

1 HB532  
2 149239-4  
3 By Representative Wood (N & P)  
4 RFD: Local Legislation  
5 First Read: 02-APR-13

1  
2 ENROLLED, An Act,

3           Relating to Calhoun County; to establish a county  
4 business license for persons engaged in commercial  
5 door-to-door sales promotion of products or services for  
6 profit; to establish requirements for and the process to  
7 obtain a door-to-door sales license and the fees for the  
8 license; to provide penalties for violations; to amend  
9 Sections 45-8-70.01 and 45-8-241, Code of Alabama 1975; to  
10 provide an automobile allowance for the commissioner of  
11 licenses; to provide a citation fee for persons cited for  
12 failure to pay a county business license; and in connection  
13 therewith would have as its purpose or effect the requirement  
14 of a new or increased expenditure of local funds within the  
15 meaning of Amendment 621 of the Constitution of Alabama of  
16 1901, now appearing as Section 111.05 of the Official  
17 Recompilation of the Constitution of Alabama of 1901, as  
18 amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20           Section 1. (a) All persons engaged in the business  
21 of selling products door-to-door for profit shall have a state  
22 transient business license and a county business license  
23 issued by the commissioner of licenses as provided in Section  
24 45-8-241, Code of Alabama 1975, and shall pay any license or  
25 privilege fee and any issuance fee required therein.

1           (b) The person or business shall apply for  
2 application to the commissioner of licenses on forms provided  
3 by the commissioner. The application form shall require the  
4 applicant to fully describe the nature of the business and  
5 type of products or services to be sold.

6           (c) Any person who is to be engaged in door-to-door  
7 sales shall provide to the commissioner his or her full name,  
8 date of birth, driver's license, or other government issued  
9 identification number, address, and the name and address of  
10 the business with which he or she is employed as a  
11 door-to-door salesperson. The information collected shall be  
12 submitted to the Calhoun County Sheriff for a criminal  
13 background check and a check as to whether the person is  
14 required to register as a sex offender. The sheriff shall  
15 report to the commissioner of licenses his or her findings. No  
16 person convicted of a felony or required to register as a sex  
17 offender shall be eligible to be licensed. Any person denied a  
18 license to conduct door-to-door sales shall be entitled to a  
19 hearing before the commissioner of licenses.

20           (d) Those persons who become licensed to conduct  
21 door-to-door sales in Calhoun County shall be required to wear  
22 an identification badge clearly visible to others while  
23 conducting business or visiting homes in the course of their  
24 business. The badge shall, at a minimum, display all of the  
25 following: The name of the person, the name of the business, a

1 valid telephone number, and a color photograph of the person.  
2 The identification badge shall be approved by the commissioner  
3 of licenses. The commissioner may adjust the requirements of  
4 the badge at his or her discretion.

5 (e) The salesperson shall keep a copy of both  
6 licenses for each person in his or her vehicle during hours of  
7 operation.

8 (f) Any vehicle used by a door-to-door salesperson  
9 shall display a sign on each side of the vehicle, that is at  
10 least 24 inches by 30 inches, and that is clearly visible and  
11 clean. The commissioner of licenses shall approve all vehicle  
12 signs.

13 (g) The salesperson may engage in door-to-door sales  
14 only between sunrise and sunset.

15 (h) The commissioner of licenses shall make a  
16 recommendation to the Calhoun County Commission as to the  
17 amount of the fee, and the county commission, by resolution,  
18 shall set the fee for the license.

19 (i) Nothing in this act shall limit or prevent the  
20 sale of charitable items by students to benefit their school,  
21 Girl Scouts, Boy Scouts, or similar organizations, including  
22 volunteer organizations such as volunteer fire departments.

23 (j) A person who engages in the door-to-door sales  
24 or promotions of products or services in violation of this act

1 shall be guilty of a Class C misdemeanor and may be punished  
 2 as provided by law.

3 Section 2. Sections 45-8-70.01 and 45-8-241, Code of  
 4 Alabama 1975, are amended to read as follows:

5 "§45-8-70.01.

6 "(a) This section shall apply only to Calhoun  
 7 County.

8 "(b) Each Commissioner of the Calhoun County  
 9 Commission and the county commissioner of licenses shall have  
 10 the option of electing, as hereinafter provided in subsection  
 11 (c), to have an automobile furnished by Calhoun County, for  
 12 use in carrying out his or her official duties as a  
 13 commissioner, and payment for or reimbursement for fuel and  
 14 oil for and repairs of the automobile, or in lieu of the  
 15 automobile and expenses therefor, to have a travel expense  
 16 allowance of four hundred dollars (\$400) per month.

17 "(c) (1) Each incumbent Calhoun County Commissioner  
 18 shall inform the Administrator/Treasurer of the Calhoun County  
 19 Commission in writing within 30 days of this section becoming  
 20 effective, and the incumbent county commissioner of licenses  
 21 within 30 days of the effective date of the amendatory act  
 22 adding this language, whether he or she elects to be furnished  
 23 an automobile and expenses therefor, or a travel expense  
 24 allowance as provided in subsection (b), during his or her  
 25 remaining term in office as a commissioner.

