

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Manufactured Housing Commission
Rule No. 535-X-12.08
Rule Title: Penalties and Appeals
 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? NA

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? 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 Reference Service.

Signature of certifying officer 
Elwyn Thomas

Date 10-30-13

(DATE FILED)
(STAMP)

ALABAMA MANUFACTURED HOUSING COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Manufactured Housing Commission (AMHC)

RULE NO. & TITLE: 535-X-12-.04 Installation of Manufactured Homes
or Manufactured Buildings

535-X-12-.05 Reporting Requirements

535-X-12-.08 Penalties and Appeals

INTENDED ACTION: To amend the rules.

SUBSTANCE OF PROPOSED ACTION: To add the stipulation that no one can contract with an uncertified installer; to add language that specifies that failure to submit a monthly installation report may result in revocation of an installer's license; and to delete language that allows for the imposition of a fine for each violation and add language that allows for the imposition of a fine as well as suspension or revocation of licenses.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Alabama Manufactured Housing Commission, 350 South Decatur Street, Montgomery, AL 36104. Persons wishing to express their views orally should contact the Commission's Executive Secretary at (334) 242-4036, Ext. 27, to set up an appointment.

FINAL DATE FOR COMMENT OF PRESENTING VIEWS:

January 1, 2014

CONTACT PERSON AT AGENCY: Ms. Kathryn Terry, Executive Secretary



Elwyn Thomas, Administrator

535-X-12-.08 Penalties Aand Appeals.

(1) The Commission may deny or revoke certification or re-certification, ~~or impose a fine in an amount not to exceed \$500.00 for each violation,~~ for failure to maintain certification requirements, for improper installations, for failure to meet Commission reporting requirements, or for such other reasons as the Commission may determine from time to time which may affect the public health, safety, or welfare.

(2) Any person who violates the installation requirements of this article shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00 or by imprisonment for up to 30 days or both.

(23) Each applicant who has been refused certification or re-certification, has been assessed a fine, or has had his certification revoked by the Commission's Administrator may appeal the decision by filing a request for a hearing in writing with the Commission at its office within ten days from receipt of the adverse notice. The Commission shall then notify the person within ten days from receipt of the notice of the date, time, and place of the hearing, which hearing shall not be more than 30 days from the date of the request for hearing. The hearing shall afford the applicant an opportunity to be heard. The Commission's Administrator or designee and the applicant will be allowed to present evidence. The applicant may be represented by a person of his or her own choosing. The hearing officer shall issue a written decision within ten days of the conclusion of the hearing.

Author: Jim Sloan

Statutory Authority: Code of Ala. 1975, §§24-4A-3, 24-5-31, 24-5-32, 24-6-4.

History: Filed February 6, 1990. **Amended:** June 24, 1993; Effective July 29, 1993. **Amended:** Filed July 27, 2000; effective August 31, 2000; operative October 1, 2000.