

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 465 Department or Agency Home Builders Licensure Board

Rule No. 465-X-4.04

Rule Title: Fees

 New X Amend Repeal Adopt by Reference

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 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

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 Reference Service.

Signature of certifying officer 

Date March 11, 2015

(DATE FILED)
(STAMP)

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

Control 465 Department or Agency Home Builders Licensure Board
Rule No. 465-X-4.04
Rule Title: Fees
 New Amend Repeal Adopt by Reference

 This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

This rule amendment, which adjusts the annual license fee for licenses issued by the agency, is necessary to generate sufficient funds to ensure that consumer protection in the residential home building industry continues by the continued efficient operation of the agency.

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

The rule change increases the annual license fee from \$190.00 to \$235.00. The annual license fee has not been increased since 1997, despite a decrease in revenue for the agency due to the downturn in the national economy. The agency has offset the lost revenue by declining to fill staff positions left vacant due to retirement, etc., and has streamlined its operation as much as possible to limit costs. At this time, additional revenue is needed to continue to provide consumer protection in the residential construction industry by effectively implementing and enforcing the statute.

3. EFFECT OF THIS RULE ON COMPETITION:

The amount of the increase is not sufficient to effect competition among licensees.

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

The rule will be implemented statewide. It will not impact the cost-of-living or doing business in the state.

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

The rule will not impact employment in the state.

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

The rule will be implemented and enforced as part of the current procedures employed by the agency; it will not require additional revenue to implement or enforce.

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

Licensees will pay an increased license fee once per year, while the fees collected will provide sufficient funds to ensure the continued provision of consumer protection in the residential construction industry.

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

The only uncertainty associated with the rule is whether it will lead to a decrease in the number of licensees. However, the increase is such a small amount that the agency believes the increase will be sufficient to offset any loss of licensees.

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.

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HOME BUILDERS LICENSURE BOARD

NOTICE OF INTENDED ACTION

AGENCY NAME: Home Builders Licensure Board

RULE NO. & TITLE: Ala. Admin. Code r. 465-X-4-.04. Fees.

INTENDED ACTION: Amend rule.

SUBSTANCE OF PROPOSED ACTION:

Increase the annual license fee for active and inactive licenses.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

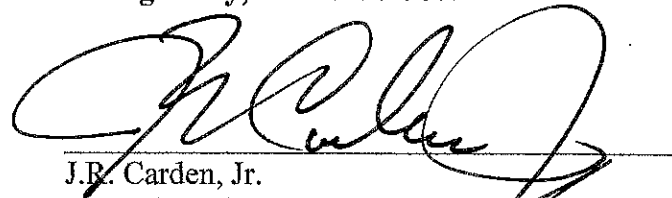
All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person for the 35 day period beginning March 31, 2015. Persons wishing to submit data, views or arguments orally should contact the Board's Executive Director between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding State holidays, at 334-242-2230, to set up an appointment for such oral presentations. Mail should be addressed as follows:

**Mr. J. R. Carden, Jr.
Executive Director
P.O. Box 303605
Montgomery, AL 36130-3605**

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: May 5, 2015

CONTACT PERSON AT AGENCY:

**Mr. J. R. Carden, Jr.
Executive Director
P.O. Box 303605
Montgomery, AL 36130-3605**



J.R. Carden, Jr.
Executive Director

CHAPTER 465-X-4

FEES

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465-X-4-.01 When Required; Failure for Timely Payment. An application for a license or any request for which a fee is required, must be accompanied by payment of the requisite fee in full, or else the application or request shall be denied.

Authors: David R. Boyd, Dorman Walker, Lois Woodward

Statutory Authority: Code of Ala. 1975, §§ 34-14A-5, 34-14A-11.

History: Original Rule and Emergency Rule filed March 22, 1993; Emergency Rule effective March 22, 1993; Permanent Rule effective June 16, 1993; Amendment and Emergency Amendment filed June 20, 1994; Emergency Amendment effective June 20, 1994; Amendment effective October 28, 1994.

465-X-4-.02 Method of Payment; Time of Payment. Fees may be paid by a personal check, certified check, cashier's check, or money order. Fees are deemed paid when the funds represented by the check or money order actually are received by or made available to the Board's Executive Director.

Authors: David R. Boyd, Dorman Walker, Lois Woodward

Statutory Authority: Code of Ala. 1975, §§ 34-14A-5, 34-14A-11.

History: Emergency Rule filed March 22, 1993; Emergency Rule effective March 22, 1993; Permanent Rule effective June 16, 1993; Amendment and Emergency Amendment filed June 20, 1994; Emergency Amendment effective June 20, 1994; Amendment effective October 28, 1994.

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), 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, except the nonrefundable application processing fee.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield

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.

