| Rule Citation | Short Description | Regulatory Text | Statutory Authority | # of Discretionary Regulatory Restrictions |
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| 740-X-1-.02 (1) | Petition For Adoption, Amendment Or Repeal Of A Rule | Any interested person may petition the Board requesting the adoption, amendment or repeal of a rule. The petition **must** be in writing and **must** include: (a) The name and address of the petitioner, (b) An exact statement of the proposed rule, amendment or identification of the rule to be repealed, (c) The pertinent facts, data, opinions or arguments in support of the petitioner’s position. | Ala. Code § 34-25-5(a), 41-22-4 | 3 |
| 740-X-1-.02 (2) | Petition For Adoption, Amendment Or Repeal Of A Rule | Within 60 days after the submission of a petition, the Board **must** initiate rule-making proceedings or **must** deny the petition in writing on its merits, stating reasons for denial. | Ala. Code § 34-25-5(a), 41-22-4 | 2 |
| 740-X-1-.02 (3) | Petition For Adoption, Amendment Or Repeal Of A Rule | A petition requesting the adoption, amendment, or repel of a rule **shall** not be considered by the Board if the subject of the petition is the same as, or similar to, the subject presented in another petition considered by the Board within the previous 12 months. | Ala. Code § 34-25-5(a), 41-22-4 | 1 |
| 740-X-1-.03 (a) | Declaratory Rulings | The petition **must** be in writing and **must** include: 1. The name address of the petitioner. 2. The statement of facts sufficient to show that the person seeking relief is substantially affected by the rule. 3. The rule, statute or order and the reasons for the question. | Ala. Code § 34-25-5(a), 41-22-4 | 3 |
| 740-X-1-.03 (d) | Declaratory Rulings | In the event the Board declines to issue a ruling, the petitioner **must** be notified in writing that the request for a declaratory ruling was denied and the reasons for denial must be specified. | Ala. Code § 34-25-5(a), 41-22-4 | 1 |
| 740-X-2-.01 (1) | Board Membership | The Board is made up of five members, each of whom: (a) **Must** be a practicing polygraph examiner at the time of appointment, (b) **Must** have been a practicing polygraph examiner for the four years immediately proceeding appointment, (c) **Must** have bee a resident of the State of Alabama for the two years immediately preceding appointment, and (d) **Must** be a citizen of the United States of America. Two of the five Board members **must** be a commercial polygraph examiner. The remaining three Board members **must** be governmental law enforcement polygraph examiners | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
| 740-X-2-.04 (3) | Board Membership | No two Board members **shall** be employed by the same person or agency. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
| 740-X-2-.01 (4) | Board Membership | Board members are appointed to four-year terms. In appointing members to the board, the Governor **shall** select those persons whose appointments, to the extent possible, ensure the membership of the board is inclusive and reflects the racial, gender, urban/rural, and economic diversity of the state. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
| 740-X-2-.02 | Board Consultants | Two consultants will be appointed to advise and assist the Board. One consultant **must** be an attorney licensed to practice law in this state and the other consultant **must** be a qualified psychologist or psychiatrist. Board members will be paid the same mileage and attendance fee as Board members. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
| 740-X-3-.01 (1) | Qualifications Of Examiners To Be Licensed | The qualifications which a person **must** possess in order to receive a license as a polygraph examiner are those which are set out in §34-25-21 of the act. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
| 740-X-3-.01 (3) | Qualifications Of Examiners To Be Licensed | The Board does not interpret the “five consecutive years active investigative experience” referred to in §34-25-21(a)(5) of the act as requiring that the investigating experience necessarily be in the same position or for the same employer. However, as that provision of the statute makes clear, the five years active investigative experience **must** be immediately preceding the application. The Board will decide on a case by case basis any questions that arise about whether an applicant’s experience is “active investigative experience,” and “immediately preceding” the application. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
| 740-X-3-.02 (3) | Applications For License | In order to be complete, all applications for a polygraph examiner’s license **must** contain, with each application: (a) An application form, prescribed and supplied by the Board, completed by the applicant in writing under oath, with necessary supporting documents; (b) A personal or certified check, or a money order for the $250.00 nonrefundable investigative fee; (c) Evidence that the applicant holda a baccalaureate degree from a college or university accredited by the Southern, Northern, Eastern or Western Association of Colleges and Scholls, or recognized by the Board or in lieu thereof, evidence that the applicant has had five consecutive years of active investigative experience immediately preceding his application; (d) Evidence that the applicant has successfully completed a polygraph school or course approved by the Board; (e) Evidence that the applicant is covered by a surety bond or insurance policy in at least the amount of $5000 and conditioned that the obligor therein will pay to the extent of the face amount of surety bond or insurance policy all judgements which may be covered against the licensee by reason of any wrongful or illegal acts committed by him I the course of his examinations; (f) One complete fingerprint card and current photograph; and (g) any other information which the Board may request from an individual applicant for the administration and enforcement of the Polygraph Examiners Act or the rules and regulations adopted by the Board. | Ala. Code § 34-25-5(a), 41-22-4 | 7 |
