

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 440
Department or Agency: Alabama Board of Heating, Air Conditioning and Refrigeration Contractors
Rule No.: 440-X-3-.10
Rule Title: Fees And Charges
Intended Action: Amend

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? Yes

To what degree?: Increase in examination fee by \$25

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

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? 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 Services Agency.

Signature of certifying officer

Jeffrey M. Becraft
Jeffrey Becraft

Date

Tuesday, May 28, 2024

REC'D & FILED
MAY 28, 2024
LEGISLATIVE SVC AGENCY

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**ALABAMA BOARD OF
HEATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Heating, Air Conditioning, and Refrigeration Contractors

RULE NO. & TITLE: 440-X-3-.10 Fees And Charges

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

To increase the examination fees by \$25.00 to \$175.00

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

11:00 a.m., Wednesday, August 7, 2024, 100 N. Union Street, Suite 986, Montgomery, AL 36104

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, August 2, 2024

CONTACT PERSON AT AGENCY:

Jeffrey M. Becraft
Executive Director

Jeffrey M. Becraft

Jeffrey Becraft

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

440-X-3-.10**Fees And Charges.**

(1) The following fees and charges have been established by the Board effective January 1, 2019.

| | |
|---|-------------------------------------|
| (a) Written examination fee | \$150.00 <u>\$175.00</u> |
| (b) Practical examination fee | \$350.00 <u>\$375.00</u> |
| (c) Initial certification fee for ACTIVE heating and air conditioning license | \$190.00 |
| (d) Annual renewal fee for ACTIVE heating and air conditioning license | \$190.00 |
| (e) Initial certification fee for ACTIVE refrigeration license | \$190.00 |
| (f) Annual renewal fee for ACTIVE refrigeration license | \$190.00 |
| (g) Initial certification fee for INACTIVE heating and air conditioning license | \$ 95.00 |
| (h) Annual renewal fee for INACTIVE heating and air conditioning license | \$ 95.00 |
| (i) Initial certification fee for INACTIVE refrigeration license | \$ 95.00 |
| (j) Annual renewal Fee for INACTIVE refrigeration license | \$ 95.00 |
| (k) Late fee for certification renewal received after December 31 annually | \$250.00 |
| (l) Continuing Education Deficiency fee | \$100.00 |
| (m) Dishonored check fee | \$ 30.00 |
| (n) Continuing Provider Application Fee | \$ 75.00 |
| (o) Continuing Education Course Fee | \$ 25.00 |
| (p) Continuing Education Instructor Fee | \$ 25.00 |
| (q) Non-Traditional Continuing Education Application | \$ 25.00 |
| (r) Duct Air Tightness Testing Contractor Registration Fee | \$ 50.00 |
| (s) Duct Air Tightness Testing Contractor Registration Late Fee | \$ 50.00 |
| (t) Issuance of printed certification cards | \$ 25.00 |

(Inactive contractors are not eligible to purchase local licenses or permits until the inactive contractor returns to an active certified contractor status and meets all requirements for licensing as an active certified contractor, including payment of the proper fee(s))

(2) Examination fees are in addition to the fees required for initial certification, renewals, inactive contractor status, and the late fees for late renewals.

(3) All fees established by the Board shall be submitted with the application for examination to become certified with the Board, and no part of said fees shall be refunded. These fees shall be received by the Board and held for the purpose of paying the expenses associated with processing the application and to pay the expenses associated with testing.

(4) The Board may pass along to the applicant the service fee charged by any credit card company, bank, or card processing organization to process any online or in house credit card fee.

Author: Jeffrey Becraft, Kathy S. Byron

Statutory Authority: Code of Ala. 1975, §§34-31-24, 34-31-25.

History: New Rule: Filed April 9, 2003; effective May 14, 2003. **Amended:** Filed August 14, 2009; effective September 18, 2009. **Amended:** Filed October 13, 2015; effective November 17, 2015. **Amended:** Filed September 11, 2018; effective October 26, 2018. **Amended:** Published January 31, 2020; effective March 16, 2020. **Repealed and New Rule:** Published November 30, 2022; effective January 14, 2023. **Amended: Published ; effective .**

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

Control No: 440

Department or Agency: Alabama Board of Heating, Air Conditioning and Refrigeration Contractors

Rule No: 440-X-3-.10

Rule Title: Fees And Charges

Intended Action: Amend

 This rule has no economic impact.

 Yes This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

To cover the increased cost of the exam by the examination provider.

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

N/A

3. EFFECT OF THIS RULE ON COMPETITION:

None

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

Increase the examination fee for perspective contractors by \$25.

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

None

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

N/A

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

None

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

None

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

Signature of certifying officer

Jeffrey M. Becraft

Jeffrey Becraft

Date

Tuesday, May 28, 2024