



State of Alabama
Board of Heating, Air Conditioning & Refrigeration Contractors

Code of Alabama, (1975), § 34-31-18 et seq.

SECTION 34-31-18 Definitions.

For the purposes of this chapter, the following terms have the following meanings:

- (1) ADMINISTRATIVE PROCEDURE ACT. Chapter 22 of Title 41 and any rules adopted thereunder.
- (2) BOARD. The State Board of Heating, Air Conditioning, and Refrigeration Contractors.
- (3) CERTIFICATION or LICENSE. The process of testing to determine the knowledge and skill of an individual with respect to heating, air conditioning, and refrigeration."
- (4) CERTIFIED HEATING AND AIR CONDITIONING CONTRACTOR. Any person engaged in the business of heating and air conditioning contracting and installation or service and repair.
- (5) CERTIFIED REFRIGERATION CONTRACTOR. Any person engaged in the business of refrigeration contracting and servicing, installation, and repair.
- (6) DUCT AIR TIGHTNESS TESTING CONTRACTOR. Any person engaged in the practice of testing and verifying duct air tightness in conjunction with the installation, service, or repair of a heating and air conditioning system.
- (7) HEATING AND AIR CONDITIONING SYSTEM. A heating or cooling apparatus consisting of an air heating or cooling fixture from pipes, plenums, or blowers, including any accessory and equipment installed in connection within the system. The term does not include window units, automotive, or farm implement type heating or air conditioning equipment.
- (8) INSTALLATION. The act of setting up or installing a heating and air conditioning system or refrigeration system for operation and use.
- (9) PERSON. Includes an individual, firm, partnership, or corporation.
- (10) REFRIGERATION. The use of mechanical or absorption equipment to control temperature, humidity, or both, in order to satisfy the intended use of a specific space, other than for human comfort.

(11) REFRIGERATION TRADE OR BUSINESS. Any individual or legal entity engaged in the installation, maintenance, servicing, and repairing of refrigerating machinery, equipment, devices, and components.

(12) REGULARLY EMPLOYED PERSON. An individual who meets all of the following conditions:

- a. Is an actual employee of the business, not an independent contractor.
- b. Works an average of 30 or more hours per week for the heating, air conditioning, or refrigeration business.
- c. Is not paid as an independent contractor.
- d. Receives a Form W-2, Wage and Tax Statement, for all earnings.

(13) RESPONSIBLE CHARGE. The direction of projects involving the installation or service and repair of heating, air conditioning, and refrigeration systems requiring initiation, professional skills, technical knowledge, and independent judgment.

(14) SERVICE AND REPAIR. The act of maintaining for operation a heating, air conditioning, or refrigeration system that has previously been installed, including parts replacement within a piece of equipment.

(Acts 1982, No. 82-547, p. 900, §3.1; Acts 1988, No. 88-217, p. 339, §3; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, §3; Acts 1992, No. 92-180, p. 333, §3; Act 2009-486, p. 879, §1; Act 2015-169, §1; Act 2024-310, §1.)

SECTION 34-31-19 Purpose.

The purpose of this chapter is to certify qualified contractors on a state-wide basis in order to protect the public by identifying those contractors who have the knowledge and ability to install or service and repair heating, air conditioning, and refrigeration systems.

(Acts 1982, No. 82-547, p. 900, §3.2; Acts 1988, No. 88-217, p. 339, §3; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, §3; Act 2009-486, p. 879, §1.)

SECTION 34-31-20 Board of Heating, Air Conditioning, and Refrigeration Contractors - Creation; composition; transfer of property, etc.

(a) The Board of Heating and Air Conditioning Contractors as created by Act 82-547, 1982 Regular Session (Acts 1982, p. 900), is renamed the Board of Heating, Air Conditioning, and Refrigeration Contractors. The authority of the board is expanded to allow the board to examine, certify, and regulate heating, air conditioning, and refrigeration on a statewide basis.

