

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

A Bill

SENATE BILL 493

5 By: Senator J. Bryant
6
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE CODE ENFORCEMENT LICENSING BOARD
10 AND CODE ENFORCEMENT LICENSING BOARD FUND; TO
11 TRANSFER THE DUTIES OF THE BOARD OF ELECTRICAL
12 EXAMINERS OF THE STATE OF ARKANSAS, THE HVACR
13 LICENSING BOARD, THE ARKANSAS FIRE PROTECTION
14 LICENSING BOARD, THE ELEVATOR SAFETY BOARD, THE
15 BOILER INSPECTION DIVISION OF THE DEPARTMENT OF LABOR
16 AND LICENSING, AND ALL PLUMBING-RELATED FUNCTIONS AND
17 DUTIES OTHER THAN PLAN REVIEW UNDER THE STATE BOARD
18 OF HEALTH UNDER § 17-38-201 AND § 17-38-204 TO THE
19 CODE ENFORCEMENT LICENSING BOARD; TO ABOLISH THE
20 BOARD OF ELECTRICAL EXAMINERS OF THE STATE OF
21 ARKANSAS, THE HVACR LICENSING BOARD, THE ARKANSAS
22 FIRE PROTECTION LICENSING BOARD, THE ELEVATOR SAFETY
23 BOARD, AND THE COMMITTEE OF PLUMBING EXAMINERS; TO
24 AID IN THE ADMINISTRATION OF THE STATE’S ELECTRICAL,
25 FIRE PROTECTION, HVACR, PLUMBING, BOILER AND ELEVATOR
26 LAWS; TO DECLARE AN EMERGENCY; AND FOR OTHER
27 PURPOSES.
28

Subtitle

31 TO TRANSFER AND CONSOLIDATE THE DUTIES
32 OF TRADE-RELATED BOARDS TO THE CODE
33 ENFORCEMENT LICENSING BOARD; AND TO
34 DECLARE AN EMERGENCY.
35

36 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:



1
2 SECTION 1. DO NOT CODIFY. Abolition of the Board of Electrical
3 Examiners of the State of Arkansas.

4 (a) The Board of Electrical Examiners of the State of Arkansas is
5 abolished, and its authority, duties, function, records, contracts,
6 personnel, property, and unexpended balances of appropriations, allocations,
7 and other funds, including the functions of budgeting or purchasing are
8 transferred to the Code Enforcement Licensing Board.

9 (b) The Board of Electrical Examiners of the State of Arkansas's
10 statutory powers, duties, and functions, including the functions of budgeting
11 or purchasing, records, contracts, personnel, property, and unexpended
12 balances of appropriations, allocations, and other funds are transferred to
13 the Code Enforcement Licensing Board.

14 (c)(1) The abolishment of the Board of Electrical Examiners of the
15 State of Arkansas does not affect the orders, rules, directives,
16 registration, licensing, or standards made or promulgated by the Board of
17 Electrical Examiners of the State of Arkansas before the effective date of
18 this act.

19 (2) The orders, rules, directives, registration, licensing, and
20 standards of the Board of Electrical Examiners of the State of Arkansas shall
21 continue to be in effect until they are amended or repealed under authority
22 given by law.

23
24 SECTION 2. DO NOT CODIFY. Abolition of the HVACR Licensing Board.

25 (a) The HVACR Licensing Board is abolished, and its authority, duties,
26 function, records, contracts, personnel, property, and unexpended balances of
27 appropriations, allocations, and other funds, including the functions of
28 budgeting or purchasing are transferred to the Code Enforcement Licensing
29 Board.

30 (b) The HVACR Licensing Board's statutory powers, duties, and
31 functions, including the functions of budgeting or purchasing, records,
32 contracts, personnel, property, and unexpended balances of appropriations,
33 allocations, and other funds are transferred to the Code Enforcement
34 Licensing Board.

35 (c)(1) The abolishment of the HVACR Licensing Board does not affect
36 the orders, rules, directives, registration, licensing, or standards made or

1 promulgated by the HVACR Licensing Board before the effective date of this
2 act.

3 (2) The orders, rules, directives, registration, licensing, and
4 standards of the HVACR Licensing Board shall continue to be in effect until
5 they are amended or repealed under authority given by law.

6
7 SECTION 3. DO NOT CODIFY. Abolition of the Arkansas Fire Protection
8 Licensing Board.

9 (a) The Arkansas Fire Protection Licensing Board is abolished, and its
10 authority, duties, function, records, contracts, personnel, property, and
11 unexpended balances of appropriations, allocations, and other funds,
12 including the functions of budgeting or purchasing are transferred to the
13 Code Enforcement Licensing Board.

14 (b) The Arkansas Fire Protection Licensing Board's statutory powers,
15 duties, and functions, including the functions of budgeting or purchasing,
16 records, contracts, personnel, property, and unexpended balances of
17 appropriations, allocations, and other funds are transferred to the Code
18 Enforcement Licensing Board.

19 (c)(1) The abolishment of the Arkansas Fire Protection Licensing Board
20 does not affect the orders, rules, directives, registration, licensing, or
21 standards made or promulgated by the Arkansas Fire Protection Licensing Board
22 before the effective date of this act.

23 (2) The orders, rules, directives, registration, licensing, and
24 standards of the Arkansas Fire Protection Licensing Board shall continue to
25 be in effect until they are amended or repealed under authority given by law.

26
27 SECTION 4. DO NOT CODIFY. Abolition of the Elevator Safety Board.

28 (a) The Elevator Safety Board is abolished, and its authority, duties,
29 function, records, contracts, personnel, property, and unexpended balances of
30 appropriations, allocations, and other funds, including the functions of
31 budgeting or purchasing are transferred to the Code Enforcement Licensing
32 Board.

33 (b) The Elevator Safety Board's statutory powers, duties, and
34 functions, including the functions of budgeting or purchasing, records,
35 contracts, personnel, property, and unexpended balances of appropriations,
36 allocations, and other funds are transferred to the Code Enforcement

1 Licensing Board.

2 (c)(1) The abolishment of the Elevator Safety Board does not affect
3 the orders, rules, directives, registration, licensing, or standards made or
4 promulgated by the Elevator Safety Board before the effective date of this
5 act.

6 (2) The orders, rules, directives, registration, licensing, and
7 standards of the Elevator Safety Board shall continue to be in effect until
8 they are amended or repealed under authority given by law.

9
10 SECTION 5. DO NOT CODIFY. Transfer of Plumbing Licensing and
11 Administration.

12 (a)(1) Except as provided under subdivision (a)(2) of this section,
13 the duties, functions, including the functions of budgeting and purchasing,
14 records, contracts, personnel, property, vehicles, and unexpended balances of
15 appropriations, allocations, and other funds, to implement, enforce, and
16 administer Arkansas Code Title 17, Chapter 38 and any related plumbing laws,
17 rules, directives, policies, and procedures, are transferred from the
18 Department of Health and the State Board of Health to the Code Enforcement
19 Licensing Board.

20 (2) The provisions of subdivision (a)(1) of this section shall
21 not apply to plan review under § 17-38-201 and § 17-38-204.

22 (b)(1) The transfer of powers, duties, and functions, statutory or
23 otherwise, from the Department of Health and the State Board of Health to the
24 Code Enforcement Licensing Board under this act does not affect the orders,
25 rules, directives, registration, licensing, or standards made or promulgated
26 by the Department of Health or the State Board of Health under Arkansas Code
27 Title 17, Chapter 38, before the effective date of this act.

28 (2) The orders, rules, directives, registration, licensing, and
29 standards of the Department of Health and the State Board of Health
30 promulgated under Arkansas Code Title 17, Chapter 38 shall continue to be in
31 effect until they are amended or repealed under authority given by law.

32
33 SECTION 6. DO NOT CODIFY. Transfer of Boiler Safety Licensing and
34 Administration.

35 (a) The duties, functions, including the functions of budgeting and
36 purchasing, records, contracts, personnel, property, and unexpended balances

1 of appropriations, allocations, and other funds, to implement, enforce, and
 2 administer Arkansas Code Title 20, Chapter 23, and any related boiler safety
 3 laws, rules, directives, policies, and procedures, are transferred from the
 4 Boiler Inspection Division, the Division of Labor, and the Department of
 5 Labor and Licensing to the Code Enforcement Licensing Board.

6 (b)(1) The transfer of powers, duties, and functions, statutory or
 7 otherwise, from the Boiler Inspection Division, Division of Labor, and
 8 Department of Labor and Licensing to the Code Enforcement Licensing Board
 9 under this act does not affect the orders, rules, directives, registration,
 10 licensing, or standards made or promulgated by the Boiler Inspection
 11 Division, Division of Labor, and Department of Labor and Licensing under
 12 Arkansas Code Title 20, Chapter 23, before the effective date of this act.

13 (2) The orders, rules, directives, registration, licensing, or
 14 standards of the Department of Health and the State Board of Health
 15 promulgated under Arkansas Code Title 20, Chapter 23 shall continue to be in
 16 effect until they are amended or repealed under authority given by law.

17
 18 SECTION 7. Arkansas Code § 17-28-101(1), concerning the definition of
 19 air conditioning electrician, is repealed.

20 ~~(1) "Air conditioning electrician" means an individual who is~~
 21 ~~limited to a license classification possessing the necessary qualifications,~~
 22 ~~training, and technical knowledge for the installation, maintenance, and~~
 23 ~~extension of electrical conductors and equipment solely for the purpose of~~
 24 ~~supplying heating and air conditioning and refrigeration units;~~

25
 26 SECTION 8. Arkansas Code § 17-28-101(12)(C)(i)(a), concerning
 27 definitions pertaining to electricians, is amended to read as follows:

28 (C)(i)(a) Maintaining and repairing parking lot lights,
 29 upon successfully passing a separate examination approved by the ~~Board of~~
 30 ~~Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing
 31 Board.

32
 33 SECTION 9. Arkansas Code § 17-28-102(c)(1), concerning the
 34 construction and exemptions of line voltage power wiring, is amended to read
 35 as follows:

36 (c)(1) Any holder of a state-issued heating, ventilation, air

1 conditioning, and refrigeration, or HVACR, license may run line voltage power
 2 wiring in compliance with the state electric code from a disconnect box to an
 3 outdoor HVACR unit within a distance not to exceed ~~ten (10')~~ seventy-five
 4 (75') feet from any point of the HVACR equipment without obtaining an
 5 electrician's license as required by this chapter.

6
 7 SECTION 10. Arkansas Code § 17-28-103 is amended to read as follows:
 8 17-28-103. Disposition of funds.

9 All funds received by the ~~Board of Electrical Examiners of the State of~~
 10 ~~Arkansas~~ Code Enforcement Licensing Board under the provisions of this
 11 chapter shall be deposited as special revenues into the State Treasury to the
 12 credit of the Code Enforcement Licensing Board Fund. ~~Department of Labor and~~
 13 ~~Licensing Special Fund, there to be used by the Division of Labor in carrying~~
 14 ~~out the functions, powers, and duties as set out in this chapter and to~~
 15 ~~defray the costs of the maintenance, operation, and improvements required by~~
 16 ~~the division in carrying out the functions, powers, and duties otherwise~~
 17 ~~imposed by law on the division or the Director of the Division of Labor.~~

18
 19 SECTION 11. Arkansas Code § 17-28-201 is repealed.
 20 ~~17-28-201. Creation — Members.~~

21 ~~(a) There is created a Board of Electrical Examiners of the State of~~
 22 ~~Arkansas.~~

23 ~~(b) The board shall consist of the Secretary of the Department of~~
 24 ~~Labor and Licensing or his or her authorized representative and eight (8)~~
 25 ~~other members who shall be residents of this state appointed by the Governor~~
 26 ~~with the advice and consent of the Senate:~~

27 ~~(1) One (1) member shall be the chief electrical inspector of a~~
 28 ~~municipality within the state;~~

29 ~~(2) One (1) member shall be a licensed professional engineer as~~
 30 ~~defined in § 17-30-101 engaged primarily in the design or maintenance of~~
 31 ~~electrical installations;~~

32 ~~(3) One (1) member shall be an electrical contractor operating~~
 33 ~~in this state;~~

34 ~~(4) One (1) member shall be a master or supervising electrician;~~

35 ~~(5) One (1) member shall be a representative of a public~~
 36 ~~electric utility operating in this state;~~

1 ~~(6) One (1) member shall be a representative of a private~~
2 ~~electric utility operating in this state;~~

3 ~~(7) One (1) member shall represent the public and shall not be~~
4 ~~affiliated with any of the other groups represented on the board; and~~

5 ~~(8) One (1) member shall represent the elderly, shall be sixty~~
6 ~~(60) years of age or older, and not actively engaged as or retired as an~~
7 ~~electrician. This member shall be appointed from the state at large, subject~~
8 ~~to confirmation by the Senate, and shall be a full voting member but shall~~
9 ~~not participate in the grading of examinations.~~

10 ~~(c) The same person may not be both the public representative and the~~
11 ~~representative of the elderly.~~

12 ~~(d) Each appointment shall be for a term of four (4) years or until a~~
13 ~~successor is appointed.~~

14 ~~(e) In the event of a vacancy during a term, the Governor may appoint~~
15 ~~a replacement to fulfill the unexpired portion of the term.~~

16 ~~(f) The board shall elect one (1) of its members to act as its chair~~
17 ~~for a term of one (1) year, and he or she shall have a vote on all matters~~
18 ~~before the board.~~

19 ~~(g) For cause and after a hearing, any appointed member may be removed~~
20 ~~from office by the Governor.~~

21 ~~(h) Each appointed member may receive expense reimbursement and~~
22 ~~stipends in accordance with § 25-16-901 et seq.~~

23
24 SECTION 12. Arkansas Code § 17-28-202 is amended to read as follows:

25 17-28-202. Duties of ~~Board of Electrical Examiners of the State of~~
26 ~~Arkansas~~ Code Enforcement Licensing Board and Department of Labor and
27 Licensing.

28 (a) It shall be the duty of the ~~Board of Electrical Examiners of the~~
29 ~~State of Arkansas~~ Code Enforcement Licensing Board to:

30 (1) Adopt rules necessary for the implementation of this chapter
31 and § 17-55-101 et seq.;

32 (2) At least every six (6) months, conduct examinations of
33 persons who apply for an electrician's license and grant licenses to
34 qualifying applicants who have paid the prescribed fee;

35 (3) Grant licenses to qualifying applicants for an electrical
36 inspector's license under § 17-55-101 et seq.; and

1 (4) Revoke or suspend the license of any licensee or the
2 certification of any electrical apprentice for cause.

3 (b)(1) It shall be the duty of the Department of Labor and Licensing
4 to administer and enforce the provisions of this chapter.

5 (2) For the enforcement of this chapter, the Secretary of the
6 Department of Labor and Licensing or his or her designated employees shall
7 have the authority to enter, during normal business hours, upon any private
8 or public premises with right of access, ingress, and egress for the purpose
9 of ascertaining whether a person has performed electrical work or installed
10 or repaired electrical facilities in accordance with this chapter, the
11 Arkansas Electrical Code Authority Act, § 20-31-101 et seq., and the rules
12 and standards adopted pursuant thereto.
13

14 SECTION 13. Arkansas Code § 17-28-203(a), concerning fees for the
15 licensing examinations of electricians, is amended to read as follows:

16 (a) ~~The Board of Electrical Examiners of the State of Arkansas Code~~
17 Enforcement Licensing Board is authorized to conduct examinations of persons
18 applying for a license as a master electrician, journeyman electrician,
19 industrial maintenance electrician, residential master electrician, ~~air~~
20 ~~conditioning electrician~~, specialist sign electrician, or residential
21 journeyman electrician. These persons shall pay fees established by the
22 board, but in no event shall such examination fees exceed the following:

- 23 (1) Master electrician \$100.00
- 24 (2) Journeyman electrician 100.00
- 25 (3) Industrial maintenance electrician 50.00
- 26 (4) Residential master electrician 100.00
- 27 (5) Residential journeyman electrician 100.00
- 28 ~~(6) Air conditioning electrician 100.00~~

29 ~~(7)~~(6) Specialist sign electrician with parking lot endorsement
30 100.00
31

32 SECTION 14. Arkansas Code § 17-28-204 is amended to read as follows:

33 17-28-204. Hearing – Appeal.

34 All hearings conducted by the ~~Board of Electrical Examiners of the~~
35 ~~State of Arkansas~~ Code Enforcement Licensing Board and all appeals taken from
36 the decisions of the board shall comply with the Arkansas Administrative

1 Procedure Act, § 25-15-201 et seq.

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SECTION 15. Arkansas Code § 17-28-301 is amended to read as follows:

17-28-301. Electrician’s license – Issuance and renewal – Fees.

(a) Individuals passing the master, journeyman, residential master, residential journeyman, ~~air conditioning electrician~~, specialist sign electrician, or industrial maintenance electrician’s examination as specified in § 17-28-203 shall be issued a license of the same class as that of the examination upon payment of the following fees:

- (1) Master electrician \$50.00
- (2) Journeyman electrician 25.00
- (3) Industrial maintenance electrician 25.00
- (4) Residential master electrician 50.00
- (5) Residential journeyman electrician 25.00
- ~~(6) Air conditioning electrician 25.00~~
- ~~(7)~~(6) Specialist sign electrician with parking lot endorsement 25.00.

(b)(1) Licenses shall expire on the date indicated on the licenses.

(2) The license may be renewed for a period of one (1), ~~two (2), or three (3) years~~ year with the fee to be as follows:

- (A) Master electrician \$50.00 per year
- (B) Journeyman electrician 25.00 per year
- (C) Industrial maintenance electrician 25.00 per year
- (D) Residential master electrician 50.00 per year
- (E) Residential journeyman electrician 25.00 per year
- ~~(F) Air conditioning electrician 25.00 per year~~
- ~~(G)~~(F) Specialist sign electrician with parking lot endorsement 25.00 per year.

(3) A licensee may renew his or her license ~~within thirty-six (36) months~~ following the expiration date on the license by paying:

- (A) The renewal fee under subdivision (b)(2) of this section;

1 (B) A late fee equal to one (1) year of the renewal fee
2 plus ten dollars (\$10.00) for each calendar month between the expiration date
3 indicated on the license and the date of application for renewal; and

4 (C) Any outstanding monetary civil penalty.

5 (4) If a licensee shall fail to renew his or her license within
6 thirty-six (36) months after the expiration date on the license, the licensee
7 may reinstate his or her license by retaking the examination required under §
8 17-28-203 and paying:

9 (A) The fees and any applicable penalty under subdivision
10 (b)(3) of this section; and

11 (B) An additional penalty of one thousand dollars
12 (\$1,000).

13 (5)(A) ~~The Board of Electrical Examiners of the State of~~
14 ~~Arkansas~~ Code Enforcement Licensing Board may, after hearing, deny renewal or
15 reinstatement of a license for cause.