Emergency Amendment: Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. Amendment and Emergency Amendment filed October 1, 1997; Emergency

Amendment effective October 1, 1997. **Amended:** Filed January 28, 1998; effective March 4, 1998.
Amended: Filed May 6, 2002; effective June 10, 2002.

465-X-4-.04 Fees. Fees shall be as follows:

- (1) Annual License Fee. 190.00
This fee must accompany the initial application for a license and each annual license renewal application. Beginning October 1, 2015, this fee will be \$235.00.
- (2) Annual Homeowners' Recovery Fund Fee. 15.00
This fee must accompany all license applications and license renewal applications.
- (3) Nonrefundable Application Processing Fee For New Applicants. 100.00
Beginning January 1, 2012, this fee, along with the \$205 annual license fee, and the annual Homeowners' Recovery Fund fee, must accompany all applications submitted by applicants for a new license.
- (4) Nonrefundable Application Processing Fee For Applicants Holding Expired Licenses Less Than Three Years Old. 295.00
This fee, along with the annual license fee of \$205.00, and the annual Homeowners' Recovery Fund fee, must accompany all applications submitted by applicants holding expired licenses less than three years old, who desire to reactivate the expired license.
- (5) Inactive Fees. 100.00
This fee must accompany an application for an inactive license and each renewal inactive license application. Building officials applying for or renewing an inactive license are exempted from this fee. Beginning October 1, 2015, this fee shall be \$125.00.
- (6) Record Fee. 15.00
This fee must accompany a request for an applicant's examination records.
- (7) Late Fee. 50.00
This fee must accompany all license renewal applications received on December 1, or thereafter, of the year preceding the year for which the license is to be renewed. Building officials filing a late application for an inactive license are exempted from this fee.
- (8) Bad Check Fee. 30.00
Pursuant to Code of Ala. 1975, § 8-8-15, this fee must accompany any check, or other negotiable instrument drawn on a bank or other depository institution and made payable to the Board, if the instrument is not paid or is dishonored by the institution.
- (9) Application Package Fee. 25.00
Pursuant to Code of Ala. 1975, § 41-22-4(3), this fee must accompany a request for an application package for a new license to be mailed. The application package includes a copy of Code of Ala. 1975, § 34-14A-1 et seq., administrative rules and necessary forms for licensure.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker, Kathy Perry Brasfield
Statutory Authority: Code of Ala. 1975, §§ 34-14A-5, 34-14A-7, 34-14A-11, 34-14A-15.
History: Filed: March 22, 1993. **New Rule:** Filed: May 12, 1993, effective June 16, 1993.
Emergency Amendment: Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. Amendment and Emergency Amendment filed October 1, 1997. Emergency Amendment effective October 1, 1997. **Amended:** Filed January 28, 1998; effective March 4, 1998. **Amended:** Filed September 4, 1998; effective October 9, 1998. **Amended:** Filed May 6, 2002; effective June 10, 2002. **Amended:** Filed March 7, 2008; effective April 11, 2008. **Amended:** Filed February 4, 2009; effective March 11, 2009. **Amended:** Filed June 17, 2010; effective July 23, 2010. **Amended:** Filed May 6, 2011; effective June 10, 2011. **Emergency Amendment:** Filed June 10, 2011. **Amended:** Filed August 25, 2011; effective September 29, 2011. **Amended:** Filed _____, 2015; effective _____, 2015.

465-X-4-.05 Additional Costs. Applicants required to provide to the Board specified information from third parties [including without limitations, credit reports and examination results (testing experience and ability)] shall pay the cost of obtaining such information directly to the provider, provided; however, the cost of obtaining such information shall be payable to the Board and the Board shall reimburse the provider for such cost where the Board and the provider have a contract which provides for payment to be handled in this manner.

Authors: David R. Boyd, Dorman Walker, Lois Woodward, Beth Acker
Statutory Authority: Code of Ala. 1975, §§ 34-14A-5, 34-14A-11. **History:** Filed: March 22, 1993.
New Rule: Filed: May 12, 1993, effective June 16, 1993. **Emergency Amendment:** Filed June 20, 1994. **Amended:** Filed September 23, 1994; effective October 28, 1994. Amendment and Emergency Amendment filed October 1, 1997. Emergency Amendment effective October 1, 1997. **Amended:** Filed January 28, 1998; effective March 4, 1998.

465-X-4-.06 Fee Adjustments. The Board may adjust fees as necessary to cover its operating costs.

Authors: David R. Boyd, Dorman Walker, Lois Woodward
Statutory Authority: Code of Ala. 1975, §§ 34-14A-5, 34-14A-11.
History: Original Rule and Emergency Rule filed March 22, 1993; Emergency Rule effective March 22, 1993; Permanent Rule effective June 16, 1993.