

RECEIVED

AUG 18 2020

BUREAU OF
LEGISLATIVE RESEARCH

State of Arkansas

Department of Labor and Licensing

Appraiser Licensing and Certification Board

Rules

Effective Mark-up Copy

Department of Labor and Licensing
Arkansas Appraiser Licensing and Certification

Board Rules

Table of Contents

Section I - General

A. Creation, Purpose and Organization	5
B. Definitions	5-7
C. Board Compensation and Expense Reimbursement.....	7 8
D. Action of the Board	8-9
E. Records of the Board	9- 10
F. Restrictions On Appraisal Practice/Services	10- 11 12
G. Licensure and Certification	11 12
H. Denial of License or Certificate	11 12
I. Appraiser Seal	11 -12 13
J. Form and Content	12 13
K. Individual Licenses, Certificates, and Pocket Cards.....	12 13-14
L. Replacement License or Certificate.....	12-13 14
M. National Appraiser Registry.....	13 14
N. Education Approval and Requirements	13-20 14-24
O. Uniform Standards of Professional Appraisal Practice.....	20 24
P. Grounds for Disciplinary Action.....	20-21 24
Q. Complaint Adjudication and Publication of Action	21 24-25
R. Declaratory Orders.....	21-22 25-26
S. <u>Military Veterans</u>	26

Section II - General Qualifications for Registration, Licensure or Certification

A. Reputation.....	23 26-27
B. Education.....	23 27
C. Non-Resident.....	23 27
D. Prior Convictions.....	23 27
E. Minimum Age.....	23 27
F. <u>Approval By Resolution of Board</u>	23
G. Forms, Signatures, Notarization.....	23 27
H. Identification.....	23 27-28
I. Additional Investigation.....	23 28

Section III – General Examination and Experience Criteria

A. Examination Criteria.....	23-24 28
B. Experience Criteria.....	24-25 28-30

Section IV—Criteria Applicable to a Registered Apprentice Appraiser Credential

A. <u>General</u>	30
-------------------------	----

B. Examination.....	30
C. Qualifying Education.....	30-31
D. Experience.....	31
E. Training.....	31-32

Section IV – Criteria Applicable to a State Licensed Real Property Appraiser Credential

A. General	26	32-33
B. Examination.....	26	33
C. Qualifying Education.....	27	33-34
D. Experience.....	27	34

Section VI – Criteria Applicable to a Certified Residential Real Property Appraiser Credential

A. General.....	28	34-35
B. Examination.....	28	35
C. Qualifying Education.....	28-31	35-38
D. Experience.....	31-32	38

Section VII – Criteria Applicable to a Certified General Real Property Appraiser Credential

A. General.....	32	38-39
B. Examination.....	32	39
C. Qualifying Education.....	32-34	39-41
D. Experience.....	34	41

Section VIII – Criteria Applicable to a State Registered Real Property Appraiser Credential

A. General.....	34	41-42
B. Examination.....	35	42
C. Qualifying Education.....	35	42
D. Experience.....	35	

Section VIII IX – Non-Resident Registration and/or Licensing: Reciprocity

A. General.....	36
A. Credential Required.....	42-43
B. Applicant Requirements.....	43
C. Application Requirements.....	43
D. Term of Credential.....	43

Section IX – Non-Resident Licensure & Certification via Temporary Permit or Reciprocity **Licensure & Certification – Temporary Practice Permit**

A. Temporary Licensure and Certification.....	36
B. Term of Temporary Licensure and Certification.....	36-37
C. Permanent Licensure and Certification.....	37
D. Term of Non-Resident.....	37
E. Transfer of License.....	37

A. Temporary Practice Permit Requirements.....	44
B. Term.....	45
C. Court Testimony.....	45-46

Section XI – Transfer of Licensed or Certified Credential

A. General.....	46
-----------------	----

Section XII - Licensure Expiration, Renewal, Upgrade, and Inactive Status

A. Inactive Date.....	37 47
B. Procedures for Renewal.....	37 47
C. Renewal Notice.....	37-38 47
D. Renewal Payment.....	38 47
E. Pocket Card/CE Requirements.....	38 47
F. Timely Renewal.....	38 47
G. Inactive the First 184 Days.....	38 47
H. Inactive 185 days up to 12 Months.....	38 47
I. Inactive after 12 Months.....	38 48
J. Background check inactive more than 12 Months.....	38-39 48
K. Not Authorized to Practice if in Inactive Status.....	39 48
L. Revoked or Suspended.....	39 48

Section XIII – Supervisory Guidelines and Responsibilities

A. Supervisor Responsibilities	39-40 48-51
--------------------------------------	-------------

Section XIV - Fees and Payment of Fees

A. Types of Fees	40-41 51
B. Payment of Fees.....	41 51-52
C. Delinquency provision (Fees and Continuing Education).....	41 52

Section XV – Criminal Background Checks

A. Definitions.....	52
B. Background Check Required.....	52-53
C. Application Procedure.....	53-55
D. Pre-Licensure Criminal Background Check.....	55

Section I – General (A) Creation, Purpose

1. The Arkansas Appraiser Licensing and Certification Board, (Board), was created by the action of the 78th General Assembly of the State of Arkansas during its regular session of 1991 with the passage of Act 541, "The Arkansas Appraiser Licensing and Certification Act 541" of 1991. (A. C. A. 17-14-201 as amended)
2. The Arkansas Appraiser Licensing and Certification Board's purpose in promulgating these ~~regulations~~ rules is to implement the provisions of Act 541 of 1991. The Arkansas Appraiser Licensing and Certification Act in a manner consistent with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), Title 12, United States Code, Sections 93, et seq. The Board is authorized to promulgate such rules as may be necessary to insure compliance with FIRREA and other applicable federal law.
3. The Board shall hire a permanent staff to conduct the daily business of the Board. The specific duties of the permanent staff shall be determined by the Board. The staff shall consist in the first year of the biennium beginning July 1, 1991, of an Executive Director and one (1) Administrative Assistant. During the second year of the biennium one (1) additional permanent position of Investigator shall be created. Qualifications and salary levels for all permanent staff positions shall be determined by the Board and vacant staff positions will be filled following proper notice and advertising of the available positions with the State Employment Security Division and in accordance with all other State statutes regarding the hiring of public employees.
4. The Board shall hold regular meetings in accordance with Section 5 of Act 541 to consider and act upon applications for certification and licensure, complaints regarding licensees, and to transact other business as may come properly before it.
5. Request for general information, applications for examination for certificates or licenses, complaint forms or copies of ~~regulations~~ rules may be directed to the Arkansas Appraiser Licensing and Certification Board.