16 (B) The applicant for renewal or reinstatement of a
17 license may obtain a temporary license to expire on the date of his or her
18 hearing before the board.

19 (6) If a person simultaneously holds an electrical inspector
20 license and a license as a master electrician or a journeyman electrician,
21 the person, when renewing his or her master electrician or journeyman
22 electrician license, shall be exempt from the:

23 (A) Renewal fee under this section; and

24 (B) Continuing education requirements for master
25 electricians and journeyman electricians under § 17-28-311.

26 (c) The registration fee for an electrical apprentice shall be ten
27 dollars (\$10.00) annually. Apprentice registration certificates shall expire
28 on the last day of the month, one (1) year following the date of original
29 registration.

30 (d)(1) The board may issue a temporary license as a master electrician
31 or journeyman electrician that is valid for no more than six (6) months and
32 renewable one (1) time only for industry projects as defined in this chapter,
33 upon submission by the applicant of the following:

34 (A) A temporary license fee in the amount established by
35 subsection (a) of this section;

36 (B) A completed application on a form furnished and

1 approved by the board; and

2 (C) Evidence that the applicant:

3 (i) Holds a current license of the same

4 classification issued by another state; or

5 (ii) Meets the experience qualifications required
6 under rules promulgated by the board for a temporary master electrician or a
7 temporary journeyman electrician.

8 (2) ~~The Director of the Division of Occupational and~~

9 ~~Professional Licensing Boards and Commissions~~ Department of Labor and

10 Licensing may renew a temporary license as a master electrician or journeyman
11 electrician issued by the board for more than one (1) additional period of
12 six (6) months, if:

13 (A) The renewal is for work to be performed on a specific
14 industry project as defined in this chapter;

15 (B) The ~~director~~ department determines that the additional
16 renewal is necessary because:

17 (i) Actual construction will exceed one (1) year;

18 and

19 (ii) An insufficient number of licensed electricians
20 is available to perform the necessary work;

21 (C) The temporary license is restricted to the industry
22 project for which it is issued; and

23 (D) A temporary license fee in the amount established in
24 subsection (a) of this section is paid.

25 (3)(A) The board may issue and renew a temporary license as a
26 master electrician or journeyman electrician for regularly scheduled or
27 emergency maintenance work or shutdowns of not longer than six (6) weeks on
28 industry projects as defined in this chapter.

29 (B) An applicant for a new or renewed temporary license
30 under subdivision (d)(3)(A) of this section shall submit the same items as
31 are required in subdivision (d)(1) of this section.

32 (e) A specialist sign electrician under § 17-28-101 shall qualify for
33 an endorsement on his or her license authorizing the licensee to maintain and
34 repair parking lot lights upon successfully passing a separate examination as
35 approved by the board.

36

1 SECTION 16. Arkansas Code § 17-28-302 is repealed.

2 ~~17-28-302. Electrical contractor license.~~

3 ~~(a) Any person, member, or employee of a firm, partnership, or~~
4 ~~corporation desiring to engage in the business of electrical contractor may~~
5 ~~apply for and be issued a license upon satisfying the Board of Electrical~~
6 ~~Examiners of the State of Arkansas that he or she or it is either a master~~
7 ~~electrician or employs a master electrician as its superintendent or manager~~
8 ~~and shall pay a license fee in the amount of one hundred dollars (\$100) per~~
9 ~~year.~~

10 ~~(b) Any electrical contractor having met the requirements of this~~
11 ~~chapter may work in any municipality in the state without further~~
12 ~~examinations after first showing evidence of state license as described in~~
13 ~~this chapter and paying such fees as required by the municipality in which~~
14 ~~the work is to be performed.~~

15
16 SECTION 17. Arkansas Code § 17-28-303 is amended to read as follows:

17 17-28-303. License nontransferable.

18 No license certificates issued by the ~~Board of Electrical Examiners of~~
19 ~~the State of Arkansas~~ Code Enforcement Licensing Board shall be assignable or
20 transferable.

21
22 SECTION 18. Arkansas Code § 17-28-305(b)(1), concerning the local
23 regulatory authority for electrical work, is amended to read as follows:

24 (b)(1) A city or town may by ordinance, rules, regulations, or
25 contract prescribe rules, regulations, and standards for the materials used
26 in the construction, installation, and inspection of all electrical work in
27 the city or county, provided the rules, regulations, or standards are not in
28 conflict with the standards prescribed by the ~~Board of Electrical Examiners~~
29 ~~of the State of Arkansas~~ Code Enforcement Licensing Board under § 17-28-
30 202, § 17-55-101 et seq., and § 20-31-104.

31
32 SECTION 19. Arkansas Code § 17-28-306 is amended to read as follows:

33 17-28-306. Reciprocity.

34 The ~~Board of Electrical Examiners of the State of Arkansas~~ Code
35 Enforcement Licensing Board shall be authorized to issue licenses to those
36 applicants holding equivalent licenses in other states, upon payment of the

1 required fees and submission of proof of license in that state, provided an
2 agreement has been reached with that state to recognize the electrical
3 licenses held by Arkansas residents.

4
5 SECTION 20. Arkansas Code § 17-28-307(a)(1), concerning restricted
6 lifetime licenses for master and journeyman electricians, is amended to read
7 as follows:

8 (a)(1) Upon reaching the age of sixty-five (65), or any time
9 thereafter, any person who has been a licensed master electrician or a
10 licensed journeyman electrician licensed by the ~~Board of Electrical Examiners~~
11 ~~of the State of Arkansas~~ Code Enforcement Licensing Board for not less than
12 twelve (12) years may apply for a restricted lifetime master electrician
13 license or a restricted lifetime journeyman electrician license.

14
15 SECTION 21. Arkansas Code § 17-28-308 is amended to read as follows:
16 17-28-308. Electrical apprentices.

17 (a) Upon proper application and payment of the fee, the ~~Board of~~
18 ~~Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing
19 Board shall register as an electrical apprentice and issue a certificate of
20 registration to any person who furnishes satisfactory proof that the
21 applicant is enrolled in a school or training course for electrical
22 apprentices certified by the United States Office of Apprenticeship.

23 (b) The board shall take such actions as are reasonably necessary or
24 appropriate to supervise and enforce apprenticeship supervision ratios
25 established by the board by rule.

26 (c) Notwithstanding the provisions of subsection (a) of this section,
27 an apprentice who has successfully completed a certified school or training
28 program and has been released for testing ~~may continue to renew his or her~~
29 ~~apprentice registration card, if otherwise qualified, without enrolling in a~~
30 ~~school or training program~~ shall test within one (1) year of release by the
31 Office of Skills Development.

32 (d) Application for an initial certificate of registration and renewal
33 of an electrical apprentice shall be the responsibility of the school or
34 training course for electrical apprentices certified by the United States
35 Office of Apprenticeship in which the electrical apprentice is enrolled.

36 (e) The school or training course for electrical apprentices certified

1 by the United States Office of Apprenticeship in which the electrical
 2 apprentice is enrolled shall be responsible for documenting on-the-job
 3 training hours of apprentice electricians and submitting completion of hours
 4 to the board.

5
 6 SECTION 22. Arkansas Code § 17-28-309 is amended to read as follows:

7 17-28-309. Penalties.

8 (a) ~~The Director of the Division of Occupational and Professional~~
 9 ~~Licensing Boards and Commissions~~ Secretary of the Department of Labor and
 10 Licensing or his or her designee is authorized to petition any court of
 11 competent jurisdiction to enjoin or restrain any person who performs
 12 electrical work without a license or who otherwise violates the provisions of
 13 this chapter.

14 (b)(1) A civil penalty may be assessed against any person, firm, or
 15 corporation by the ~~Division of Occupational and Professional Licensing Boards~~
 16 ~~and Commissions~~ Department of Labor and Licensing ~~and subject to appeal and~~
 17 ~~hearing before the Board of Electrical Examiners of the State of Arkansas~~
 18 according to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,
 19 if it is determined that a person, firm, or corporation has violated any:

20 (A) Provision of this chapter;

21 (B) Provision of the Arkansas Electrical Code Authority
 22 Act, § 20-31-101 et seq.;

23 (C) Rule or order issued or promulgated by the ~~board~~ Code
 24 Enforcement Licensing Board; ~~or~~

25 (D) Condition of a license, certificate, or registration
 26 issued by the board; ~~or~~

27 (E) Licensure eligibility concerning criminal records
 28 under § 17-3-102.

29 (2) For each violation, the penalty shall not exceed ~~the~~
 30 ~~following:~~ one thousand dollars (\$1,000) per day.

31 ~~(A) Two hundred fifty dollars (\$250) for a first offense;~~

32 ~~(B) Seven hundred fifty dollars (\$750) for a second~~
 33 ~~offense; or~~

34 ~~(C) One thousand dollars (\$1,000) for a third offense.~~

35 (3) Each day of a continuing violation is a separate violation
 36 for purposes of penalty assessment.

1 (4)(A) Assessment of a civil penalty by the board shall be made
2 no later than two (2) years after the date of the occurrence of the
3 violation.

4 (B) No civil penalty may be assessed until the person
5 charged with the violation has been given the opportunity for a hearing on
6 the violation.

7 (5) If any person, firm, or corporation against whom a civil
8 penalty has been imposed fails to pay the penalty within sixty (60) days of
9 the board's decision, the ~~director~~ secretary or his or her designee may file
10 an action in a court of competent jurisdiction to collect the civil penalty
11 without paying costs or giving bond for costs.

12 (6) Any penalties collected under this section shall be
13 deposited as special revenues into the State Treasury to the credit of the
14 Code Enforcement Licensing Board Fund. ~~Department of Labor and Licensing~~
15 ~~Special Fund, there to be used by the Department of Labor and Licensing in~~
16 ~~carrying out the functions, powers, and duties of this chapter.~~

17
18 SECTION 23. Arkansas Code § 17-28-310 is repealed.

19 ~~17-28-310. Grandfather clause.~~

20 ~~(a) Applicants for a license under this chapter shall be exempt from~~
21 ~~the examination requirement of § 17-28-203, provided that the applicant:~~

22 ~~(1) Is qualified by experience requirements to take the~~
23 ~~examination for a particular license classification under the provisions of~~
24 ~~this chapter and the rules of the Board of Electrical Examiners of the State~~
25 ~~of Arkansas;~~

26 ~~(2) Has not had a municipal electrician's license or a state~~
27 ~~electrician's license of any classification revoked or suspended for cause;~~

28 ~~(3) Submits the appropriate fee; and~~

29 ~~(4) Applies for a license before July 1, 1998.~~

30 ~~(b) Notwithstanding any provision to the contrary, an applicant for a~~
31 ~~license under this section shall be exempt from the journeyman electrician~~
32 ~~examination requirement of § 17-28-203 if he or she has completed electrical~~
33 ~~apprenticeship training and education under a bona fide apprenticeship~~
34 ~~program registered with the United States Office of Apprenticeship and he or~~
35 ~~she meets the requirements of subdivisions (a)(2) (4) of this section.~~

36 ~~(c) An applicant for a specialist sign electrician license under this~~

1 ~~chapter shall be exempt from the examination requirement of § 17-28-203 if~~
 2 ~~the applicant:~~

3 ~~(1) Is qualified by experience requirements to take the~~
 4 ~~examination for a particular license classification under this chapter and~~
 5 ~~the rules of the board;~~

6 ~~(2) Has not had a municipal electrician's license or a state~~
 7 ~~electrician's license of any classification revoked or suspended for cause;~~

8 ~~(3) Submits the appropriate fee; and~~

9 ~~(4) Applies for the specialist sign electrician license before~~
 10 ~~September 1, 2009.~~

11
 12 SECTION 24. Arkansas Code § 17-28-311 is amended to read as follows:
 13 17-28-311. Continuing education requirement.

14 (a) A journeyman electrician licensee, residential journeyman
 15 electrician licensee, ~~or~~ master electrician licensee, or residential master
 16 electrician licensee shall complete at least eight (8) hours of continuing
 17 education for ~~each~~ the current National Electrical Code cycle in the first
 18 year of each new code cycle before renewing his or her license.

19 (b) If a licensee fails to obtain the required continuing education
 20 hours within a National Electrical Code cycle under subsection (a) of this
 21 section, the licensee may not renew his or her license until the licensee:

22 (1) Obtains the required continuing education hours and submits
 23 proof of completion of the continuing education hours to the Department of
 24 Labor and Licensing as required by the rules of the ~~Board of Electrical~~
 25 ~~Examiners of the State of Arkansas~~ Code Enforcement Licensing Board; and

26 (2) Pays all fees and penalties required under § 17-28-301.

27 (c) The board shall promulgate rules to set standards for continuing
 28 education for licensees under this section.

29
 30 SECTION 25. Arkansas Code § 17-28-312(b)(3)(B), concerning rules for
 31 the supervision of apprentice electricians, is amended to read as follows:

32 (B) The ~~Board of Electrical Examiners of the State of Arkansas~~
 33 Code Enforcement Licensing Board shall promulgate rules which determine the
 34 regular and reasonable intervals under subdivision (b)(3)(A) of this section
 35 in consideration of the:

36 (i) Nature of the work; and

1 (ii) Skill and experience of the apprentice
2 electrician.

3
4 SECTION 26. Arkansas Code § 17-33-101(8), concerning definitions
5 pertaining to HVACR workers, is amended to read as follows:

6 (8) "HVACR gas fitting work" means gas fitting work for the purpose of
7 supplying an HVACR system and shall be limited to installing ~~six feet (6')~~
8 seventy-five feet (75') or less final of gas piping connection to a heating
9 unit from an existing, accessible manual safety shutoff gas cock, installing
10 flue gas vents and combustion air for the HVACR system;

11
12 SECTION 27. Arkansas Code § 17-33-101(16)(A), concerning definitions
13 pertaining to HVACR workers, is amended to read as follows:

14 (A) Does not hold a Class A, Class B, ~~Class C~~, Class D, or
15 Class E HVACR license;

16
17 SECTION 28. Arkansas Code § 17-33-103(b), concerning HVACR electrical
18 work, is amended to read as follows:

19 (b) Any individual licensed or registered to perform HVACR work may
20 perform electrical connections to heating and air conditioning units without
21 obtaining any other license to perform the work, so long as the connection is
22 made to a disconnecting means suitable in capacity for the equipment to be
23 served and is provided by others within ~~ten feet (10')~~ seventy-five feet (75')
24 of the unit.

25
26 SECTION 29. Arkansas Code § 17-33-105(a)(1)(A)(i), concerning
27 penalties, is amended to read as follows:

28 (a)(1)(A)(i) Any person who violates any provision of this chapter or
29 violates any rule or order of the ~~HVACR Licensing Board~~ Code Enforcement
30 Licensing Board or any permit, license or certification may be assessed a
31 civil penalty by the board in accordance with the rules issued by the board.

32
33 SECTION 30. Arkansas Code § 17-33-201(a), concerning the members of
34 the HVACR Licensing Board, is amended to read as follows:

35 (a) There is ~~hereby~~ created the ~~HVACR Licensing Board~~ Code Enforcement
36 Licensing Board to be composed of ~~nine (9)~~ eleven (11) members appointed by

1 the Governor and confirmed by the Senate. The board shall be composed of the
2 following members who shall be residents of the State of Arkansas:

3 ~~(1) The secretary of the board shall be a representative of the~~
4 ~~Department of Labor and Licensing;~~

5 ~~(2) Two (2) members of the board shall be Class A license~~
6 ~~holders whose business is located in the State of Arkansas;~~

7 ~~(3) Two (2) members of the board shall be Class B license~~
8 ~~holders whose business is located in the State of Arkansas;~~

9 ~~(4) One (1) member of the board shall be a mechanical engineer~~
10 ~~registered in the State of Arkansas who is directly associated with HVACR~~
11 ~~design;~~

12 ~~(5) One (1) member of the board shall be a representative of a~~
13 ~~city or county HVACR inspection program;~~

14 ~~(6) One (1) member of the board shall be a consumer with no~~
15 ~~personal or financial interest in the HVACR industry; and~~

16 ~~(7) One (1) member of the board shall be a member of the~~
17 ~~Mechanical Contractors Association of Arkansas, Inc., who holds a current~~
18 ~~state contractor's license.~~

19 (1) One (1) member shall be an electrical contractor operating
20 in this state;

21 (2) One (1) member shall be a master electrician;

22 (3) One (1) member shall be a Class A HVACR license holder
23 whose business is located in this state;

24 (4) One (1) member shall be a Class B HVACR license holder
25 whose business is located in this state;

26 (5) One (1) member shall be a master plumber;

27 (6) One (1) member shall be a representative of the
28 manufacturers of elevators within this state;

29 (7) One (1) member shall be a representative of the elevator
30 mechanics within this state;

31 (8)(A) Two (2) members shall be a licensed professional
32 engineer as defined in § 17-30-101.

33 (B) One (1) member under subdivision (a)(8)(A) of this
34 section shall be engaged primarily in the design and construction of
35 electrical and mechanical installations.

36 (C) One (1) member under subdivision (a)(8)(A) of this

1 section shall be engaged primarily in plumbing design;

2 (9) One (1) member shall be a representative of a city or
 3 county building inspection program; and

4 (10) One (1) member shall be active in the installation and
 5 servicing of fire protection systems.

6
 7 SECTION 31. Arkansas Code § 17-33-202 is amended to read as follows:
 8 17-33-202. Powers and duties.

9 The ~~HVACR Licensing Board~~ Code Enforcement Licensing Board may:

10 (1) Adopt certain rules to ensure the proper administration and
 11 enforcement of this chapter;

12 (2)(A) Except as provided in subdivision (2)(B) of this section,
 13 adopt a mechanical code and standards for the conduct of HVACR work.

14 (B) A mechanical code or standard adopted under
 15 subdivision (2)(A) of this section shall not prohibit or limit the use of a
 16 refrigerant designated as acceptable for use in accordance with 42 U.S.C. §
 17 7671k, as it existed on January 1, 2023, if the equipment containing the
 18 refrigerant is listed and installed in accordance with the safety standards
 19 and use conditions established in accordance with 40 C.F.R. §§ 82.170 –
 20 82.184, as they existed on January 1, 2023;

21 (3) Assist and advise the Department of Labor and Licensing on
 22 all matters related to the licensing of HVACR maintenance work;

23 (4) Conduct hearings on all matters related to the licensing and
 24 inspection of HVACR work;

25 (5) Establish HVACR code inspection programs;

26 (6) Conduct investigations into the qualifications of applicants
 27 for licensure at the request of the department;

28 (7) Review applications for examination for a Class A, Class B,
 29 ~~Class C~~, Class D, Class E, and Class L license;

30 (8) Establish by board rule a minimum level of general liability
 31 insurance coverage for a license if the board determines that a specific
 32 class of license requires insurance coverage;

33 (9) Establish by board rule a maximum of ~~four (4)~~ eight (8)
 34 hours per year International Mechanical Code cycle of continuing education if
 35 the board determines that a specific class of license requires continuing
 36 education;

1 (10) Assist and advise the department in other such matters as
 2 requested by the department; and

3 (11) Establish fees for the proper administration of the
 4 requirements of this chapter.

