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300 Registration and Renewal Requirements and ProceduresBUREAU OF
LEGISLATIVE RESEARCH**301 General Requirements:**

A. Who Must Register: All persons who advertise as a home inspector, ~~and/or~~ perform or attempt to perform a home inspection for a fee, in the State of Arkansas, shall first register with the Board and comply with the Arkansas Home Inspector Registration Act and the provisions of these Rules and Procedures.

B. Who is Exempt from Registering:

1. A person who by virtue of his or her employment by a public entity does home inspection work for that agency shall not be required to be registered under this subchapter if the inspections are conducted:
 - a. Solely for the benefit of that entity; and
 - b. For no compensation other than the employee's salary.
2. These rules and procedures shall not apply to:
 - a. Any person holding a valid registration, certificate, or license issued by the State if the person's activity is limited to the activity authorized by his or her registration, certificate, or license;
 - b. A person who inspects his or her own home; or
 - c. A public entity that inspects its residential units with its own personal specifically trained for the inspection.

C. Reputation & Competency: The applicant shall ~~be of good moral character,~~ have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a registered Home Inspector in such a manner as to safeguard the interests of the public.

D. Disciplinary History: An applicant shall be in good standing as a Home Inspector in every jurisdiction where licensed or registered. The applicant shall not currently have a registration or license which is suspended, revoked, or surrendered in connection with a disciplinary action or which is the unresolved subject of discipline in any jurisdiction prior to applying for registration in Arkansas.

E. Criminal Background Check

1. Pre-Licensure Criminal Background Check: Pursuant to Ark. Code Ann. § 17-3-101, *et seq.*, an individual may petition for a pre-licensure determination of whether his/her criminal record will disqualify him/her from licensure and whether he/she may obtain a waiver to be licensed.

- a. The individual must obtain the pre-licensure criminal background check petition form from the Board.
- b. The Board will respond with a decision in writing to a completed petition within a reasonable time.

- c. The Board's response will state the reason(s) for its decision.
- d. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
- e. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
- f. The Board will retain a copy of the petition and response, and it will be reviewed during the formal application process.

2. Criminal Record: ~~An application for registration or renewal may be denied if the applicant has been convicted, found guilty or pled guilty, regardless of adjudication, in any jurisdiction of a misdemeanor involving moral turpitude, or any felony, or is currently adjudicated as being insane. Any plea of nolo contendere shall be considered a conviction for the purposes of this paragraph. The record of a conviction, authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted, shall be admissible as prima facie evidence of such conviction.~~

An applicant for registration or renewal is not eligible to receive or hold a license issued by the Board if that person has pleaded guilty or nolo contendere to, or has been found guilty of, any of the offenses listed in Ark. Code Ann. §17-3-102 (a) or (e), by any court in the State of Arkansas, or of any similar offense by a court in another state, or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, Ark. Code Ann. §16-90-140, et seq., or otherwise previously sealed, pardoned or expunged under prior law.

3. Nothing in this section precludes the Board from taking emergency action against a licensee as authorized under §25-15-211 for the sake of public health, safety, or welfare.

F. Age: The applicant shall be at least 18 years old at the time he or she submits his or her application.

G. Identification: The Board may require each applicant for registration to furnish, at his or her expense, a recent passport-type photograph of him/herself, as well as any other information or form of identification deemed necessary by the Board.

H. Education: Any new applicant shall have graduated from a State-accredited school or shall have earned a State-accredited ~~Graduate Equivalent Diploma (GED)~~ high school equivalency diploma. The Board may require proof of same.

I. Board Discretion: Applicants who do not meet all of the requirements and qualifications of this Section may nevertheless be approved for initial registration or registration renewal by resolution of the Board. However, detailed records and an

explanation of that action must be made part of that person's registration records. The Board reserves the right to hold for a reasonable length of time for investigation the application of any applicant before approving an initial or renewal registration.

1. If an applicant has been convicted of a crime listed in Ark. Code Ann. §17-3-102(a) or (e) the Board may waive disqualification or revocation of a license based on the conviction if a request for a waiver is made:

- a. By an affected applicant for license; or
- b. By the individual holding a license subject to revocation.

2. The Board may grant a waiver upon consideration of the following, without limitation:

- a. The age at which the offense was committed;
- b. The circumstances surrounding the offense;
- c. The length of time since the offense was committed;
- d. Subsequent work history since the offense was committed;
- e. Employment references since the offense was committed;
- f. Character references since the offense was committed;
- g. Relevance of the offense to the occupational license; and
- h. Other evidence demonstrating that license of the applicant does not pose a threat to the health or safety of the public.

3. If an individual has a valid criminal conviction for an offense that could disqualify him/her from receiving license, the disqualification shall not be considered for more than five (5) years from the date of the conviction or incarceration or on which probation ends, whichever date is the latest, if the individual:

- a. Was not convicted of a offense in Ark. Code Ann. §17-3-102(e)
- b. Was not convicted for committing a violent or sexual in nature offense;
- and
- c. Has not been convicted of any other offense during the five-year disqualification period.

4. The Board shall not, as a basis upon which license may be granted or denied:

- a. Use vague or generic terms, including without limitation the phrase "moral turpitude" and "good character"; or
- b. Consider arrests without a subsequent conviction.

5. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

6. The Board will respond with a decision in writing and will state the reasons for the decision.

7. An appeal of a determination under this section will be subject to the Administrative Procedures Act, Ark. Code Ann. § 25-15-201, et seq.

J. The Board shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a “work permit.”

302 Initial Registration Procedures

A. Items Required from the Initial Applicant (See Section 304):

1. Initial Application Form
2. Initial Application Fee
3. Liability Insurance Certificate
4. Pre-Registration Education Certificate (See 304D2)
5. Competency Application Certificates
6. Proof of Completion of Apprenticeship (unless waived by the Board)

B. Effective Dates and Deadlines: Initial home inspector registrations are issued on a calendar year basis extending from the date of approval by the Board through December 31st of each year. Applications for initial registration must be submitted no less than 5 (five) State business days prior to the next scheduled meeting of the Board in order to be considered at that meeting. Applicants are encouraged to contact the Board office to determine that date.

~~**C. Reciprocal Agreements With Other Political Entities:** After investigation of home inspector licensure requirements of other States, the Board may elect to waive the Arkansas licensure requirement for pre-registration education for an Arkansas applicant who is licensed as a home inspector (not apprentice) in another State if the requirements of the other State met or exceeded those of this Board at the applicant’s time of licensure in the other State. Documentation of current licensure from the other State’s home inspection licensing authority is required as well as a statement declaring that the home inspector is not suspended or currently under any kind of disciplinary action by the other State.~~

C. Reciprocity

1. It is the intent of the General Assembly to ensure that an individual may be credentialed to work in Arkansas if he or she generally demonstrates the skills and ethics required by state law based on the individual’s experience and credentials in another state.

2. It is not the intent of the General Assembly to cause the Board to engage in simple comparisons of the required hours of training and other personal qualifications under Arkansas’s occupational licensing statutes with those qualifications required in the state where the individual is credentialed.