Section I – General (B) Definitions

The following words and terms, when used in these ~~regulations~~ rules, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:

1. **"Act 541"** – The Arkansas Appraiser Licensing and Certification Act of 1991, as amended, and codified as A. C. A. 17-14-101 et seq.,
2. **"Board"** – The Arkansas Appraiser Licensing and Certification Board created under Act 541 of 1991.
3. **"Appraiser or Real Estate Fee Appraiser"** – Any person who, for a fee or valuable consideration, develops and communicates a real estate appraisal or otherwise gives an opinion of the value of real estate or any interest therein.
4. **"Independent Appraisal Assignment"** – Any engagement for which an appraiser is employed, or retained to act or to be perceived by third parties or the public as acting as

a disinterested third party in rendering an unbiased analysis, opinion, or evaluation, or conclusions relating to the nature, quality, value, or utility or identified as real estate or real property.

5. **"State Certified Appraiser"** – Any individual who has satisfied the requirements for State Certification in the State of Arkansas and who is qualified to perform appraisals of real property types of any monetary size and complexity. Within this category are included two (2) sub-classifications of certification;
 - a. **"State Certified Residential Appraiser"** which applies to the appraisal of one-to-four residential units without regard to transaction value or complexity. (Note: This classification applies to the appraisal of one-to-four residential units without regard to transaction value of complexity based on the consensus of the Appraiser Qualifications Board of The Appraisal Foundation. The Federal Financial Institutions Regulatory Agencies as well as other agencies and regulatory bodies permit the Certified Residential classification to appraise properties other than those specified by the Appraiser Qualifications Board. All Certified Residential appraisers are bound by the Competency [Provision Rule](#) of the Uniform Standards of Professional Appraisal Practice.)
 - b. **"State Certified General Appraiser"** which applies to the appraisal of all types of real property. All Certified General real property appraisers are bound by the Competency [Provision Rule](#) of the Uniform Standards of Professional Appraisal Practice.
6. **"State Licensed Appraiser"** – Any individual who has satisfied the requirements for State Licensing in the State of Arkansas and who is qualified to perform appraisals of real property types up to a monetary size and complexity as prescribed by the Appraisal Qualifications Board of The Appraisal Foundation. (Note: This classification applies to the appraisal of non-complex one-to-four residential units having a transaction value less than \$1,000,000 and complex one-to-four residential units having a transaction value less than \$250,000 based on the consensus of the Appraiser Qualifications Board of The Appraisal Foundation. The Federal Financial Institutions Regulatory Agencies as well as other agencies and regulatory bodies permit the licensed classification to appraise properties other than those specified by the Appraiser Qualifications Board. All Licensed appraisers are bound by the Competency [Provision Rule](#) of the Uniform Standards of Professional Appraisal Practice.)
7. **"State Registered Appraiser"** – Any person who has satisfied the requirements for registering as set forth in Section 17-14-307 of the Arkansas Appraiser Licensing and Certification Act or requirements as may have been determined by the Board and who may perform appraisals on any type of property except when the purpose of the appraisal is for use in federally related transactions.
8. **"Complex 1-to-4 Family Residential Property Appraisal"** – One in which the property to be appraised, the form of ownership, or market conditions are atypical.
9. **"Open Public Meetings"** – All meetings, formal or informal, special or regular of the Arkansas Appraiser Licensing and Certification Board except those classified as

"Executive Sessions" under Act 541, Section 12. (a), the Arkansas Appraiser Licensing and Certification Act and [Ark. Stat. 25-19-106, Paragraphs (c)(1), (c)(2)(A) & (c)(2)(B), and (c)(4)], the Freedom of Information Act.

10. **"Executive Sessions"** – Those meetings of the Arkansas Appraiser Licensing and Certification Board conducted for the purpose of disciplinary hearings, to determine whether to levy civil penalties under this Act, and/or for the purpose of determining whether to revoke or suspend any license or certificate issued pursuant to Act 541 of 1991, and additionally, those permitted under the Freedom of Information Act for the purpose of considering employment, appointment, promotion, disciplining, or resignation of any public officer or employee.
11. **"Transaction Value"** – For the purposes of these ~~regulations~~ rules this means:
 - a. For loans or other extensions of credit, the amount of the loan or extension of credit;
 - b. For sales, leases, purchases, and investments in or exchanges of real property, the market value of the real property interest involved;
 - c. For the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property;
 - d. For condemnation appraisals the value will be the total market value of the property before any acquisition of property occurs;
12. **"Supervisory Appraiser"** – A State Certified Appraiser who, ~~after January 1, 2015,~~ (1) formally agrees to supervise the work of a specific ~~State Registered Appraiser~~ Registered Apprentice Appraiser; (2) is recorded by the Board as a Supervisory Appraiser; and (3) has successfully completed the four ~~(4)~~ hour Supervisor/Trainee course offered by the Arkansas Appraiser Licensing and Certification Board ~~or other approved education provider~~. Refer to Section XIII of these ~~se~~ Rules ~~and Regulations~~ for additional qualifications.
13. ~~"Trainee Appraiser" – Any State Registered Appraiser under the supervision of a State Certified Appraiser and who has successfully completed the four hour Supervisor/Trainee course offered by the Arkansas Appraiser Licensing and Certification Board or other approved education provider.~~
13. **"Registered Apprentice Appraiser"** – An individual who has satisfied the requirements for apprentice appraiser by the Appraiser Qualifications Board and who is subject to direct control and supervision by a qualified state-certified appraiser supervisor as a part of upgrading his/her classification to state-licensed or state-certified. The scope of practice for a registered apprentice appraiser is the appraisal of properties that the state-certified appraiser supervisor is permitted by his or her current credential and competent to appraise.
14. **"Returning Military Veteran"** – means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.
15. **"Expedited Credentialing"** – an expedited credential shall be issued within five (5) days of receipt of a completed application.

Section I – General (C) Board Compensation and Expense Reimbursement

Each member of the Arkansas Appraiser Licensing and Certification Board shall receive a per diem allowance of sixty dollars (\$60) (or as amended by Legislative Act) as compensation for each meeting of the Board at which the member is present and for each day or substantial part thereof actually spent in the conduct of the business of the Board, plus all appropriate expenses as approved by the Board. Appropriate expenses are the reimbursable expenses a member of the Board necessarily incurs in the discharge of his/her official duties. Request for compensation or reimbursement of appropriate expenses shall not be processed for payment unless sufficient funds are available for that purpose within the appropriations for this Board.