(b) The board shall consist of 12 members, who shall be citizens of this state and who shall be subject to confirmation by the Senate. The seven initial appointments shall be effective as of July 1, 1982, as follows: One member shall be appointed by the Governor for an initial term of one year, and shall be a licensed professional engineer; one member shall be appointed by the Governor for an initial term of four years and shall be a heating and air conditioning contractor; one member shall be appointed by the Lieutenant Governor for an initial term of three years and shall be a trade representative of an equipment manufacturer or supplier; one member shall be appointed by the Governor for an initial term of three years and shall be a consumer from the general public; one member shall be appointed by the

Speaker of the House of Representatives for an initial term of two years and shall be a trade representative of the service, repair parts industry; one member shall be appointed by the Lieutenant Governor for an initial term of two years, and shall be a representative from county or local inspection services department; and one member shall be appointed by the Speaker of the House of Representatives for an initial term of three years, and shall be a consumer from the general public. Three additional members shall be appointed to serve four-year terms beginning on January 1, 2001. Each of these three additional members shall be heating and air conditioning or refrigeration contractors. One of these additional members shall be appointed by the Governor, one of these additional members shall be appointed by the Lieutenant Governor, and one of these additional members shall be appointed by the President Pro Tempore of the Senate. An additional two members, who shall be heating and air conditioning contractors, shall be appointed by the Speaker of the House of Representatives for initial terms of three years. Their successors, who shall be appointed by the same respective appointing authorities, and shall possess the same respective occupational qualifications, shall each serve not more than two consecutive terms of office of four years each and until their successors are appointed and qualified. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(c) All moneys, equipment, and property of the board created pursuant to Sections 34-31-1 through 34-31-17, inclusive, shall, effective July 1, 1982, be transferred to the board created in subsection (a). The board shall pay all money received under this chapter to the State Treasurer, who shall keep the money in a separate fund for the board. All money remaining at the end of the fiscal year which exceeds 25 percent of the board's budget for the previous year shall be transferred to the 501(c)(3) nonprofit Alabama Home Builders Foundation to be used exclusively for classroom training tools at educational facilities that provide heating, air conditioning and/or refrigeration curriculums to include any program approved or accredited by the State of Alabama, United States federal government, or any state or federal governmental agency or board. If, at any time, the Alabama Home Builders Foundation should lose its nonprofit status, those funds shall be transferred to the State General Fund.

(Acts 1982, No. 82-547, p. 900, §3.3; Acts 1983, 2nd Ex. Sess., No. 83-131, p. 137, §1; Acts 1988, No. 88-217, p. 339, §3; Acts 1996, No. 96-748, p. 1318, §3; Act 2000-745, p. 1658, §1; Act 2004-67, p. 82, §3; Act 2008-130, p. 187, §3; Act 2009-486, p. 879, §1; Act 2015-169, §1.)

SECTION 34-31-21 Board of Heating, Air Conditioning, and Refrigeration Contractors - Officers; meetings; power and duties.

(a) The board shall elect from among its members a chairman, vice-chairman, and a secretary. The board may hire an executive director to serve at the pleasure of the board. The board may require the executive director to perform the duties required by this section and any other tasks required by the board. The board shall set the salary of the executive director. The executive director, with the consent of the board, may employ a deputy director who shall serve at the pleasure of the executive director. The salary and compensation for the deputy director shall be set by the board and shall not exceed the salary set for the executive director.

(b) The chairman shall preside over meetings of the board. The vice-chairman shall preside over meetings of the board in the absence of the chairman. The chairman shall designate another member to preside in the absence of the chairman and vice-chairman.

(c) The secretary or, if directed by the board, the executive director shall perform the following tasks:

(1) Keep all minutes, books, records, and files of the board.

(2) Issue all certificates in the name of the board.

(3) Send all notices and attend to all correspondence directed by the board.

(4) Receive and deposit all fees.

(5) Perform all incidental duties of the office as directed by the board.

(d) The secretary shall give bond, payable to the Governor, in the penal sum of \$5,000 for the faithful performance of his or her duties, and the premium therefor shall be paid from the fees of the board.

(e) No moneys shall be withdrawn from the funds of the board except by direction of the board as provided by state law.

(f) A majority of the board shall constitute a quorum for the transaction of all business.

(g) The board is also authorized to adopt and publish minimum repair and service standards for its certified contractors, and shall mail a copy thereof to every certified contractor at least 30 days before the standard of criteria becomes effective. Certified contractors who fail to comply with such minimum standards and criteria shall be punished as prescribed in Section 34-31-32(a).