3. Required qualifications: An applicant applying for reciprocal licensure shall meet the following requirements:

- a. Shall hold a substantially similar license in another United States jurisdiction. A license from another state is substantially similar to an Arkansas Home Inspector registration if the other state's licensure qualifications require:
 - i. at least eighty (80) hours of pre-registration home inspector education; and
 - ii. proof of successful passage of the *National Home Inspector Examination* (NHIE) and the current version of the *Standards and Ethics Examination* of the American Society of Home Inspectors (ASHI).
- b. Shall hold his/her home inspector license in good standing and shall provide a letter from the licensing authority attesting the disciplinary status of the home inspector and show that he/she has not had a license revoked for:
 - i. an act of bad faith; or
 - ii. a violation of law, rule, or ethics.
- c. Shall not hold a suspended or probationary license in a United States jurisdiction.

4. Required documentation: an applicant shall submit a fully-executed application, with the required fee, and the documentation described below:

- a. As evidence that the applicant's license from another jurisdiction is substantially-similar to Arkansas's, the applicant shall submit the following information:
 - i. Evidence of current and active licensure in that state. The Board may verify this information online, if the jurisdiction at issue provides primary source verification on its website, or by telephone to the other state's licensing board; and
 - ii. Evidence that the other state's licensing requirements match those listed in Sec. 3(a)(i)-(ii). The Board may verify this information online or by telephone to the other state's licensing board.
- b. To demonstrate that he/she meets to requirement in Sec. 3(b)-(c), the applicant shall provide the Board with:
 - i. The names of all states in which the applicant is currently or has been previously licensed;
 - ii. Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that he/she has not had his/her license revoked for the reasons listed in Sec. 3(b)(i)-(ii), and does not hold a license on suspended or probationary status as described in Sec. 3(c). The Board may verify this information online or by telephone with the other state's licensing board.
- c. As evidence that the applicant is sufficiently competent in home inspections, he/she shall:
 - i. Provide proof that he/she has passed the *National Home Inspector Examination* (NHIE) and the current version of the *Standards and Ethics Examination* of the American Society of Home Inspectors (ASHI).
 - ii. Submit letters of recommendation (or home inspection reports)????

5. Temporary and Provisional License:

- a. The Board shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under Sec. 4(a)-(b).

b. A temporary and provisional license shall be effective for at least 90 days or until the Board makes a decision on the application., unless the Board determines that the applicant does not meet the requirements in Sec. C(3)(a)-(c), in which case the temporary and provisional license shall be revoked immediately.

c. An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may provide only the information necessary for the issuance of a temporary and provisional license.

6. License for a Person From a State that Does Not License Home Inspectors:

a. Required qualifications: An applicant from a state that does not license home inspectors shall meet the following requirements:

- i. The applicant shall be sufficiently competent in the profession of home inspections; and
- ii. List Least Restrictive Requirements

b. Required documentation: an applicant shall submit a fully-executed application, the required fee, and the documentation described below to show the applicant is sufficiently competent in the profession of home inspections:

- i. proof that he/she has passed the *National Home Inspector Examination* (NHIE) and the current version of the *Standards and Ethics Examination* of the American Society of Home Inspectors (ASHI).
- ii. Submit letters of recommendation (or home inspection reports)

D. Automatic Licensure for Uniformed Service Members:

1. Ark. Code Ann. §17-4-101, *et seq.* provides for the automatic licensing of uniformed service veterans. As used in this section, a “uniformed service veteran,” means a former member of the United States Uniformed Services discharged under circumstances other than dishonorable.

2. The Board shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory or district of the U.S. and is:

- a. A uniformed service member stationed in the State of Arkansas;
- b. A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
- c. The spouse of:
 - i. A person under (2)(a) or (b) above;
 - ii. A uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; or
 - iii. A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

3. The Board shall grant such automatic licensure upon receipt of all of the below:

- a. Payment of the initial licensure fee;

- b. Evidence that the individual holds a license with a similar scope of practice in another state; and
- c. Evidence that the individual is qualified under (a).

4. The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

5. A full exemption from continuing education requirements will be allowed for a deployed uniform service member or spouse until one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

304 Definitions – Items Required for Registration or Renewal

- A. Application Forms:** A properly and fully completed application for initial registration or renewal must be submitted to the Board office on a form prescribed by the Board.
1. No person who is registered under one (1) name as provided in these regulations shall engage in business as a home inspector under any other name unless the other name(s) is also included on the most recent application and is also registered.
 2. A person applying for registration for the first time shall have their signature on their application witnessed by a notary public and attested to thereon.
 3. The application shall include by not be limited to a listing of:
 - a. All current licenses held that are issued by an agency of the State of Arkansas; and
 - b. All current and past home inspector licenses issued by an agency of any State government.
- B. Application fees:**
1. The required registration or registration renewal fee as specified in Section 204 above shall accompany the application in the form of a check or money order. Applications received without the appropriate fee may be returned without action.
 2. The Board shall waive the initial application fee if the applicant:
 - a. Is receiving assistance through the Arkansas Medicaid Program; the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; the Temporary Assistance for Needy Families Program; or the Lifeline Assistance Program;
 - b. Was approved for unemployment within the last twelve (12) months; or
 - c. Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.
- C. Liability Insurance Requirements**
1. **Coverage:** All registered home inspectors must maintain current general liability coverage insurance in the amount of at least one hundred thousand dollars (\$100,000.00) issued by an insurance company licensed, or surplus lines approved, to do business in the State of Arkansas.

2. **Reporting:** It is the responsibility of the home inspector to make sure that a certificate of active general liability insurance coverage, as specified below, and proving coverage of the home inspector, as defined above, has been physically received by the Board office on or before the date of expiration of the coverage of the previous certificate/policy. If the latest certificate of general liability insurance on file with the Board reflects that the policy has expired, the Board shall notify the home inspector by certified U.S. Mail upon such expiration and concurrently the registration of that home inspector shall be placed in Suspended Status, as required under A.C.A. § 17-52-318(d)(1) until the home inspector complies with Section 304C herein. Until such time, it shall be unlawful for the home inspector to conduct home inspections for a fee in the state of Arkansas. If such certificate is not received by the Board by the date of expiration of the previous certificate/policy on file with the Board, a delinquent renewal fee shall apply as specified in Section 204D2, and the home inspector shall be listed on the Board website as Suspended as required under A.C.A. § 17-52-318(d)(2).
3. **Specifications:** An original certificate of insurance must be delivered or mailed to the Board office (fax or electronic copies are not permitted) which reflects that the applicant, or registered home inspector, has procured the required general liability insurance. The certificate must include the following information:
 - a. Name and address of the insured individual home inspector (not just his or her company or employer).
 - b. Name of the insured's agent, agency, business address, and telephone number.
 - c. Name of the firm providing the insurance (the carrier).
 - d. Amount of each type of coverage being provided.
 - e. The insurance policy number.
 - f. The "Arkansas Home Inspector Registration Board, P.O. Box 251911, Little Rock, AR 72225" must be named as the certificate holder.
 - g. The beginning and ending dates of the coverage.
 - h. Signature of the issuing agent.