Section I – General (D) Action of the Board

Any adjudicatory or rule making action taken by the Board pursuant to Act 541 of 1991 or these ~~regulations~~ **rules** shall first be in compliance with the Administrative Procedure Act, A. C. A. 25-15-201 et seq., and may be performed by a number of the Board's members or by those officers, employees, agents or representatives of the Board as is permitted by law and authorized by a majority of the Board's membership. The Board may take action by a mail ballot or by a conference telephone call and any such action so taken shall be conducted in the presence of an administrative secretary and a record of such actions and meetings shall be recorded in the minutes of the Board. All meetings of the Board or subcommittees of the Board shall be open public meetings as defined herein except as provided herein for "Executive Sessions" in Section I General (B) ~~(7)~~ **(10)**.

The Executive Director, Deputy Director, Administrative Assistant, and the Investigator are prohibited from engaging in any act for which a certificate or a license is required under the provisions of Act 541 or receive or become entitled to receive any fee or compensation of any kind in any capacity whatsoever, either directly or indirectly, in connection with any real estate appraisal transaction. Practicing appraiser members of the Board are excluded from this prohibition as are contracted investigators or other contracted experts who may be employed by the Board from time-to-time.

The Board may conduct disciplinary proceedings from time-to-time and may cause the actions of a registered, licensed or certified appraiser against whom a complaint has been filed to be investigated. For a complaint to be considered, the complainant shall file the complaint in writing at the permanent address of the Board, directed to the Arkansas Appraiser Licensing and Certification Board. The written complaint shall specifically state the issues of the complaint, and the date(s) on which the events causing or leading to the complaint occurred. The Executive Director, Chief Investigator, or authorized employee of the Board, upon receiving any such complaint shall present the complaint to a Board Committee or Panel to determine if the Board has jurisdiction to proceed.

The Board may initiate its own complaint when sufficient documents and information (i.e. appraisal reports, reviews and/or outlined deficiencies) are available on which to conclude that the Uniform Standards, the State law, and/or these Rules may have been violated.

If jurisdiction is established or the Board initiates its own complaint, the Executive Director, or board staff, shall notify in writing every person complained against, and provide that person an opportunity to respond in writing. A copy of the written complaint shall be furnished to the appraiser under investigation and a copy of the appraiser's response shall be furnished to the complainant. Appraisers failing to respond in writing within thirty (30) days of receipt of the complaint will be deemed unresponsive and the complaint will be further considered without benefit of the appraiser's input.

The Executive Director, Chief Investigator, or authorized employee, may proceed at any time after jurisdiction has been established, to investigate said complaint and take statements from any person thought to have any knowledge of any facts pertaining thereto. The Board may request the registered, licensed, or certified appraiser under investigation to answer the charges made against him/her in writing and to produce relevant documentary evidence and may request him/her to appear before it.

Every properly filed complaint shall be presented to and reasonably disposed of by the Board. The Board may subpoena and issue subpoena duces tecum and bring before it any person in this State or licensed by the Board, and take testimony by deposition, in the same manner as prescribed by law in judicial proceedings in the courts of this State, or require production of any records relevant to any inquiry or hearing by the Board.

Records of ongoing disciplinary proceedings and investigations shall not be disseminated by the Board or its staff to the public unless a request has been made pursuant to the Arkansas Freedom of Information Act or unless otherwise required by law. Disciplinary hearings shall be conducted according to the Arkansas Administrative Procedures Act, A. C. A. Sec. 25-15-201 et seq.

Section I – General (E) Records of the Board

All public records of the Arkansas Appraiser Licensing and Certification Board shall be open for inspection and copying at the office of the Board by any member of the general public during normal business hours (8:00 a.m. to 4:30 p.m. Monday through Friday, except holidays) except for those records exempt under Act 541 of 1991 and under these [regulations](#) [rules](#). All public meetings of the Arkansas Appraiser Licensing and Certification Board will be open to any member of the public.

The Executive Director of the Board shall be established as the custodian of the Records of the Board. The Executive Director shall be responsible for the maintenance of the Board's records and shall also be responsible for access to public records.

Individuals may inspect and copy public records pursuant to the procedures set forth in the Arkansas Freedom of Information Act, A. C. A. 25-19-101 et. seq. and shall pay an appropriate fee or fees as shall be set by the Board.

Pursuant to Act 1028 of 2019, the Board must record all officially scheduled, special, and called open public meetings in a manner that allows for the capture of sound. Therefore, with the exception of Executive Sessions, a sound-only recording will be made of the open public meetings of the Board. The recordings will be maintained by the Board for a period of one (1) year from the date of the open public meeting. The recordings will be maintained in a format that may be reproduced.

Section I – General (F) ~~Restrictions on Appraisal Practice/Services~~ Standards of Practice and Restrictions on Appraisal Practice

Standards of Practice

Appraisers in all classifications shall perform and practice in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP).

Restrictions on Appraisal Practice

All appraisal services rendered in federally related transactions must be performed or rendered by a person or persons holding the appropriate registration, license or certification. All written appraisal reports shall make a specific reference to any person(s), bear the signature(s) and seal(s) of all properly registered, licensed or certified person(s) who participated significantly in the performance of the appraisal or delivery of appraisal services. All Registered, Licensed or Certified appraisers signing an appraisal report or other document representing the delivery of appraisal services shall assume full joint and several responsibility and liability for the compliance of the appraisal performed or the appraisal service rendered with respect to compliance with the Uniform Standards of Professional Appraisal Practice.

