

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 304
Department or Agency: Alabama Electronic Security Board of Licensure
Rule No.: 304-X-1-.06
Rule Title: Exemptions
Intended Action: Amend

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? 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 Janet Robinson
Janet Robinson

Date Friday, June 20, 2025

REC'D & FILED
JUN 20, 2025
LEGISLATIVE SVC AGENCY

ALABAMA ELECTRONIC SECURITY BOARD OF LICENSURE

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Electronic Security Board of Licensure

RULE NO. & TITLE: 304-X-1-.06 Exemptions

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

To amend in order to update exemptions that reflect a previous statute change. This section only reflects a change in language from "a person" to "an individual."

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments may be submitted to:
Alabama Electronic Security Board of Licensure
7956 Vaughn Road, PMB 392
Montgomery, AL 36116

Public Hearing:
Tuesday, August 19, 2025, 9:30 a.m.
Halcyon Pointe--Building I--Meeting Room
Montgomery, AL 36117

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 4, 2025

CONTACT PERSON AT AGENCY:

Janet Robinson, Executive Director
Alabama Electronic Security Board
of Licensure
7956 Vaughn Road, PMB 392
Montgomery, AL 36117
Telephone# 334-557-0983

Janet Robinson

Janet Robinson

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

(1) Pursuant to Code of Ala. 1975, §34-1A-6, an exemption from the licensing and regulatory provision of this chapter may be granted to certain personsindividuals or entities.

(2) Those personsindividuals or entities may request a letter of exemption from the board by submitting the following:

(a) A letter of request shall be mailed to the board;

(b) A notarized affidavit stating with specificity the activities of the individual or the company or the entity and stating why said company or entity is exempt from the licensure.

(c) The board shall review the request and render a decision at its next scheduled board meeting.

(d) If approved, a letter of exemption shall be mailed to the individual or entity. Said approval letter will include a statement that the individual or company may be subject to an injunctive action if the Board receives information that the company or individual is indeed engaged in non-exempt activity regulated by the board. The letter of exemption issued by the Board shall be signed by both the Board Chair and the Executive Director. The original letter of exemption will be kept on file at the Board's administrative office, and a copy of the letter will be mailed to the entity requesting the exemption.

(e) If the exemption is denied, the company or individual may request an administrative hearing before an independent hearing officer. The hearing request shall be made no later than thirty (30) days of the date noted on the official letter of denial. If a request is made, an administrative hearing shall be held not less than thirty (30) days after the receipt of the request by the Board.

(f) If, after an administrative hearing, the denial of the exemption is upheld, the company or individual will have 30 days from the final decision to appeal the action to the Montgomery County Alabama Circuit Court, pursuant to the Administrative Procedures Act, or must complete the requirements to become licensed within thirty (30) days or cease operation in the State of Alabama.

Author: Lynne Taunton

Statutory Authority: Code of Ala. 1975, §34-1A.

History: New Rule: Filed November 19, 2018; effective January 3, 2019. **Amended:** Published August 31, 2021; effective October 15,

2021. **Amended:** Published May 31, 2022; effective July 15,
2022. **Amended:** Published _____ ; effective _____ .