D. Pre-Registration Education:

1. **Requirements:** The first-time applicant shall submit documents with the application attesting to the successful passage of a Board approved comprehensive pre-registration home inspector education curriculum consisting of no less than eighty (80) hours of classroom/on-site instruction taken within the 12 months preceding the date of receipt of their completed application for registration, as well as proof of completion of an apprenticeship, unless waived by the Board, where all course modules or topics are taken during one continuous period.
 - a. An apprenticeship shall include three on-site inspections, at least one that includes an accessible attic, and one that includes an accessible crawl space;
 - b. The apprenticeship shall not exceed a total of ten (10) hours;
 - c. The ratio shall be one apprentice home inspector applicant per one licensed, experienced, home inspector;
 - d. The apprenticeship requirement may be waived by the Board on its own motion or upon written request of the applicant; and

- e. A request of the Board to waive the apprenticeship requirement shall not be an administrative hearing as contemplated by the Arkansas Administrative Procedure Act. A.C.A. § 25-15-201, et seq.

2. **Exemptions:** The following persons shall be exempt from the pre-registration education requirements for initial registration, but not from the requirements concerning the competency examinations. Appropriate verifiable documentation of all exemption criteria is required.

- a. City inspectors currently certified by the International Code Council; and
- b. Applicants who hold a current Residential Contractor's license and have been licensed as a contractor for ten (10) years prior to their date of application to become registered as a home inspector.
- ~~e. Applicants who are currently licensed to independently perform home inspections in another state and are in good standing in that state where:~~
 - ~~1) A comprehensive course in home inspection of no less than eighty (80) hours of classroom/on-site instruction was required and completed at the time of licensure.~~
 - ~~2) The licensing entity from the other state provides a letter attesting to the licensing level and disciplinary status of the home inspector.~~

E. **Competency Examinations:** The first-time applicant shall submit documents with the application attesting to the successful passage of the following examinations, which must be taken in person at a facility designated by each of the organizations providing the examinations:

1. The current version of the *National Home Inspector Examination* (NIHE) as provided by the Examination Board of Professional Home Inspectors, Inc., (<http://homeinspectionexam.org>); and
2. The current version of the *Standards and Ethics Examination* as provided by the American Society of Home Inspectors (<http://ashi.com>).

F. **Continuing Education Credit Reporting Form:** The Board Continuing Education Credit Reporting Form shall be completed in its entirety to list Board-approved completed courses and that are being submitted for continuing education credit. It shall be submitted along with certificates of completion from the provider(s) of the education along with the inspector's registration renewal application each year. Copies of the CEC Form, certificates, and other documents which substantiate the continuing education hours submitted to the Board shall be retained by the inspector for at least 2 years after submission.

G. **Inspection Reports:** As stated in A.C.A. § 17-52-307, as part of an investigation or as a condition of renewal, the Board may require an inspector to submit inspection reports and other documents to be reviewed by the Board. Further, requests by the Board for copies of inspection reports shall supersede any contract of client privacy or confidentiality, whether written or oral.

305 Continuing Education

A. General Requirements:

1. As a condition of annual registration renewal, each home inspector who will have been registered for twelve (12) months or more upon expiration of their current registration shall have completed continuing education coursework as specified herein.
2. The Board must approve all courses prior to presentation in order for each to qualify for submission for continuing education credit. It is the sole responsibility of the home inspector to verify that any course is currently approved for credit by the Board at the time it is taken. This can be accomplished by referencing the web site of the Board at www.ahib.org or by telephoning the Board office at (501) 683-3710.
3. Each course must be completed in its entirety by the registrant in order for any of the course credit hours to be eligible for home inspector continuing education credit.
4. An inspector can claim continuing education credits for a given course only once within two consecutive training years, even if he or she has successfully completed the course multiple times.
5. Upon appropriate showing of a bona fide health or other hardship, the Board may consider and grant an individual exception to the continuing education requirements.
 - a. Loss of income resulting from cancellation of a license is not a bona fide hardship.
 - b. Requests for exceptions shall be submitted in writing not less than sixty days prior to the date of license renewal and shall include an explanation and verifiable documentation of the hardship.
6. Submission of a Continuing Education Credit Claim Form whose content cannot be substantiated may be the basis for denial of the requested credit, denial of registration renewal, or other disciplinary action by the Board.

B. Annual Hours Required: Fourteen (14) hours of continuing education coursework shall be completed to fulfill annual registration renewal requirements as follows:

1. Classroom Courses:

- a. At least eight (8) hours of coursework must be completed in person by the home inspector with a Board approved instructor teaching the course face-to-face.
- b. Classroom coursework must be completed during the 24 months preceding the first day of the home inspector's next Board-approved registration period.
- c. Continuing education classroom course credit may also be achieved by completing individual modules of a Board-approved comprehensive pre-registration classroom curriculum if allowed/offered by the provider of such curriculum.
- d. Continuing education classroom course credit may also be achieved by the home inspector if he/she is in an instructional setting that permits live real-time communication and interaction with an instructor who is not face-to-face with the inspector, provided however that the Board has approved the specific

method whereby student attendance ~~and~~/or testing at the specific offering can be verified.

2. Distance Learning Courses:

- a. No more than six (6) hours of completed coursework may be submitted for registration renewal credit that is completed by written correspondence or through any means where the home inspector does not have the ability to communicate/interact with the instructor in a live real-time setting.
- b. This coursework must be completed during the 12 months preceding the first day of the home inspector's next Board-approved registration period.

C. Course Content Required:

1. Effective December 1, 2018, all home inspectors who will have been registered for at least sixty (60) months preceding their next effective date of renewal shall have completed at least two (2) hours of Board-approved continuing education in each of the following core subject areas during the preceding forty-eight (48) months:
 - a. Structural Systems
 - b. Exterior
 - c. Roofing
 - d. Plumbing
 - e. Electrical
 - f. Heating
 - g. Air Conditioning
 - h. Interiors
 - i. Insulation and Ventilation
 - j. Fireplaces and Solid Fuel Burning Appliances
 - k. The Standards of Practice and Code of Ethics
 - l. Report Writing
2. Effective with those continuing education courses approved by the Board to be offered beginning January 1, 2015, the Board shall designate which core subject area that each course fulfills, and shall list the same with each approved course on the Board website.
3. Effective with the renewal of home inspector registrations for the 2016 calendar year, the Board staff shall provide the Board with a report of each home inspector's continuing education record reflecting fulfillment of course content requirements whenever an individual home inspector's registration is being reviewed by the Board for any reason. Such report shall be transmitted to the home inspector annually with their notice of renewal.

309 Certificates of Registration

- A. General Registration Reactivation:** All registered home inspectors whose registration is not in Good Standing Status and who desire to reactivate their home inspector registration to Good Standing Status shall submit the items enumerated below to the Board. However, those individuals whose registration has been suspended for failure to submit proof of current general liability insurance shall follow procedures as enumerated in Section 309E below. All items must be submitted to the Board at least 30 days prior to

the next regularly scheduled meeting of the Board in order to be considered at that meeting.