A ***State Licensed Appraiser*** may perform appraisals of non-complex one (1) to four (4) residential units having a transaction value of less than \$1,000,000, ~~or such other transaction value levels as shall be set by the Federal Financial Institutions Regulatory Agencies and~~ of complex one (1) to four (4) residential units having a transaction value of less than \$250,000. Complex one-to-four units residential property appraisal means one in which the property to be appraised, the form of ownership, or the market conditions are atypical. For non-federally related transaction appraisals, transaction value shall mean market value. The classification includes the appraisal of vacant or unimproved land that is utilized for one-to-four residential units, or for which the highest and best use is for one-to-four residential units. The classification does not include the appraisal of subdivisions for which a development analysis/appraisal is necessary. ~~or such other~~

~~transaction value levels as shall be set by the Federal Financial Institutions Regulatory Agencies. In addition, a State Licensed Appraiser may perform appraisals of all other properties of a non-complex character with transaction values up to levels set by the Federal Financial Institutions Regulatory Agencies subject to the Competency Provisions of the Uniform Standards of Professional Appraisal Practice.~~ All State Licensed Appraisers must comply with the Competency Rule of the Uniform Standards of Professional Appraisal Practice.*

A **State Certified Residential Appraiser** may perform appraisals of ~~all properties that a State Licensed Appraiser may appraise and also all~~ one (1) to four (4) residential units without regard to ~~transaction value or complexity. All appraisals and/or appraisal services performed by a State Certified Residential Appraiser shall be subject to the Competency Provision of the Uniform Standards of Professional Appraisal Practice.~~ The classification includes the appraisal of vacant or unimproved land that is utilized for one-to-four residential unit purposes or for which the highest and best use is for one-to-four residential units. The classification does not include the appraisal of subdivisions for which a development analysis/appraisal is necessary. All Certified Residential appraisers must comply with the Competency Rule of the Uniform Standards of Professional Appraisal Practice.*

A **State Certified General Appraiser** ~~shall have no transaction value limits or complexity restrictions on his/her appraisal practice subject only to the Competency Provisions of the Uniform Standards of Professional Appraisal Practice~~ may perform appraisals of all types of real property. All Certified General appraisers must comply with the Competency Rule of the Uniform Standards of Professional Appraisal Practice.

**State Licensed and Certified Residential appraisers performing appraisals on non-residential (i.e. commercial, farms, timberland, etc.) property types shall comply with the following limitations.*

- Federally Related Transactions: A state licensed/certified residential appraiser shall be limited to appraising a "transaction value" (loan value) of no more than \$250,000.
- Non-Federally Related Transactions: A state licensed/certified residential appraiser shall be limited to a "property value" of no more than \$250,000.

A **State Registered Appraiser** may perform appraisals on any type of property except (1) when the purpose of the appraisal is for use in federally related transactions, or (2) The client requires a State Licensed or Certified appraiser, and must include in all appraisal reports a statement that the appraisal may not be eligible for use in federally related transactions.

All appraisals and/or appraisal services performed by a state registered appraiser shall

be subject to the Competency ~~Provision~~ Rule of the Uniform Standards of Professional Appraisal Practice.

~~These restrictions shall not preclude any person who is registered from participating in the performance of appraisals or providing appraisal services in federally related transactions provided that the participation is under the supervision of a State Certified Residential Appraiser or a State Certified General Appraiser. The intent of this provision is to allow persons to participate in the performance of appraisals or providing of appraisal services under the supervision of property certified appraisers as registered appraisers, employees, apprentices, trainees, sub-contractors, co-signors, research assistants, or other capacities related to the production of appraisal reports or the delivery of appraisal services without being licensed or certified. All appraisal services rendered in federally related transactions must be performed or rendered by a person or persons holding the appropriate license or certificate. All written appraisal report shall make specific reference to any person(s), bear the signature(s) and seal(s) of all properly registered, licensed or certified person(s) who participated significantly in the performance of the appraisal or delivery of appraisal services. All Registered, Licensed or Certified appraisers signing an appraisal report or other document representing the delivery of appraisal services shall assume full joint and several responsibility and liability for the compliance of the appraisal performed or the appraisal service rendered with respect to compliance with the Uniform Standards of Professional Appraisal Practice.~~

A Registered Apprentice Appraiser may assist in the performance of an appraisal of properties that his or her state-certified appraiser supervisor is permitted to appraise by his or her current credential. The Registered Apprentice Appraiser and his or her state-certified supervisor must comply with the Competency Rule of the Uniform Standards of Professional Appraisal Practice.

Section I – General (G) Licensure and Certification

If upon passing the required appropriate examination, an applicant is found by the Board to be otherwise qualified, the Board shall issue to the applicant, a real estate appraiser license or a real estate appraiser certificate indicating residential or general status.

Section I – General (H) Denial of a Registration, License or Certificate Certification

If the Board finds that there is substantial reason to deny the application for a registration, license, or certification, the Board shall notify the applicant that the application has been denied. The Board shall afford the applicant an opportunity for a hearing before the Board to show cause why the application should not be denied. Such requests must be sent to the Board within thirty (30) calendar days from the date notification is received from the Board to appeal the decision.

All proceedings concerning the denial of an appraiser credential shall be governed by the Arkansas Administrative Procedures Act, § 25-15-201 et seq.

~~An applicant denied a license or certificate shall be notified in writing by the Board of such denial and the reason therefore. Such applicant may request an informal conference with the Board to reconsider such denial at its next scheduled meeting. Such request must be sent to the Board office within thirty (30) days of the date of the notice of denial.~~

~~Denial of a license or certificate is not an administrative adjudication as provided for under the Arkansas Administrative Procedures Act.~~

Section I – General (I) Appraiser Signature and Seal

Each registered, licensed and certified appraiser, at his/her own expense, shall secure, upon authorization by the Board, a seal, or rubber stamp, the form of which shall be approved by the Board.

In addition to the personal seal or rubber stamp, the licensee credential holder shall also affix his/her signature, at a minimum, to the signature page(s) of the original estimates, reports and other documents or instruments letter of transmittal (if applicable) and the certification page of each appraisal report or appraisal service, which were prepared by him/her or were prepared under his/her direction.

Section I – General (J) Form and Content

The Board shall issue to each registered, licensee or certificate holder a license or certificate as applicable, in a form as shall be prescribed by the Board. The license and/or certificate shall show the name of the registered, licensee or certificate holder and a license or certificate number assigned by the Board. Each license and/or certificate shall have imprinted on it the state seal and in addition shall contain other matters as shall be prescribed by the Board.

Registrations, License and certificate documents, pocket cards and seals shall remain the property of the state and upon any suspension, revocation or denial of a license or certificate, the individual holding the related license or certificate document and pocket card shall return them to the Board within ten (10) days of notification by the Board and shall cease to use seals or stamps immediately upon receipt of notice.

Section I – General (K) Individual License, Certificates, Business Names, and Pocket Cards

A registered, licensee or certificate holder shall not conduct his/her business under any other name or at any other address than the one for which his/her individual license or certificate is issued unless he/she first registers the name(s) with the Board. If a registered, licensee or certificate holder changes his/her name or business address, he/she shall notify

the Board in writing within thirty (30) days after the change becomes effective.