(h) The board is authorized to hold hearings, call witnesses, administer oaths, take testimony, and obtain evidence in the conduct of its business. It is further authorized to take such disciplinary actions as are authorized in subsection (c) of Section 34-31-32.

(i) The board is authorized to expend funds for purposes of public awareness of the board and its rules and regulations to include advertising, promotional materials, event exhibiting, staff uniforms, or other means approved by the board.

(Acts 1982, No. 82-547, p. 900, §3.4; Acts 1986, No. 86-118, p. 143, §3; Acts 1988, No. 88-217, p. 339, §3; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, §3; Acts 1992, No. 92-180, p. 333, §3; Act 2000-745, p. 1658, §1; Act 2015-169, §1.)

SECTION 34-31-22 Board of Heating, Air Conditioning, and Refrigeration Contractors - Compensation.

Each member of the board shall receive one hundred dollars (\$100) per day for attending sessions of the board or its committees and, in addition, shall be reimbursed for such necessary travel expenses as are paid to state employees, to be paid from fees collected.

(Acts 1982, No. 82-547, p. 900, §3.5; Act 2000-745, p. 1658, §1.)

SECTION 34-31-23 Board of Heating, Air Conditioning, and Refrigeration Contractors - Regular meetings.

The board shall meet in a regular session to perform its lawful duties at least once each three-month period.

(Acts 1982, No. 82-547, p. 900, §3.6.)

SECTION 34-31-24 Performance of functions of certified contractor; testing or verifying duct air tightness.

(a)(1) No person may advertise, solicit, bid, obtain permits, do business as, or perform the function of a certified contractor unless the person in responsible charge, is a certified contractor.

(2) Every contractor licensed under this chapter shall display the contractor's certification number and the company name on all documentation, forms of advertising, and on all service and installation vehicles used in conjunction with heating, air conditioning, and refrigeration contracting.

(3) A contractor licensed under this chapter may not permit the use of his or her license by any other person.

(4) No official who issues licenses to any person to operate a business as a certified contractor may issue a license unless there is presented for inspection a certificate of qualification issued by the board to the individual or to the person in responsible charge with the partnership or corporation.

(b) The following requirements apply to the practice of testing or verifying duct air tightness:

(1) Any individual who engages in the practice of testing and verifying duct air tightness is required to register with the board. The individuals are not required to become a certified heating and air conditioning contractor, but shall complete training as set forth by this subsection. The board shall maintain a list of individuals who are registered duct envelope testing contractors in the practice of testing and verifying duct air tightness and leakage. The board may establish fees to be paid by registrants. All fees must accompany the application for registration and are nonrefundable. All registrations must be renewed by December 31 of each year. The board may establish a late fee for those individuals failing to renew by December 31.

(2) Any board certified heating and air conditioning contractor or home builder licensed by the Alabama Home Builders Licensure Board seeking to register as a duct tightness tester for the purposes of testing ducts on his or her own project or on a third party basis for the general public, must successfully complete the Residential Energy Services Network Home Energy Rating Systems (HERS) Rater training, the Building Performance Institute Building Analyst (BPI) training, or the Home Builders Association of Alabama Qualified Credentialed Air Tightness Verifier (QCATV) training. Any applicant that is not a board certified contractor or a licensed home builder seeking to register as a duct tightness tester for the purposes of testing duct work on a third party basis for the general public must successfully complete the Residential Energy Services Network Home Energy Rating System (HERS) Rater training or the Building Performance Institute Building Analyst (BPI) training. Each applicant must submit verification that he or she has successfully completed the training required by at least one of the above listed programs to the board prior to receiving the registration in order to be added to the list of registered individuals. Each registrant must submit proof of completion, approved by the Home Builders Association of Alabama, prior to annual re-registration by the board.

(3) The board may discipline any registrant who fails to conduct air tightness testing to the standards set forth by the board. Discipline for registrants may include all penalties authorized by this chapter.

(Acts 1982, No. 82-547, p. 900, §3.7; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, §3; Act 2009-486, p. 879, §1; Act 2015-169, §1; Act 2024-310, §1.)