1. A properly completed application for renewal of registration.
 2. The Registration Renewal fee, as defined in Section 204.
 3. The Delinquent Renewal Application Fee, as defined in Section 204, unless reactivating a registration on Inactive Status.
 4. The Board Attestation of Abstinence Form, whereupon the individual swears that he or she has not conducted home inspections from the date their registration was no longer in Good Standing until the date of receipt of the application for renewal.
 5. Complete and exact printed copies of the last three home inspection reports which were delivered to clients while in Good Standing. Upon receipt of these fully completed items, designated members of the Board shall review the inspection reports submitted to determine if the reports are in substantial compliance with the Standards of Practice. If the reports do not comply with the Standards of Practice, the Board may take appropriate action in accordance with 601 below.
 6. Proof of having completed continuing education which has been approved by the Board during the period when his or her registration was not in Good Standing as follows:
 - a. 14 hours for the calendar year for which the reactivation is requested, and
 - b. 7 hours for each calendar year (or portion thereof) prior to the calendar year for which reactivation is requested.
 - c. Continuing education credit submitted to reactivate a registration may be earned in one lump sum immediately prior to reactivation, or may be earned over the entire time period while not in Good Standing. Regardless, all such credit requested shall conform to the same proportions of classroom vs distance learning credit for Annual Hours Required, and shall also fulfill all requirements for Course Content Required. For the purpose of registration reactivation, and in the event of a reasonable hardship, the Board may grant minor variance in the proportions of classroom vs. distance learning credit, and the Course Content Required.
- B. Chronology:** Upon receipt of all items required above, the Board staff shall prepare a concise summary in chronological order of the history of the events whereby the applicant's Good Standing Status was discontinued. Said summary shall be available for review by the Board at the meeting where the reactivation shall be considered.
- C. Burden of Proof:** The applicant shall bear the burden of proof that they are rehabilitated following the suspension, surrender, or revocation of their registration, that they can engage in the conduct authorized by the registration without undue risk to the public health, safety and welfare, and that they are otherwise qualified for the license pursuant to A.C.A. § 17-52-301 et seq.
- D. Conditions of Reinstatement:** The Board may impose any appropriate conditions or limitations on a reinstatement to protect the public health, safety and welfare, and ~~or~~ may require that the person seeking reinstatement sit for and successfully complete the competency examination.
- E. Registration Reactivation Following Suspension for Failure to Submit Proof of Insurance:**

1. All individuals whose registration has been placed on Suspended Status due to failure to submit proof of current general liability insurance to the Board office in accordance with these regulations shall cause such proof to be delivered to the Board office. The Board staff shall notify the registrant of receipt of such proof by no later than the end of the business day following receipt. Upon such notification, the registrant shall submit an original Board Attestation of Abstinence Form whereupon the individual swears that he or she has not conducted home inspections from the day after expiration of their previous general liability insurance policy until the date of receipt of the new certificate of current general liability insurance coverage. Such form shall be accompanied by the appropriate Delinquent Certificate of Insurance Fee as specified in Section 204D2. Upon receipt of the original Attestation of Abstinence Form and Delinquent Certificate of Insurance Fee, the Board staff shall concurrently notify the registrant by telephone and standard mail that his or her registration has been returned to Good Standing Status.\

401 Standards of Practice

401.4 Exterior

1. The inspector shall:
 - A. Inspect:
 - 1.siding, flashing and trim.
 2. all exterior doors.
 3. attached or adjacent decks, balconies, stoops, steps, porches, and their associated railings.
 4. eaves, soffits, and fascias where accessible from the ground level.
 5. vegetation, grading, surface drainage, and retaining walls that are likely to adversely affect the building.
 6. adjacent or entryway walkways, patios, and driveways.
 - B. Describe:
 - 1.siding.
 2. The inspector is NOT required to inspect:
 - A. screening, shutters, awnings, and similar seasonal accessories.
 - B. fences.
 - C. geological ~~and~~ or soil conditions.
 - D. recreational facilities.
 - E. outbuildings other than garages and carports.
 - F. seawalls, break-walls, and docks.
 - G. erosion control and earth stabilization measures.

401.13 General Limitations & Exclusions

1. General limitations:
 - A. The inspector is NOT required to perform any action or make any determination not specifically stated in these Standards of Practice
 - B. Inspections performed in accordance with these Standards of Practice
 - 1.are not technically exhaustive.
 2. are not required to identify concealed conditions, latent defects, or consequential damage(s)

- C. These Standards of Practice are applicable to buildings with four or fewer dwelling units and their garages or carports.
2. General exclusions:
- A. Inspectors are NOT required to determine:
- 1.conditions of systems or components which are not readily accessible
 2. remaining life expectancy of any system or component
 3. strength, adequacy, effectiveness, or efficiency of any system or component
 4. the causes of any condition or deficiency
 - 5.methods, materials, or costs of corrections
 6. future conditions including, but not limited to, failure of systems and components
 7. the suitability of the property for any specialized use
 8. compliance with regulatory requirements (codes, regulations, laws, ordinances, etc.)
 9. market value of the property or its marketability
 10. the advisability of purchase of the property
 11. the presence of potentially hazardous plants or animals including, but not limited to, wood destroying organisms or diseases harmful to humans including molds or mold like substances
 12. the presence of any environmental hazards including, but not limited to, toxins, carcinogens, noise, and contaminants in soil, water, and air.
 13. the effectiveness of any system installed or method utilized to control or remove suspected hazardous substances
 14. operating costs of systems or components
 15. acoustical properties of any system or component
 16. soil conditions relating to geotechnical or hydrologic specialties
- B. Inspectors are NOT required to offer:
- 1.or perform any act or service contrary to law
 - 2.or perform engineering services
 - 3.or perform any trade or any professional service other than home inspection
 4. warranties or guarantees of any kind
- C. Inspectors are NOT required to operate:
- 1.any system or component which is shut down or otherwise inoperable
 - 2.any system or component which does not respond to normal operating controls
 - 3.shut-off valves or manual stop valves
- D. Inspectors are NOT required to enter:
- 1.any area which will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property or its systems or components
 2. under-floor crawl spaces or attics which are not readily accessible
- E. Inspectors are NOT required to inspect:

1. underground items including, but not limited to underground storage tanks or other underground indications of their presence, whether abandoned or active
 2. items which are not installed
 3. installed decorative items
 4. items in areas which are not entered in accordance with 401.13.2.D
 5. detached structures other than garages and carports
 6. common elements or common areas in multi-unit housing, such as condominium properties or cooperative housing
- F. Inspectors are NOT required to:
1. perform any procedure or operation which will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property or its systems or components
 2. describe or report on any system or component which is not included in these standards and was not inspected.
 3. move personal property, furniture, equipment, plants, soil, snow, ice, or debris.
 4. dismantle any system or component, except as explicitly required by these Standards of Practice.