In addition to the individual license or certificate to be issued to each qualified individual, the Board shall furnish to each individual a pocket card, which shall certify that the person whose name appears on the pocket card is a state registered appraiser, registered apprentice appraiser, state licensed appraiser, a state certified residential appraiser, or a state certified general appraiser, and indicate any current restrictions of that licensee's practice. Each registered, licensee or certificate holder shall carry his/her pocket card upon his/her person at all times when conducting any real estate appraisal related activity and shall exhibit it upon demand.

Section I – General (L) Replacement License or Certificate

A registered, licensed or certificate holder may, by filing a written request ~~and paying an appropriate fee to the Board~~, obtain a duplicate registration, license or certificate which has been lost, damaged or destroyed or if the name of the licensee or certificate holder has been lawfully changed.

Section I – General (M) National Appraiser Registry

The Board shall submit to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council all names of individuals who are qualified as licensees or certificate holders in the State of Arkansas, both resident and non-resident, provided the individuals have paid to the Board the appropriate registry fee established for that purpose by the Appraisal Subcommittee or any other appropriate federal agency or instrumentality. If a non-resident appraiser is licensed or certified on a non-temporary basis in another state, and chooses to be licensed or certified in Arkansas on a non-temporary basis, the national registry fee shall be collected by the Arkansas Appraiser Licensing and Certification Board and submitted to the Appraisal Subcommittee. The national registry fee collected by the Arkansas Appraiser Licensing and Certification Board from non-resident appraisers shall be an additional national registry fee to that which is collected from the other state(s) where the appraiser may be licensed or certified on a non-temporary basis. An appraiser holding the classification of "State Registered" or "Registered Apprentice Appraiser" will not be assessed a national registry fee.

Section I – General (N) Education Approval and Requirements

1. General Requirements for Education Offerings

- A. The Board may ~~recommend~~ approve or disapprove all course offerings for ~~pre-licensure and pre-certification as well as for~~ qualifying education and continuing education. The approval process shall apply to course content, facilities, text, course delivery mechanism, and other materials utilized in the offering and instructors. The

Board may, at its sole discretion employ the services of an advisory education panel for the purpose of reviewing educational offerings for quality, content, and qualifications of instructors. ~~No educational offering, course or program for pre-licensure or certification credit or for continuing education credit will be announced or advertised unless it is approved by the Board for credit.~~ The Board may recognize any educational offering recommended or approved by the Appraiser Qualification Board (AQB) of the Appraisal Foundation.

~~Time requirements for the purpose of all educational offerings shall provide that a classroom hour means sixty (60) minutes, at least fifty (50) minutes of which shall be devoted to actual classroom instruction and no more than ten (10) minutes of which shall be devoted to a non-instructional activity.~~

- B. Time requirements for the purpose of all educational offerings include:
 - 1. A class hour is defined as 60 minutes, of which at least 50 minutes are instruction attended by the student.
 - 2. The prescribed number of class hours includes time for examinations.
- C. Credit for the class hour requirements may be obtained only from the following providers:
 - 1. Colleges or universities;
 - 2. Community or junior colleges;
 - 3. Real estate appraisal or real estate-related organizations;
 - 4. State or federal agencies or commissions;
 - 5. Proprietary schools;
 - 6. Providers approved by the Board; or
 - 7. The Appraisal Foundation or its Boards.
- D. Experience may not be substituted for education.
- E. Distance education is defined as any education process based on the geographical separation of student and instructor. A distance education course is acceptable to meet class hour requirements if:
 - 1. The course provides interaction. Interaction is a reciprocal environment where the student has verbal or written communication with the instructor; and
 - 2. Content approval is obtained from the AQB, the Board, or an accredited college, community college, or university that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the US Secretary of Education. Non-academic credit college courses provided by a college shall be approved by the AQB or the Board; and
 - 3. Course delivery mechanism approval is obtained from one of the following sources:
 - a. AQB approved organizations providing approval of course design and

delivery; or

- b. a college or university that qualifies for content approval in paragraph 2 above that awards academic credit for the distance education course; or
- c. a qualifying college or university for content approval with a distance education delivery program that approves the course design and delivery that incorporate interactivity.

- 4. If the IDECC certification of the course delivery mechanism expires prior to the Board's approval expiration date of the course, the course will ~~no longer~~ not be accepted for credit until the provider can provide an updated certification.

~~Credit toward the qualifying education requirement for all classes of licensing or certification may only be granted where the length of the educational offering is at least fifteen (15) hours and the individual successfully completed an examination pertinent to that educational offering. The examination requirement may be waived for seminars approved for continuing education.~~

~~Credit for the education requirement must be obtained from the approved provider's course list that can be found on the Board's website.~~

- F. A list of approved education providers and courses is available on the Board's website. If a course is taken that is not on that list, it may be submitted to the Board for individual consideration by submitting the following:
 - 1. A Course Completion Certificate,
 - 2. A timed outline provided by the ~~course~~ education provider, and a
 - 3. A course description from the ~~course~~ education provider.
- G. Education course approval by the Board is initially granted for a period of two (2) years provided no substantive changes in course content is made. Approval may be extended for an additional two (2) years on the written request by the provider. Failure to timely request an extension will result in automatic termination of the education offerings approval status.
- H. The fifteen (15) hour National USPAP Course may not be substituted for the 7-hour National USPAP Update Course.
- I. All persons or providers requesting approval from the Board for an education course shall submit to the Board office a completed "Education Course Approval Application" that is found on the Board's website. The application must be accompanied by the following:
 - 1. A timed outline allocating each heading and subtopic; and
 - 2. A copy of the course materials; and
 - 3. Instructor resume(s); and
 - 4. All AQB and course delivery mechanism approval certificates, if applicable; and
 - 5. Applicable fees.

- J. The Board may at its discretion adopt and implement various procedures for the auditing of any offerings that have been accepted for qualifying and continuing education approval by this agency.

~~All Educational offerings for pre-licensing or certification shall focus on those topics and subject matter outlined in the AQB's core curriculum.~~

~~If a provider is requesting course approval for a fifteen (15) or seven (7) hour USPAP course, at least one of the instructors must be a state-certified appraiser.~~

~~The educational offerings taken to satisfy the qualifying education requirements must not be repetitive. USPAP courses taken in different years are not considered repetitive.~~

K. Examination Proctor Qualifications

1. The person shall not be related to the student by blood or marriage and may not be engaged in any association (personal or business) with the student.
2. The proctor may be selected from the following professions:
 - a. A university, college or community college professor or instructor.
 - b. A public and private school professional (superintendent, principal, guidance counselor, librarian, etc.)
 - c. An AQB certified instructor or an approved professional association's instructor.
3. Proctor(s) shall be approved, in advance, by the Arkansas Appraiser Licensing and Certification Board.

