

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

SENATE BILL 322

5 By: Senator J. Bryant  
6 By: Representative Pilkington  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CONSTRUCTION AND  
10 DEVELOPMENT; TO ALLOW THIRD PARTIES TO PERFORM PLAN  
11 REVIEWS AND SITE INSPECTIONS; AND FOR OTHER PURPOSES.  
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13

## Subtitle

15 TO AMEND THE LAW CONCERNING CONSTRUCTION  
16 AND DEVELOPMENT; AND TO ALLOW THIRD  
17 PARTIES TO PERFORM PLAN REVIEWS AND SITE  
18 INSPECTIONS.  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 14-1-503 is amended to read as follows:  
23 14-1-503. Definitions.

24 As used in this subchapter:

25 (1) "Applicant" means a person that submits a request for permit  
26 or a person designated to act on the applicant's behalf in submitting a  
27 request for permit;

28 (2) "Complete application" means a submitted plan, application,  
29 or request for inspection that contains all the information and supporting  
30 documentation required by a local government for it to make the determination  
31 as to whether the plan, application, or request is in compliance with  
32 regulatory requirements;

33 ~~(2)(3)~~ "Local governing body" means a group of persons elected  
34 or appointed to make decisions for or recommendations to one (1) or more  
35 local governments;

36 ~~(3)(4)~~ "Local government" means a municipality, county, or other



1 political subdivision of this state;

2 ~~(4)~~(5) "Local government official" means an employee of a local  
3 government who is lawfully authorized to issue a permit;

4 ~~(5)~~(6) "Person" means an individual, corporation, limited  
5 liability company, partnership, association, trust, or other entity or  
6 organization that can sue or be sued;

7 (7) "Private professional provider" means a professional  
8 engineer as defined under § 17-30-101 or a registered architect as defined  
9 under § 17-15-102 who is not an employee of or otherwise affiliated with the  
10 person, firm, or corporation engaged in the construction project to be  
11 reviewed or inspected;

12 (8) "Regulatory fee" means payments, whether designated as  
13 permit fees, application fees, or by another name, that are required by the  
14 local government as:

15 (A) An exercise of its police power;

16 (B) Its regulation of business; or

17 (C) A part of or as an aid to regulation of construction-  
18 related activities under this subchapter;

19 (9)(A) "Regulatory requirements" means the requirements  
20 reasonably determined by the local government to be necessary for approval of  
21 plans, permits, or applications under this subchapter.

22 (B) "Regulatory requirements" includes:

23 (i) The Arkansas Fire Prevention Code as adopted by  
24 the State Fire Marshal's Office;

25 (ii) Any locally adopted ordinances and amendments  
26 to the ordinances;

27 (iii) Development, utility, and subdivision  
28 regulations;

29 (iv) Applicable zoning ordinances and conditions;

30 (v) Design standards; and

31 (vi) Other state and local laws, rules, and  
32 ordinances applicable to the application in question; and

33 ~~(6)~~(10) "Request for permit" means a request for a local  
34 government official's approval of a permit related to the development of a  
35 residential, multifamily, commercial, or industrial improvement within the  
36 jurisdiction of a local government.

1  
2 SECTION 2. Arkansas Code Title 14, Chapter 1, Subchapter 5, is amended  
3 to add additional sections to read as follows:

4 14-1-506. Application procedure.

5 (a)(1) No later than five (5) business days after receipt of an  
6 application requiring the approval of compliance with regulatory  
7 requirements, a local government official shall notify the applicant in  
8 writing as to whether the application meets the requirements of a complete  
9 application.

10 (2)(A) Time spent by the local government determining whether an  
11 application is complete shall count toward the ten-day time for plan review  
12 or inspection under § 14-1-504.

13 (B) If a local government official determines that the  
14 application is incomplete, the local government official shall follow the  
15 procedure under § 14-1-505.