SECTION 34-31-25 Fees; disposition of funds.

(a)(1) For the purpose of defraying the expense in carrying out this chapter, the board may fix fees to be paid for the issuance, reissuance, and replacement of certificates and for any other service provided by the board, but in no event shall the charges fixed by the board exceed two hundred fifty dollars (\$250). The inactive fees may be waived for building officials or inspectors, as defined by the International Code Council. All fees fixed by the board must accompany the application, and no part of the fees shall be refunded. The fees shall be received by the board and held solely for the purpose of paying the expense of carrying out this chapter.

(2) Renewal fees shall be established by the board to ensure adequate funding to support the board. Fees shall not exceed two hundred fifty dollars (\$250) per year. The amount of these fees shall be established by the board on an annual basis to provide adequate funding to support the board and to pay the expenses incurred for applications, examinations, or renewals of licenses.

(b) All penalties collected by the board shall be used in the same manner and for the same purpose as fees.

(c) Fees for Duct Envelope Testing Contractors application and annual renewal shall not exceed one hundred dollars (\$100).

(Acts 1982, No. 82-547, p. 900, §3.8; Acts 1992, No. 92-180, p. 333, §3; Act 2000-745, p. 1658, §1; Act 2009-486, p. 879, §1; Act 2015-169, §1; Act 2024-310, §1.)

SECTION 34-31-26 Renewal of certificates; inactive status; continuing education.

(a) All certificates provided for herein shall be renewed annually, not later than December 31 of each year. All holders of certificates may be renewed annually, provided that the certified contractor has complied with all provisions of law and rules and regulations of the board thereof, upon payment of all fees set forth by the board as provided for in this chapter.

(b) Any person certified by the board may elect an inactive status certificate by notifying the board in writing. The fee for the issuance and renewal of an inactive status certificate shall be established by the board in an amount not to exceed one-half of the amount set for fees pursuant to Section 34-31-25.

(c) The board shall provide by rule or regulation those activities which an inactive status certificate holder may engage in, and for a procedure for the reinstatement as an active status certificate holder.

(d) The board shall adopt an annual program of continuing education for its certified contractors by January 1 of each year. All certified contractors shall be required to complete at least four hours of continuing education every year. In the event a contractor completes in excess of four hours continuing education in a calendar year, he or she may carry over four hours to the following renewal year. This minimum continuing education requirement will begin during the calendar year 2001. All certified contractors will be required to complete the minimum continuing education requirements prior to renewal in all years beginning January 1, 2002.

(e) The failure to complete the minimum continuing education requirements shall prevent the renewal of the certified contractor's license until proof of compliance with the continuing education requirement is submitted to the board. The board may permit a certified contractor to submit a deficiency plan to the board for approval by January 1 of each year for medical hardships and emergencies that prevent the certified contractor from complying with the continuing education requirements on time. This deficiency plan shall be specific in describing the plan for full compliance with the continuing education requirement and shall be accompanied by a deficiency plan fee established by the board.

(f) The board shall adopt rules that prescribe the policies, procedures, and fees for obtaining board approval of the providers, courses, and instructors for the continuing education program.

(g) Any inactive contractor who is 65 years of age or older is exempt from continuing education requirements.

(h) A contractor is exempt from completing continuing education requirements during the first year he or she receives his or her certification with the board.

(Acts 1982, No. 82-547, p. 900, §3.9; Acts 1992, No. 92-180, p. 333, §3; Act 2000-745, p. 1658, §1; Act 2009-486, p. 879, §1; Act 2015-169, §1.)

SECTION 34-31-27 Citizenship; application forms.

All applicants for examinations and certificates and all applicants for renewal certificates shall be citizens of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, and shall be required to fill out a form which shall be provided by the board.

(Acts 1982, No. 82-547, p. 900, §3.10; Act 2008-130, p. 187, §3.)

SECTION 34-31-28 Examination for certification; registration; eligibility; further testing, etc., by localities prohibited; exemptions.

(a) All prospective certified contractors in this state seeking to qualify in accordance with this chapter shall be required to stand for a written examination before the board. Any applicant failing to pass his or her first examination for a certificate may take any subsequent examination, either written or, upon request of the applicant, a practical examination which is equivalent to the written examination, to be held within six months from the date of his or her unsuccessful examination.