L. Examination Proctor Duties

1. Be satisfied that the person taking the examination is the person registered for the course. This should be verified with a picture ID and another identification document (driver's license, student ID card, etc.).
2. Be in the room while the student is taking the exam. Assure that the student does all the work him/herself without aids of any kind including books, notes, conversation with others, or any other external resource. If the exam calls for mathematical calculations, a non-programmable hand-held calculator may be used.
3. The proctor shall see that the student adheres to the time limit requirement specified for the examination. The examination must be completed in one sitting. If the examination is interrupted for any

reason, the examination can be re-started only by notifying the Arkansas Appraiser Licensing and Certification Board that the examination was interrupted, the reason for the interruption and the Board, or its designee, must approve the request to resume.

4. Upon completion of the examination, the proctor shall submit a certificate indicating the verification of the identity of the student, that the examination was completed on the date assigned during the time permitted and that the student has done all the work him/herself without aids of any kind including books, notes, conversation with others, or any other external resource while taking the examination, including access to internet search engines or web pages other than that displaying the examination.

2. ~~Pre-license and Pre-certification~~ Criteria Specific to Qualifying Educational Offerings Approval Process

~~All Pre-license and Pre-certification educational offerings offered in Arkansas will be reviewed by the Board or its designated advisory panel. Approval by the Board shall occur only after compliance with the following requirements has been established:~~

- A. ~~The pre-license and pre-certification educational offerings will be approved for credit only if the course content is consistent with AQB's core curriculum. Class hours will be credited only for educational offerings with content that follows the AQB Required Core Curriculum for each respective credential classification. Course content requirements may be general or specific to property types. The AQB Required Core Curriculum is to be followed by major headings with the classroom hours for each.~~
- B. ~~Each educational offering shall be conducted and supervised by an instructor who shall be present in the classroom during times of creditable classroom instruction, unless such approved offering is provided in a non-conventional method. (i.e. Internet, CD-ROM, or other electronic means.) Credit toward qualifying education requirements may also be obtained via the completion of a degree in Real Estate from an accredited degree-granting college or university approved by the Association to Advance Collegiate Schools of Business, or a regional or national accreditation agency recognized by the US Secretary of Education, provided that the college or university has had its curriculum reviewed and approved by the AQB.~~

The AQB may maintain a list of approved college or university degree programs, including the *Required Core Curriculum* and Appraisal Subject Matter Elective hours satisfied by the award of the degree. Candidates for a Registered

Apprentice Appraiser, State Registered, State Licensed, Certified Residential, or Certified General credential who are awarded degrees from approved institutions are required to complete all additional education required for the credential in which the approved degree is judged to be deficient by the AQB.

- ~~C. Pre-License, Pre-certification, and continuing educational requirements may be satisfied through the completion of Board approved correspondence courses or other distance educational offerings.~~ Class hours may be obtained only where:
1. the minimum length of the educational offering is at least 15 hours; and
 2. the individual successfully completes a proctored, closed-book final examination pertinent to that educational offering.
- ~~D. Where the qualifying education course includes multiple modules as listed in the *Required Core Curriculum*, there must be appropriate testing of each module included in the course.~~
- ~~E. Courses taken to satisfy the qualifying education requirements must not be repetitive. Courses shall foster problem-solving skills in the education process by utilizing case studies as a major teaching method when applicable.~~
- ~~F. Applicants must take the 15-hour National USPAP Course, or its AQB-approved equivalent, and pass the associated 15-hour National USPAP Course examination. At least one of the course instructors must be an AQB Certified USPAP Instructor who is also a state certified appraiser in good standing. Course equivalency shall be determined through the AQB Course Approval Program or by an alternative method established by the AQB. USPAP education presented in a distance education format must be designed to foster appropriate student-to-student, student-to-instructor, and student-to-material interaction.~~
- ~~G. In addition to the generic requirements described in Section (I) (N) (1) (E), distance education courses intended for use as qualifying education must include a written, closed-book final examination (proctored by a Board approved proctor). The term "written" as used herein refers to an exam that might be written on paper, or administered electronically on a computer workstation or other device. Oral exams are not acceptable. The testing must be in compliance with the examination requirements of this section.~~

~~*Distance education is defined as an educational process in which instruction does not take place in a traditional classroom setting but rather through other media (Non-conventional methods) in which teacher and student are separated by distance and sometimes by time and the course provides interaction.~~

~~Persons or entities seeking Board approval for a distance educational offering shall submit a timed outline and description of the entire course and provide documentation which demonstrates the course complies with the following~~

criteria:

- ~~1. That the educational offering is presented by an approved or accredited college, community or junior college or university that offers distance educational programs and credit in other disciplines; or~~
- ~~2. That the course has received approval for college credit by an accrediting agency recognized by the US Secretary of Education; or~~
- ~~3. That approval of the course design and delivery mechanism has been obtained from an AQB Approval organization or an accredited college or university; and~~
- ~~4. That the course teaches to mastery of the subject and at a minimum covers the following criteria.~~
 - ~~a. Divides the material into major units as approved by the Board;~~
 - ~~b. Divides each of the major units of content into modules of instruction for delivery on a computer or other approved interactive audio or audio-visual programs;~~
 - ~~c. Divides the learning objectives for each module of instructions. The learning objectives must be comprehensive enough to insure that if all the objectives are met, the entire content of the course will be mastered;~~
 - ~~d. Specify an objective, quantitative criterion for mastery used for each learning objective;~~
 - ~~e. Provide a means of diagnostic assessment of each student's performance on an ongoing basis during each module of instruction;~~
 - ~~f. Require the student to demonstrate mastery of all material covered by the learning objectives for the module before the module is completed;~~
 - ~~g. That the course offering is designed in such a way that the material is presented under an approved instructor who shall be available to answer student questions or provide assistance on a timely basis as necessary;~~
 - ~~h. The instructor will provide reasonable oversight of a student's work to ensure that the student who completes the work is the student who enrolled in the course;~~
- ~~5. The course provider must provide documentation of an acceptable method that ensures that the student achieves the classroom-hourly equivalent as approved by the Board;~~
- ~~6. The provider must submit certificates from the International Distance Education Certification Center (IDECC) and the Appraiser Qualifications Board (AQB), if applicable. If the IDECC certification expires prior to the Board's approval, the course will no longer be accepted for credit until the provider can provide an updated certification;~~
- ~~7. For distance education courses where an official cannot proctor classroom~~

~~attendance, and an exam is required, such an examination shall be proctored by an individual approved pursuant to (e) and (f) below;~~
~~8. And such other information as the Board may require.~~
~~9. Students are to certify that they have personally completed each assigned module of instruction.~~

3. Criteria Specific to Continuing Education

- A. The purpose of continuing education is to ensure that appraisers participate in a program that maintains and increases their skill, knowledge, and competency in real property appraising.