401.14 Standards of Practice Glossary

Siding

Exterior wall covering and cladding; such as: Aluminum, Asphalt, Brick, Cement/Asbestos, ~~EIFS~~Exterior Insulation & Finish system, Stone, Stucco, Veneer, Vinyl, Wood, etc.

403 Home Inspection Reports:

- A. **Identification:** All written or electronic home inspection reports presented to clients shall prominently contain:
1. The printed name, registration number, mailing address, and phone number of the home inspector;
 2. The date of the inspection;
 3. The full physical address of the inspected property; and
 4. The name of the client.
- B. **Content:** All written or electronic home inspection reports presented to clients shall, at a minimum, list each and every item required to be inspected by the Standards of Practice. Each such item shall be displayed in the report in a manner which indicates that the item has or has not been inspected, along with any reason for not having been inspected. Any other item listed in the report which is not required to be inspected by the Standards of Practice shall also be displayed in a manner which indicates that the item has or has not been inspected, or that the item is not present in the home. ~~The requirements of this Section (403B) shall become effective 90 days after the effective date of the first version of these Rules and Procedures implemented after March 19, 2014, after which this sentence shall be removed.~~
- C. **Retention:** The home inspector shall retain an exact copy of all home inspection reports presented to clients for a period of at least one (1) year following the date of the inspection.

601 Grounds for Disciplinary Action: The Board may, upon its own motion or upon written complaint of any person, and after notice and hearing as prescribed by the Administrative Procedures Act, suspend or revoke the registration of any registered home inspector, place the inspector on probation contingent upon specified acts or conditions and ~~or~~ issue a fine up to the amount of \$1,000 per occurrence for:

- A. Violation of any provision of A.C.A. § 17-52-301 *et seq.* or any of these rules.
- B. Falsifying any application for registration or otherwise providing any false information to the Board.
- C. Conviction in any jurisdiction of any misdemeanor involving moral turpitude or of any felony. A plea of nolo contendere or no contest shall be considered a conviction for the purposes of this section.
- D. Any actions demonstrating un-trustworthiness, incompetence, dishonesty, gross negligence, material misrepresentation, fraud or unethical conduct in any dealings subject to A.C.A. § 17-52-301 *et seq.*;
- E. Adjudication of insanity;
- F. Use of advertising or solicitation which is false, misleading, or is otherwise deemed unprofessional by the Board;
- G. Employing directly or indirectly any unregistered person to perform any actions subject to regulation unless under the direct supervision of a properly registered home inspector.
- H. Habitual or excessive use of intoxicants or illegal drugs;
- I. Failure to meet continuing education requirements within the proper time period.
- J. Failure to complete inspection reports which are in substantial compliance with the Standards of Practice or failure to comply with the Code of Ethics.

710 Course Audits:

- A. The Board or its Chairman may appoint appropriately qualified persons to audit educational courses. Letters of appointment will be provided to the auditors for auditor identification ~~and~~ authorization purposes and to provide instructions for the audit(s.)
- B. Any educational course ~~or~~ offering which has been approved or is pending approval by the Board may be audited. Such audits may be announced or unannounced to the course provider. The provider will waive all fees for the course and any texts or hand out materials. Upon completion of the audit, the auditor will prepare a Results Of Audit report and submit it to the Board as directed in his appointment letter. The Board will notify course providers of the outcome of such audits.
- C. Failure of a provider to substantially follow the course outline submitted with the approval request may result in denial or revocation of Board approval. Likewise, the Board may assign a probationary status to a course and request that specific corrections be made. Follow-up audits may be made to evaluate whether appropriate corrections have been made and whether further action is warranted.
- D. Auditors who personally pay the attendance fees for a course which is approved may choose to take continuing education credits and apply it to their annual requirement. Otherwise, they may not claim the credits.

State of Arkansas *As Engrossed: S1/19/21 S1/26/21*
93rd General Assembly **A Bill**
Regular Session, 2021

SENATE BILL 78

By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo
By: Representatives Lynch, Cozart, Brown, Evans

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL
LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND
SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC
OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED
SERVICES MEMBERS, RETURNING UNIFORMED SERVICES
VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;
AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH ARKANSAS OCCUPATIONAL
LICENSING OF UNIFORMED SERVICE MEMBERS,
VETERANS, AND SPOUSES ACT OF 2021; AND TO
DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 17-1-106 is repealed.

~~17-1-106. Automatic licensure for active duty service members,
returning military veterans, and spouses—Definitions.~~

~~(a) As used in this section:~~

~~(1) “Automatic licensure” means the granting of occupational
licensure without an individual’s having met occupational licensure
requirements provided under this title or by the rules of the occupational
licensing entity;~~

~~(2) “Occupational licensing entity” means an office, board,
commission, department, council, bureau, or other agency of state government~~



1 ~~having authority to license, certify, register, permit, or otherwise~~
2 ~~authorize an individual to engage in a particular occupation or profession;~~

3 ~~(3) "Occupational licensure" means a license, certificate,~~
4 ~~registration, permit, or other form of authorization required by law or rule~~
5 ~~that is required for an individual to engage in a particular occupation or~~
6 ~~profession; and~~

7 ~~(4) "Returning military veteran" means a former member of the~~
8 ~~United States Armed Forces who was discharged from active duty under~~
9 ~~circumstances other than dishonorable.~~

10 ~~(b)(1) An occupational licensing entity shall grant automatic~~
11 ~~licensure to engage in an occupation or profession to an individual who is~~
12 ~~the holder in good standing of a substantially equivalent occupational~~
13 ~~license issued by another state, territory, or district of the United States~~
14 ~~and is:~~

15 ~~(A) An active duty military service member stationed in~~
16 ~~the State of Arkansas;~~

17 ~~(B) A returning military veteran applying for licensure~~
18 ~~within one (1) year of his or her discharge from active duty; or~~

19 ~~(C) The spouse of a person under subdivisions (b)(1)(A)~~
20 ~~and (b)(1)(B) of this section.~~

21 ~~(2) However, an occupational licensing entity shall be required~~
22 ~~to provide automatic licensure if the proposed rules are not approved as~~
23 ~~required under subdivision (d)(2) of this section.~~

24 ~~(c) An occupational licensing entity may submit proposed rules~~
25 ~~recommending an expedited process and procedure for occupational licensure~~
26 ~~instead of automatic licensure as provided under subsection (b) of this~~
27 ~~section to the Administrative Rules Subcommittee of the Legislative Council.~~

28 ~~(d) The Administrative Rules Subcommittee of the Legislative Council~~
29 ~~shall:~~

30 ~~(1) Review the proposed rules of an occupational licensing~~
31 ~~entity as submitted for public comment and at least thirty (30) days before~~
32 ~~the public comment period ends under the Arkansas Administrative Procedure~~
33 ~~Act, § 25-15-201 et seq.; and~~

34 ~~(2) Approve the proposed rules submitted under subsection (c) of~~
35 ~~this section based on:~~