5
 6 SECTION 32. Arkansas Code § 17-33-203 is amended to read as follows:
 7 17-33-203. Administrative procedures.

8 For the purpose of this chapter, all hearings conducted by the ~~HVACR~~
 9 ~~Licensing Board~~ Code Enforcement Licensing Board and all appeals taken from
 10 the decisions of the board shall be pursuant to the Arkansas Administrative
 11 Procedure Act, § 25-15-201 et seq.

12
 13 SECTION 33. Arkansas Code § 17-33-204 is amended to read as follows:
 14 17-33-204. Fees.

15 (a)(1) The ~~HVACR Licensing Board~~ Code Enforcement Licensing Board
 16 shall adopt a fee schedule by rule ~~and regulation~~. The fee schedule may
 17 include, but is not limited to:

- 18 (A) Testing fees;
- 19 (B) License fees;
- 20 (C) Civil penalty fees;
- 21 (D) Registration fees;
- 22 (E) Inspection fees;
- 23 (F) ~~Fees for code books~~ Renewal fees;
- 24 (G) Late renewal fees; and
- 25 (H) Late penalty fees.

26 (2) The board may provide for a reduction in the fees of a
 27 person or partnership who holds one (1) or more licenses determined by the
 28 board to be HVACR-related and for which the board determines a reduction in
 29 fees should be allowed.

30 (b) Until a fee schedule is established by the board, the licensure
 31 and registration fees shall be as follows:

32	Class A License	\$200.00
33	Class B License	150.00
34	Class C License	100.00
35	Class D License	150.00
36	Class E License	150.00

1 Class L License No Charge

2 Registration Fee 25.00.

3 (c) The fees established by the board for licensure and registration
4 shall not exceed the amounts provided for in subsection (b) of this section.

5
6 SECTION 34. Arkansas Code § 17-33-205 is amended to read as follows:
7 17-33-205. Disposition.

8 (a)(1) All fees or payments of any type collected by the HVACR
9 ~~Licensing Board~~ Code Enforcement Licensing Board under this chapter shall be
10 deposited into the State Treasury as special revenues, and the Treasurer of
11 State shall credit those fees or payments to the ~~“HVACR Licensing Fund”~~ which
12 ~~is hereby created~~ “Code Enforcement Licensing Board Fund” created under § 19-
13 6-846, there to be used as provided by law.

14 ~~(2)(A) All funds deposited into the HVACR Licensing Fund shall~~
15 ~~be used for the maintenance, operation, and improvement of the HVACR~~
16 ~~Licensing and Inspection Program of the Department of Labor and Licensing.~~

17 ~~(B) The Chief Fiscal Officer of the State is hereby~~
18 ~~authorized, from time to time, to make transfers of moneys from the Budget~~
19 ~~Stabilization Trust Fund as loans to the HVACR Licensing Fund to be used for~~
20 ~~maintenance and operation of the program. Provided, that any such moneys~~
21 ~~loaned from the Budget Stabilization Trust Fund to the HVACR Licensing Fund~~
22 ~~shall be repaid from fees derived from the program on or before the last day~~
23 ~~of the fiscal year in which the loan of the funds is made.~~

24 ~~(3)(2)~~ Subject to such rules as may be implemented by the Chief
25 Fiscal Officer of the State, the disbursing officer for the Department of
26 Labor and Licensing is hereby authorized to transfer all unexpended funds
27 ~~relative to the program~~ that pertain to fees collected, as certified by the
28 Chief Fiscal Officer of the State, to be carried forward and made available
29 for expenditures for the same purpose for any following fiscal year.

30 (b) Any moneys received from the sale or trade of motor vehicles and
31 other capital equipment purchased with HVACR licensing funds shall be
32 credited to the ~~HVACR Licensing Fund~~ Code Enforcement Licensing Board Fund.

33
34 SECTION 35. Arkansas Code § 17-33-302(a)(2), concerning licensure
35 qualifications for HVACR workers, is amended to read as follows:

36 (2) Make application to the Department of Labor and Licensing on

1 forms prescribed by the ~~HVACR Licensing Board~~ Code Enforcement Licensing
 2 Board;

4 SECTION 36. Arkansas Code § 17-33-303 is amended to read as follows:

5 17-33-303. Classes of licenses.

6 (a) Except as otherwise provided in this chapter, every individual who
 7 designs, installs, constructs, maintains, services, repairs, alters, or
 8 modifies any HVACR system or any portion of an HVACR system in the State of
 9 Arkansas shall obtain one (1) of the following classes of license and pay the
 10 fees prescribed by the ~~HVACR Licensing Board~~ Code Enforcement Licensing
 11 Board;

12 (1) Class A – Entitles the licensee to perform HVACR work
 13 without limitation to BTUH or horsepower capacities;

14 (2) Class B – Entitles the licensee to perform HVACR work on
 15 air conditioning systems that develop a total of not more than ~~fifteen (15)~~
 16 twenty-five (25) tons of cooling capacity per unit or one million (1,000,000)
 17 BTUH heating input per unit and refrigeration systems of fifteen horsepower
 18 (15 h.p.) or less per unit;

19 ~~(3) Class C – Entitles the licensee who is in the business of~~
 20 ~~servicing and repairing heating, ventilation, air conditioning, or~~
 21 ~~refrigeration equipment for the public to service, repair, or replace~~
 22 ~~components of HVACR equipment and to perform HVACR work on air conditioning~~
 23 ~~systems that develop a total of not more than fifteen (15) tons of cooling~~
 24 ~~capacity per unit or one million (1,000,000) BTUH heating input per unit and~~
 25 ~~refrigeration systems of fifteen horsepower (15 h.p.) or less per unit. A~~
 26 ~~Class C license holder shall not install any original HVACR equipment or~~
 27 ~~replace any existing HVACR equipment;~~

28 ~~(4)~~(3) Class D – Entitles the licensee to perform sheet metal
 29 work as it relates to ductwork for HVACR systems without regard to or
 30 limitation of horsepower of the system to which the duct connects. The
 31 licensee in this category is prohibited from the sale, installation, and
 32 service of HVACR equipment and systems;

33 ~~(5)~~(4) Class E – Entitles the licensee to perform refrigeration
 34 work as defined in § 17-33-101 without regard to or limitation of horsepower.
 35 The licensee in this category is prohibited from the sale, installation, and
 36 service of heating and air conditioning equipment used for the treatment of

1 air for human comfort requirements; and

2 ~~(6)~~(5) Class L – Entitles a licensee to apply for and obtain a
3 restricted lifetime license without having to pay a license fee in any
4 specific category of license as defined in this chapter. The applicant must
5 be at least sixty-five (65) years of age and hold a current license in good
6 standing with the board. The board shall promulgate rules to define the
7 specific requirements of the lifetime license.

8 (b) The board shall promulgate rules necessary to carry out the
9 provisions of this section.

10 (c)(1) An individual may perform HVACR work under a Class A, Class B,
11 ~~Class C~~, Class D, or Class E HVACR license holder by registering with the
12 Department of Labor and Licensing.

13 (2) ~~The registrant shall pay an annual registration fee as~~
14 ~~required by the board.~~ Annual registration, including without limitation
15 payment of the fee as required by the board, for the registrant shall be the
16 responsibility of the HVACR license holder.

17 (3) All licensees are responsible for ensuring that all HVACR
18 employees hold a current HVACR registration or HVACR license.

19
20 SECTION 37. Arkansas Code § 17-33-304 is amended to read as follows:

21 17-33-304. Display of license number.

22 Every individual licensed under this chapter shall display his or her
23 HVACR license number on all his or her business vehicles and in all forms of
24 advertising in a manner prescribed by the rules promulgated by the ~~HVACR~~
25 ~~Licensing Board~~ Code Enforcement Licensing Board.

26
27 SECTION 38. Arkansas Code § 17-33-305 is amended to read as follows:

28 17-33-305. Ground for denial.

29 All applicants who meet the requirements for licensure or registration
30 shall be issued the appropriate license or registration, except that the
31 ~~HVACR Licensing Board~~ Code Enforcement Licensing Board may deny a license if
32 the applicant has:

33 (1) Committed any act which if committed by a licensee or
34 registrant would be grounds for suspension or revocation of the license or
35 registration;

36 (2) Previously been denied a license or registration under this

1 chapter for cause or previously had a license or registration revoked for
2 cause; or

3 (3) Knowingly made any false statement or misrepresentation on
4 the application.

5
6 SECTION 39. Arkansas Code § 17-33-306 is amended to read as follows:
7 17-33-306. Expiration and renewal.

8 All licenses or registrations issued under this chapter shall expire
9 one (1) year after the date of issuance or at a time specified by the ~~HVACR~~
10 ~~Licensing Board~~ Code Enforcement Licensing Board ~~of the Department of Labor~~
11 ~~and Licensing~~. To renew a license or registration, the licensee must submit
12 to the Department of Labor and Licensing before the expiration date on a form
13 prescribed by the department the appropriate license or registration fees
14 required by this chapter.

15
16 SECTION 40. Arkansas Code § 17-33-307 is amended to read as follows:
17 17-33-307. Grounds for suspension or revocation.

18 The ~~HVACR Licensing Board~~ Code Enforcement Licensing Board, on its own
19 motion, may make investigations and conduct hearings and, on its own motion
20 or upon complaint in writing signed and verified by the complainant, suspend
21 or revoke any license or registration if it finds that the holder of the
22 license or registrant has:

23 (1) Made a material misstatement in the application for license
24 or registration or renewal thereof;

25 (2) Demonstrated incompetency to act as a license holder or
26 registrant according to rules and standards promulgated by the board; ~~or~~

27 (3) Violated any provisions of this chapter or any rule or order
28 prescribed by the board; or

29 (4) Pled guilty or nolo contendere to or been found guilty of
30 any offense listed under § 17-3-102.

31
32 SECTION 41. Arkansas Code § 17-33-308(c), concerning the procedure for
33 suspension or revocation HVACR workers' licenses, is amended to read as
34 follows:

35 (c) Any member of the ~~HVACR Licensing Board~~ Code Enforcement Licensing
36 Board or a representative designated by the board shall have the authority to

1 administer oaths for the taking of testimony.

2

3 SECTION 42. Arkansas Code § 17-38-101(3), concerning definitions
4 pertaining to plumbers, is amended to read as follows:

5 (3) "Board" means the ~~State Board of Health~~ Code Enforcement
6 Licensing Board;

7

8 SECTION 43. Arkansas Code § 17-38-101(4), concerning definitions
9 pertaining to plumbers, is amended to read as follows:

10 (4) "Department" means the ~~Department of Health~~ Department of
11 Labor and Licensing;

12

13 SECTION 44. Arkansas Code § 17-38-102(b), concerning prohibited acts
14 pertaining to plumbers, is amended to read as follows:

15 (b) Any person who shall do any act prohibited in this chapter or fail
16 to obey a lawful order of the ~~Department of Health~~ Code Enforcement Licensing
17 Board or a judgment or decree of a court in connection with this chapter
18 shall be punished by imprisonment in the county jail for not more than three
19 (3) months or by a fine not exceeding five hundred dollars (\$500). Each day
20 during which the violation continues shall constitute a separate offense.

21

22 SECTION 45. Arkansas Code § 17-38-102(d)(1), concerning penalties
23 pertaining to plumbers, is amended to read as follows:

24 (d)(1) Every firm, person, or corporation that violates any of the
25 provisions of this chapter or the rules or orders issued or promulgated by
26 the ~~State Board of Health~~ Code Enforcement Licensing Board or that violates
27 any condition of a license, permit, certificate, or any other type of
28 registration issued by the ~~committee~~ board may be assessed a civil penalty by
29 the ~~committee~~ board.

30

31 SECTION 46. Arkansas Code § 17-38-102(e), concerning fines collected
32 for plumbing violations, is amended to read as follows:

33 (e) All fines collected under this section shall be deposited into the
34 State Treasury and credited to the ~~Plumbers Licensing Fund~~ Code Enforcement
35 Licensing Board Fund to be used to defray the costs of administering this
36 chapter and as otherwise provided by law.

1
2 SECTION 47. Arkansas Code § 17-38-103(a), concerning the scope of the
3 state plumbing code, is amended to read as follows:

4 (a) After adoption according to the Arkansas Administrative Procedure
5 Act, § 25-15-201 et seq., the provisions of the state plumbing code or
6 amendments to the state plumbing code as adopted by the ~~State Board of Health~~
7 Code Enforcement Licensing Board defining plumbing work and prescribing
8 minimum requirements for design, materials, appliances, workmanship, and
9 methods of installation shall have the effect and force of law in the form of
10 minimum standards statewide in application. The provisions shall apply to all
11 types of buildings, private or public, rural or urban, including buildings
12 owned by the state or any political subdivision of the state.

13
14 SECTION 48. Arkansas Code § 17-38-104(a)(1), concerning inspections by
15 the state in cities with enforcement officers pertaining to plumbing, is
16 amended to read as follows:

17 (a)(1) The ~~Department of Health~~ Department of Labor and Licensing
18 inspectors may go into any city that has a city code enforcement officer and
19 assist the city code enforcement officer for the purpose of ensuring that the
20 minimum standards of the state plumbing code and plumber licensing rules are
21 being met.

22
23 SECTION 49. Arkansas Code § 17-38-105(4)(B), concerning exceptions
24 under the laws pertaining to plumbing, is amended to read as follows:

25 (B) This exemption applies to any existing or future plumbing
26 codes or rules promulgated by the ~~State Board of Health~~ Code Enforcement
27 Licensing Board, or its successor agency.

28
29 SECTION 50. Arkansas Code § 17-38-201 is amended to read as follows:
30 17-38-201. Powers and duties generally – Definition.

31 (a) The ~~State Board of Health~~ Code Enforcement Licensing Board shall
32 have the following powers:

33 (1) To ensure that the construction, installation, and
34 maintenance of plumbing in connection with all buildings in this state,
35 including buildings owned by the state or any political subdivision thereof,
36 shall be safe and sanitary in order to safeguard the public health;

1 (2)(A) To have general supervision of all plumbing and,
 2 according to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,
 3 shall prescribe and publish and enforce minimum reasonable standards that
 4 shall be uniform as far as practicable.

5 (B) The Secretary of the ~~Department of Health~~ Department
 6 of Labor and Licensing or any employee of the ~~Department of Health~~ Department
 7 of Labor and Licensing designated by the ~~State Board of Health~~ department may
 8 act for the ~~State Board of Health~~ Code Enforcement Licensing Board except in
 9 adoption of rules;

10 (3) To prescribe rules as to the qualifications, examination,
 11 and licensing of master plumbers and journeyman plumbers and for the
 12 registration of apprentice plumbers;

13 ~~(4) To assign the duties of the Committee of Plumbing Examiners;~~

14 ~~(5)(A)~~ (4)(A) To prescribe rules as to the use of corrugated
 15 stainless steel piping.

16 (B) Such rules shall be no more stringent than the
 17 American National Standards for Interior Fuel Gas Piping Systems; and

18 ~~(6)(A)~~ (5)(A) To require that a survey and inspection for leaks,
 19 proper venting, and general condition of the natural gas piping system and
 20 gas utilization equipment connected thereto, including appliances, serving
 21 any school accredited by the State Board of Education shall be performed as
 22 frequently as necessary, but at intervals not exceeding one (1) year. School
 23 officials shall be responsible to ensure that these surveys and inspections
 24 are performed by a qualified agency and that proof of the survey results are
 25 provided to the ~~Division of Protective Health Codes of the Department of~~
 26 ~~Health~~ department by September 1 each year.

27 (B) As used in subdivision ~~(a)(6)(A)~~ (a)(5)(A) of this
 28 section, "qualified agency" means any individual, firm, corporation, or
 29 company which either in person or through a representative is engaged in and
 30 is responsible for the installation, replacement, or repair of consumer gas
 31 piping, or the connection, installation, repair, or servicing of gas
 32 utilization equipment, and is experienced in such work and familiar with all
 33 precautions required and has complied with all requirements of the ~~State~~
 34 ~~Board of Health~~ Code Enforcement Licensing Board and the department and the
 35 codes and rules.

36 (b) The ~~State Board of Health~~ Code Enforcement Licensing Board shall

1 prescribe rules governing plumbing apprentice training committees and, in
2 cooperation with educational authorities, assist in related training programs
3 for plumbers.

4 (c) The department may exercise such powers as are reasonably
5 necessary to carry out the provisions of this chapter. Among other things, it
6 may:

7 (1) Employ competent supervisors who shall be licensed plumbers
8 or licensed engineers, employ other assistants, and prescribe qualifications
9 and assign duties for the supervisors and assistants;

10 (2) Conduct investigations and experiments for the advancement
11 of technical knowledge relating to plumbing and hold public meetings and
12 attend or be represented at the meetings within or without the state;

13 (3) Enter and inspect at reasonable hours plumbing installations
14 on private or public property and disseminate information relative to the
15 provisions of this chapter;

16 (4) Prepare and cause to be printed such codes, bulletins, or
17 other documents as may be necessary and furnish copies thereof to those
18 engaged in the plumbing business and to the public upon request;

19 (5) Charge a reasonable fee for plumbing inspections;

20 (6) Furnish upon request of the owner of the building or of the
21 plumber making the plumbing installation, recommendations, or a certificate
22 of inspection;

23 (7) Issue restricted licenses limited to gas fitter, residential
24 and governmental maintenance, service line installation, solar mechanic, and
25 hospital maintenance licenses if the licensee has demonstrated competency for
26 the particular phase of plumbing for which the person is licensed and if the
27 ~~State Board of Health~~ Code Enforcement Licensing Board has adopted rules
28 defining restrictions in the type of work allowed, geographical area served,
29 and term of the type of restricted license; and

30 (8) Prepare a list giving the names and addresses of all
31 licensed plumbers and registered apprentice plumbers.

32 (d)(1) The ~~State Board of Health~~ Code Enforcement Licensing Board
33 shall prescribe rules as to the qualifications, examination, and licensing of
34 master plumbers and journeyman plumbers and for the registration of plumbing
35 apprentices.

36 (2) The ~~State Board of Health~~ Code Enforcement Licensing Board

1 shall publish a list giving the names and addresses of all licensed plumbers,
2 registered plumbers, and city plumbing inspectors.

3 (e) The ~~State Board of Health~~ Code Enforcement Licensing Board may
4 issue special licenses and restricted licenses, including, but not limited
5 to, gas licenses and other licenses which may cover a special phase of
6 plumbing, provided that the licensee has demonstrated competency for the
7 particular phase of plumbing for which the person is licensed.

8 (f) The department shall issue a restricted gas utility license to all
9 gas utilities having gas servicepersons. The license shall cover all of the
10 servicepersons of the utility if the utility requires each serviceperson to
11 be specially trained for this service. The utility shall be responsible to
12 the department for each serviceperson and shall provide an identification
13 card showing the utility name, utility license number, and the restricted
14 service of the serviceperson. The utility shall register each serviceperson
15 and his or her serial number with the department.