Aside from complying with the requirements to complete the 7-hour National USPAP Update Course, or its equivalent, appraisers may not receive credit for completion of the same continuing education course offering within the same continuing education cycle.

- B. Credit towards the continuing education hour requirements for each appraiser classification may be granted only where the length of the educational offering is at least two (2) hours.
- C. Credit may be granted for education offerings that are consistent with the purpose of continuing education and cover real property related appraisal topics, including, but not limited to:
1. Ad valorem taxation;
 2. Arbitration, dispute resolution;
 3. Courses related to the practice of real estate appraisal or consulting;
 4. Development cost estimating;
 5. Ethics and standards of professional practice, USPAP;
 6. Land use planning, zoning;
 7. Management, leasing, timesharing;
 8. Property development, partial interest;
 9. Real estate law, easements, and legal interest;
 10. Real estate litigation, damages, condemnation;
 11. Real estate financing and investment;
 12. Real estate appraisal-related computer applications;
 13. Real estate securities and syndication;
 14. Developing opinions of real property value in appraisals that also include personal property and/or business value;

15. Seller concessions and impact on value; and/or
 16. Energy-efficient items and "green building" appraisals.
- D. Up to one half of an individual's continuing education requirement may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education. Credit for instructing any given course or seminar can only be awarded once during a continuing education cycle.
- E. Educational offerings taken by an individual in order to fulfill the class hour requirement for a different classification than his/her current classification may be simultaneously counted towards the continuing education requirement of his/her current classification.
- F. In addition to the general requirements described in Section (I) (N) (1) (E), distance education courses intended for use as continuing education must include at least one of the following:
1. A written examination proctored by an official approved by the college or university, or by the sponsoring organization. The term "written" as used herein refers to an exam that might be written on paper, or administered electronically on a computer workstation or other device. Oral exams are not acceptable; or
 2. Successful completion of prescribed course mechanisms required to demonstrate knowledge of the subject matter.
- G. Real estate appraisal-related field trips may be acceptable for credit toward the continuing education requirements. However, transit time to or from the field trip may not be included when awarding credit unless instruction occurs during said transit time.
- H. Appraisers must successfully complete the 7-hour National USPAP Update Course, or its AQB-approved equivalent, every two (2) calendar years. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB. The fifteen (15) hour National USPAP Course may not be substituted for the 7-hour National USPAP Update Course.
- I. Individuals who are credentialed in more than one jurisdiction shall not have to take more than one 7-Hour National USPAP Course within a two calendar year period for the purposes of meeting AQB Criteria.

- J. USPAP continuing education credit shall only be awarded when the course is instructed by at least one AQB Certified USPAP Instructor who is also a state certified appraiser in good standing.
- K. AQB Certified USPAP Instructors successfully completing a 7-hour Instructor Recertification Course and exam (if required) within their current continuing education cycle have satisfied the 7-hour National USPAP Update Course continuing education requirement.
- L. Each State Licensed, Certified Residential, and Certified General appraiser shall complete during the two (2) year period prior to renewal of his/her credential in an even-numbered year (i.e. 2018, 2020, etc.) a minimum of twenty-eight (28) hours of qualifying or continuing education. The class hour requirement may be fulfilled at any time during the cycle.
- M. Each State Registered appraiser and Registered Apprentice appraiser shall complete fourteen (14) hours of qualifying or continuing education each calendar year prior to renewal of his/her credential. The class hour requirement can be fulfilled at any time during the cycle.
- N. Waivers may not be granted to credential holders who have failed to meet the continuing education requirements.
- O. Deferrals may not be granted to credential holders, except in the case of individuals returning from active military duty, or individuals impacted by a state- or federally-declared disaster. The Board may allow credential holders returning from active military duty to be placed in an active status for a period of up to ninety (90) days pending completion of all continuing education requirements. The Board may allow credential holders impacted by a state- or federally-declared disaster than occurs within ninety (90) days prior to the end of the continuing education cycle to remain (or be placed in) active status for a period of up to ninety (90) days after the end of the credential holder's continuing education cycle, pending completion of all continuing education requirements.
- P. Credentialed appraisers are required to complete continuing education for a partial year in a continuing education cycle as follows: For continuing education cycle periods of 185 days or more, fourteen (14) hours of continuing education is required. For continuing education cycle periods of less than 185 days, no hours of continuing education are required.

Q. The Board may award continuing education credit to credentialed appraisers who attend a Board meeting, under the following conditions:

1. Credit may be awarded for a single Board meeting per continuing education cycle. The meeting must be open to the public and must be a minimum of two (2) hours in length. The total credit cannot exceed seven (7) hours; and
2. The Board must ensure that the credentialed appraiser attends the meeting for the required period of time.

Section I – General (O) Uniform Standards of Professional Appraisal Practice

The Arkansas Appraiser Licensing and Certification Board adopts the “Uniform Standards of Professional Appraisal Practice” (USPAP) as published and amended by the Appraisal Foundation for ~~2016-2017~~ 2020-2021. This adoption shall include all parts of USPAP including the introductory sections for the purpose of judging those applicants, registrant, licensees and certificate holders with respect to the appropriateness of their conduct and activities as appraisers in the State of Arkansas.

Section I – General (P) Grounds for Disciplinary Action

The Board may, upon its own motion or upon written complaint of any person, and after notice of hearing as prescribed by the Administrative Procedures Act, suspend or revoke the registration, license or certification of any registered, licensee or certificate holder and/or issue a fine up to the amount of \$1,000 per violation occurrence for:

1. Violation of any provision of the Arkansas Appraiser Licensing and Certification Act 541 of 1991 as amended or any of these ~~regulations~~ rules;
2. Falsifying any application for licensure or certification or otherwise providing any false information to the Board;
3. 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.
4. Any actions demonstrating untrustworthiness, incompetence, dishonesty, gross negligence, material misrepresentation, fraud or unethical conduct in any dealings subject to the Act or these ~~regulations~~ rules;
5. Adjudication of insanity;
6. Use of advertising or solicitation which is false, misleading, or is otherwise deemed unprofessional by the Board;
7. Employing directly or indirectly any unregistered or unlicensed person to perform any actions subject to the Act or these ~~regulations~~ rules;
8. Habitual or excessive use of intoxicants or illegal drugs;
9. Failure to meet continuing education requirements within the proper time period;

10. Continuing, after January 1, 2010, to perform appraisal services for an appraisal management company client who is not registered pursuant to Subchapter IV of the A. C. A. 17-14-401 et seq.

