non-licensee must be filed within one (1) year of the act or work forming the basis of the complaint.

(2) The Board may suspend, revoke, or refuse to issue or renew a license after notice and opportunity for the applicant/licensee to be heard, upon proof of any of the following actions:

(a) violation of any provision of Code of Ala. 1975, §§34-36-1, et seq.;

(b) attempting to procure a license to practice electrical contracting or to work as a master electrician or journeyman electrician by bribery or fraudulent misrepresentations;

(c) being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of electrical contracting, working as a journeyman electrician, or the ability to practice electrical contracting or to work as a master electrician or journeyman electrician;

(d) making or filing a report or record which the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed electrical contractor, master electrician, or journeyman electrician;

(e) being found guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of electrical contracting or working as a master electrician or journeyman electrician;

(f) practicing on a revoked, suspended, or inactive license;

(g) aiding or abetting any person to evade any provision of this chapter;

(h) knowingly combining or conspiring with any person by allowing one's license to be used by any unlicensed person with the intent to evade this chapter. When a licensee allows his or her license to be used by any firm,

partnership, association, or corporation without having any active participation in the operations or management of the firm, partnership, association, or corporation, such act constitutes prima facie evidence of an intent to evade this chapter. If an electrical contractor files a request with the Board to transfer his or her license more than twice in a calendar year, then a hearing shall be set before the Board with the burden of proof being on the licensee to prove that the intent of this chapter is not being circumvented or obstructed;

(i) acting in the capacity of an electrical contractor under any license issued under this act except in the name of the licensee as set forth on the issued license;

(j) having a license to practice electrical contracting or journeyman electrician revoked, suspended, or otherwise disciplined, including the denial of licensure by the licensing authority of another municipality, county, state, territory, or country.

(3) In addition to the action on the status of the license, the Board may impose an administrative fine of not more than \$5,000 (five thousand dollars) for each violation.

(4) If the Board finds that a person, corporation, or business entity is engaged in performing electrical contracting covered by this chapter without having obtained a proper license, the Board may do any of the following:

(a) deny an application for licensure;

(b) impose an administrative fine of not more than five thousand dollars (\$5,000) per violation;

(c) issue a cease and desist order;

(d) petition the circuit court of the county where the act occurred to enforce the cease and desist order or collect the assessed fine, or both.

(5) Any person aggrieved by an adverse action taken by the Board may appeal the adverse action to the circuit court of the county in which the adverse action occurred in accordance with the Alabama Administrative Procedures Act, Code of Ala.1975, §§41-22-1, et seq.

Author: Hendon B. Coody

Statutory Authority: Code of Ala. 1975, §§34-36-6, et seq.

History: Filed March 7, 1986. **Amended:** Filed June 10, 1988.

Repealed and New Rule: Filed February 11, 2011; effective March 18, 2011. **Amended:** Published May 31, 2024; effective July 15, 2024.