16 (g) The ~~State Board of Health~~ Code Enforcement Licensing Board shall
17 allow the use of a harvested rainwater system used for a nonpotable purpose
18 if the harvested rainwater system:

- 19 (1) Is designed by a professional engineer licensed in Arkansas;
- 20 (2) Is designed with appropriate cross-connection safeguards; and
- 21 (3) Complies with the state plumbing code.

22 ~~(h) The department and the State Board of Health shall:~~

23 ~~(1) Accept plumbing plan review documents via email, via mail,~~
24 ~~or in person; and~~

25 ~~(2) Respond to an individual or entity submitting plumbing plan~~
26 ~~review documents via email, unless the individual or entity indicates that~~
27 ~~the individual or entity would prefer to receive the response via mail.~~

28
29 SECTION 51. Arkansas Code § 17-38-202 is repealed.

30 ~~17-38-202. Committee of Plumbing Examiners.~~

31 ~~(a)(1) The State Board of Health shall appoint a Committee of Plumbing~~
32 ~~Examiners consisting of seven (7) voting members, prescribe their~~
33 ~~qualifications, and assign their duties.~~

34 ~~(2) Qualifications of the members of the committee shall be as~~
35 ~~follows:~~

36 ~~(A) Two (2) of the members shall be master plumbers;~~

1 ~~(B) One (1) shall be a journeyman plumber;~~

2 ~~(C) One (1) shall be a professional engineer as defined in~~
 3 ~~§ 17-30-101 with special expertise in plumbing design;~~

4 ~~(D) Two (2) shall be consumers; and~~

5 ~~(E) One (1) shall be a representative of the Department of~~
 6 ~~Health.~~

7 ~~(b) The member from the department shall serve on the committee until~~
 8 ~~replaced by the Secretary of the Department of Health.~~

9 ~~(c) The term of office for the remaining members shall be for a~~
 10 ~~staggered term of four (4) years. The board may remove a member for cause.~~

11 ~~(d) When so directed, the committee and other employees of the~~
 12 ~~department shall serve the board in an advisory capacity in the formulating~~
 13 ~~of rules to be adopted by the board.~~

14 ~~(e) Those members of the committee who are not employees of the State~~
 15 ~~of Arkansas may receive expense reimbursement and stipends in accordance with~~
 16 ~~§ 25-16-901 et seq.~~

17 ~~(f) The Director of the Plumbing and Natural Gas Section of the~~
 18 ~~Department of Health shall serve as executive secretary for the committee.~~

19
 20 SECTION 52. Arkansas Code § 17-38-203(a), concerning the regulation of
 21 training plumbers, is amended to read as follows:

22 (a) ~~The State Board of Health~~ Code Enforcement Licensing Board shall
 23 prescribe rules governing plumbing apprentice training committees and, in
 24 cooperation with educational authorities, assist in related training programs
 25 for plumbers.

26
 27 SECTION 53. Arkansas Code § 17-38-204(a), concerning local regulatory
 28 authority concerning plumbing, is amended to read as follows:

29 (a) A city, town, or county having a system of either water, sewerage,
 30 or gas utility, or a combination of utilities, by ordinance, rules,
 31 regulations, or customer contact shall prescribe rules ~~and regulations~~
 32 governing plumbing not in conflict with and equal to or exceeding the minimum
 33 standards prescribed by the ~~Department of Health~~ Department of Labor and
 34 Licensing.

35
 36 SECTION 54. Arkansas Code § 17-38-204(f)(2), concerning rules for

1 local plumbing inspection programs, is amended to read as follows:

2 (2) The ~~State Board of Health~~ Code Enforcement Licensing Board
3 shall prescribe full rules including permits, permit fees, and inspections.

4
5 SECTION 55. Arkansas Code § 17-38-204(h), concerning local plumbing
6 plans, is amended to read as follows:

7 (h)(1) If a city, town, sewerage district, water district, sewer
8 association, water association, utility gas system, or county enacts an
9 ordinance or regulation to provide for plan reviews of plumbing plans, the
10 city, town, sewerage district, water district, sewer association, water
11 association, utility gas system, or county may have an employee who is
12 certified as a plumbing and natural gas inspector perform plan reviews of
13 plumbing plans.

14 (2)(A)(i) All plumbing plans approved under subdivision (h)(1)
15 of this section shall not be required to be:

16 (a) Submitted with a payment of a fee to the
17 ~~department~~ Department of Health if a fee is submitted to the city, town,
18 sewerage district, water district, sewer association, water association,
19 utility gas system, or county; or

20 (b) Reviewed by the ~~department~~ Department of
21 Health if an engineer licensed in this state has prepared the plumbing plan
22 and the employee described under subdivision (h)(1) of this section is a
23 licensed engineer in this state.

24 (ii) However, a city, town, sewerage district, water
25 district, sewer association, water association, utility gas system, or county
26 may submit a plumbing plan to the ~~department~~ Department of Health for an
27 advisory opinion.

28 (B) The ~~department~~ Department of Health shall not require
29 the city, town, sewerage district, water district, sewer association, water
30 association, utility gas system, or county to relinquish or surrender a fee
31 submitted to the city, town, sewerage district, water district, sewer
32 association, water association, utility gas system, or county.

33 (C) The maximum allowable fee for a plan review under
34 subdivision (h)(1) of this section shall not exceed the fees set out in § 20-
35 7-123(b)(2).

36 (3)(A) A n employee who performs a plan review under subdivision

1 (h)(1) of this section has the responsibility to ensure that the plumbing
2 plan meets state requirements.

3 (B) The ~~department~~ Department of Health may audit or
4 inspect the records of an employee who performs a plan review under
5 subdivision (h)(1) of this section.

6 (4) This section does not:

7 (A) Create a cause of action against a city, town,
8 sewerage district, water district, sewer association, water association,
9 utility gas system, or county for any resulting damages or failures of the
10 plumbing plan; or

11 (B) Prohibit a person from seeking a plan review from and
12 paying a fee to the ~~department~~ Department of Health in lieu of seeking a plan
13 review from and paying a fee to a city, town, sewerage district, water
14 district, sewer association, water association, utility gas system, or
15 county.

16 (5) A plumbing plan review under this section includes a review
17 of the plumbing as defined in § 17-38-101 and the water supply, water lines,
18 and sewage line designs.

19

20 SECTION 56. Arkansas Code § 17-38-205 is amended to read as follows:

21 17-38-205. Disposition of funds – Loans.

22 (a)(1) All fees or payments of any type collected by the State Board
23 of Health solely for performing plan review functions and duties under this
24 chapter shall be deposited into the State Treasury on or before the fifth day
25 of the month next following the month of collection thereof, and the
26 Treasurer of State shall credit the fees or deposits to the credit of the
27 ~~“Plumbers Licensing Fund”~~ “Department of Health Plan Review Fund”, which is
28 ~~hereby~~ created under § 19-6-417.

29 (b)(2) All funds deposited into the ~~Plumbers Licensing Fund~~ Plan
30 Review Fund shall be used for the maintenance, operation, and improvement of
31 the plumbers licensing and inspection services of the board.

32 (c)(3) The Chief Fiscal Officer of the State is authorized, from
33 time to time, to make transfers of moneys in the Budget Stabilization Trust
34 Fund as loans to the ~~Plumbers Licensing Fund~~ Department of Health Plan Review
35 Fund to be used for maintenance and operation of the plumbers licensing and
36 plumbing inspection program of the Department of Health. Any moneys loaned

1 from the Budget Stabilization Trust Fund to the ~~Plumbers Licensing Fund~~
 2 Department of Health Plan Review Fund shall be repaid from fees derived from
 3 the plumbers licensing and plumbing inspection program on or before the last
 4 day of the fiscal year in which the loan of the funds is made.

5 ~~(d)(4)~~ All moneys received from the sale or trade of motor
 6 vehicles purchased with funds from the former Plumbers Licensing Fund shall
 7 be credited to the ~~Plumbers Licensing Fund~~ Code Enforcement Licensing Board
 8 Fund.

9 (b) All fees or payments of any type collected for plumbing licenses,
 10 permit fees, inspections, fines, or penalties under this chapter shall be
 11 deposited as special revenues into the State Treasury to the credit of the
 12 Code Enforcement Licensing Board Fund.

13
 14 SECTION 57. Arkansas Code § 17-38-301(a)(1), concerning licensing
 15 requirements for plumbers, is amended to read as follows:

16 (a)(1) No person shall engage in work as a master plumber, journeyman
 17 plumber, apprentice plumber, or restricted license holder called for under
 18 this chapter or adopted rules unless first licensed or registered to do so by
 19 the ~~Department of Health~~ Code Enforcement Licensing Board.

20
 21 SECTION 58. Arkansas Code § 17-38-302(4), concerning exemptions to the
 22 law concerning plumbers, is amended to read as follows:

23 (4) An individual certifying or repairing backflow devices
 24 within the scope of a plumbing system if the individual holds a certificate
 25 of competency from the ~~Plumbing and Natural Gas Section of the Department of~~
 26 ~~Health~~ Arkansas Rural Water Association; or

27
 28 SECTION 59. Arkansas Code § 17-38-303 is amended to read as follows:
 29 17-38-303. Temporary permits.

30 ~~(a) The Committee of Plumbing Examiners of the State Board of Health~~
 31 Code Enforcement Licensing Board may issue temporary revocable permits to
 32 master plumber and journeyman plumber license applicants pending examination.

33 ~~(b) The State Board of Health~~ board shall make rules and prescribe
 34 procedures governing the issuance of the permits.

35
 36 SECTION 60. Arkansas Code § 17-38-304 is amended to read as follows:

1 17-38-304. Master plumber or journeyman plumber – Application.

2 (a) Application for a master plumber or journeyman plumber
3 examination, temporary permit, or license shall be made to the ~~Department of~~
4 ~~Health Code Enforcement Licensing Board~~ with fees.

5 (b) No license or permit shall be transferable.

6 (c) Unless the applicant is entitled to a renewal of license, a
7 license shall be issued only after the applicant passes a satisfactory
8 examination showing fitness.

9 (d)(1) An applicant for the master plumber examination shall have a
10 minimum of five (5) years of plumbing experience.

11 (2) An applicant for the journeyman plumber examination shall
12 have a minimum of four (4) years of plumbing experience.

13 (e) The ~~Committee of Plumbing Examiners~~ board shall approve an
14 applicant for master plumber or journeyman plumber examination provided that
15 the applicant is currently licensed as a master plumber or journeyman plumber
16 in another state or political subdivision of that state whose plumbing laws
17 and codes are similar to those of this state.

18 (f) The ~~committee~~ board may approve an applicant for examination who
19 is not currently licensed in another state or its political subdivision or
20 who has no plumber licensing background, provided the applicant shows proof
21 of experience as a plumber in accordance with subsection (d) of this section.
22 The proof of experience may be in the form of records, affidavits, or bona
23 fide evidence from licensing agencies, former employers, or persons who can
24 attest to the applicant's work background as a plumber.

25 (g) The ~~committee~~ board may consider applicants for the master plumber
26 examination who are registered professional engineers with special expertise
27 in plumbing engineering.

28 (h) An individual applying for and obtaining a license as a journeyman
29 plumber shall be eligible for the master plumber examination after being
30 licensed as a journeyman plumber for one (1) year. In cases of extreme
31 hardship, the ~~committee~~ board may waive the one-year requirement in whole or
32 in part.

33 (i) The ~~committee~~ board shall consider an apprentice plumber for the
34 journeyman plumber examination, provided the apprentice plumber has
35 successfully completed the training as defined under the plumber
36 apprenticeship rules.

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SECTION 61. Arkansas Code § 17-38-305 is amended to read as follows:
17-38-305. Fees.

By rule and after public hearings, the ~~State Board of Health Code~~
Enforcement Licensing Board may set reasonable license or examination fees
for all licenses called for under this chapter, ~~including, but not limited~~
~~to,~~ including without limitation master plumber licenses, journeyman plumber
licenses, apprentice plumber registration, gas utility licenses, and
restricted plumber licenses.

SECTION 62. Arkansas Code § 17-38-306 is amended to read as follows:
17-38-306. Examinations.

Regular examinations shall be held at least two (2) times a year, and
special examinations may be held at such time and place as may be fixed by
the ~~Department of Health Code~~ Enforcement Licensing Board.

SECTION 63. Arkansas Code § 17-38-307 is amended to read as follows:
17-38-307. Notice of address change.

Every holder of a license shall promptly notify the ~~State Board of~~
~~Health Code~~ Enforcement Licensing Board of any change of his or her business
address.

SECTION 64. Arkansas Code § 17-38-308 is amended to read as follows:
17-38-308. Expiration and renewal.

(a) All licenses shall be renewed annually, ~~within thirty (30) days~~
~~after the expiration date of the license. The Department of Health may renew~~
~~a license after the thirty day period if there is sufficient reason for not~~
~~renewing the license in the time specified and after payment of penalties as~~
~~prescribed by rule.~~

(b) The ~~department~~ Code Enforcement Licensing Board may set a system
of staggered expiration dates for all licenses issued by the ~~department~~
board.

(c) The ~~department~~ board may issue permits for less than one (1) year.
~~The cost of such permits shall be determined based upon the number of months~~
~~the permit is valid divided by twelve (12) months multiplied by the amount of~~
~~the annual permit fee.~~

1
2 SECTION 65. Arkansas Code § 17-38-309 is amended to read as follows:
3 17-38-309. Grounds for suspension or revocation.

4 ~~The Committee of Plumbing Examiners~~ Code Enforcement Licensing Board,
5 on its own motion, may make investigations and conduct hearings and, on its
6 own motion or upon complaint in writing signed and verified by the
7 complainant and upon not less than ten (10) days' notice to the licensee, may
8 suspend any plumber's license or temporary permit if the ~~committee~~ board has
9 reason to believe, and may revoke the license or permit in the manner
10 provided in § 17-38-310 if it finds, that the holder of the license or permit
11 has:

- 12 (1) Made a material misstatement in the application for license
13 or renewal thereof or for temporary permit;
14 (2) Demonstrated incompetency to act as a license holder; or
15 (3) Willfully violated any provisions of this chapter or any
16 rule or order prescribed by the ~~State Board of Health~~ board.

17
18 SECTION 66. Arkansas Code § 17-38-310 is amended to read as follows:
19 17-38-310. Procedure for suspension or revocation.

20 (a) Suspensions, revocations, civil penalties, and all other such
21 actions regarding licensure, registration, permitting, certification, or
22 apprenticeship, and all appeals to the ~~State Board of Health~~ Code Enforcement
23 Licensing Board taken from such actions shall be conducted in accordance with
24 the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

25 ~~(b) Any member of the Committee of Plumbing Examiners of the State~~
26 ~~Board of Health, a representative designated by the committee, any member of~~
27 ~~the board, or a representative designated by the board shall have the~~
28 ~~authority to administer oaths for the taking of testimony.~~

29 ~~(c)~~ (b) One (1) year after the date of revocation, an application may be
30 made for a new license.

31
32 SECTION 67. Arkansas Code § 17-38-311 is amended to read as follows:
33 17-38-311. Restricted lifetime master plumber license.

34 (a) Upon reaching sixty-five (65) years of age or any time thereafter,
35 any person who has been a licensed master plumber licensed by the ~~Department~~
36 ~~of Health~~ Code Enforcement Licensing Board for not less than twelve (12)

1 years may apply for a restricted lifetime master plumber license. This
2 license shall be issued upon satisfactory proof of age and upon payment of a
3 fee prescribed by the ~~department~~ board.

4 (b) The ~~department~~ board shall promulgate rules necessary to carry out
5 the provisions of this section.

6
7 SECTION 68. Arkansas Code § 17-38-402(2), concerning the powers of the
8 Career Education and Workforce Development Board, is amended to read as
9 follows:

10 (2) To adopt rules as to the qualifications, training, and
11 supervision of apprentice plumbers subject to the approval of the ~~Department~~
12 ~~of Health~~ Department of Labor and Licensing; and

13
14 SECTION 69. Arkansas Code § 17-40-103(a)(13), concerning exemptions to
15 law pertaining to private investigators and private security agencies, is
16 amended to read as follows:

17 (13) Installation of fixed fire extinguisher systems by persons
18 licensed by the ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement
19 Licensing Board;

20
21 SECTION 70. Arkansas Code § 17-55-101 is amended to read as follows:
22 17-55-101. Licensure of electrical inspectors.

23 (a) A person employed as an electrical inspector in the State of
24 Arkansas shall hold an electrical inspector license issued by the ~~Board of~~
25 ~~Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing
26 Board.

27 (b)(1) A person shall apply for licensure as an electrical inspector
28 on a form approved by the board within thirty (30) days of employment as an
29 electrical inspector.

30 (2) Applications shall be made to the board and shall contain:

31 (A) Proof of employment with the state or a political
32 subdivision of the state as an electrical inspector in the State of Arkansas;

33 (B)(i) Verification of work experience as required by rule
34 of the board.

35 (ii) Work experience shall include without
36 limitation demonstrated knowledge of:

1 (a) The standard materials and methods used in
2 the installation of electric equipment;

3 (b) Approved methods of construction to ensure
4 the safety of persons and property; and

5 (c) The requirements of the statewide
6 standards for the construction, installation, and maintenance of electrical
7 facilities and the performance of electrical work under § 20-31-104; and

8 (C) Payment of a license fee as established by rule of
9 the board that shall not exceed fifty dollars (\$50.00).

10 (c) An electrical inspector license:

11 (1) Shall expire on January 1 of each year; and

12 (2) May be renewed upon application to the board and submission
13 of the following information:

14 (A) Proof of continued employment as an electrical
15 inspector in the State of Arkansas;

16 (B) Payment of a renewal fee as established by rule of
17 the board that shall not exceed fifty dollars (\$50.00); and

18 (C)(i) Proof of completion of at least ~~sixteen (16)~~ eight
19 (8) hours of continuing education.

20 (ii) The board shall promulgate rules to set
21 standards for continuing education for licensees under subdivision
22 (c)(2)(C)(i) of this section. The rules shall include without limitation
23 continuing education on the statewide standards for the construction,
24 installation, and maintenance of electrical facilities and the performance of
25 electrical work under § 20-31-104.

26 (iii) ~~The Division of Occupational and Professional~~
27 ~~Licensing Boards and Commissions~~ Department of Labor and Licensing may
28 conduct or sponsor continuing education classes for electrical inspectors.

29 (d)(1) The board may revoke or suspend an electrical inspector's
30 license for just cause subject to appeal and hearing before
31 the board according to the Arkansas Administrative Procedure Act, § 25-15-
32 201 et seq.