16 (b)(1) Upon notification to an applicant under subdivision (a)(1) of  
17 this section that a complete application has been accepted, the local  
18 government official shall also notify the applicant in writing as to whether  
19 the personnel employed or contracted by the local government will be able to  
20 provide:

21 (A) Regulatory action within sixty (60) days for plan  
22 review; and

23 (B) Inspection services within two (2) business days of  
24 receiving a valid written request for inspection.

25 (2)(A) If the local government official determines that the  
26 personnel employed or contracted by the local government cannot provide  
27 regulatory action or inspection services within the time required under  
28 subdivision (b)(1) of this section, the applicant may retain, at the  
29 applicant's own expense, a private professional provider to provide the  
30 required plan review or inspection under this subchapter.

31 (B) If the applicant elects to utilize the services of a  
32 private professional provider, the regulatory fees associated with the  
33 regulatory action shall be reduced by fifty percent (50%), and the reduced  
34 amount shall be paid to the local government in accordance with the local  
35 government's policies.

36 (3)(A) If the local government official determines that the

1 personnel employed or contracted by the local government can provide  
2 regulatory action or inspection services within the time required under  
3 subdivision (b)(1) of this section, a fee not to exceed the full amount of  
4 the regulatory fees associated with the regulatory action shall be paid to  
5 the local government in accordance with the local government's policies.

6 (B) Upon payment in full of the fees associated with the  
7 complete application, the applicant may choose to retain, at its own expense,  
8 a private professional provider to provide the required plan review or  
9 inspection under this subchapter.

10 (c)(1) If the local governing body states in writing its intent to  
11 complete the required plan review within the time required under subdivision  
12 (b)(1) of this section, or an agreed-upon extension under § 14-1-504(f), and  
13 the local government official fails to complete the plan review in the time  
14 required under subdivision (b)(1) of this section, or an agreed-upon  
15 extension under § 14-1-504(f), the local government official shall  
16 automatically refund all fees and approve the permit in accordance with § 14-  
17 1-504.

18 (2) The local governing body may limit the scope of a project  
19 initiation permit and limit the areas of the site to which the project  
20 initiation permit may apply but shall allow the applicant to begin work on  
21 the project if a portion of the initial phase of work is compliant with  
22 applicable codes, laws, and rules.

23 (3) If the plans submitted for permitting are denied for an  
24 incomplete request, the process for resubmittal shall be governed by § 14-1-  
25 505.

26 (4)(A) A delay in the processing of an application that is  
27 attributable to a cause outside the control of the local government that is  
28 processing the application or is caused by the fault of the applicant shall  
29 not count toward the time required under subdivision (b)(1) of this section.

30 (B) The local government official shall provide notice of  
31 a delay under subdivision (c)(4)(A) in the same manner as under § 14-1-  
32 504(e).

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34 14-1-507. Plan review or inspection conducted by private professional  
35 provider.

36 (a) A plan review or inspection conducted by a private professional

1 provider shall be no less extensive than plan reviews or inspections  
2 conducted by local government officials.

3 (b) The person, firm, or corporation retaining a private professional  
4 provider to conduct a plan review or an inspection shall pay to the local  
5 government that requires the plan review or inspection the regulatory fees  
6 that are required under § 14-1-506(b)(2), as applicable.

7 (c)(1) A private professional provider performing a plan review under  
8 this section shall review the plans to determine compliance with all  
9 applicable regulatory requirements.

10 (2) Upon determining that the plans reviewed comply with the  
11 applicable regulatory requirements, the private professional provider shall  
12 prepare an affidavit or affidavits certifying under oath that the following  
13 is true and correct to the best of the private professional provider's  
14 knowledge and belief and in accordance with the applicable professional  
15 standard of care:

16 (A) The plans were reviewed by the affiant who is duly  
17 authorized to perform the plan review pursuant to this section and who holds  
18 the appropriate license or certifications and insurance coverage required  
19 under § 14-1-508;

20 (B) The plans comply with all applicable regulatory  
21 requirements; and

22 (C) The plans submitted for the plan review are in  
23 conformity with plans previously submitted to obtain governmental approvals  
24 required in the plan submittal process.