(b) The board shall examine the character, fitness, and qualifications of every individual who applies for a certified heating, air conditioning, or refrigeration contractor license upon forms prescribed by the board and upon payment of all prescribed fees.

(c) An applicant for examination for a heating, air conditioning, or refrigeration certified contractor license shall be eligible to stand for the examination if the applicant has completed 3,000 hours of work experience, as defined by the board, or is a graduate of an approved heating, air conditioning, or refrigeration curriculum.

(d) Counties, municipalities, or other local entities are prohibited from requiring any further local testing or satisfaction of other requirements by certified contractors, subject to the payment of any applicable local privilege, license, or business fees or charges.

(e) Individuals licensed by the Alabama Liquefied Petroleum Gas Board are exempt from this chapter pertaining to heating, air conditioning, and refrigeration when:

(1) Engaged in the installation, repair, or replacement of a liquefied petroleum gas appliance so long as the appliance is not connected to a refrigeration system, provided that the individuals may engage in the replacement or repair of a liquefied petroleum gas central heating unit when it is combined with an air conditioning unit.

(2) Engaged in the installation of a venting system required for a vented-type liquefied petroleum gas appliance.

(f) This chapter does not apply to any of the following:

(1) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision, if the employee does not hold himself or herself out for hire or otherwise engage in contracting except in accordance with his or her employment.

(2) Any mobile home or manufactured structure that is installed, inspected, or regulated by the Alabama Manufactured Housing Commission; however, the repair, servicing of a heating and air conditioning system, or the installation of a new heating and air conditioning system in a previously inspected manufactured structure is subject to this chapter.

(3) Individuals performing work on motor vehicles, residential refrigerators, or ice machines.

(4) Household appliances.

(5) Farm equipment.

(6) Poultry operations whether engaged in hatching, primary processing, or further processing of chicken, turkey, or other fowl.

(Acts 1982, No. 82-547, p. 900, §3.11; Acts 1986, No. 86-118, p. 143, §3; Acts 1988, No. 88-217, p. 339, §3; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, §3; Acts 1992, No. 92-180, p. 333, §3; Act 2000-745, p. 1658, §1; Act 2009-486, p. 879, §1; Act 2024-310, §1.)

SECTION 34-31-29 Examinations generally; reciprocity agreements.

(a) The board shall provide for examinations which test the knowledge, skill, and proficiency of the applicants.

(b) Examinations shall be held at such time and place as may be fixed by the board at least once each three-month period. Written notice of the place of examinations shall be mailed to all persons who have filed current applications for the examinations of the board.

(c) The board may charge each applicant and retesting applicants for examination a reasonable fee based on the actual costs for administering the examinations. Applicants must stand for the examination within one year from the date the board receives the examination application and fees, otherwise the applicant must resubmit an application and appropriate fees.

(d) The board may enter into reciprocity agreements with other states to permit Alabama certified contractors to engage in work in other states in exchange for that state's contractors being permitted to

perform work in Alabama. This provision recognizes the status of the certified contractor as having passed the examination; however, all certification fees are required to be paid.

(Acts 1982, No. 82-547, p. 900, §3.12; Acts 1988, No. 88-217, p. 339, §3; Acts 1992, No. 92-180, p. 333, §3; Act 2000-745, p. 1658, §1; Act 2009-486, p. 879, §1.)

SECTION 34-31-30 Performance bond.

The board may require a performance bond not to exceed twenty-five thousand dollars (\$25,000) per year for all active certified contractors. There shall be no discrimination between contractors similarly situated, and each classification of regulated contractors for bonding purposes must be reasonable considering the purpose of the bond.

(Acts 1982, No. 82-547, p. 900, §3.13; Act 2009-486, p. 879, §1; Act 2024-310, §1.)

SECTION 34-31-31 List of certified contractors.

The board may publish annually a list of names, addresses of all individuals, and the name of their employer, if applicable, who are certified by the board, and shall mail a copy of the list to all qualified individuals so certified upon request to do so. The board may require a reasonable fee to cover the cost of producing and mailing the directory.