33 (2)(A) A civil penalty may be assessed against an electrical
34 inspector by the ~~Division of Occupational and Professional~~
35 ~~Licensing Boards and Commissions~~ Department of Labor and Licensing and
36 ~~subject to appeal and hearing before the board according to the Arkansas~~

1 ~~Administrative Procedure Act, § 25-15-201 et seq.,~~ if it is determined that
 2 the electrical inspector has violated a:

- 3 (i) Provision of this chapter;
 4 (ii) Rule or order issued or promulgated by
 5 the board; or
 6 (iii) Condition of a license issued by the board,
 7 including without limitation a licensee having a criminal record as
 8 prohibited under § 17-3-102.

9 (B) For each violation, the civil penalty shall not exceed
 10 ~~the following:~~ one thousand dollars (\$1,000) per day.

- 11 ~~(i) Two hundred fifty dollars (\$250) for a first~~
 12 ~~offense;~~
 13 ~~(ii) Seven hundred fifty dollars (\$750) for a second~~
 14 ~~offense; or~~
 15 ~~(iii) One thousand dollars (\$1,000) for a third~~
 16 ~~offense.~~

17 (C) Each day of a continuing violation is a separate
 18 violation for purposes of penalty assessment.

19 (D)(i) Assessment of a civil penalty by the board shall be
 20 made no later than two (2) years after the date of the occurrence of the
 21 violation.

22 (ii) A civil penalty shall not be assessed until the
 23 person charged with the violation has been given the opportunity for a
 24 hearing on the violation.

25 (E) If an electrical inspector against whom a civil
 26 penalty has been imposed fails to pay the penalty within sixty (60) days of
 27 the board's decision, the ~~Director of the Division of Occupational and~~
 28 ~~Professional Licensing Boards and Commissions~~ Secretary of the Department of
 29 Labor and Licensing or his or her designee may file an action in a court of
 30 competent jurisdiction to collect the civil penalty without paying costs or
 31 giving bond for costs.

32 (F) Any penalties collected under this section shall be
 33 deposited as special revenues into the State Treasury to the credit of the
 34 Code Enforcement Licensing Board Fund. ~~Department of Labor and Licensing~~
 35 ~~Special Fund, there to be used by the Department of Labor and Licensing in~~
 36 ~~carrying out the functions, powers, and duties of this chapter.~~

1 (e) If a person simultaneously holds an electrical inspector license
 2 and a license as a master electrician or a journeyman electrician, the
 3 person, when renewing his or her master electrician or journeyman electrician
 4 license, shall be exempt from the:

5 (1) Renewal fee under § 17-28-301; and

6 (2) Continuing education requirements for master electricians
 7 and journeyman electricians under § 17-28-311.

8
 9 SECTION 71. Arkansas Code § 17-55-103 is repealed.

10 ~~17-55-103. Persons employed as electrical inspectors as of August 16,~~
 11 ~~2013.~~

12 ~~(a) A person employed as an electrical inspector as of August 16,~~
 13 ~~2013, shall be issued a temporary electrical inspector license upon~~
 14 ~~submission of the following information to the Board of Electrical Examiners~~
 15 ~~of the State of Arkansas:~~

16 ~~(1) Proof of employment with the state or a political~~
 17 ~~subdivision of the state as an electrical inspector in the State of Arkansas;~~

18 ~~(2) Verification of work experience as required by rule of the~~
 19 ~~board; and~~

20 ~~(3) Payment of a license fee as required by rule of the board.~~

21 ~~(b)(1) A temporary license issued under this section shall expire on~~
 22 ~~January 1, 2014.~~

23 ~~(2) A recipient of a temporary license shall be eligible to~~
 24 ~~apply for an electrical inspector license under this chapter.~~

25
 26 SECTION 72. Arkansas Code § 17-55-104 is amended to read as follows:

27 17-55-104. Disposition of funds.

28 All funds received by the ~~Board of Electrical Examiners of the State of~~
 29 ~~Arkansas~~ Code Enforcement Licensing Board under this chapter shall be
 30 deposited as special revenues into the State Treasury to the credit of the
 31 board. ~~Department of Labor and Licensing Special Fund, there to be used by~~
 32 ~~the Department of Labor and Licensing in carrying out the functions, powers,~~
 33 ~~and duties as set out in this chapter, § 17-28-101 et seq., and the Arkansas~~
 34 ~~Electrical Code Authority Act, § 20-31-101 et seq., and to defray the costs~~
 35 ~~of the maintenance, operation, and improvements required by the department in~~
 36 ~~carrying out the functions, powers, and duties otherwise imposed by law on~~

1 ~~the Secretary of the Department of Labor and Licensing.~~

2
3 SECTION 73. Arkansas Code § 17-55-105(b), concerning fees for
4 continuing education requirements for electrical inspectors, is amended to
5 read as follows:

6 (b) Fees under subsection (a) of this section shall be established by
7 rule of the ~~Board of Electrical Examiners of the State of Arkansas Code~~
8 Enforcement Licensing Board.

9
10 SECTION 74. Arkansas Code § 17-55-106 is amended to read as follows:
11 17-55-106. Rules.

12 The ~~Board of Electrical Examiners of the State of Arkansas Code~~
13 Enforcement Licensing Board may promulgate rules necessary to implement this
14 chapter.

15
16 SECTION 75. Arkansas Code § 19-5-1242 is repealed.

17 ~~19-5-1242. Fire Protection Licensing Fund.~~

18 ~~(a) There is created on the books of the Treasurer of State, the~~
19 ~~Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous~~
20 ~~fund to be known as the "Fire Protection Licensing Fund".~~

21 ~~(b) The fund shall consist of:~~

22 ~~(1) All funds provided by law for the fund; and~~

23 ~~(2) Examination and renewal fees charged pursuant to § 20-22-~~
24 ~~610.~~

25 ~~(c) The fund shall be used for the maintenance, operation, and~~
26 ~~improvement as required by the Arkansas Fire Protection Licensing Board in~~
27 ~~carrying out the powers, functions, and duties as set out in § 20-22-601 et~~
28 ~~seq.~~

29
30 SECTION 76. Arkansas Code § 19-6-301(25), concerning special revenues
31 of the state, is amended to read as follows:

32 (25) Elevator safety ~~board~~ fees, as enacted by Acts 1963, No.
33 189, and all laws amendatory thereto, §§ 20-24-101 – 20-24-117, and 20-24-
34 119;

35
36 SECTION 77. Arkansas Code § 19-6-301(72), concerning special revenues

1 of the state, is amended to read as follows:

2 (72) ~~Board of electrical examiners~~ Electrician examination,
3 license, and penalty fees, as enacted by Acts 1979, No. 870, § 17-28-101 et
4 seq., § 17-28-201 et seq., and § 17-28-301 et seq., and Acts 1981, No. 132,
5 and all laws amendatory thereto;

6
7 SECTION 78. Arkansas Code § 19-6-301(160), concerning special revenues
8 of the state, is amended to read as follows:

9 (160) ~~HVACR Licensing Board fees, § 17-33-204~~ All fees or
10 payments of any type collected concerning HVACR licensing, regulation, or
11 enforcement under § 17-33-201 et seq.;

12
13 SECTION 79. Arkansas Code § 19-6-301 is amended to add a new
14 subdivision to read as follows:

15 (277) All revenue collected in connection with the performance
16 of the powers, functions, and duties of the Code Enforcement Licensing Board
17 created under § 17-33-201, including without limitation revenue collected
18 from licensing, regulation, and the collection of any fine, fee, penalty,
19 setoff, judgment, or otherwise.

20
21 SECTION 80. Arkansas Code § 19-6-417 is amended to read as follows:

22 19-6-417. Department of Health ~~Plumbers Licensing Fund~~ Plan Review
23 Fund.

24 The Department of Health ~~Plumbers Licensing Fund~~ Plan Review Fund shall
25 consist of those special revenues as specified in § 19-6-301(64) collected
26 for plan review functions and duties under § 17-38-204, there to be used for
27 the maintenance, operation, and improvement required by the Plumbing Plan
28 Review Section of the ~~Environmental Health Services Division of the~~
29 Department of Health in carrying out the powers, functions, and duties as set
30 out in § 17-38-101 et seq., and for paying the expenses of administering such
31 funds as may be authorized by law.

32
33 SECTION 81. Arkansas Code § 19-6-469 is repealed.

34 ~~19-6-469. HVACR Licensing Fund.~~

35 ~~The HVACR Licensing Fund shall consist of those special revenues as~~
36 ~~specified in § 19-6-301(160), there to be used for the maintenance,~~

1 ~~operation, and improvement of the Heating, Ventilation, Air Conditioning, and~~
 2 ~~Refrigeration (HVACR) Licensing and Inspection program of the Department of~~
 3 ~~Health as set out in § 17-33-201 et seq.~~

4
 5 SECTION 82. Arkansas Code Title 19, Chapter 6, Subchapter 8, is
 6 amended to add a new section to read as follows:

7 19-6-846. Code Enforcement Licensing Board Fund.

8 (a) There is created on the books of the Treasurer of State, the
 9 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
 10 fund to be known as the "Code Enforcement Licensing Board Fund".

11 (b) The fund shall consist of:

12 (1) All revenue collected in connection with the performance of
 13 the powers, functions, and duties of the Code Enforcement Licensing Board
 14 created under § 17-33-201, including without limitation from licensing,
 15 regulation, and the collection of any fine, fee, penalty, setoff, judgment,
 16 or otherwise; and

17 (2) Any other revenue as may be authorized by law.

18 (c) The fund shall be used by the Department of Labor and Licensing
 19 to:

20 (1) Administer the board; and

21 (2) Perform any other function or duty of the department.

22
 23 SECTION 83. Arkansas Code § 20-22-602(1), concerning definitions
 24 pertaining to fire extinguishers, is amended to read as follows:

25 (1) "Apprentice" means a qualified person+ who may perform work
 26 entitled by the licensee under the direct supervision of a licensed employee;

27 ~~(A) Enrolled as required in an apprenticeship program~~
 28 ~~recognized by the Arkansas Fire Protection Licensing Board; and~~

29 ~~(B) Who may perform work entitled by the licensee under~~
 30 ~~the direct supervision of a licensed employee;~~

31
 32 SECTION 84. Arkansas Code § 20-22-602(6)(B), concerning the definition
 33 of "fixed fire protection systems" pertaining to fire extinguishers, is
 34 amended to read as follows:

35 (B) Listed or approved fire protection systems or
 36 suppression systems installed and maintained according to the standards

1 adopted in the rules of the ~~Arkansas Fire Protection Licensing Board Code~~
2 Enforcement Licensing Board;

3
4 SECTION 85. Arkansas Code § 20-22-603(5)(B), concerning exceptions to
5 the law concerning fire extinguishers, is amended to read as follows:

6 (B) All work is performed according to the standards
7 adopted and the rules of the ~~Arkansas Fire Protection Licensing Board Code~~
8 Enforcement Licensing Board and the National Fire Protection Association
9 pamphlet number ten (No. 10): Standard for Portable Fire Extinguishers;

10
11 SECTION 86. Arkansas Code § 20-22-604(a), concerning penalties
12 relating to fire extinguishers, is amended to read as follows:

13 (a) The ~~Arkansas Fire Protection Licensing Board Code Enforcement~~
14 Licensing Board, in a lawful proceeding respecting licensing as defined in
15 the Arkansas Administrative Procedure Act, § 25-15-201 et seq., in addition
16 to or in lieu of any other lawful disciplinary action, may assess a civil
17 penalty of not more than one thousand dollars (\$1,000) for each violation of
18 any statute, rule, or order enforceable by the board.

19
20 SECTION 87. Arkansas Code § 20-22-605(a), concerning the report and
21 investigation of violations relating to fire extinguishers, is amended to
22 read as follows:

23 (a) The ~~Division of Occupational and Professional Licensing Boards and~~
24 Commissions Department of Labor and Licensing and other state and local
25 agencies and officers may cooperate with and assist the ~~Arkansas Fire~~
26 Protection Licensing Board Code Enforcement Licensing Board in administering
27 and enforcing this subchapter by reporting to the board any violations of
28 this subchapter or any failure to comply with this subchapter or the policies
29 adopted by the board pursuant to the authority granted in this subchapter.

30
31 SECTION 88. Arkansas Code § 20-22-606 is repealed.

32 ~~20-22-606. Arkansas Fire Protection Licensing Board—Creation—~~
33 ~~Members.~~

34 ~~(a)(1) There is created the Arkansas Fire Protection Licensing Board,~~
35 ~~which shall be composed of eleven (11) members who are residents of the state~~
36 ~~and who shall be appointed by the Governor for terms of five (5) years. The~~

1 ~~eleven (11) members shall be constituted as follows:~~

2 ~~(A) One (1) member shall be an industrial safety~~
 3 ~~representative;~~

4 ~~(B) One (1) member shall be the State Fire Marshal;~~

5 ~~(C) One (1) member shall be a representative of a state~~
 6 ~~association of fire chiefs;~~

7 ~~(D) One (1) member shall be a representative of the fire~~
 8 ~~insurance industry;~~

9 ~~(E) Two (2) members shall be representatives of large~~
 10 ~~industrial users of fire suppression equipment;~~

11 ~~(F) One (1) member shall be a representative of a~~
 12 ~~restaurant association;~~

13 ~~(G) Two (2) members shall be active in the installation~~
 14 ~~and servicing of portable fire extinguishers or fixed fire protection~~
 15 ~~systems; and~~

16 ~~(H) Two (2) members shall be active in the installation~~
 17 ~~and servicing of fire protection sprinkler systems.~~

18 ~~(2) Each of the four (4) congressional districts in the state~~
 19 ~~shall be represented by at least one (1) member.~~

20 ~~(3) Each of the members shall be experienced and knowledgeable~~
 21 ~~in one (1) or more of the following areas:~~

22 ~~(A) The installation or servicing of:~~

23 ~~(i) Portable fire extinguishers;~~

24 ~~(ii) Fixed fire protection systems; and~~

25 ~~(iii) Fire protection sprinkler systems;~~

26 ~~(B) The manufacturing of fire suppression equipment;~~

27 ~~(C) The fire insurance industry;~~

28 ~~(D) The use of fire suppression equipment by the food~~
 29 ~~service industry; or~~

30 ~~(E) The provision of fire suppression services by a fire~~
 31 ~~department.~~

32 ~~(b) Each member may receive expense reimbursement and stipends in~~
 33 ~~accordance with § 25-16-901 et seq.~~

34 ~~(c)(1) The board may expend moneys as necessary to reimburse the~~
 35 ~~Department of Labor and Licensing for stationery, office supplies,~~
 36 ~~application forms, equipment, and other materials necessary for the board to~~

1 ~~carry out its duties.~~

2 ~~(2) The expense reimbursement and stipends authorized by § 25-~~
 3 ~~16-901 et seq. and the expense for necessary office supplies, forms,~~
 4 ~~equipment, and other necessary materials shall be paid from the fees and~~
 5 ~~finer collected by the board.~~

6 ~~(d)(1) The board shall employ an executive director, chief board~~
 7 ~~investigator, and other staff as necessary whose compensation shall be set by~~
 8 ~~the board.~~

9 ~~(2) The staff shall be paid from fees and fines collected by the~~
 10 ~~board.~~

11
 12 SECTION 89. The introductory language of Arkansas Code § 20-22-607 is
 13 amended to read as follows:

14 The ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing
 15 Board shall:

16
 17 SECTION 90. Arkansas Code § 20-22-608 is amended to read as follows:
 18 20-22-608. State Fire Marshal – Powers and duties.

19 The State Fire Marshal shall advise and assist the ~~Arkansas Fire~~
 20 ~~Protection Licensing Board~~ Code Enforcement Licensing Board in the adoption
 21 of policies and procedures for the:

- 22 (1) Effective monitoring of the sale, installation, and
 23 servicing of portable fire extinguishers;
- 24 (2) Sale, installation, and servicing of fixed fire protection
 25 systems;
- 26 (3) Design, installation, inspection, servicing, and maintenance
 27 of fire protection sprinkler systems, including standpipe and hose systems;
 28 and
- 29 (4) Registration and licensing of firms and individuals
 30 providing these goods and services.

31
 32 SECTION 91. Arkansas Code § 20-22-609(8), concerning penalties related
 33 to fire extinguishers, is amended to read as follows:

34 (8) Engage in any business or activity licensed or permitted by
 35 the ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing Board
 36 without maintaining in force at all times a public liability insurance

1 policy, with minimum coverage limits as set by the board, covering the
2 person's operations and completed operations.

3
4 SECTION 92. Arkansas Code § 20-22-610(a), concerning applications for
5 a license, permit, or certificate relating to fire extinguishers, is amended
6 to read as follows:

7 (a) Applications for licenses, permits, and certificates provided for
8 in this section shall be made under policies adopted by the ~~Arkansas Fire~~
9 ~~Protection Licensing Board~~ Code Enforcement Licensing Board and shall be
10 submitted on forms prescribed by the board.

11
12 SECTION 93. Arkansas Code § 20-22-610(b)(6)(D), concerning apprentice
13 permits relating to fire extinguishers, is amended to read as follows:

14 (D)(i) ~~A copy of the application or the apprentice permit~~
15 ~~is valid for one (1) year from the date of issue and is not renewable. The~~
16 fire protection sprinkler system apprentice permit is valid for one (1) year
17 from the date of issue.

18 (ii) The portable fire extinguishers and fixed fire
19 protection systems apprentice permit is valid for one (1) year from the date
20 of issue and is not renewable.

21
22 SECTION 94. The introductory language of Arkansas Code § 20-22-611(a),
23 concerning qualifications for a license, permit, or certificate related to
24 fire extinguishers, is amended to read as follows:

25 (a) For a license to install or service portable fire extinguishers,
26 for a license to sell, install, or service fixed fire protection systems, or
27 for a license to conduct any fire protection sprinkler system business, a
28 person employed by a certified firm shall obtain a license issued by the
29 ~~Arkansas Fire Protection Licensing Board~~ Code Enforcement Licensing Board
30 after:

31
32 SECTION 95. Arkansas Code § 20-22-612 is repealed.

33 ~~20-22-612. License, permit, or certificate — Previously engaged~~
34 ~~persons.~~

35 ~~Notwithstanding the provisions of this subchapter, if any person or~~
36 ~~firm engaged in the business on January 1, 1977, of servicing portable fire~~

1 ~~extinguishers, installing or servicing fixed fire protection systems, or~~
2 ~~performing hydrostatic testing of fire extinguishers derived twenty five~~
3 ~~percent (25%) or more of the personal or firm income from servicing portable~~
4 ~~fire extinguishers or installing or servicing fixed fire protection systems~~
5 ~~or hydrostatic testing of fire extinguishers during the 1976 calendar year,~~
6 ~~the person or firm shall be registered or issued a license to continue in the~~
7 ~~business upon payment of the annual registration or license fee prescribed in~~
8 ~~this subchapter for the particular type of business, if the applicant's~~
9 ~~qualifications meet those requirements established by the Arkansas Fire~~
10 ~~Protection Licensing Board.~~

11
12 SECTION 96. Arkansas Code § 20-22-613(a), concerning fire extinguisher
13 approval from testing laboratories, is amended to read as follows:

14 (a) No portable fire extinguisher or fixed fire protection system may
15 be sold or installed in this state unless it carries a label of approval of a
16 nationally recognized testing laboratory approved by the ~~Arkansas Fire~~
17 ~~Protection Licensing Board~~ Code Enforcement Licensing Board.