25 (d)(1) The private professional provider shall be empowered to perform  
26 a plan review or an inspection required by the local governing body,  
27 including without limitation:

28 (A) Plan review for:

29 (i) Civil plans;

30 (ii) Construction plans; and

31 (iii) Plumbing review plans if allowed by the  
32 Department of Health;

33 (B) Inspections for:

34 (i) Footings, foundations, concrete slabs,  
35 sidewalks, and streets;

36 (ii) Framing;

1                   (iii) Electrical;

2                   (iv) Plumbing;

3                   (v) Heating ventilation and air conditioning;

4                   (vi) Drainage; and

5                   (vii) Utility;

6                   (C) All other inspections not listed under subdivision  
7 (d)(1)(A) of this section that are necessary or required to determine  
8 compliance with applicable regulatory requirements; and

9                   (D) Review for the issuance of a building permit or  
10 inspections for the certificate of occupancy by the local governing body.

11                   (2) This subchapter does not authorize a private professional  
12 provider to issue a certificate of occupancy.

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14                   14-1-508. Insurance for private professional providers.

15                   (a) A private professional provider providing plan review or  
16 inspection services under this subchapter shall secure and maintain insurance  
17 coverage under an errors and omissions policy for professional liability  
18 insurance.

19                   (b) The limits of the professional liability insurance under this  
20 section shall be not less than:

21                   (1) One million dollars (\$1,000,000) per claim and one million  
22 dollars (\$1,000,000) in aggregate coverage for any project with a  
23 construction cost of less than five million dollars (\$5,000,000); or

24                   (2) Two million dollars (\$2,000,000) per claim and two million  
25 dollars (\$2,000,000) in aggregate coverage for any project with a  
26 construction cost of five million dollars (\$5,000,000) or more.

27                   (c)(1) Professional liability insurance under this section may be a  
28 practice policy or project-specific coverage.

29                   (2) If the professional liability insurance under this section  
30 is a practice policy, it shall contain prior acts coverage for the private  
31 professional provider.

32                   (3) If the professional liability insurance under this section  
33 is project-specific, it shall continue in effect for two (2) years following  
34 the issuance of the certificate of final completion for the project.

35                   (d) A local enforcement agency, local government official, or local  
36 government may establish a list of private professional providers working

1 within that local governments jurisdiction.

2 (e) An applicant using a private professional provider shall verify  
3 compliance with the insurance requirements of this section.

4  
5 14-1-509. Submission and approval.

6 (a)(1)(A) An applicant using a private professional provider shall  
7 submit a copy of the private professional provider's plan review report to  
8 the local government within five (5) days of its completion.

9 (B) A plan review report under subdivision (a)(1)(A) of  
10 this section shall include without limitation the following:

11 (i) The affidavit of the private professional  
12 provider required under § 14-1-507(c);

13 (ii) The applicable fees; and

14 (iii) Any documents reasonably required by the local  
15 government official and any other documents reasonably necessary to determine  
16 that the applicant has secured all other governmental approvals required by  
17 law.

18 (2)(A) No more than ten (10) business days after receipt of both  
19 a permit application and an affidavit from the private professional provider  
20 required under § 14-1-507(c), the local government official shall issue the  
21 requested permit or provide written notice to the applicant identifying the  
22 specific plan features that do not comply with the applicable regulatory  
23 requirements as well as the specific code chapters and sections of the  
24 regulatory requirements.

25 (B) If the local government official does not provide a  
26 written notice of the plan deficiencies with specific code references to the  
27 regulatory requirements not met within the prescribed ten-day period, the  
28 permit application shall be deemed approved as a matter of law, and the  
29 permit shall be issued by the local government official on the next business  
30 day.

