

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 465
Department or Agency: Home Builders Licensure Board
Rule No.: 465-X-4-.03
Rule Title: Fees Not Refundable
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

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

J.R. Carden Jr.
James R Carden

Date

Friday, November 15, 2024

REC'D & FILED
NOV 15, 2024
LEGISLATIVE SVC AGENCY

HOME BUILDERS LICENSURE BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builders Licensure Board

RULE NO. & TITLE: 465-X-4-.03 Fees Not Refundable

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The amendments of Ala. Admin. Code r. 465-X-4-.03 further clarifies the examination(s) or combination recognized by the Board when an applicant may be eligible for refund of fee for failure to complete the testing requirement.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35-day period beginning November 27, 2024. Persons wishing to submit data, views or arguments orally should contact the Board's executive director between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding State holidays, at (334) 242-2230, to set up an appointment for such oral presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Wednesday, January 1, 2025

CONTACT PERSON AT AGENCY:

J. Seth Gowan, Esq.  
Chief Legal Counsel  
P.O. Box 303605  
Montgomery, Alabama 36130-3605  
(334) 242-2230

*J.R. Carden Jr.*

---

James R Carden

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

465-X-4-.03

**Fees Not Refundable.**

No fee or part of a fee paid by an applicant for a license, or any request for which a fee is required, shall be refunded as a result of the revocation or suspension of the applicant's license. In the event an applicant fails to complete the application process successfully or to take or pass the examination (testing experience and ability, conducted either by the Board ~~or~~, a third party under contract with the Board, any other nationally recognized examination as approved by the Board or any combination thereof), or the Board refuses to issue a license to an applicant, any license fee or Homeowners' Recovery Fund fee submitted as part of the application process shall be refunded to the applicant upon receipt of a written request for refund from the applicant, submitted within three years of final board action on the application, except the nonrefundable application processing fee.

**Author:** David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield, J. Seth Gowan, Lauren Latham, Darlene Burt.

**Statutory Authority:** Code of Ala. 1975, §§34-14A-7, 34-14A-11.

**History:** Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993. **Amended:** Filed September 23, 1994; effective October 28, 1994. **Amended:** Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed August 27, 2018, effective October 11, 2018. **Amended:** Published ; effective .