

REPORT ON THE ACTS OF THE 2023 REGULAR SESSION REQUIRING RULEMAKING

DEPARTMENT OF LABOR AND LICENSING

February 1, 2024



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INTRODUCTION

Arkansas Code § 25-15-216(b)(4), requires the executive head of any agency to provide written monthly updates on the agency's progress in promulgating any rule it has determined is required by newly enacted laws of the latest session of the General Assembly. This report is the monthly update of the Department of Labor and Licensing.

The report is divided into two sections. The first section is organized alphabetically by each board, commission, or other departmental unit for which required rulemaking has been identified. A short description of each Act is provided, together with the lead sponsor. A status bar for each rulemaking entity is provided and will be updated monthly as rulemaking progresses.

The second section of the report is organized by Act number. Each rulemaking entity required to complete rulemaking under an Act is listed for the reader's convenience.

The contact person for future updates is:

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SECTION 1: Boards, Commissions and Other Departmental Units

Arkansas Manufactured Home Commission

Act 391 of 2023. Act 391 amends Arkansas Code § 20-25-106 to adjust the maximum civil penalty amounts in accordance with the Federal Civil Penalties Inflation Adjust Act to allow the commission to meet the requirements of the United States Department of Housing and Urban Development approved state plan and retain federal funding. (Sen. Irvin)

Status: The proposed rules have been approved by the Department's Secretary, Governor's Office, and the Commission. The public comment period will expire March 6, 2024.

Arkansas Real Estate Commission

Act 31 of 2023. Act 31 provides that a person employed by an Arkansas licensed residential construction company is exempt from the Real Estate License Law if certain requirements are met, including that the licensed residential construction company employs a principal broker who is responsible for the conduct of any person employed by the licensed residential construction company who is claiming the exemption. (Rep. Vaught; Sen. Hester)

Status: The proposed rules have been approved by the Department Secretary, Governor's Office, and the Commission. The public comment period expired January 22, 2024. No comments were received. A request has been made to be placed on the ALC Rules Subcommittee March 2024 agenda.

Arkansas Towing and Recovery Board

Act 840 of 2023. Act 840 requires the Arkansas Towing and Recovery Board to promulgate rules necessary for the towing, recovery, and storage of electric vehicles. (Rep. Wing)

Status: The proposed rules have been approved by the Secretary and Governor's Office. The public comment period expired on October 24, 2023. The Department is addressing public comments before requesting to be placed on the ALC's Rules Subcommittee Agenda.

Auctioneer's Licensing Board

Act 677 of 2023. Act 677 updates obsolete and outdated provisions of the Auctioneer's Licensing Act; reduces the grace period for renewing a license from 120 days to 30 days; and provides for the licensing and regulation of in-state online auctions and estate sales by the Auctioneer's Licensing Board. (Sen. Irvin)

Status: The proposed rules are in the process of being drafted and submitted to the Secretary and Governor's office for approval prior to submission to the General Assembly.

Board of Electrical Examiners of the State of Arkansas

Act 318 of 2023. Act 318 amended the definitions of "residential journeyman electrician" and "residential master electrician," and added a definition of dwelling to expand the scope of work for residential electricians from two-family to four-family dwellings, not to include a mixed-use building or other structure that requires commercial grade electric conductors or equipment for any part of the building or other structure. (Rep. McGrew)

Status: The proposed rules have been approved by the Department Secretary, Governor's Office, and the Board. No comments were received at or before the public hearing on January 23, 2024, the expiration of the public comment period. A request has been made to be placed on the ALC Rules Subcommittee March 2024 agenda.

Labor Standards Section, Division of Labor

Act. 195 of 2023. Act 195 repealed Arkansas Code § 11-6-109 concerning child employment certificates. (Rep. Burkes)

Act 687 of 2023. Act 687 amended Arkansas Code § 11-6-103 to provide for criminal referrals and investigations and enhance civil penalties for child labor violations and increase the time for pursuing civil penalties from two (2) to three (3) years. (Sen. Penzo)

Status: Rulemaking is complete for the Child Labor rules. The final rules were filed with the Secretary of State on October 20, 2023, and became effective October 30, 2023.

Professional Bail Bond Company and Professional Bail Bondsman Licensing Board

Act 659 of 2023. Section 238 of Act 659 of 2023, also known as the Protect Arkansas Act, requires that prior to an arrestee's release: (A) The full 10% of premium or compensation is deposited in full; and (B) If property is deposited, appropriate documentation is submitted to the court verifying the value of the property deposited and that title to the property has been transferred to the surety.

Status: The proposed rules have been approved by the Department Secretary, Governor’s Office, and the Board. The public comment period will expire on March 6, 2024.

State Board of Appraisers, Abstracters, and Home Inspectors

Act 628 of 2023. Act 628 creates the State Board of Appraisers, Abstracters, and Home Inspectors; transfers the duties of the Arkansas Abstracters Board, the Arkansas Home Inspector Registration Board, and the Arkansas Appraiser Licensing and Certification Board to the State Board of Appraisers, Abstracters, and Home Inspectors; and abolishes the Arkansas Abstracters Board, the Arkansas Home Inspector Registration Board, and the Arkansas Appraiser Licensing and Certification Board. (Sen. Hammer)

Status: The proposed consolidated rules are in the process of being drafted and submitted to the Secretary and Governor’s office for approval prior to submission to the General Assembly.

SECTION 2. Acts

Act 31 of 2023. Act 31 provides that a person employed by an Arkansas licensed residential construction company is exempt from the Real Estate License Law if certain requirements are met, including that the licensed residential construction company employs a principal broker who is responsible for the conduct of any person employed by the licensed residential construction company who is claiming the exemption.

Arkansas Real Estate Commission

Act 195 of 2023. Act 195 repeals the Division of Labor’s child employment certificate.

Labor Standards Section, Division of Labor

Act 318 of 2023. Act 318 amended the definitions of “residential journeyman electrician” and “residential master electrician,” and added a definition of dwelling to expand the scope of work for residential electricians from two-family to four-family dwellings, not to include a mixed-use building or other structure that requires commercial grade electric conductors or equipment for any part of the building or other structure.

Board of Electrical Examiners of the State of Arkansas

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Arkansas Manufactured Homes Commission

Act 628 of 2023. Act 628 creates the State Board of Appraisers, Abstracters, and Home Inspectors; transfers the duties of the Arkansas Abstracters Board, the Arkansas Home Inspector Registration Board, and the Arkansas Appraiser Licensing and Certification Board to the State Board of Appraisers, Abstracters, and Home Inspectors; and abolishes the Arkansas Abstracters Board, the Arkansas Home Inspector Registration Board, and the Arkansas Appraiser Licensing and Certification Board.

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Professional Bail Bond Company and Professional Bail Bondsman Licensing Board

Act 677 of 2023. Act 677 updates obsolete and outdated provisions of the Auctioneer's Licensing Act and reduces the grace period for renewing a license from 120 days to 30 days. This act also provides for the licensing and regulation of in-state online auctions and estate sales by the Auctioneer's Licensing Board.

Auctioneer's Licensing Board

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Arkansas Towing and Recovery Board