(Acts 1982, No. 82-547, p. 900, §3.14; Acts 1988, 1st Ex. Sess., No. 88-932, p. 543, §3; Act 2000-745, p. 1658, §1.)

SECTION 34-31-32 Violations; penalties.

(a) Except as provided in Section 13A-9-111.1, any individual engaged in business as a certified contractor or performing the functions of a certified contractor in violation of this chapter shall be guilty of a Class A misdemeanor.

(b) The board may impose late penalties on certified contractors who fail to renew certificates by December 31 of each year. The board may also remove the certification from any certified individual who fails to renew his or her certificate by the first day of March and require the individual to apply for a new certificate. The board may require the successful re-testing of any previously certified individual who applies for a new certification.

(c) The board may reprimand, in writing, any certified contractor who provides substandard or dangerous service, repair, or installation, or who otherwise violates this chapter.

(d) The board may remove, revoke, or suspend the certification of any certified contractor who provides substandard or dangerous service, repair, or installation, or who otherwise violates this chapter, and may require any previously certified individual to apply for a new certification.

(e) The board may levy and collect administrative fines for violations of this chapter or the rules of the board of not more than two thousand dollars (\$2,000) for each violation.

(f)(1) In addition to or in lieu of the criminal penalties and administrative sanctions provided in this chapter, the board may issue an order to any person engaged in any activity, conduct, or practice that is a violation of this chapter, directing the person to cease and desist from the activity, conduct, practice,

or performance of any work in progress or about to be commenced. The order shall be issued in the name of this state under the authority of the board.

(2) If the person fails to immediately comply with the cease and desist order, the board shall petition any court of competent jurisdiction to issue a writ of injunction enjoining the person from engaging in any activity, conduct, practice, or performance of work prohibited by this chapter. Upon a sufficient showing by the board that the person has engaged or is engaged in any activity, conduct, practice, or performance of work prohibited by this chapter, the court may issue a temporary restraining order to enjoin the person from engaging in the performance of work pending the hearing on a preliminary injunction. After a hearing, the court may issue a permanent injunction commanding the cessation of the performance of work complained of, all without the necessity of the board having to give bond. A temporary restraining order, preliminary injunction, or permanent injunction issued pursuant to this subsection shall not be subject to being released on bond.

(3) In the suit for an injunction, the board may issue a fine of up to two thousand dollars (\$2,000) plus costs for each offense.

(4) Any failure to cease work, after a hearing and notification from the board, shall render an individual ineligible to apply for a certified contractor's license for a period not to exceed one year from the date of official notification to cease work. The board may withhold approval for up to six months of any application from any individual who, prior to the application, has been found in violation of this chapter.

(Acts 1982, No. 82-547, p. 900, §3.15; Acts 1988, No. 88-217, p. 339, §3; Acts 1992, No. 92-180, p. 333, §3; Act 2000-745, p. 1658, §1; Act 2004-67, p. 82, §3; Act 2009-486, p. 879, §1; Act 2021-272, §2; Act 2024-310, §1.)

SECTION 34-31-33 Procedure.

The procedures shall be same as those defined in the Alabama Administrative Procedure Act, Chapter 22 of Title 41. The board may establish additional procedures as needed provided that the procedure is published and made public and are not in conflict with the state law.

(Acts 1982, No. 82-547, p. 900, §3.16; Acts 1983, 2nd Ex. Sess., No. 83-131, p. 137, §1.)

SECTION 34-31-34 Appeals.

Any appeals to the chapter shall be as defined by the Alabama Administrative Procedure Act. Any judicial review pursuant to the Alabama Administrative Procedure Act must be filed, commenced, and maintained in the Circuit Court of Montgomery County, Alabama.

(Acts 1982, No. 82-547, p. 900, §3.17; Acts 1983, 2nd Ex. Sess., No. 83-131, p. 137, §1; Act 2024-310, §1.)

SECTION 34-31-35 Sunset provision.

The State Board of Heating, Air Conditioning, and Refrigeration Contractors shall be subject to the Alabama Sunset Law, Title 41, Chapter 20, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2004, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

(Act 2000-745, p. 1658, §2; Act 2009-486, p. 879, §1.)