36 ~~(A) A determination of whether the expedited process and~~

~~procedure provide the least restrictive means of accomplishing occupational licensure; and~~

~~(B) Any other criteria the Administrative Rules Subcommittee of the Legislative Council determines necessary to achieve the objectives of this section.~~

~~(c) The Administrative Rules Subcommittee of the Legislative Council may:~~

~~(1) Establish a subcommittee to assist in the duties assigned under this section;~~

~~(2) Assign information filed with the Administrative Rules Subcommittee of the Legislative Council under this section to one (1) or more subcommittees of the Legislative Council, including without limitation a subcommittee created under subdivision (c)(1) of this section; or~~

~~(3) Delegate its duties under this section to one (1) or more subcommittees of the Legislative Council, subject to final review and approval of the Administrative Rules Subcommittee of the Legislative Council.~~

~~(f) An occupational licensing entity shall:~~

~~(1) Submit proposed rules authorized under subsection (c) of this section to the Administrative Rules Subcommittee of the Legislative Council for review and approval before the proposed rules are promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and~~

~~(2) Provide to the House Committee on Aging, Children and Youth, Legislative and Military Affairs an annual report stating the number of automatic licenses and expedited occupational licenses granted under this section to:~~

~~(A) Active duty military service members stationed in the State of Arkansas;~~

~~(B) Returning military veterans applying within one (1) year of their discharge from active duty; or~~

~~(C) The spouse of a person under subdivisions (f)(2)(A) and (f)(2)(B) of this section.~~

SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an additional chapter to read as follows:

Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021

1
2 17-4-101. Title.

3 This chapter shall be known and may be cited as the "Arkansas
4 Occupational Licensing of Uniformed Service Members, Veterans, and Spouses
5 Act of 2021".
6

7 17-4-102. Legislative findings and intent.

8 (a) The General Assembly finds that:

9 (1) Arkansas sets the bar as a national leader in addressing
10 employment barriers faced by uniformed service members, uniformed service
11 veterans, and their spouses in attaining occupational licensure;

12 (2) Arkansas is one (1) of only four (4) states to successfully
13 address eight (8) or more of the ten (10) issues affecting uniformed service
14 families identified by the United States Department of Defense;

15 (3) Of the United States Department of Defense's ten (10) issues
16 in fiscal year 2020, four (4) of the issues concern occupational licensure of
17 spouses of uniformed service members;

18 (4) Annually, fourteen and a half percent (14.5%) of spouses of
19 uniformed service members move across state lines as opposed to one and one-
20 tenth percent (1.1%) of civilians;

21 (5) States can continue to improve the attainment of
22 occupational licensure and to eliminate barriers impeding employment of
23 spouses of uniformed service members following a move across state lines;

24 (6) Acts 2019, No. 820, established provisions for the granting
25 of automatic occupational licensure or expedited occupational licensure to
26 active-duty service members, recently separated veterans, and their spouses
27 who hold occupational licensure in good standing in another jurisdiction; and

28 (7) Additional steps need to be taken to clarify, simplify, and
29 elevate the occupational licensure process for uniformed service members,
30 uniformed service veterans, and their spouses.

31 (b) It is the intent of the General Assembly to address occupational
32 licensure barriers that impede the launch and sustainability of civilian
33 occupational careers and employment faced by uniformed service members,
34 uniformed service veterans, and their spouses due to frequent uniformed
35 service assignment by:

36 (1) Providing:

1 (A) Automatic occupational licensure or expedited
2 occupational licensure to current license holders to expedite their entry
3 into the workforce of this state;

4 (B) Temporary or provisional licensure to initial
5 licensure candidates while expediting full licensure;

6 (C) Legislative oversight of rulemaking by occupational
7 licensing entities to ensure removal of occupational licensure barriers faced
8 by uniformed service members, uniformed service veterans, and their spouses;
9 and

10 (D) Guidance to assure effective rulemaking and clear
11 license application instructions to uniformed service members, uniformed
12 service veterans, and their spouses;

13 (2) Recognizing uniformed service education, training,
14 experience, and credentials of uniformed service members and uniformed
15 service veterans applying for initial occupational licensure; and

16 (3) Extending licensure expiration and any continuing education
17 required for occupational licensure renewal when a uniformed service member
18 is deployed.

19
20 17-4-103. Definitions.

21 As used in this chapter:

22 (1) "Automatic occupational licensure" means the granting of
23 occupational licensure without an individual's having met occupational
24 licensure requirements provided under this title or by the rules of the
25 relevant occupational licensing entity;

26 (2) "Occupational licensing entity" means an office, board,
27 commission, department, council, bureau, or other agency of state government
28 having authority to license, certify, register, permit, or otherwise
29 authorize an individual to engage in a particular occupation or profession,
30 not including occupations or professions within the judicial branch of
31 government or occupations or professions subject to the superintending
32 control of the Supreme Court;

33 (3) "Occupational licensure" means a license, certificate,
34 registration, permit, or other form of authorization required by law or rule
35 that is required for an individual to engage in a particular occupation or
36 profession;

1 (4) "Uniformed service member" means:

2 (A) An active or reserve component member of the United
3 States Air Force, United States Army, United States Coast Guard, United
4 States Marine Corps, United States Navy, United States Space Force, or
5 National Guard;

6 (B) An active component member of the National Oceanic and
7 Atmospheric Administration Commissioned Officer Corps; or

8 (C) An active or reserve component member of the United
9 States Commissioned Corps of the Public Health Service; and

10 (5) "Uniformed service veteran" means a former member of the
11 United States uniformed services discharged under conditions other than
12 dishonorable.

13
14 17-4-104. Applicability.

15 Unless otherwise stated in this chapter, this chapter applies to:

16 (1) A uniformed service member stationed in the State of
17 Arkansas;

18 (2) A uniformed service veteran who resides in or establishes
19 residency in the State of Arkansas; and

20 (3) The spouse of:

21 (A) A person listed in subdivision (1) or (2) of this
22 section;

23 (B) A uniformed service member who is assigned a tour of
24 duty that excludes the uniformed service member's spouse from accompanying
25 the uniformed service member and the spouse relocates to this state; and

26 (C) A uniformed service member who is killed or succumbs
27 to his or her injuries or illness in the line of duty if the spouse
28 establishes residency in the state.

29
30 17-4-105. Automatic occupational licensure.

31 An occupational licensing entity shall grant automatic occupational
32 licensure to engage in an occupation or profession to an individual who is:

33 (1) Listed in § 17-4-104; and

34 (2) The holder in good standing of occupational licensure with
35 similar scope of practice issued by another state, territory, or district of
36 the United States.

17-4-106. Expedited occupational licensure.

(a)(1) An occupational licensing entity may submit proposed rules recommending an expedited process for the attainment of occupational licensure instead of automatic occupational licensure as provided under § 17-4-105 to the Administrative Rules Subcommittee of the Legislative Council.

(2) The proposed rules described in subdivision (a)(1) of this section shall include temporary or provisional occupational licensure provisions with a term of ninety (90) days or more.

