

APA-1  
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### TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency: Alabama State Board of Auctioneers

Rule No.: 150-X-1-.02

Rule Title: Application For Auctioneer's License

\_\_\_\_\_ New X Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

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 and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public Than the harm that might result from the absence of The proposed rule? No

Are all facets of the rulemaking process designed solely For the purpose of, and so they have, as their primary Effect, the protection of the public? Yes

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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.

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#### 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 Reference Service.

Signature of certifying officer 

Date: June 4, 2013

(DATE FILED)  
(STAMP)

**Alabama State Board of Auctioneers**

NOTICE OF INTENDED ACTION

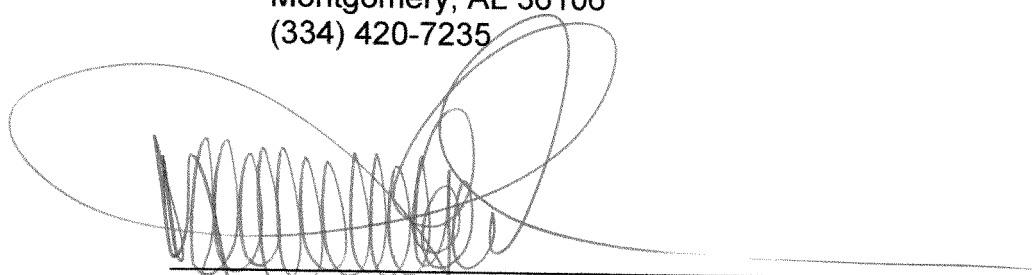
AGENCY NAME: Alabama State Board of Auctioneers  
RULE NO. & TITLE: 150-X-1-.02 Application For Auctioneer's License  
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to amend this rule to include the auction company license application requirements.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:00 p.m. on Friday, August 2, 2013. Comments should be directed to Keith E. Warren, Executive Director at 2777 Zelda Road, Montgomery, AL 36106 or via electronic mail at [keith@warrenandco.com](mailto:keith@warrenandco.com) or via telephone at 334-420-7238.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:  
Friday, August 2, 2013.

CONTACT PERSON AT AGENCY: Keith E. Warren  
Executive Director  
2777 Zelda Road  
Montgomery, AL 36106  
(334) 420-7235



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Keith E. Warren, *Executive Director*  
Alabama State Board of Auctioneers

**150-X-1-02. Application For Auctioneer's License.**

(a) Upon application for an auctioneer's license, each apprentice auctioneer must present a statement signed by his/her sponsoring auctioneer, stating that said apprentice has participated as principal auctioneer in the required number of sales during the course of his/her apprenticeship. The applicant must furnish proof of the sales in the form of advertisements containing the applicant's name and license number in equal prominence with the name and license number of the sponsoring auctioneer, and proof that he/she was compensated for his/her services in these sales in the form of copies of canceled checks showing that the monies went through the sponsor's escrow account. (34-4-21)

(b) Non-resident, non-reciprocal applicants must prove they have been active auctioneers during the past five (5) years immediately preceding the date of application. Proof of activity may include some or all of the following and must contain dates which will effectively verify that the applicant has been an active auctioneer for the five (5) years immediately preceding the application: advertisements containing the applicant's name; copies of closing statements which show the date of the sale and are signed by the applicant; copies of county and or municipal auctioneer licenses; and affidavits from duly licensed Alabama auctioneers that the applicant has engaged in auctions during this time. (34-4-25)

(c) Reciprocity will be granted to those states having licensing requirements of equal or higher standards than Alabama and who have entered into a reciprocal agreement with the board. Applicants for reciprocity from states without an apprenticeship program equivalent to the Alabama apprenticeship program will be required to be licensed in their home state for two (2) years prior to application for reciprocity as stated in the reciprocal agreement. (34-4-25)

(d) Any auction company applying for an auctioneer license shall furnish the following information to the Board; for purposes of this rule, an auction company includes any legal entity which engages in the business of auctioneering, as defined by the Auctioneers License Act and the rules and regulations of the Board. An auction company exclusively owned and operated by an auctioneer licensed by this Board and in good standing therewith will be exempt from the requirement for a separate auctioneer license under this chapter. Licensed auctioneers fitting within this exemption must still complete and file an auction company application with the Board, but shall not be required to remit the application or licensure fee. Failure to file a completed auction company application may subject an auctioneer and/or auction company to disciplinary action by the Board, regardless of whether the exemption from a separate auctioneer license applies.

(1) A completed, signed and notarized application form, as prescribed by the Board, accompanied by the appropriate filing fee determined by the Board.

(2) 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 Alabama Secretary of State, in accordance with Article 15 of Title 10, Code of Ala. 1975;

(3) Satisfactory evidence approved by the Board that the auction company employs or shall employ an auctioneer or auctioneers licensed under the provisions of this chapter to conduct any auctions in this state.

(e) Authority to act as an auctioneer and to transact business under the license shall be limited to one officer of the

**History:** New Rule: Filed July 12, 1995; effective August 16, 1995. Amended: Filed January 18, 2002; effective February 22, 2002. Amended: Filed July 24, 2007; effective August 28, 2007. Amended: Filed \_\_\_\_\_; effective \_\_\_\_\_.