18
19 SECTION 97. Arkansas Code § 20-23-101(3), concerning definitions
20 pertaining to boiler safety, is amended to read as follows:

21 (3) "Internal" and "external" inspection means a thorough and
22 proper inspection as provided for in the rules by the Boiler Inspection
23 ~~Division~~ Section;

24
25 SECTION 98. Arkansas Code § 20-23-101, concerning definitions
26 pertaining to boiler safety, is amended to add a new subdivision to read as
27 follows:

28 (7) "Boiler Inspection Section" means a unit of the Code
29 Enforcement Licensing Board devoted to the administration of this chapter
30 under the direction of the Secretary of the Department of Labor and Licensing
31 or his or her designee.

32
33 SECTION 99. Arkansas Code § 20-23-103 is amended to read as follows:
34 20-23-103. Enforcement.

35 (a) The criminal penalties provided by this chapter shall be enforced
36 by the prosecuting attorney of each judicial district. The administrative

1 penalties provided by this chapter shall be imposed pursuant to rules of the
2 ~~Director of the Division of Labor~~ Secretary of the Department of Labor and
3 Licensing or his or her designee.

4 (b) The ~~director~~ secretary or his or her designee may collect an
5 administrative penalty imposed pursuant to this chapter in a civil action in
6 a court of competent jurisdiction, and he or she shall not be required to pay
7 costs or to enter a bond for payment of costs.

8
9 SECTION 100. Arkansas Code § 20-23-104 is amended to read as follows:
10 20-23-104. Periodic or regular attendance.

11 (a) All boilers subject to the provisions of this chapter shall be
12 continuously monitored by mechanical and electronic devices approved by the
13 ~~Director of the Division of Labor~~ Secretary of the Department of Labor and
14 Licensing or his or her designee. When a plant is in operation or when any
15 public building is occupied, the boilers shall be under regular attendance by
16 a boiler operator unless otherwise exempt.

17 (b) Boilers that are manually operated shall be under constant
18 attendance whenever they are in use for any purpose.

19 (c) All steam boilers fifty horsepower (50 hp) and over, as rated by
20 the manufacturer in any location, and steam boilers used in hospitals,
21 hotels, schools, theatres, and office buildings, but not limited to these
22 places, shall be under regular attendance by a licensed operator who holds a
23 certificate of competency issued by the Boiler Inspection ~~Division~~ Section.

24
25 SECTION 101. Arkansas Code § 20-23-105 is amended to read as follows:
26 20-23-105. Disposition of funds.

27 ~~(a)~~ All money received under this chapter shall be paid to the
28 Treasurer of State, who shall place this money to the credit of the
29 Department of Labor and Licensing Special Fund, there to be used by the
30 Department of Labor and Licensing in carrying out the functions, powers, and
31 duties as set out in this chapter and to defray the costs of the maintenance,
32 operation, and improvements required by the department in carrying out the
33 functions, powers, and duties otherwise imposed by law on the department or
34 the ~~Director of the Division of Labor~~ Secretary of the Department of Labor
35 and Licensing or his or her designee.

36 ~~(b) The director may issue vouchers for salaries and expenses of the~~

1 ~~Boiler Inspection Division when proper appropriation has been made for the~~
 2 ~~expenditures.~~

3
 4 SECTION 102. Arkansas Code § 20-23-202 is amended to read as follows:

5 20-23-202. Chief inspector, deputy inspector, etc.

6 (a)(1) When the office of Chief Inspector of the Boiler Inspection
 7 ~~Division~~ Section becomes vacant, the ~~Director of the Division of Labor~~
 8 Secretary of the Department of Labor and Licensing or his or her designee
 9 shall employ a citizen of the State of Arkansas to be chief inspector.

10 (2) The chief inspector shall have at the time of employment not
 11 less than ~~ten (10)~~ five (5) years' experience in the construction,
 12 maintenance, installation, and repair or inspection of high pressure boilers
 13 and unfired pressure vessels.

14 (b)(1)(A) The ~~director~~ secretary or his or her designee is authorized
 15 and empowered to employ a technical assistant and deputy inspectors of
 16 boilers.

17 (B) Inspectors of steam boilers and unfired pressure
 18 vessels shall have had at the time of employment not less than ~~five (5)~~ three
 19 (3) years' experience in the construction, maintenance, installation, and
 20 repair of high pressure boilers and unfired pressure vessels or possess a
 21 currently valid commission from the National Board of Boiler and Pressure
 22 Vessel Inspectors.

23 (C)(i) Inspectors of steam boilers and unfired pressure
 24 vessels also shall have passed a written examination.

25 (ii) The examination shall conform to standards not
 26 exceeding those prescribed by the Boiler and Pressure Vessel Code of the
 27 American Society of Mechanical Engineers.

28 (iii) The examination shall test the inspector's
 29 knowledge of the construction, installation, maintenance, and repair of
 30 boilers and their appurtenances.

31 (2) The ~~director~~ secretary or his or her designee is also
 32 empowered to employ clerical and administrative employees, as well as other
 33 inspectors, as necessary to perform the work of the Boiler Inspection
 34 ~~Division~~ Section.

35 (3) The salaries are to be approved by the General Assembly.

36 (c) The salaries of the employees of the Boiler Inspection ~~Division~~

1 Section, together with the necessary expenses of the Boiler Inspection
 2 ~~Division~~ Section, shall be paid out of the fees for which provision is made
 3 in this chapter.

4
 5 SECTION 103. The introductory language of Arkansas Code § 20-23-
 6 203(a), concerning the duties of the Chief Inspector of the Boiler Inspection
 7 Division, is amended to read as follows:

8 (a) The Chief Inspector of the Boiler Inspection ~~Division~~ Section,
 9 either personally or by a deputy inspector, shall carefully:

10
 11 SECTION 104. Arkansas Code § 20-23-203(c), concerning the duties of the
 12 Chief Inspector of the Boiler Inspection Division, is amended to read as
 13 follows:

14 (c)(1) The chief inspector shall enforce the laws of the state
 15 governing the use of boilers and unfired pressure vessels. He or she shall
 16 examine into and report to ~~Director of the Division of Labor~~ the Secretary of
 17 the Department of Labor and Licensing or his or her designee the causes of
 18 boiler explosions which occur within the state.

19 (2) He or she shall keep in his or her office a complete and
 20 accurate record of the names of all owners or operators of boilers inspected
 21 by the Boiler Inspection ~~Division~~ Section, together with the location, make,
 22 type, dimensions, age, condition, pressure allowed upon, and date of the last
 23 inspection of all boilers and shall make an annual report thereon to the
 24 ~~director~~ secretary or his or her designee.

25
 26 SECTION 105. Arkansas Code § 20-23-301 is amended to read as follows:

27 20-23-301. Certificate of inspection required – Application of rules
 28 and standards – Penalties.

29 (a)(1) No owner or user of a boiler or pressure vessel or engineer or
 30 fireman in charge of a boiler or pressure vessel shall operate or allow the
 31 boiler or pressure vessel to be operated without a certificate of inspection
 32 issued by the ~~Director of the Division of Labor~~ Secretary of the Department
 33 of Labor and Licensing or his or her designee or shall allow a greater
 34 pressure in the boiler or pressure vessel than is allowed by the certificate
 35 of inspection.

36 (2)(A) All boilers and pressure vessels installed or in

1 operation in this state shall conform to those rules and standards that shall
 2 from time to time be adopted by the Boiler Inspection ~~Division~~ Section with
 3 the approval of the ~~director~~ secretary or his or her designee.

4 (B) The rules and standards shall not exceed those set out
 5 in the several sections of the Boiler and Pressure Vessel Code of the
 6 American Society of Mechanical Engineers and shall have the force of law
 7 immediately upon their approval by the ~~director~~ secretary or his or her
 8 designee.

9 (3) No person shall operate or cause to be operated any boiler
 10 or unfired pressure vessel on which the certificate of inspection has been
 11 suspended or the operation of which has been forbidden by an inspector as
 12 provided in §§ 20-23-203, 20-23-306, 20-23-310, 20-23-401, and 20-23-402.

13 (4) All pressure piping installed in this state shall conform to
 14 those rules and standards that shall from time to time be adopted by the
 15 Boiler Inspection ~~Division~~ Section with the approval of the ~~director~~
 16 secretary or his or her designee. The rules and standards shall not exceed
 17 those set out in the American Society of Mechanical Engineers Code for
 18 Pressure Piping, Power Piping Code, B31.1.

19 (b) Any person violating this section shall be subject to an
 20 administrative fine of not less than twenty-five dollars (\$25.00) nor more
 21 than one thousand dollars (\$1,000).

22
 23 SECTION 106. Arkansas Code § 20-23-302 is amended to read as follows:
 24 20-23-302. Report by manufacturer, owner, and user.

25 (a) Every manufacturer, owner, or user of a boiler or unfired pressure
 26 vessel in use or to be used in any part of the state and subject to
 27 inspection by the Boiler Inspection ~~Division~~ Section, as provided by this
 28 chapter, shall report to the ~~division~~ Boiler Inspection Section the location
 29 of the boiler or unfired pressure vessel at such times and in such manner and
 30 form as may be determined by the rules of the ~~division~~ Boiler Inspection
 31 Section.

32 (b) Any owner, user, or agent of the owner of any boiler or unfired
 33 pressure vessel subject to inspection by the ~~division~~ Boiler Inspection
 34 Section, as provided in this chapter, who shall fail to report its location
 35 to the ~~division~~ Boiler Inspection Section shall be subject to an
 36 administrative fine of not less than one hundred dollars (\$100).

1
2 SECTION 107. Arkansas Code § 20-23-304 is amended to read as follows:

3 20-23-304. Failure to make ready for inspection.

4 Any owner, user, or agent of the owner of any boiler subject to
5 inspection by the Boiler Inspection ~~Division~~ Section who shall fail to have a
6 boiler ready for inspection after due notice as provided in this chapter
7 shall pay to the ~~division~~ Boiler Inspection Section the inspection fee
8 provided by this subchapter and shall be subject to an administrative fine of
9 any sum not less than ten dollars (\$10.00).

10
11 SECTION 108. Arkansas Code § 20-23-305 is amended to read as follows:

12 20-23-305. Special inspection.

13 (a) If at any time the owner, user, or agent of the owner of any
14 boiler within the state shall desire a special inspection of any boiler, it
15 shall be made by the Boiler Inspection ~~Division~~ Section after due request
16 thereof.

17 (b) The inspector making the inspection shall collect a fee of one
18 hundred dollars (\$100) ~~for each boiler together with his or her expenses from~~
19 ~~Little Rock to the place of inspection and return.~~

20
21 SECTION 109. Arkansas Code § 20-23-306 is amended to read as follows:

22 20-23-306. Issuance.

23 (a)(1) Upon receipt by the Boiler Inspection ~~Division~~ Section of an
24 annual or biennial certificate report of inspection from a state inspector or
25 from an inspector employed by an insurance company that a boiler or pressure
26 vessel is in safe working condition with the required fittings, valves, and
27 appliances properly installed and set, the ~~Director of the Division of Labor~~
28 Secretary of the Department of Labor and Licensing or his or her designee
29 shall issue to the owner of the boiler or pressure vessel a certificate of
30 inspection.

31 (2) The certificate of inspection shall be issued upon payment
32 of a fee of fifteen dollars (\$15.00) in cases of all boilers other than
33 unfired pressure vessels and a fee of thirty dollars (\$30.00) in cases of
34 unfired pressure vessels.

35 (3) The certificate of inspection shall state the maximum
36 pressure at which the boiler or pressure vessel may be operated as may be

1 determined by the rules adopted by the Boiler Inspection ~~Division~~ Section, as
2 provided in this chapter.

3 (b) Upon receipt of a certificate of inspection under subsection (a)
4 of this section, unless the certificate of inspection is withdrawn or
5 suspended, the owner or user may operate boilers:

6 (1) Other than unfired pressure vessels described in the
7 certificate for one (1) year from the date of annual inspection plus any
8 extension granted under § 20-23-203(a) of the time for the next annual
9 inspection; and

10 (2) That are unfired pressure vessels for two (2) years from the
11 date of biennial inspection.

12 (c) Any owner or operator of a boiler or pressure vessel who is
13 dissatisfied with the result of an inspection made by an inspector employed
14 by an insurance company may appeal to the Chief Inspector of the Boiler
15 Inspection ~~Division~~ Section, who shall cause a special investigation to be
16 conducted and, upon the report of the inspection, shall render his or her
17 decision, the decision to be final.

18

19 SECTION 110. Arkansas Code § 20-23-307 is amended to read as follows:

20 20-23-307. New boilers and unfired pressure vessels – Permit required.

21 (a) Every manufacturer, contractor, jobber, owner, or user of a boiler
22 or unfired pressure vessel or pressure piping system shall obtain a permit
23 from the Boiler Inspection ~~Division~~ Section before any boiler or unfired
24 pressure vessel or pressure piping system may be installed or moved and
25 installed in the State of Arkansas.

26 (b) When new boilers or unfired pressure vessels are to be installed,
27 the manufacturer's data report for each boiler and unfired pressure vessel
28 shall be submitted with the application for installation.

29 (c) No boiler or unfired pressure vessel or pressure piping may be
30 installed without approval from the ~~division~~ Boiler Inspection Section.

31

32 SECTION 111. Arkansas Code § 20-23-308 is amended to read as follows:

33 20-23-308. New boilers and unfired pressure vessels – Fees.

34 (a) The following fees shall be paid before permits may be issued for
35 the installation of any boiler or unfired pressure vessel:

36 (1) Boilers:

- 1 (A) Up to ~~25~~ 200 horsepower, incl. ~~\$15.00~~ \$25.00
 2 (B) ~~Over 25 horsepower to 50 horsepower, incl. 20.00~~
 3 ~~(C) Over 50 horsepower to 100 horsepower, incl. 25.00~~
 4 ~~(D) Over 100 horsepower to 200 horsepower, incl. 30.00~~
 5 ~~(E) Over 200 horsepower to 300 horsepower, incl. 50.00~~
 6 ~~(F) Over 300 horsepower to 400 horsepower, incl. 60.00~~
 7 ~~(G) Over 400 horsepower to 500 horsepower, incl. 70.00~~
 8 ~~(H) Over 500~~ 200 horsepower ~~\$95.00~~ \$45.00

9 (2) Unfired pressure vessels, including hot water storage
 10 containers+ \$30.00

- 11 ~~(A) 500 gallons capacity or less \$15.00~~
 12 ~~(B) 501 gallons capacity to 1,000 gallons capacity 20.00~~
 13 ~~(C) 1,001 gallons capacity to 5,000 gallons capacity 40.00~~
 14 ~~(D) 5,001 gallons capacity and over 50.00~~

15 (b) The fee paid for the issuance of a permit for the installation of
 16 pressure piping shall be one hundred dollars (\$100).
 17

18 SECTION 112. Arkansas Code § 20-23-310 is amended to read as follows:
 19 20-23-310. Suspension.

20 (a)(1) The Chief Inspector of the Boiler Inspection ~~Division~~ Section
 21 or his or her authorized ~~representatives~~ representative may at any time
 22 suspend an inspection certificate when in ~~their~~ his or her opinion the boiler
 23 or unfired pressure vessel for which it was issued cannot be operated without
 24 menace to the public safety or when the boiler or unfired pressure vessel is
 25 found not to comply with the rules provided in this subchapter.

26 (2) Any insurance company inspector or inspection service
 27 provider who has been issued an Arkansas commission and is inspecting boilers
 28 or pressure vessels in this state shall have corresponding powers with
 29 respect to operating certificates for boilers or pressure vessels insured by
 30 the company employing him or her.

31 (3) The suspension of an operating certificate shall continue in
 32 effect until the boiler or pressure vessel shall have been made to conform to
 33 the rules of the Boiler Inspection ~~Division~~ Section and until the operating
 34 certificate shall have been reinstated.

35 (b) Any inspector of the ~~division~~ Boiler Inspection Section or any
 36 commissioned inspector of any insurance company or inspection service

1 provider who after inspection of a boiler or unfired pressure vessel shall
 2 find it unsafe for operation shall suspend its certificate of inspection and
 3 forbid its further use until it shall have been made to conform to the
 4 standards adopted by the ~~division~~ Boiler Inspection Section and until its
 5 certificate of inspection shall have been reinstated by an authorized
 6 inspector.

7
 8 SECTION 113. Arkansas Code § 20-23-311 is amended to read as follows:
 9 20-23-311. Inspection fees generally.

10 (a) Within thirty (30) days from the date of inspection, there shall
 11 be paid for the annual inspection of each boiler by the Boiler Inspection
 12 ~~Division~~ Section made according to the provisions of this chapter, the sum as
 13 follows:

14 (1) Boilers: \$25.00; and

15 ~~(A) Up to and including 15 horsepower, incl. \$10.00~~

16 ~~(B) Over 15 horsepower to 50 horsepower, incl. 13.00~~

17 ~~(C) Over 50 horsepower to 100 horsepower, incl. 18.00~~

18 ~~(D) Over 100 horsepower to 150 horsepower, incl. 20.00~~

19 ~~(E) Over 150 horsepower to 250 horsepower, incl. 23.00~~

20 ~~(F) Over 250 horsepower to 500 horsepower, incl. 35.00~~

21 ~~(G) Over 500 horsepower 50.00~~

22 (2) ~~Shop inspections: per day, four hundred forty dollars~~
 23 ~~(\$440); per half day, two hundred and twenty dollars (\$220); plus expenses,~~
 24 ~~including mileage not to exceed the rate authorized by the General Assembly~~
 25 ~~to employees of state agencies who furnish their own transportation, and~~
 26 ~~meals and lodging in accordance with that approved by the General Assembly as~~
 27 ~~a daily allowance; and~~

28 ~~(3) Unfired pressure vessels: \$15.00~~

29 ~~(A) 150 gallons or less \$9.00~~

30 ~~(B) 151 gallons to 500 gallons 10.00~~

31 ~~(C) 501 gallons to 1,000 gallons 11.00~~

32 ~~(D) 1,001 gallons to 2,000 gallons 12.00~~

33 ~~(E) 2,001 gallons to 3,000 gallons 13.00~~

34 ~~(F) 3,001 gallons to 5,000 gallons 14.00~~

35 ~~(G) 5,001 gallons and over 18.00~~

36 (b) The rates in subsection (a) of this section may be reduced by the

1 ~~Director of the Division of Labor~~ Secretary of the Department of Labor and
 2 Licensing or his or her designee at the beginning of any fiscal year if the
 3 rates produce a greater amount of revenue than is required to defray the cost
 4 of operation of the Boiler Inspection ~~Division~~ Section.

