

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 150
Department or Agency: Alabama State Board of Auctioneers
Rule No.: 150-X-1-.02 (1)
Rule Title: Online Auction Firm
Intended Action: New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? Yes

To what degree?: Will require online auction firms to pay a license fee consistent with existing auction firms.

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer: Keith E. Warren

Date: Wednesday, August 21, 2024

REC'D & FILED
AUG 21, 2024
LEGISLATIVE SVC AGENCY

ALABAMA STATE BOARD OF AUCTIONEERS

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Auctioneers

RULE NO. & TITLE: 150-X-1-.02 (1) Online Auction Firm

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

The proposed rule outlines the requirements for all online auction firms to obtain an Alabama Online Auction Firm License pursuant to Act # 2021-438.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments may be directed to Keith E. Warren, Executive Director, 2777 Zelda Road, Montgomery, Alabama, 36106 or by email at keith@alstateboard.com.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, October 4, 2024

CONTACT PERSON AT AGENCY:

Keith E. Warren
Executive Director
Alabama State Board of Auctioneers
2777 Zelda Road
Montgomery, Alabama 36106
334-420-7235

Keith E. Warren

Keith E. Warren

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

150-X-1-.02 (1) Online Auction Firm.

(1) Any online auction firm applying for an online auction firm license shall furnish the following information to the Board. As defined by Administrative Rule 150-X-1-.01(2).

- a. A completed and signed application form, as prescribed by the Board, accompanied by the appropriate filing fee determined by the Board.
- b. If such company is a foreign entity, satisfactory evidence approved by the Board that such company is authorized to do business in this state and is registered with the Secretary of State, in accordance with Article 15 of Title 10, Code of Ala., 1975;
- c. Prior to the issuance of a license, each online auction firm is responsible to account for or remit funds of others that came into its possession and shall provide the name of the bank and the account number of any escrow or trustee account wherein the funds of others held are maintained.
- d. The term qualifying Agent shall include a person designated by an online auction firm to bear responsibility that online auction business conducts transactions within the guidelines established by the Board of Auctioneers, as defined by Administrative Rule 150-X-1-.01(2).
- e. Authority to act as qualifying agent(s) and to transact business under the license shall be designated on the application and named on the license.
- f. Written notification of a change in the qualifying agent(s) authorized to transact business under the license shall be provided to the Board within thirty (30) days of such change.
- g. Any advertisements for an online auction sale must identify the name and license number of the online auction firm.
- h. All qualifying agents must meet the same Continuing Education requirements as a licensed auctioneer.
- i. An online auction firm license is required effective 1 January, 2025, due annually by September 30th.

Author: Board of Auctioneers

Statutory Authority: 34-4-50

History: New Rule: Published _____; effective _____.