31 (3)(A) If the local government official provides a written  
32 notice of plan deficiencies to the applicant within the prescribed ten-day  
33 period, the ten-day period shall be tolled pending resolution of the matter.

34 (B) To resolve the plan deficiencies, the applicant may  
35 elect to dispute the deficiencies pursuant to this subchapter or to submit  
36 revisions to correct the deficiencies.

1           (4)(A) If the applicant submits revisions to address the plan  
2 deficiencies previously identified, the local government official shall have  
3 the remainder of the tolled ten-day period plus an additional five (5)  
4 business days to issue the requested permit or to provide a second written  
5 notice to the applicant stating which of the previously identified plan  
6 features remain in noncompliance with the applicable regulatory requirements,  
7 with specific reference to the relevant code chapters and sections of the  
8 regulatory requirements.

9           (B) If the local government official does not provide the  
10 second written notice within the prescribed time, the permit shall be issued  
11 by the local government official on the next business day.

12           (C) If the revisions required to address the plan  
13 deficiencies or any additional revisions submitted by the applicant require  
14 that new governmental approvals be obtained, the applicant shall obtain the  
15 approvals before a new plan report can be submitted.

16           (5)(A) If the local government official provides a second  
17 written notice of plan deficiencies to the applicant within the prescribed  
18 time, the applicant may elect to dispute the deficiencies pursuant to this  
19 subchapter or to submit additional revisions to correct the deficiencies.

20           (B) For all revisions submitted after the first revision,  
21 the local government official shall have an additional five (5) business days  
22 to issue the requested permit or to provide a written notice to the applicant  
23 stating which of the previously identified plan features remain in  
24 noncompliance with the applicable regulatory requirements, with specific  
25 reference to the relevant code chapters and sections.

26           (b) Upon submission by the private professional provider of a copy of  
27 his or her plan review or inspection report to the local governing body, the  
28 local governing body shall accept the inspection of the private professional  
29 provider without the necessity of further inspection or approval by the  
30 inspectors or other personnel employed by the local governing body unless the  
31 local governing body has notified the private professional provider, within  
32 two (2) business days after the submission of the inspection report, that it  
33 finds the report incomplete or the inspection inadequate and has provided the  
34 private professional provider with a written description of the deficiencies  
35 and specific regulatory requirements that have not been adequately addressed.

36           (c) The local governing body may require by ordinance that a private



1 professional provider hold additional certifications, provided that the  
2 certifications are required by ordinance for plan review or inspection  
3 personnel currently directly employed by the local governing body.

4  
5 14-1-510. Fees.

6 (a) Each local government that imposes regulatory fees or regulatory  
7 requirements within its jurisdiction shall establish and make available a  
8 schedule of the regulatory fees and regulatory requirements which shall  
9 include a list of all documentation related to compliance with the regulatory  
10 requirements, including the requirements necessary for submittal of a  
11 complete application.

12 (b) The amount of a regulatory fee shall approximate the reasonable  
13 cost of the actual regulatory activity performed by the local government.

14  
15 14-1-511. Exemptions.

16 (a) This subchapter does not limit any public or private right of  
17 action designed to provide protection, rights, or remedies for consumers.

18 (b) This subchapter does not apply to:

19 (1) Hospitals;

20 (2) Ambulatory healthcare centers;

21 (3) Nursing homes;

22 (4) Jails;

23 (5) Penal institutions;

24 (6) Airports;

25 (7) Buildings or structures that affect national or state  
26 homeland security; or

27 (8)(A) Any building defined as a high-rise building in the  
28 Arkansas Fire Prevention Code.

29 (B) Interior tenant build-out projects within high-rise  
30 buildings are not exempt from this subchapter.

31  
32 14-1-512. Stop-work orders.