| 740-X-3-.04 (3) | Appearance For Examination | Failure, for any reason, to appear at the second scheduled examination will void the application. If the application thereafter desires to be considered for licensing, the applicant **must** submit another complete application. | Ala. Code § 34-25-5(a), 41-22-4 | 1 |
| 740-X-3-.05 (1) | Written Examination And Interview | Except as provided in Rule 740-X-3-.06, before each applicant is licensed, that applicant **must**: (a) Submit to the Board the test data and results from a minimum of 10 examinations performed by the applicant; (b) Pass a written examination given by the Board; and (c) Undergo a personal interview in which his performance on the written examination will be discussed with him., | Ala. Code § 34-25-5(a), 41-22-4 | 3 |
| 740-X-3-.05 | Written Examination And Interview | The examination will cover all aspects of polygraph and acceptable polygraph techniques. An Applicant **must** score at least a 75% on each portion of the written examination in order to pass. An applicant who fails to score 75% on a portion of the examination may retake that portion. An applicant who wishes to retake one or more portions **must** do so at either of the next two regularly scheduled examination sessions. An applicant who fails to retake portions of the examination at either of the next two sessions **must** retake the entire examination. | Ala. Code § 34-25-5(a), 41-22-4 | 3 |
| 740-X-3-.06 (1) | Reciprocity Agreements | Full reciprocity agreements, the privileges of which are available to all examinees licensed by reciprocal states, shall be governed by §34-25-24 of the act. | §34-25-24 | 0 |
| 740-X-3-.07 (2) | License Years And Fees | Applications for license renewal **shall** be made upon forms prescribed and supplied by the Board. | Ala. Code § 34-25-5(a), 41-22-4 | 1 |
| 740-X-3-.07 (3) | License Years And Fees | The application for renewal and the renewal license fee, which are provided for in §34-25-26(5) of the act, are delinquent after September 30 of each year, and unless the Board receives the renewal license application and the renewal fee on or before September 30, the license **shall** expire. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
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| 740-X-3-.09 (c) | Bad Checks | A “bad check” is a check received by the Board from an applicant, inter, or examiner, which is returned to the Board unpaid for any reason. The following procudures will govern the receipt of bad checks by the Board:  (a) If the check is from an applicant for an original examiner’s license or from an applicant for an intern’s license, the processing of the application will be discontinued indefinitely until the fee which the check was to cover is paid. After receipt of the initial bad check, no additional personal checks will be accepted for this payment and the payment **must** be by cashier’s check, certified check, or money order.  (b) If the bad check is from an examiner for renewal of his license, or from an intern for renewal of his internship license, receipt of the bad check **shall** immediately suspend the license. The license **shall** remain suspended until the renewal fee is paid. After receipt of the initial bad check, no additional personal checks will be accepted for payment of the fee, and payment **must** be by cashier’s check, certified check, or money order.  ( c) The secretary of the Board **shall** notify an applicant, inter, or examiner whose bad check is received of the fact that the check was returned to the Board unpaid and the effect which this event has on the application or renewal. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
| 740-X-3-.10 | Fees For Governmental And Commercial Examiners | All polygraph examiners licensed in the State of Alabama on October 1, 1991, will be exempt from the one time investigative fee and original licensing fee formerly required of governmental examiners entering private practice. The renewal license fee, provided for in Code of Ala. 1975 §34-25-26(5), **shall** be applicable to all examiners for each year thereafter. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
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| 740-X-3-.14 | Bonds | Every polygraph examiner, whether a commercial examiner or a governmental examiner, **must** be insured or bonded as an individual in an amount to be determined by the Board and proof that an examiner has such a bond or insurance **must** be presented to the Board with that examiner’s application for a license. | Ala. Code § 34-25-5(a), 41-22-4 | 1 |
| 740-X-3-.16 | Continuing Education | Effective October 1, 1993, every licensed polygraph examiner seeking annual renewal of a license **shall**, as a prerequisite for renewal of such license, report with the license renewal form satisfactory evidence of having completed at least (12) credit hours of qualified continuing education in the subject area of polygraph examinations, and/or related field. No polygraph examiner **shall** be required to complete any credit hours of continuing education during the calendar year in which he oe she first becomes licensed. | Ala. Code § 34-25-5(a), 41-22-4 | 1 |
| 740-X-3-.16 (b) | Continuing Education | University or college courses, provided that: 1. For credit courses, each semester hour credit **shall** equal fifteen (15) continuing education credit hours, and each quarter hour credit equal ten (10) continuing education credit hours. 2. For noncredit short courses, continuing education credit **shall** equal actual time in class. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