1           "(2) Each incumbent Calhoun County Commissioner, ~~and~~  
2 each newly elected Calhoun County Commissioner, and the county  
3 commissioner of licenses shall, within 60 days after his or  
4 her election to a new term in office or a term in office,  
5 inform the Administrator/Treasurer of the Calhoun County  
6 Commission in writing whether he or she elects to be furnished  
7 an automobile and expenses therefor, or a travel expense  
8 allowance as provided in subsection (b), during his or her  
9 next or upcoming term in office as a commissioner.

10           "§45-8-241.

11           "(a) This section shall apply only to Calhoun  
12 County, Alabama, and to no other county.

13           "(b) ~~(1)~~ As used in this section, the following words  
14 and terms shall, except as otherwise provided in this section,  
15 have the following meanings hereby ascribed to them: "the  
16 county" means Calhoun County, Alabama; "the governing body"  
17 means the governing body of Calhoun County, Alabama, whether  
18 it be a county commission, board of revenue, or other  
19 governing body; "person" includes any natural person,  
20 partnership, corporation, firm, association, trust, estate or  
21 other entity; and "business" includes all activities engaged  
22 in, or caused to be engaged in, by any person with the object  
23 of gain, profit, benefit, or advantage, either direct or  
24 indirect to such person; "license or privilege fee" shall not  
25 include any sales or use tax.

1           ~~"(2) If a business is conducted as a firm,~~  
2           ~~corporation, professional corporation, association,~~  
3           ~~partnership, or any other entity in which more than one~~  
4           ~~natural person is engaged, works, or practices as a lawyer,~~  
5           ~~actuary, accountant, architect, doctor, dentist, osteopath,~~  
6           ~~chiropractor, optometrist, oculist, or optician, each natural~~  
7           ~~person so engaged shall be treated as if such natural person~~  
8           ~~was conducting a separate business which is subject to paying~~  
9           ~~a license or privilege fee pursuant to this section and each~~  
10           ~~such natural person shall pay a license or privilege fee~~  
11           ~~pursuant to the provisions of this section.~~

12           "(c) The purposes of this section are to equalize  
13           the burden of taxation by authorizing the county to impose a  
14           license or privilege fee upon persons now engaging in certain  
15           businesses without paying any license fee or tax thereon to  
16           either the state or county, to generate additional revenue for  
17           the county by imposing an additional license or privilege fee  
18           upon persons now engaging or who may hereafter engage in  
19           certain businesses and pay license or privilege fees to the  
20           state or county, and to generate additional revenue for the  
21           county due to urbanization and population creating greater  
22           needs and demands for services than can be provided for by  
23           revenue generated pursuant to the general laws.

24           "(d) The governing body of the county is hereby  
25           authorized to levy an annual license or privilege fee upon any

1 person for engaging in any business in the county. The license  
2 or privilege fee hereby authorized shall be in addition to any  
3 other license or privilege fee which is currently authorized  
4 or may hereafter be authorized.

5 "(e) The fee hereby levied shall be paid annually on  
6 October 1 for the succeeding year to that officer or employee  
7 of the county chargeable with the duty of collecting license  
8 or privilege fees or taxes payable to the county, and shall be  
9 deposited in the county general fund for the use of the  
10 county.

11 "(f) The license or privilege fee levied by the  
12 governing body of the county on any person for engaging in any  
13 business, including the business of selling products  
14 door-to-door pursuant to Section 1 of the act adding this  
15 amendatory language, shall be at a rate of from ten dollars  
16 (\$10) to one hundred dollars (\$100) for each business  
17 conducted in the county. The governing body of the county is  
18 expressly authorized to set the rate of the license or  
19 privilege fee within the limits herein provided for each type  
20 or category of business in the county. The rates of the  
21 license or privilege fee for each type or category of business  
22 shall be uniform throughout the county and shall be set forth  
23 in a schedule promulgated by the governing body of the county  
24 in which the rate for each type or category of business is  
25 dependent on the type, size, gross receipts, and/or number of



1 employees of the business, and/or such other reasonable  
 2 criteria as the governing body of the county shall determine.

3 "(g) The governing body of the county is hereby  
 4 expressly authorized to prescribe all necessary or appropriate  
 5 rules and regulations for the implementation and enforcement  
 6 of this section, including all rules and regulations as may be  
 7 necessary by reason of any alteration of law in relation to  
 8 this section.

9 "(h) Nothing in this section shall be construed to  
 10 authorize or require a license or privilege fee for practicing  
 11 the religious tenets of any church.

12 "(i) Any person found by the commissioner of  
 13 licenses to be engaging in business without having paid the  
 14 license fee required by this section shall pay a citation fee  
 15 of seven dollars (\$7) in addition to the regular license fee.  
 16 The citation fee shall be deposited into the county treasury  
 17 and two dollars (\$2) of each citation fee shall be disbursed  
 18 to the commissioner of licenses for the operation of that  
 19 office."

20 Section 3. Although this bill would have as its  
 21 purpose or effect the requirement of a new or increased  
 22 expenditure of local funds, the bill is excluded from further  
 23 requirements and application under Amendment 621, now  
 24 appearing as Section 111.05 of the Official Recompilation of  
 25 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an  
2 existing crime.

3 Section 4. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 16-APR-13, as amended.

Jeff Woodard  
Clerk

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Senate

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20-MAY-13

Passed