5 (c) All inspection fees shall be paid by the owner, user, or agent of
 6 the owner, and the inspector may receive the fee and issue his or her receipt
 7 therefor.

8 (d) If the owner, user, or agent of the owner shall fail to pay any
 9 inspection fee under this section within thirty (30) days, a civil money
 10 penalty equal to the amount of the unpaid fee shall attach to the outstanding
 11 amount of the fee, and the ~~director~~ secretary or his or her designee shall be
 12 empowered to collect this penalty in addition to the amount of the fee.

13
 14 SECTION 114. Arkansas Code § 20-23-312 is amended to read as follows:

15 20-23-312. Inspection fees – Collection.

16 (a)(1) In addition to other remedies provided for by this chapter, if
 17 after the making of any inspection or accrual of any charge or penalty
 18 required or authorized by this chapter, the fee, penalty, or charge is not
 19 paid within thirty (30) days after demand upon whoever is liable therefor,
 20 the ~~Director of the Division of Labor~~ Secretary of the Department of Labor
 21 and Licensing or his or her designee may employ an attorney, who is empowered
 22 without payment of costs or giving of bond for costs to institute suit in the
 23 name of the State of Arkansas in any court of competent jurisdiction to
 24 collect the fees, penalties, costs, and charges.

25 (2)(A) The court where suit is brought pursuant to subdivision
 26 (a)(1) of this section for collection of fees, penalties, and charges shall,
 27 without limitation, based on the actual amount of the judgment award an
 28 attorney's fee equal to the actual cost to the ~~Division of Labor~~ Department
 29 of Labor and Licensing or the Boiler Inspection ~~Division~~ Section for the
 30 regular hourly rate of pay of the attorney multiplied by the actual hours,
 31 including, but not limited to, travel time, litigation, and case review.

32 (B) Furthermore, the court shall award, without
 33 limitation, based on the actual amount of the judgment an amount equal to all
 34 costs incurred by the ~~Division of Labor~~ department or the Boiler Inspection
 35 ~~Division~~ Section, including, but not limited to, travel costs, witness fees,
 36 sheriff's service fees, or costs incurred pursuant to the collection of any

1 judgment obtained by the ~~Division of Labor~~ department or the Boiler
2 Inspection ~~Division~~ Section.

3 (b)(1) The plaintiff in the suits is given a lien upon the boiler and
4 all parts, connections, and attachments thereto, whether attached to the land
5 or not, to accrue the payment of the inspection fees for making the
6 inspection.

7 (2) The lien shall attach to the property at the time of making
8 the inspection and shall continue until all inspection fees are paid.

9 (3) The lien, when it so attaches, shall be held to be prior,
10 paramount, and superior to the liens, claims, and demands of all persons
11 whomsoever, whether owners, agents, mortgagees, trustees, and beneficiaries
12 under trusts or owners whether prior in time or not.

13
14 SECTION 115. Arkansas Code § 20-23-314 is amended to read as follows:
15 20-23-314. Pressure piping inspections.

16 (a) The installation of pressure piping shall be periodically
17 inspected during the course of the installation by an inspector commissioned
18 pursuant to the provisions of § 20-23-401 in the manner and with the
19 frequency prescribed by the rules of the Boiler Inspection ~~Division~~ Section.

20 (b)(1) Upon completion of the installation of any pressure piping, a
21 final inspection shall be made, and the inspector shall complete a final
22 inspection report on a form approved by the ~~Director of the Division of Labor~~
23 Secretary of the Department of Labor and Licensing or his or her designee.

24 (2) A copy of the final inspection report shall be filed with
25 the Boiler Inspection ~~Division~~ Section within thirty (30) days of completion
26 of the installation.

27 (c) If the report required by subsection (b) of this section is not
28 filed within thirty (30) days after completion of the installation, the
29 Boiler Inspection ~~Division~~ Section shall designate an inspector in its employ
30 to make the inspection and report required by subsection (b) of this section.

31 (d) The inspections and reports required by subsections (a) and (b) of
32 this section may be made by an inspector in the employ of the Boiler
33 Inspection ~~Division~~ Section.

34 (e) For each inspection made by an inspector employed by the Boiler
35 Inspection ~~Division~~ Section and required by subsection (a), subsection (b),
36 or subsection (c) of this section, the holder of the installation permit

1 shall pay the Boiler Inspection ~~Division~~ Section an inspection fee in the
 2 amount of four hundred forty dollars (\$440) per day or two hundred twenty
 3 dollars (\$220) per half-day, ~~plus expenses and mileage at the rates~~
 4 ~~authorized for employees of the Division of Labor who furnish their own~~
 5 ~~transportation.~~

6 (f) The inspections required by this section and the installation
 7 permit required for pressure piping by § 20-23-307 shall apply only to new
 8 installations and shall not be construed as requiring an inspection or an
 9 installation permit for maintenance, repair, or renovation of existing
 10 facilities.

11
 12 SECTION 116. Arkansas Code § 20-23-401(a), concerning certificates of
 13 competency and commissions of inspectors of the Boiler Inspection Division,
 14 is amended to read as follows:

15 (a) Certificates of competency and commissions as inspectors of
 16 boilers shall be issued by the Boiler Inspection ~~Division~~ Section to persons
 17 in the employ of any company authorized to insure boilers against explosions
 18 in this state or by a qualified inspection service provider.

19
 20 SECTION 117. Arkansas Code § 20-23-401(f)(1), concerning commissions
 21 issued relating to boiler safety, is amended to read as follows:

22 (f)(1) Any commission issued under this subchapter shall be
 23 immediately returned to the ~~division~~ Boiler Inspection Section when the
 24 inspector to whom it has been issued shall cease to be employed by the
 25 insurance company or inspection service provider employing him or her at the
 26 time the commission was issued.

27
 28 SECTION 118. Arkansas Code § 20-23-402 is amended to read as follows:

29 20-23-402. Inspectors employed by insurance or private inspection
 30 service providers companies.

31 (a) Boiler inspectors employed by insurance companies or private
 32 inspection service providers which are authorized to insure boilers in this
 33 state shall hold certificates of competency issued by the Boiler Inspection
 34 ~~Division~~ Section as provided in this section and shall:

35 (1) Inspect internally and externally at least one (1) time
 36 annually or within the time granted under § 20-23-203(a) all high pressure

1 steam boilers insured by their respective companies;

2 (2) Inspect externally one (1) time annually and internally one
3 (1) time every three (3) years every low pressure steam heating boiler
4 insured by their respective companies; and

5 (3) Inspect unfired pressure vessels biennially.

6 (b) The insured boilers shall be exempt from all inspections other
7 than those of the respective insurance company inspectors unless there is
8 some evidence that proper inspection is not being made.

9 (c) Within thirty (30) days following each internal inspection made by
10 its inspectors, each insurance company shall file a copy of the internal
11 inspection report and date of the inspection with the Boiler Inspection
12 ~~Division~~ Section on forms approved by the ~~Division of Labor~~ Secretary of the
13 Department of Labor and Licensing or his or her designee.

14 (d)(1) Each insurance company shall file a report annually of all
15 boilers insured and inspected showing location, owner, state number, and date
16 of last inspection.

17 (2) The report shall be filed not later than January 30 of each
18 calendar year.

19 (e)(1) If annual reports are not filed with the Boiler Inspection
20 ~~Division~~ Section by insurance companies who have insurance on boilers in the
21 State of Arkansas within sixty (60) days from the date they are due
22 inspection, the Boiler Inspection ~~Division~~ Section shall make the required
23 inspection.

24 (2) A special inspection fee of one hundred dollars (\$100) for
25 each boiler or unfired pressure vessel inspected, plus mileage and expenses
26 from Little Rock to point of inspection and return not to exceed the current
27 rate authorized by the General Assembly to employees of state agencies who
28 furnish their own transportation, plus any meals and hotel bills incurred
29 shall be charged to the insurance company insuring the boilers or unfired
30 pressure vessels unless an extension of time is granted by the Chief
31 Inspector of the Boiler Inspection ~~Division~~ Section.

32 (f) No operating certificate issued for an insured boiler inspected by
33 an insurance company inspector shall be valid after the boiler for which it
34 was issued shall cease to be insured by a company authorized by this state to
35 carry the insurance.

36

1 SECTION 119. Arkansas Code § 20-23-404 is amended to read as follows:
2 20-23-404. Operators.

3 (a)(1) The Boiler Inspection ~~Division~~ Section or an authorized
4 representative of the Boiler Inspection Section shall conduct examinations
5 for each applicant seeking a boiler operator's license.

6 (2) The examination ~~may be either written or oral~~ shall be
7 written.

8 (3) Each applicant shall pay a fee of twenty-five dollars
9 (\$25.00) for the examination and the first license.

10 (4) Each license shall be renewed annually. The annual fee shall
11 be seventeen dollars (\$17.00).

12 (5) Before the applicant may participate in an examination, he
13 or she shall have had not less than six (6) months of on-the-job training.
14 Proof of this on-the-job training shall be furnished to the ~~Division of Labor~~
15 Boiler Inspection Section by the employer before the examination.

16 ~~(6) A restricted license may be issued to an applicant who has~~
17 ~~passed the examination required in this subsection but who has not met the~~
18 ~~requirements of subdivision (a)(5) of this section, provided that:~~

19 ~~(A) The restricted license shall be effective for one (1)~~
20 ~~year from the date of issue; and~~

21 ~~(B) The licensee is to work under the direction and~~
22 ~~supervision of a regularly licensed boiler operator.~~

23 (b)(1) Any operator found operating a boiler without a certificate
24 issued by the Boiler Inspection ~~Division~~ Section or operating a boiler
25 knowing it to be defective shall have his or her license revoked at once.

26 (2) Any person found operating a boiler without an operator's
27 license shall be subject to an administrative fine of not less than twenty-
28 five dollars (\$25.00) and not more than one hundred dollars (\$100).

29
30 SECTION 120. Arkansas Code § 20-23-405 is amended to read as follows:

31 20-23-405. Sellers, installers, and repairers, and inspection service
32 providers.

33 (a)(1) All persons, firms, or corporations engaged in the sale, ~~or~~
34 installation, or inspection services of boilers, unfired pressure vessels,
35 hot water storage containers, or pressure piping in any location shall be
36 licensed by the Boiler Inspection ~~Division~~ Section to perform the work.

1 (2) The annual license fee shall be seventy-five dollars
2 (\$75.00) per year, payable in advance on or before January 31 of each
3 calendar year.

4 (b)(1) All persons, firms, or corporations engaged in the repair of
5 boilers or unfired pressure vessels shall be licensed by the ~~division~~ Boiler
6 Inspection Section.

7 (2) The annual license fee shall be seventy-five dollars
8 (\$75.00) annually, payable in advance on or before January 31 of each
9 calendar year.

10 (c) Each person, firm, or corporation shall furnish evidence suitable
11 to the ~~division~~ Boiler Inspection Section that the person, firm, or
12 ~~corporation~~ corporation is qualified to perform the work.

13 (d) The license of any person, firm, or corporation may be revoked by
14 the ~~division~~ Boiler Inspection Section upon proof that the person, firm, or
15 corporation is not performing the work in compliance with this chapter and
16 the rules as provided in this chapter.

17 (e) Any person violating the provisions of this section shall be
18 guilty of a misdemeanor and upon conviction shall be punished by a fine of
19 not less than fifty dollars (\$50.00) nor more than one thousand dollars
20 (\$1,000) or by imprisonment for not more than five (5) years or by both fine
21 and imprisonment.

22 (f) The provisions of §§ 20-23-104, 20-23-307 – 20-23-309, 20-23-
23 403, 20-23-404, and this section shall not apply to firms under the
24 regulation of the United States Surface Transportation Board.

25
26 SECTION 121. Arkansas Code § 20-23-406 is amended to read as follows:

27 20-23-406. Restricted lifetime license – Certificate of competency and
28 commission.

29 (a)(1)(A) Upon reaching sixty-five (65) years of age or any time
30 thereafter, any person who has been a boiler inspector for no fewer than
31 twelve (12) years may apply for a restricted lifetime boiler inspector's
32 certificate of competency and commission.

33 (B) The certificate of competency and commission shall be
34 issued upon satisfactory proof of age and upon payment of a fee prescribed by
35 the ~~division~~ Boiler Inspection Section.

36 (2)(A) Upon reaching sixty-five (65) years of age or any time

1 thereafter, any person who has been a boiler operator for no fewer than
 2 twelve (12) years may apply for a restricted lifetime boiler operator's
 3 license.

4 (B) The license shall be issued upon satisfactory proof of
 5 age and upon payment of a fee prescribed by the ~~division~~ Boiler Inspection
 6 Section.

7 (3)(A) Upon reaching sixty-five (65) years of age or any time
 8 thereafter, any person who has been engaged in the sale or installation of
 9 boilers, unfired pressure vessels, hot water storage containers, or pressure
 10 piping for no fewer than twelve (12) years may apply for a restricted
 11 lifetime license.

12 (B) The license shall be issued upon satisfactory proof of
 13 age and upon payment of a fee prescribed by the ~~division~~ Boiler Inspection
 14 Section.

15 (4)(A) Upon reaching sixty-five (65) years of age or any time
 16 thereafter, any person who has been engaged in the repair of boilers or
 17 unfired pressure vessels for no fewer than twelve (12) years may apply for a
 18 restricted lifetime license.

19 (B) The license shall be issued upon satisfactory proof of
 20 age and upon payment of a fee prescribed by the ~~division~~ Boiler Inspection
 21 Section.

22 (b) The ~~division~~ Boiler Inspection Section shall promulgate rules
 23 necessary to carry out the provisions of this section.

24

25 SECTION 122. Arkansas Code § 20-23-407 is amended to read as follows:

26 20-23-407. Owner or user inspection programs.

27 (a) Any owner or user of a steam boiler or pressure vessel subject to
 28 this chapter may perform any inspections required by this chapter on such
 29 vessels owned or operated by the owner or user if the owner or user meets the
 30 requirements prescribed by rule of the ~~Director of the Division of Labor~~
 31 Secretary of the Department of Labor and Licensing or his or her designee.

32 (b) The ~~director~~ secretary or his or her designee shall set out
 33 requirements for the certification of owner or user inspectors and
 34 certification of owner or user inspection programs by rule and shall have
 35 full authority to promulgate and enforce those rules.

36 (c)(1)(A) After notice and opportunity for hearing, any owner or user

1 who is found to have violated rules prescribed by the ~~director~~ secretary or
2 his or her designee pursuant to this subchapter shall be assessed a civil
3 monetary penalty of not less than one hundred dollars (\$100) or more than
4 five thousand dollars (\$5,000).

5 (B) Each day that a violation continues shall be
6 considered a separate violation.

7 (2) The ~~director~~ secretary or his or her designee may bring a
8 civil action in a court of competent jurisdiction to recover the amount of
9 any civil monetary penalties.

10 (d) In addition to civil monetary penalties, any owner or user who is
11 found to be in violation of this section shall be guilty of a Class A
12 misdemeanor.

13
14 SECTION 123. Arkansas Code § 20-24-101(2), concerning definitions
15 pertaining to elevators, dumbwaiters, and escalators, is amended to read as
16 follows:

17 (2) "Authorized representative" means the building department of
18 cities, towns, or other governmental subdivisions designated by the ~~Division~~
19 ~~of Occupational and Professional Licensing Boards and Commissions~~ Department
20 of Labor and Licensing to enforce certain provisions of this chapter;

21
22 SECTION 124. Arkansas Code § 20-24-101(11), concerning definitions
23 pertaining to elevators, dumbwaiters, and escalators, is amended to read as
24 follows:

25 (11) "Freight elevator" means an elevator used for carrying
26 freight and on which are permitted to ride only the operator and the persons
27 necessary for loading and unloading and such other designated persons who may
28 be authorized by the rules of the ~~Elevator Safety Board~~ Code Enforcement
29 Licensing Board;

30
31 SECTION 125. Arkansas Code § 20-24-103 is amended to read as follows:
32 20-24-103. Penalties – Prosecution of violations.

33 (a)(1) A person, owner, lessee, partnership, association, corporation,
34 licensee, or inspector who violates this chapter or a rule adopted by the
35 ~~Elevator Safety Board~~ Code Enforcement Licensing Board is subject to a civil
36 fine of not less than five hundred dollars (\$500) and not more than one

1 thousand dollars (\$1,000) for each offense.

2 (2) Each day during which a violation continues shall be a
3 separate offense.

4 (b) An action for recovery of the penalties provided by this section
5 shall be instituted by the ~~Division of Occupational and Professional~~
6 ~~Licensing Boards and Commissions or its authorized representative~~ Secretary
7 of the Department of Labor and Licensing or his or her designee and shall be
8 in the form of a civil action before a court of competent jurisdiction.

9 (c) In addition to the penalties in subsection (a) of this section,
10 the ~~Director of the Division of Occupational and Professional~~
11 ~~Licensing Boards and Commissions~~ secretary or his or her designee may
12 petition a court of competent jurisdiction to enjoin or restrain violations
13 of this chapter or a rule adopted by the board.

14
15 SECTION 126. Arkansas Code § 20-24-104 is amended to read as follows:
16 20-24-104. Enforcement.

17 (a) Except when otherwise provided, the ~~Division of Occupational and~~
18 ~~Professional Licensing Boards and Commissions~~ Department of Labor and
19 Licensing shall have the power, and it shall be its duty, to enforce this
20 chapter and the rules adopted by the ~~Elevator Safety Board~~ Code Enforcement
21 Licensing Board.

22 (b) In cities, towns, or other governmental subdivisions having a
23 building department with qualified personnel to enforce this chapter or
24 portions thereof, the ~~Director of the Division of Occupational and~~
25 ~~Professional Licensing Boards and Commissions~~ Secretary of the Department of
26 Labor and Licensing or his or her designee may delegate the building
27 department as the authorized representative of the ~~division~~ Department of
28 Labor and Licensing to enforce and carry out the provisions of §§ 20-24-
29 112 – 20-24-116 or any portion thereof as may be designated by him or her.

30
31 SECTION 127. Arkansas Code § 20-24-105 is repealed.

