

APA-1

TRANSMITTAL SHEET FOR NOTICE  
OF INTENDED ACTION

Control: 440

Department or Agency: Alabama Board Of Heating, Air Conditioning And Refrigeration Contractors

Rule No.: 440-X-4-.03

Rule Title: Deficiency

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? No

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? Yes

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

Jeffrey M. Becraft  
Jeffrey Becraft

Date

Friday, February 21, 2025 **FEB 21, 2025**

**REC'D & FILED**  
**LEGISLATIVE SVC AGENCY**

**ALABAMA BOARD OF  
HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Board of Heating, Air Conditioning, and  
Refrigeration Contractors

**RULE NO. & TITLE:** 440-X-4-.03 Deficiency

**INTENDED ACTION:** Amend

**SUBSTANCE OF PROPOSED ACTION:**

To clarify the existing rule and to reduce the continuing education deficiency  
policy fee from \$100 to \$25.

**TIME, PLACE AND MANNER OF PRESENTING VIEWS:**

11:00 a.m., Wednesday, May 7, 2025, Baldwin County Satellite Courthouse, 201 E.  
Section Avenue, Foley, AL 36535

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

Monday, May 5, 2025

**CONTACT PERSON AT AGENCY:**

Jeffrey M. Becraft  
jeffrey.becraft@hacr.alabama.gov

*Jeffrey M. Becraft*

\_\_\_\_\_  
Jeffrey Becraft

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

**Deficiency.**

The Board may implement a continuing education ~~credit hour~~ deficiency policy in the event a certified contractor cannot submit their continuing education hours before November 1 annually.\_

Contractors who fail to submit at least four hours of continuing education hours prior to November 1 annually may be granted a continuing education deficiency extension until December 31. A deficiency plan fee of twenty-five dollars (\$25) shall be assessed to all contractors who submit continuing education hours taken after November 1 but before January 1 annually. A  
~~contractor must appeal in writing for Board approval for a continuing education credit hour deficiency extension after November 1st but before January 1st annually. The written appeal must outline in detail the contractors plan, including intended date of completion, before consideration will be given.~~

~~The fee for deficiency approval may not exceed one hundred dollars (\$100).~~

All applications for a continuing education deficiency extension must be received by the Board prior to December 30, ~~of the year in which the license certification was to be renewed. Late fees will apply if the deficiency extends past December 31 annually.~~1, of the year in which the license certification was to be renewed.

**Author:** Jeffrey M. Becraft

**Statutory Authority:** Code of Ala. 1975, §31-31-32.

**History: New Rule:** Filed April 9, 2003; effective May 14, 2003.

**Amended:** Filed August 14, 2009; effective September 18, 2009.

**Amended:** Published January 31, 2020; effective March 16, 2020.

**Repealed and New Rule:** Published May 31, 2022; effective July 15, 2022. **Amended:** Published ; effective .

**ECONOMIC IMPACT STATEMENT  
FOR APA RULE  
(Section 41-22-23(f))**

Control No:	<u>440</u>
Department or Agency:	<u>Alabama Board Of Heating, Air Conditioning And Refrigeration Contractors</u>
Rule No:	<u>440-X-4-.03</u>
Rule Title:	<u>Deficiency</u>
Intended Action:	<u>Amend</u>

                     This rule has no economic impact.

      Yes       This rule has an economic impact, as explained below:

**1. NEED/EXPECTED BENEFIT OF RULE:**

To reduce the continuing education deficiency plan fee by \$75.

**2. COSTS/BENEFITS OF RULE AND WHY RULES IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:**

Enforcement of the rule incentivizes contractors to submit their continuing education hours in a timely manner. The current fee is \$100 and should be reduced to \$25.

**3. EFFECT OF THIS RULE ON COMPETITION:**

None

**4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

None

**5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:**

None

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**6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:**

HVAC and Commercial Refrigeration contractors who fail to submit continuing education hours prior to November 1st annually.

**7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON EFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:**

None

**8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:**

None

**9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:**

None

**10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:**

None

Signature of certifying officer

Jeffrey M. Becraft

Jeffrey Becraft

Date

Friday, February 21, 2025