33 (a) If a local government official responsible for building code  
34 enforcement determines that a project does not comply with the applicable  
35 regulatory requirements, the local government official may:

36 (1) Deny the permit or request for a certificate of occupancy or

1 certificate of completion, as appropriate; or

2 (2) Issue a stop-work order for the project or any portion of  
3 the project as provided by law, after:

4 (A) Providing notice to one of the following individuals:

5 (i) The owner;

6 (ii) The private professional provider of record; or

7 (iii) The contractor of record;

8 (C) Posting a copy of the order on the site of the  
9 project; and

10 (B) Providing the opportunity to remedy the violation  
11 within the time set forth in the notice.

12 (b) A local government official shall be available to meet with the  
13 private professional provider under (a)(2)(A) of this section within two (2)  
14 business days to resolve any dispute after issuing a stop-work order or  
15 providing notice to the applicant denying:

16 (1) A permit;

17 (2) A request for a certificate of occupancy; or

18 (3) A certificate of completion.

19 (c)(1) If the local government official and the private professional  
20 provider are unable to resolve the dispute or meet within the time required  
21 under subsection (b) of this section, the matter shall be referred to the  
22 local government enforcement agency's board of appeals, if one exists, which  
23 shall consider the matter by whichever occurs first:

24 (A) Its next scheduled meeting; or

25 (B) Within sixty (60) days from the date the matter is  
26 referred.

27 (2) A decision by the local government official, if there is no  
28 board of appeals, may be appealed to the Department of Labor and Licensing.

29  
30 14-1-513. Local government authority – Immunity.

31 (a) A local government, local government official, local government  
32 building code enforcement personnel, and agents of the local government are  
33 immune from liability to any person or party for any action or inaction by an  
34 owner of a building or by a private professional provider or his or her  
35 authorized representative in connection with plan review or inspection  
36 services by private professional providers as provided under this subchapter.

1           (b)(1) A local government enforcement agency, local government  
2 building code official, or local government shall not adopt or enforce rules,  
3 procedures, policies, qualifications, or standards more stringent than those  
4 prescribed in this subchapter.

5           (2) This subchapter does not preempt local laws, rules, or  
6 procedures by the local governing body relating to the plan submittal  
7 process.

8           (c)(1) This subchapter does not limit the authority of a local  
9 government official to issue a stop-work order for a building project or any  
10 portion of a building project, which may go into effect immediately, after  
11 giving notice and opportunity to remedy the violation, if the local  
12 government official determines that a condition on the building site  
13 constitutes an immediate threat to public safety and welfare.

14           (2)(A) A stop-work order issued for reasons of immediate threat  
15 to public safety and welfare is appealable to the local government  
16 enforcement agency's board of appeals, if one exists, in the manner provided  
17 by applicable law.

18           (B) A decision by the local government official, if there  
19 is no board of appeals, may be appealed to the Department of Labor and  
20 Licensing.

21  
22           14-1-514. Liability of private professional providers.

23           (a) When performing plan review or inspection services under this  
24 subchapter, a private professional provider is subject to the disciplinary  
25 guidelines of the applicable professional licensing board with jurisdiction  
26 over the private professional provider's license or certification under § 17-  
27 15-301 et seq. and § 17-30-301 et seq., as applicable.

28           (b) Any complaint processing, investigation, and discipline that arise  
29 out of a private professional provider's performance of plan review or  
30 inspection services shall be conducted by the applicable professional  
31 licensing board.

32           (c) Notwithstanding any disciplinary rules of the applicable  
33 professional licensing board with jurisdiction over the private professional  
34 provider's license or certification under § 17-15-301 et seq. or § 17-30-301  
35 et seq., a local government official may decline to accept a plan review or  
36 an inspection report submitted by a private professional provider who has

1 submitted multiple reports that required revisions due to negligence,  
2 noncompliance, or deficiencies.

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14-1-515. Rules.

The Department of Labor and Licensing shall promulgate rules to  
implement this subchapter, including without limitation rules regarding the  
appeal process for permitting decisions made by a local government official  
when the local government does not have a board of appeals.