(3) The occupational licensing entity shall provide automatic occupational licensure if the proposed expedited occupational licensure rules are not approved as required by § 17-4-109.

(b)(1) An occupational licensing entity shall expedite the process for initial occupational licensure for an individual who is listed in § 17-4-104.

(2) An occupational licensing entity shall provide the applicant under subdivision (b)(1) of this section with a temporary or provisional license upon receipt of required documentation or the successful completion of any examination required by the relevant occupational licensing entity to enable the applicant to secure employment in his or her occupation or profession.

17-4-107. Acceptance of uniformed service education, training, experience, or service-issued credential.

An occupational licensing entity shall accept relevant and applicable uniformed service education, training, or service-issued credential toward occupational licensure qualifications or requirements when considering an application for initial licensure of an individual who is:

(1) A uniformed service member; or

(2) A uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.

17-4-108. Extension of license expiration and continuing education requirements.

(a) An occupational licensing entity shall extend the expiration date of an occupational licensure for a deployed uniformed service member or his or her spouse for one hundred eighty (180) days following the date of the

1 uniformed service member's return from deployment.

2 (b)(1) An occupational licensing entity shall allow a full or partial
3 exemption from a continuing education requirement that is required as a
4 component of occupational licensure for an individual who is listed in
5 subsection (a) of this section until one hundred eighty (180) days following
6 the date of the uniformed service member's return from deployment.

7 (2) An occupational licensing entity that allows full or partial
8 exemption from continuing education requirements may require evidence of
9 completion of continuing education before granting a subsequent occupational
10 licensure or authorizing the renewal of an occupational licensure.

11
12 17-4-109. Legislative oversight of rules.

13 (a) The Administrative Rules Subcommittee of the Legislative Council
14 shall:

15 (1) Review the proposed rules of an occupational licensing
16 entity as submitted for public comment at least thirty (30) days before the
17 public comment period ends under the Arkansas Administrative Procedure Act, §
18 25-15-201 et seq.; and

19 (2) Approve the proposed rules submitted under § 17-4-106 based
20 on:

21 (A) A determination of whether the expedited process
22 provides the least restrictive means of attaining occupational licensure; and

23 (B) Any other criteria the Administrative Rules
24 Subcommittee of the Legislative Council determines necessary to achieve the
25 objectives of this section.

26 (b) The Administrative Rules Subcommittee of the Legislative Council
27 may:

28 (1) Establish a further subcommittee to assist in the duties
29 assigned to the Administrative Rules Subcommittee of the Legislative Council
30 under this section;

31 (2) Assign information filed with the Administrative Rules
32 Subcommittee of the Legislative Council under this section to one (1) or more
33 subcommittees of the Legislative Council, including without limitation a
34 subcommittee created under subdivision (b)(1) of this section; or

35 (3) Delegate the duties of the Administrative Rules Subcommittee
36 of the Legislative Council under this section to one (1) or more

1 subcommittees of the Legislative Council, which shall be subject to the final
2 review and approval of the Administrative Rules Subcommittee of the
3 Legislative Council.

4
5 17-4-110. Responsibilities of occupational licensing entities.

6 An occupational licensing entity shall:

7 (1) Submit proposed rules authorized under § 17-4-106 to the
8 Administrative Rules Subcommittee of the Legislative Council for review and
9 approval before the proposed rules are promulgated under the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq.;

11 (2) If the proposed rules are not approved as required under §
12 17-4-109, provide automatic occupational licensure to an individual listed in
13 § 17-4-104;

14 (3) Post prominently on the occupational licensing entity's
15 website a link entitled "Military Member Licensure" that directly leads to
16 information applicable to an individual listed in § 17-4-104; and

17 (4) Provide to the House Committee on Aging, Children and Youth,
18 Legislative and Military Affairs an annual report stating the number of
19 individuals granted automatic occupational licensure and expedited
20 occupational licensure under this chapter.

21
22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that current laws and
24 administrative rules regarding the issuance of occupational licenses,
25 certificates, and permits are barriers and create a hardship for uniformed
26 service members, uniformed service veterans, and their spouses; that
27 additional expedited processes, automatic licensure, and extended expiration
28 dates of occupational licenses, certificates, and permits is needed to ensure
29 that uniformed service members, uniformed service veterans, and their spouses
30 may practice their chosen occupation or profession in the State of Arkansas;
31 and that this act is immediately necessary to remove barriers and hardships
32 in obtaining occupational licenses, certificates, and permits for uniformed
33 service members, uniformed service veterans, and their spouses. Therefore, an
34 emergency is declared to exist, and this act being immediately necessary for
35 the preservation of the public peace, health, and safety shall become
36 effective on:

1 (1) The date of its approval by the Governor;

2 (2) If the bill is neither approved nor vetoed by the Governor,
3 the expiration of the period of time during which the Governor may veto the
4 bill; or

5 (3) If the bill is vetoed by the Governor and the veto is
6 overridden, the date the last house overrides the veto.

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9 */s/Hill*

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12 **APPROVED: 2/23/21**
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State of Arkansas

As Engrossed: S3/10/21

93rd General Assembly

A Bill

Regular Session, 2021

SENATE BILL 153

By: Senators Gilmore, *B. Ballinger, Beckham, Bledsoe, B. Davis, Flipppo, T. Garner, K. Hammer, Hester, B. Johnson, D. Sullivan, C. Tucker, D. Wallace*

By: Representatives Ray, *Beaty Jr., M. Berry, Boyd, Brooks, Brown, Furman, Haak, McCollum, Underwood, Wardlaw*

For An Act To Be Entitled

AN ACT TO CREATE THE WORKFORCE EXPANSION ACT OF 2021;
AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE WORKFORCE EXPANSION ACT OF
2021.

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

SECTION 1. Arkansas Code Title 4, Chapter 25, Subchapter 1, is amended
to add an additional section to read as follows:

4-25-110. Fee waiver for certain individuals.

(a) Notwithstanding any law to the contrary, the initial filing fees, permit fees, and licensing fees associated with the formation of a business in this state shall be waived for applicants who meet the requirements in the Workforce Expansion Act of 2021, § 17-4-101 et seq.

(b) Appropriate state entities shall:

(1) Publish notice of the fee waiver on:

(A) The website maintained by the appropriate state entity; and

(B) Any relevant forms that an applicant is required to complete; and

(2) Promulgate any necessary rules to implement this section.



1 SECTION 2. Arkansas Code Title 17, is amended to add an additional
2 chapter to read as follows:

3 Chapter 4 – Workforce Expansion Act of 2021

4
5 17-4-101. Title.

6 This chapter shall be known and may be cited as the "Workforce
7 Expansion Act of 2021".

8
9 17-4-102. Legislative findings – Purpose.

10 (a) The General Assembly finds that:

11 (1) Entrepreneurs and workers must pay various fees in order to
12 work in a government-regulated profession or occupation or to start a small
13 business in Arkansas;

14 (2) Families trying to break the cycle of government dependency
15 should not have to pay the state to earn a living; and

16 (3) Arkansas should waive initial fees associated with
17 occupational and professional regulations and the formation of a business for
18 low-income individuals.