32 ~~20-24-105. Elevator Safety Board — Creation — Members.~~

33 ~~(a) There is created the Elevator Safety Board, consisting of six (6)~~
34 ~~members, one (1) of whom shall be the Secretary of the Department of Labor~~
35 ~~and Licensing or his or her designee, who shall serve continuously, and five~~
36 ~~(5) of whom shall be appointed by the Governor for terms of four (4) years.~~

1 ~~(b) Upon the death, resignation, or incapacity of any member, the~~
 2 ~~Governor shall fill the vacancy, for the remainder of the unexpired term,~~
 3 ~~with a representative of the same interests as those of his or her~~
 4 ~~predecessor.~~

5 ~~(c) Of the five (5) members appointed by the Governor:~~

6 ~~(1) One (1) shall be a representative of the owners and lessees~~
 7 ~~of elevators within this state;~~

8 ~~(2) One (1) shall be a representative of the manufacturers of~~
 9 ~~elevators used within this state;~~

10 ~~(3) One (1) shall be a representative of an insurance company~~
 11 ~~authorized to insure the operation of elevators in this state;~~

12 ~~(4) One (1) shall be a representative of the public at large;~~
 13 ~~and~~

14 ~~(5) One (1) shall be appointed by the Governor after consulting~~
 15 ~~with the board of trustees of the Elevator Industry Work Preservation Fund~~
 16 ~~and subject to confirmation by the Senate.~~

17 ~~(d) The board shall meet at the call of the secretary who shall~~
 18 ~~designate in the call the time and place of the meeting.~~

19 ~~(e) The members except the secretary may receive expense reimbursement~~
 20 ~~and stipends in accordance with § 25-16-901 et seq.~~

21
 22 SECTION 128. Arkansas Code § 20-24-106(a), concerning the powers and
 23 duties of the Elevator Safety Board, is amended to read as follows:

24 (a) It shall be the duty of the ~~Elevator Safety Board~~ Code Enforcement
 25 Licensing Board to license elevator inspectors, elevator mechanics, elevator
 26 testing contractors, and elevator contractors as provided in this chapter and
 27 to revoke or suspend any such license for cause.

28
 29 SECTION 129. Arkansas Code § 20-24-107(a)(1), concerning the adoption
 30 of rules by the Elevator Safety Board, is amended to read as follows:

31 (a)(1) A public hearing shall be held by the ~~Elevator Safety Board~~ Code
 32 Enforcement Licensing Board before the adoption of any rules authorized by
 33 this chapter.

34
 35 SECTION 130. Arkansas Code § 20-24-108(a), concerning qualifications
 36 for the licensure of conveyance inspections, is amended to read as follows:

1 (a)(1) The inspections of conveyances required by this chapter shall
 2 be made by an elevator inspector licensed by the ~~Elevator Safety Board~~ Code
 3 Enforcement Licensing Board.

4 (2) To be eligible for a license to inspect conveyances, the
 5 applicant or licensee shall:

6 (A) Have experience in designing, installing, maintaining,
 7 or inspecting conveyances to the extent established by rules of the board;

8 (B) Successfully pass a written examination approved by
 9 the board;

10 (C)(i) Submit with his or her application for a license or
 11 renewal of a license proof of an insurance policy:

12 (a) Issued by an insurance company authorized
 13 to do business in Arkansas; and

14 (b) Providing general liability coverage for
 15 at least one million dollars (\$1,000,000) for injury or death of a person and
 16 five hundred thousand dollars (\$500,000) for property damage.

17 (ii) The provision for liability insurance required
 18 by subdivision (a)(2)(C)(i) of this section shall not apply to elevator
 19 inspectors employed by the ~~Division of Occupational and Professional~~
 20 ~~Licensing Boards and Commissions~~ Department of Labor and Licensing; and

21 (D)(i) Have no financial interest in any business or
 22 operation which manufactures, installs, repairs, modifies, or services
 23 conveyances.

24 (ii) This qualification does not prohibit an employee
 25 of an insurance company insuring conveyances from obtaining a license as an
 26 elevator inspector.

27
 28 SECTION 131. The introductory language of Arkansas Code § 20-24-
 29 108(c)(2), concerning application requirements, is amended to read as
 30 follows:

31 (2) To be eligible for an elevator contractor license or
 32 elevator testing contractor license, the applicant or licensee shall:

33
 34 SECTION 132. Arkansas Code § 20-24-109 is amended to read as follows:
 35 20-24-109. Application and examination for licenses – Issuance and
 36 renewal.

1 (a)(1) A written application for the examination and license for
 2 elevator inspector, elevator mechanic, elevator testing contractor, or
 3 elevator contractor shall be made upon a form to be supplied by the ~~Elevator~~
 4 ~~Safety Board~~ Code Enforcement Licensing Board upon request and shall be
 5 accompanied by a statement of the applicant's experience together with an
 6 examination fee not to exceed one hundred fifty dollars (\$150).

7 (2) The examination shall be given not more than six (6) months
 8 from the date when the applicant makes the application.

9 (3)(A) If the applicant is qualified and successfully passes the
 10 applicable examination specified in this section, then upon payment of a
 11 license fee, he or she shall be entitled to+ a one-year license as an
 12 elevator inspector, elevator mechanic, elevator testing contractor, or
 13 elevator contractor.

14 ~~(i) A one-year license as an elevator inspector or~~
 15 ~~elevator contractor; or~~

16 ~~(ii) A two-year license as an elevator mechanic.~~

17 (B) The license fee and the license renewal fee shall be
 18 established by the board, but in no event shall either fee exceed one
 19 thousand dollars (\$1,000).

20 (4)(A) There shall be no limit to the number of times an
 21 applicant may seek a license as provided in this section, except that a
 22 rejected applicant may not make application within six (6) months from the
 23 date on which he or she is notified that he or she has failed to qualify.

24 (B) A license fee shall be paid for the initial
 25 examination and each subsequent examination.

26 (b) The board may license a person as an elevator inspector, elevator
 27 mechanic, elevator testing contractor, or elevator contractor without
 28 examination if he or she holds an equivalent license for a state or city that
 29 has a standard of examination substantially equal to that provided for in §
 30 20-24-108.

31 (c) The board shall renew a license after receiving:

32 (1) Payment of the license renewal fee; and

33 (2) Submission of proof that the licensee has satisfied the
 34 continuing education requirements established by rule of the board.

35 (d)(1) Whenever an emergency exists and the board determines that
 36 there are not enough licensed elevator mechanics to perform the work

1 necessary to provide for the safety of life, limb, and property and to
 2 protect the public welfare, the board may waive the requirements of this
 3 chapter and issue an emergency elevator mechanic license that may be valid
 4 for no longer than thirty (30) days.

5 (2) Whenever the board determines that there are not enough
 6 licensed elevator mechanics available to perform work necessary for the
 7 completion of a project for which the ~~Division of Occupational and~~
 8 ~~Professional Licensing Boards and Commissions~~ Department of Labor and
 9 Licensing has issued a permit under § 20-24-115(d), the board may waive the
 10 requirements of this chapter and issue a temporary elevator mechanic license
 11 that may be valid for no longer than thirty (30) days.

12 (3) The board may renew an emergency or temporary license if the
 13 circumstances justifying its original issuance continue.

14

15 SECTION 133. Arkansas Code § 20-24-110(c), concerning prohibited
 16 activities of elevator inspectors, is amended to read as follows:

17 (c) No elevator inspector shall recommend or refer one (1) of his or
 18 her clients or customers to a specific business, firm, or corporation which
 19 manufactures, installs, repairs, alters, tests, or services elevators,
 20 escalators, or dumbwaiters.

21

22 SECTION 134. The introductory language of Arkansas Code § 20-24-
 23 110(d), concerning financial disclosure statement required of elevator
 24 inspectors, is amended to read as follows:

25 (d) On or before the last day of January of each year, all licensed
 26 elevator inspectors shall file with the Department of Labor and Licensing a
 27 financial disclosure statement on forms provided by the department and
 28 approved by the ~~Elevator Safety Board~~ Code Enforcement Licensing Board. Such
 29 forms shall include, but not be limited to, the following:

30

31 SECTION 135. Arkansas Code § 20-24-111 is amended to read as follows:
 32 20-24-111. Maintenance.

33 Every elevator, dumbwaiter, and escalator shall be maintained by the
 34 owner or lessee in a safe operating condition so that it conforms to the
 35 rules and requirements of the ~~Elevator Safety Board~~ Code Enforcement
 36 Licensing Board as adopted under § 20-24-107(a) and (b).

1
2 SECTION 136. Arkansas Code § 20-24-112(a)(1) and (2), concerning
3 testing and inspection requirements of elevators, dumbwaiters, and
4 escalators, are amended to read as follows:

5 (1)(A) Every new or altered elevator, dumbwaiter, and escalator
6 shall be inspected and tested in conformity with the applicable rules adopted
7 by the ~~Elevator Safety Board~~ Code Enforcement Licensing Board before the
8 operating permit required by § 20-24-116 is issued.

9 (B) The inspections shall be made by a licensed elevator
10 inspector in the employ of the ~~Division of Occupational and Professional~~
11 ~~Licensing Boards and Commissions~~ Department of Labor and Licensing or its
12 authorized representative;

13 (2)(A) The owner or lessee of every existing passenger elevator
14 or escalator shall cause it to be inspected within three (3) months, and the
15 owner or lessee of every existing freight elevator and dumbwaiter shall cause
16 it to be inspected within six (6) months after the effective date of the
17 rules adopted by the board under § 20-24-107(a) and (b).

18 (B) However, the ~~division~~ department or its authorized
19 representative, at its discretion, may extend the time specified in this
20 subdivision (a)(2) for making inspections; and

21
22 SECTION 137. Arkansas Code § 20-24-113(a)(2), concerning inspection
23 reports of elevators, dumbwaiters, and escalators, is amended to read as
24 follows:

25 (2) For the inspections required by § 20-24-112(a)(2), the
26 report shall include all information required by the department in order to
27 determine whether the owner or lessee of the elevator, escalator, or
28 dumbwaiter has complied with rules adopted by the ~~Elevator Safety Board~~ Code
29 Enforcement Licensing Board under § 20-24-107(a) and (b) that are applicable.

30
31 SECTION 138. Arkansas Code § 20-24-114 is amended to read as follows:
32 20-24-114. Additional inspections.

33 In addition to required inspections, the Department of Labor and
34 Licensing or its authorized representative may designate a licensed inspector
35 in its employ to make such additional inspections as may be required to
36 enforce this chapter and the rules adopted by the ~~Elevator Safety Board~~ Code

1 Enforcement Licensing Board under § 20-24-107(a) and (b).
2

3 SECTION 139. Arkansas Code § 20-24-115(a)(1), concerning new
4 construction, relocation, or alterations to elevators, dumbwaiters, and
5 escalators, is amended to read as follows:

6 (a)(1) On and after the effective date of rules adopted by the
7 ~~Elevator Safety Board~~ Code Enforcement Licensing Board under § 20-24-
8 107(a) and (b), detailed plans and specifications of the elevator,
9 dumbwaiter, or escalator to be thereafter installed, relocated, or altered
10 shall be submitted by the contractor, or in the absence of an installing
11 contractor, by a person or the owner, to the Department of Labor and
12 Licensing. An application for a construction or alteration permit on forms to
13 be furnished or approved by the department shall be submitted at the same
14 time.
15

16 SECTION 140. Arkansas Code § 20-24-116(c)(1), concerning operating
17 permits, is amended to read as follows:

18 (c)(1) If the inspection report required by § 20-24-113 indicates
19 failure of compliance with the applicable rules approved by the ~~Elevator~~
20 ~~Safety Board~~ Code Enforcement Licensing Board under § 20-24-107 or with the
21 detailed plans and specifications approved by the department or its
22 authorized representative under § 20-24-115(d) and (e), the department or its
23 authorized representative shall give notice to the owner or lessee or the
24 person filing plans and specifications of changes necessary for compliance
25 with the rules. After the changes have been made, the department or its
26 authorized representative shall issue an operating permit.
27

28 SECTION 141. Arkansas Code § 20-24-119(a), concerning appeals relating
29 to elevators, dumbwaiters, and escalators, is amended to read as follows:

30 (a) Any person aggrieved by an order or act of the Department of Labor
31 and Licensing or its authorized representative under this chapter may, within
32 fifteen (15) days after notice thereof, appeal from the order or act to the
33 ~~Elevator Safety Board~~ Code Enforcement Licensing Board, which shall, within
34 thirty (30) days thereafter, hold a hearing of which at least fifteen (15)
35 days' written notice shall be given to all interested parties.
36

1 SECTION 142. Arkansas Code § 20-31-104(a), concerning statewide
2 standards for electrical facilities and the performance of electrical work,
3 is amended to read as follows:

4 (a) ~~Beginning January 1, 1992, the Board of Electrical Examiners of~~
5 ~~the State of Arkansas~~ The Code Enforcement Licensing Board is empowered to
6 adopt rules to establish statewide standards for the construction,
7 installation, and maintenance of electrical facilities and the performance of
8 electrical work.

9
10 SECTION 143. Arkansas Code § 20-31-104(f), concerning the enforcement
11 of statewide standards for electrical facilities and the performance of
12 electrical work, is amended to read as follows:

13 (f) It shall be the duty of the ~~Division of Labor~~ Department of Labor
14 and Licensing to administer and enforce this chapter.

15
16 SECTION 144. Arkansas Code § 20-31-105(c)(2), concerning penalties
17 relating to the maintenance of electrical facilities or performance of
18 electrical work, is amended to read as follows:

19 (2) To seek the suspension or revocation by the ~~Board of~~
20 ~~Electrical Examiners of the State of Arkansas~~ Code Enforcement Licensing
21 Board of ~~any an~~ an “electrical contractor”, a “master electrician”, a
22 “journeyman electrician”, or an “industrial maintenance electrician” licensed
23 under § 17-28-101 et seq. who is found to be in violation of this chapter.

24
25 SECTION 145. Arkansas Code § 25-15-104(a)(1)(F), concerning the
26 subpoena powers of certain boards and commissions, is repealed:

27 ~~(F) Committee of Plumbing Examiners, § 17-38-202;~~

28
29 SECTION 146. Arkansas Code § 25-15-104(a)(1)(H), concerning the
30 subpoena powers of certain boards and commissions, is amended to read as
31 follows:

32 (H) ~~HVACR Licensing Board, § 17-33-201 et seq.;~~ Code
33 Enforcement Licensing Board, § 17-28-201 et seq., § 17-33-201 et seq., and §
34 20-24-101 et seq.;

35
36 SECTION 147. Arkansas Code § 25-16-903(17), concerning stipend

1 authorization for certain state boards, is amended to read as follows:

2 (17) ~~Board of Electrical Examiners of the State of Arkansas Code~~
3 Enforcement Licensing Board;

4
5 SECTION 148. Arkansas Code § 25-16-903(22), concerning stipend
6 authorization for certain state boards, is repealed.

7 ~~(22) Arkansas Fire Protection Licensing Board~~;

8
9 SECTION 149. Arkansas Code § 25-16-903(25), concerning stipend
10 authorization for certain state boards, is repealed.

11 ~~(25) HVACR Licensing Board~~;

12
13 SECTION 150. Arkansas Code § 25-16-903(51), concerning stipend
14 authorization for certain state boards, is repealed.

15 ~~(51) Committee of Plumbing Examiners~~;

16
17 SECTION 151. Arkansas Code § 25-16-903(54), concerning stipend
18 authorization for certain state boards, is repealed.

19 ~~(54) Elevator Safety Board~~;

20
21 SECTION 152. Arkansas Code § 25-43-802(a)(32), concerning state
22 entities transferred to the Department of Health, is repealed.

23 ~~(32) The Committee of Plumbing Examiners, created under § 17-38-~~
24 ~~202~~;

25
26 SECTION 153. Arkansas Code § 25-43-1102(a)(2), concerning state
27 entities transferred to the Department of Labor and Licensing, is repealed.

28 ~~(2) The Arkansas Fire Protection Licensing Board, created~~
29 ~~under § 20-22-606~~;

30
31 SECTION 154. Arkansas Code § 25-43-1102(a)(11), concerning state
32 entities transferred to the Department of Labor and Licensing, is amended to
33 read as follows:

34 (11) ~~The Board of Electrical Examiners of the State of Arkansas,~~
35 ~~created under § 17-28-201~~ The Code Enforcement Licensing Board, created under
36 § 17-33-201;

1
2 SECTION 155. Arkansas Code § 25-43-1102(a)(14), concerning state
3 entities transferred to the Department of Labor and Licensing, is repealed.

4 ~~(14) The Elevator Safety Board under § 20-24-105;~~

5
6 SECTION 156. Arkansas Code § 25-43-1102(a)(15), concerning state
7 entities transferred to the Department of Labor and Licensing, is repealed.

8 ~~(15) The HVACR Licensing Board, created under § 17-33-201;~~

9
10 SECTION 157. DO NOT CODIFY. HVACR Class C license transfer.

11 As of September 1, 2025, all active and current Class C license holders
12 will be Class B license holders and may perform all HVACR work previously
13 permitted with a Class C license and that of a Class B license.

14
15 SECTION 158. TEMPORARY LANGUAGE. DO NOT CODIFY. Transfer of funds.

16 (a) On the effective date of this act, all income, funds, revenue, and
17 unexpended balances of appropriations and all revenue collected in connection
18 with the performance of the powers, functions, and duties of an entity or a
19 function transferred under this act to the Code Enforcement Licensing Board
20 shall be transferred to the Code Enforcement Licensing Board Fund, including
21 without limitation:

22 (1) Any fund repealed by this act;

23 (2) Any funds or the right to receive any funds of any entity or
24 function transferred by this act to the Code Enforcement Licensing Board; and

25 (3) Any other revenue as may be authorized by law.

26 (b) Any appropriations authorized by the 95th General Assembly from
27 the HVACR Licensing Fund and the Fire Protection Licensing Fund shall be
28 deemed appropriated and payable from the Code Enforcement Licensing Board
29 Fund.

30
31 SECTION 159. TEMPORARY LANGUAGE. DO NOT CODIFY. Transition
32 provisions – Appointment of members of the Code Enforcement Licensing Board.

33 (a) Upon the effective date of this act, the Governor shall appoint
34 all board member positions for the Code Enforcement Licensing Board, subject
35 to confirmation by the Senate.

36 (b) Until at least seven (7) members of the board are duly appointed

1 and confirmed by the Senate, the Secretary of the Department of Labor and
2 Licensing or his or her designee shall exercise the powers and duties
3 assigned to the board, except that the hearing and adjudication of a
4 complaint filed with the board shall be continued until a quorum of the newly
5 constituted board may be assembled to hear and adjudicate the complaint.
6

7 SECTION 160. EMERGENCY CLAUSE. It is found and determined by the
8 General Assembly of the State of Arkansas that this act preserves the public
9 peace, health, and safety as it will allow state government services to be
10 provided in a more efficient and cost-effective manner; that the abolishment
11 of certain boards and commissions and transfer of functions, powers, duties,
12 property, funds, and funding sources as special revenues to the newly created
13 Code Enforcement Licensing Board and Code Enforcement Licensing Board Fund
14 should become effective on July 1, 2025, to coincide with the appropriation
15 bills of the Department of Labor and Licensing and ensure that the Code
16 Enforcement Licensing Board provides its expanded vital services as the
17 transfer of duties is implemented and does not experience any issues with
18 funding under the transfer of duties. Therefore, an emergency is declared to
19 exist, and this act being necessary for the preservation of the public peace,
20 health, and safety shall become effective on July 1, 2025.
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