| 740-X-3-.16 (e) | Continuing Education | Continuing education credits **shall** be allowed for service as an instructor, discussion leader, or speaker at any program for which participants are eligible to receive continuing education credit. Credit for such service will be awarded on the first presentation only, unless a program has been substantially revised. The amount of credit **shall** not exceed three (3) times the number of class hours; provided, however, that credit hours awarded under this paragraph **shall** not exceed fifty percent (50%) of the total number of credit hours required by this chapter within any reporting period. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
| 740-X-3-.16 (f) | Continuing Education | At the time each examiner submits a request to renew his license for the following year, a copy of the diploma, certificate, or other documentation confirming instruction and attendance **shall** be submitted. | Ala. Code § 34-25-5(a), 41-22-4 | 1 |
| 740-X-3-.16 (g) | Continuing Education | No license **shall** be renewed without proof of continuing education as required herein. | Ala. Code § 34-25-5(a), 41-22-4 | 1 |
| 740-X-3-.16 (h) | Continued Education | Any false or incorrect information submitted hereunder **shall** be grounds for revocation of any license granted. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
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| 740-X-3-.16 (I) | Continued Education | If any continuing education credit hours claimed in a statement submitted by a licensee pursuant to paragraph (f) of this rule are disapproved, the Board **shall** notify such licensee of the reason for the disapproval. The Board may allow a specified period of time for correction of the deficiencies noted. | Ala. Code § 34-25-5(a), 41-22-4 | 1 |
| 740-X-3-.16 (j) | Continued Education | The Board may, upon written request, extend the time within which licensees **must** comply with the requirements of this chapter for reasons of poor health, military service or other reasonable and just causes. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
| 740-X-3-.16 (k) | Continued Education | Any licensee who requests or is granted an extension of time under this rule **shall** remain subject to paragraphs (f), (g), (h), and (I), and **shall** note such extension on any report required thereunder. | Ala. Code § 34-25-5(a), 41-22-4 | 1 |
| 740-X-4-.01 (b) | Internship License Program | An application for an internship license **shall** be completed with necessary supporting documents by the applicant, in writing under oath, on forms prescribed and supplied by the Board. If an application is not completed within the six months following the Board’s notice to the applicant, the application will be void. | Ala. Code § 34-25-5(a), 41-22-4 | 1 |
| 740-X-4-.01 (e) | Internship License Program | It is the responsibility of each intern to contact his sponsor and to establish a schedule of meetings with is sponsor. An intern **must** meet with his sponsor no fewer that five times in each sixty day reporting period. | Ala. Code § 34-25-5(a), 41-22-4 | 1 |
| 740-X-4-.01 (h) | Internship License Program | During the internship period, the intern **must** complete all other qualification requirements prescribed by the Polygraph Examiners Act or by the Board. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
| 740-X-5-.03 (j) | Incompetency Defined | No examiner will conduct a pre-test interview in any manner other than personally and an examiner **must** conduct each pre-test interview, in it’s entirety, personally. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
| 740—6-.02 (3) | Proceedings On Complaints | The Board **shall** begin proceedings to suspend or revoke a polygraph examiner’s license whenever a complaint is made to the Board unless the Board determines, after investigation or an informal hearing, that the facts do not support a claim that the act or these regulations have been violated. | Ala. Code § 34-25-5(a), 41-22-4 | 1 |
| 740-X-6-.03 | Inspection Of Records And Documents By The Board | The Board may authorize an inspection of all opinions, reports, charts, question lists and other records relating to any polygraph examination performed in the State of Alabama. Such inspection **shall** be for the purpose of determining if there has been any violation of the provisions of these regulations. The Board may direct that the inspection take place at the location of the records or at a Board meeting. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
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| 740-X-6-.04 | Preservation Of Records And Documents | All examiners will preserve and keep on file for a minimum of two years after each polygraph examination all opinions, reports, charts, question lists, and other records relating to the polygraph examination. These records and documents, along with any others that are preserved, **shall** be subject to inspection and examination by the Board as provided in Rule 740-X-6-.03. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |
| 740-X-7-.01 | Applicability Of These Rules And Regulations | (1) On their effective date, these rules and regulations **shall** supersede and replace the rules and regulations previously adopted by the Board, and these rules and regulations will remain in effect until superseded, replaced, or amended by future rules and regulations. (2) Conduct and action occurring before the effective date of these rules and regulations **shall** be governed by rules and regulations which were in effect at the time of the conduct and action occurred. (3) These rules and regulations **shall** apply to and govern all conduct and action occurring after their effective date. | Ala. Code § 34-25-5(a), 41-22-4 | 0 |