19 (b) It is the purpose of this chapter to increase access to
20 professional and occupational licenses that would otherwise be cost
21 prohibitive for certain individuals.

22
23 17-4-103. Definitions.

24 As used in this chapter:

25 (1) "License" means a license, certificate, registration,
26 permit, or other form of authorization required by law or rule that is
27 required for an individual to engage in a particular occupation or
28 profession; and

29 (2)(A) "Licensing entity" means an office, board, commission,
30 department, council, bureau, or other agency of state government having
31 authority to license, certify, register, permit, or otherwise authorize an
32 individual to engage in a particular occupation or profession.

33 (B) "Licensing entity" does not include a political
34 subdivision of the state or any other local or regional governmental entity,
35 including without limitation a city of the first class, a city of the second
36 class, an incorporated town, or a county.

1 17-4-104. Fee waiver.

2 (a) Notwithstanding any law to the contrary, a licensing entity shall
3 not require an initial fee for individuals who are seeking to receive a
4 license in this state if the applicant:

5 (1) Is receiving assistance through the Arkansas Medicaid
6 Program, the Supplemental Nutrition Assistance Program, the Special
7 Supplemental Nutrition Program for Women, Infants, and Children, the
8 Temporary Assistance for Needy Families Program, or the Lifeline Assistance
9 Program;

10 (2) Was approved for unemployment within the last twelve (12)
11 months; or

12 (3) Has an income that does not exceed two hundred percent
13 (200%) of the federal poverty income guidelines.

14 (b) The waiver of the initial fee does not include fees for:

15 (1) A criminal background check;

16 (2) An examination or a test; or

17 (3) A medical or drug test.

18 (c) The Department of Human Services and the Division of Workforce
19 Services shall collaborate with a licensing entity concerning verification of
20 eligibility for public benefits for applicants, which may include obtaining a
21 signed consent form from the applicant.

22
23 17-4-105. Licensing entity duties.

24 A licensing entity shall:

25 (1) Publish notice of the fee waiver on:

26 (A) The website maintained by the licensing entity; and

27 (B) Any relevant forms that an applicant is required to
28 complete; and

29 (2) Promulgate any necessary rules to implement this chapter.
30

31 SECTION 3. EFFECTIVE DATE.

32 SECTIONS 1 and 2 of this act shall be effective on and after January 1,
33 2022.
34

35 /s/Gilmore

36 APPROVED: 4/15/21

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1735

By: Representative Penzo
By: Senator Hester

For An Act To Be Entitled

AN ACT TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
LICENSURE FOR CERTAIN INDIVIDUALS; AND FOR OTHER
PURPOSES.

Subtitle

TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
LICENSURE FOR CERTAIN INDIVIDUALS.

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

SECTION 1. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
to add an additional section to read as follows:

17-1-109. Licensing of certain individuals – Definitions.

(a) As used in this section:

(1) "Occupational or professional license" means a license,
certificate, registration, permit, or other form of authorization required by
law or rule for an individual to engage in a particular occupation or
profession; and

(2) "Occupational or professional licensing entity" means an
office, board, commission, department, council, bureau, or other agency of
state government having authority to license, certify, register, permit, or
otherwise authorize an individual to engage in a particular occupation or
profession.

(b) An occupational or professional licensing entity shall grant an
occupational or professional license under this section to an individual who
fulfills the requirements to practice an occupation or profession in this



1 state and is a person who holds a Federal Form I-766 United States
2 Citizenship and Immigration Services-issued Employment Authorization
3 Document, known popularly as a "work permit".

4 (c) This section is a state law within the meaning of subsection (d)
5 of 8 U.S.C. § 1621, as existing on January 1, 2021.

6
7 SECTION 2. DO NOT CODIFY. Rules implementing this act.

8 (a) All occupational or professional licensing entities shall
9 promulgate rules necessary to implement this act.

10 (b)(1) When adopting the initial rules to implement this act, the
11 final rule shall be filed with the Secretary of State for adoption under §
12 25-15-204(f):

13 (A) On or before January 1, 2022; or

14 (B) If approval under § 10-3-309 has not occurred by
15 January 1, 2022, as soon as practicable after approval under § 10-3-309.

16 (2) An occupational or professional licensing entity shall file
17 the proposed rule with the Legislative Council under § 10-3-309(c)
18 sufficiently in advance of January 1, 2022, so that the Legislative Council
19 may consider the rule for approval before January 1, 2022.

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22 APPROVED: 4/19/21
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State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1796

By: Representative Cozart
By: Senator Hill

For An Act To Be Entitled

AN ACT TO AMEND OCCUPATIONAL CRIMINAL BACKGROUND
CHECKS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND OCCUPATIONAL CRIMINAL
BACKGROUND CHECKS.

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

SECTION 1. Arkansas Code § 17-3-102(b)(1), concerning licensing
restrictions based on criminal records, is amended to read as follows:

(b)(1) If an individual has been convicted of a crime listed in
subsection (a) or subsection (e) of this section, a licensing entity may
waive disqualification or revocation of a license based on the conviction if
a request for a waiver is made by:

(A) An affected applicant for a license; or

(B) The individual holding a license subject to
revocation.

SECTION 2. Arkansas Code § 17-3-102(e), concerning licensing
restrictions based on criminal records, is amended to read as follows:

(e) Due to the serious nature of the offenses, the following shall
result in ~~permanent~~ disqualification for licensure, regardless of the date of
conviction or the date on which probation or incarceration ends unless a
waiver is granted under subsection (b) of this section:

(1) Capital murder as prohibited in § 5-10-101;



- 1 (2) Murder in the first degree as prohibited in § 5-10-102 and
2 murder in the second degree as prohibited in § 5-10-103;
3 (3) Kidnapping as prohibited in § 5-11-102;
4 (4) Aggravated assault upon a law enforcement officer or an
5 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
6 felony;
7 (5) Rape as prohibited in § 5-14-103;
8 (6) Sexual extortion as prohibited in § 5-14-113;
9 (7) Sexual assault in the first degree as prohibited in § 5-14-
10 124 and sexual assault in the second degree as prohibited in § 5-14-125;
11 (8) Incest as prohibited in § 5-26-202;
12 (9) Endangering the welfare of an incompetent person in the
13 first degree as prohibited in § 5-27-201;
14 (10) Endangering the welfare of a minor in the first degree as
15 prohibited in § 5-27-205;
16 (11) Adult abuse that constitutes a felony as prohibited in § 5-
17 28-103; and
18 (12) Arson as prohibited in § 5-38-301.

19
20 SECTION 3. Arkansas Code § 17-3-102(g), concerning licensing
21 restrictions based on criminal records, is amended to read as follows:

22 (g) The ~~permanent~~ disqualification for an offense listed in subsection
23 (a) or subsection (e) of this section does not apply to an individual who
24 holds a valid license on July 24, 2019.

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27 **APPROVED: 4/19/21**
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