Section I – General (O) Complaint Adjudication and Publication of Action

- A. Any appraiser who fails to timely renew their registration, license, certification or elects to surrender their license/certification while a complaint is pending, will be unable to have their license reinstated until the complaint has been resolved. If a disciplinary hearing or informal conference is pending at the time of surrender, the scheduled hearings will proceed with or without the appraiser's participation and any disciplinary action resulting from the hearing shall be placed in the appraiser's file and addressed prior to any reinstatement of their credentials. Appraisers who have their license suspended or revoked are prohibited from performing any and all duties and responsibilities (researching data, and/or assisting associates with the development and reporting of real property appraisals).
- B. In those instances where the Board suspends, revokes, or a license or certification is surrendered during an investigation or while formal charges are pending, notice of such action shall be published in the Board's newsletter, the Arkansas Bankers Association and the Mortgage Bankers Association of Arkansas periodicals, and any other appropriate publications, which will communicate such actions taken against an appraiser's license.

Section I – General (R) Declaratory Orders

- A. A declaratory order is a means of resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory order may be used only to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory order is not the appropriate means for determining the conduct of another person or for obtaining a policy statement of general applicability from an agency. A petition or declaratory order must describe the potential impact of statutes, rules or orders upon the petitioner's interest.
- B. The process to obtain a declaratory order is begun by filing with the Arkansas Appraiser Licensing and Certification Board a petition that provides the following information:
 - 1. The caption shall read: Petition for Declaratory Order Before the Arkansas Appraiser Licensing and Certification Board.
 - 2. The name, address, telephone number, and facsimile number of the petitioner.
 - 3. The name, address, telephone number, and facsimile number of the attorney

- of the petitioner.
4. The statutory provision(s) agency rule(s), or agency order(s) on which the declaratory order is sought.
 5. A description of how the statutes, rules, or orders may substantially affect the petitioner and the petitioner's particular set of circumstances, and the questions or issue on which petitioner seeks a declaratory order.
 6. The signature of the petitioner or petitioner's attorney.
 7. The date.
 8. Request for a hearing, if desired.
- C. The agency may hold a hearing to consider a petition from declaratory statement. If a hearing is held, it shall be conducted in accordance with A. C. A. {25-15-208 and 25-15-213}, and the agency's rules for adjudicatory hearings.
- D. The agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within ninety (90) days of filing of the petition, the agency will render a final order denying the petition or issuing a declaratory order.

Section I – General (S) – Military Veterans

Pursuant to Act 820 of 2019, the Board shall grant expedited credentialing to a returning military veteran. As used in this section, a returning military veteran is a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable. The Board shall grant expedited credentialing to an individual meeting the requirements below.

- A. The Board shall grant expedited credentialing to an individual who is the holder in good standing of a substantially equivalent appraiser credential in another jurisdiction and is:
1. An active-duty military service member stationed in the State of Arkansas;
 2. A returning military veteran applying for a credential within one (1) year of his or his discharge from active duty; or
 3. The spouse of a person under A (1) or (2) above.
- B. The Board shall grant such expedited credentialing upon receipt of all of the below:
1. A completed written "Military Veterans Application" form. The form is available on the Board's website or from the Board office;
 2. The payment of the initial credential fee;
 3. Evidence that the individual is a holder in good standing of a substantially equivalent credential in another jurisdiction; and

4. Evidence that the applicant is a qualified applicant under Section A.

Section II – General Qualifications for Registration, Licensure or Certification

The Board shall approve and issue registrations, licenses and certificates to qualified applicants or disapprove applications for registration, licensing and certification for applicants who do not meet the minimum requirements for registering, licensing or certification as prescribed in Act 541. The best interest of the public shall be given due regard when considering each applicant for registration, licensing or certification.

Every applicant to the Arkansas Appraiser Licensing and Certification Board as a State Registered appraiser, Registered Apprentice appraiser, State Licensed appraiser or State Certified appraiser shall have the following qualifications:

- A. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a registered, licensed or certified appraiser in such a manner as to safeguard the interest of the public.
- B. The applicant shall meet the current educational and experience requirements for licensing and certification prior to the time he or she applies to sit for the licensing or certification exam.
 1. Prior to applying to become a State Registered Appraiser, the applicant must meet the requirements of Section VII.
 2. Prior to applying to become a Registered Apprentice Appraiser, the applicant must meet the requirements of Section IV.
- C. A non-resident applicant shall be in good standing as an appraiser in every jurisdiction where credentialed. ~~licensed; the applicant shall not have had a license which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure or certification in Arkansas.~~
- D. The applicant shall not have been convicted, found guilty or pled guilty, regardless of adjudication, in any jurisdiction of ~~a misdemeanor involving moral turpitude or of~~ any felony. 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.
- E. The applicant shall be at least 18 years old and shall have received a high school diploma or its equivalent.
- F. ~~Applicants who do not meet all of the foregoing requirements and qualifications may nevertheless be approved for registration, licensure or certification by resolution of the Board.~~
- G. All applications for registration, licensing, certification, renewal, examination, transfer, or reinstatement shall be made on forms provided by the Board and completed and signed by the applicant. The application may require, ~~with~~ the signature acknowledged

before a notary public. All applications shall include the appropriate fees. The Board will not consider an application which is incomplete or with which the correct fees have not been submitted.

- H. The Board may require each applicant for a license to furnish, at his/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 to determine the applicant's qualifications for licensing or certification.
- I. The Board reserves the right, at its discretion, to hold for a reasonable length of time for investigation, the application of any applicant before issuing a license or certificate.

Section III – General Examination and Experience Criteria

A. Examination Criteria

- 1. A new applicant, not currently licensed or certified and in good standing in another jurisdiction, shall have up to 24 months, after approval by the Board, to take and pass an AQB-approved qualifying examination for the credential. Successful completion of the examination is valid for a period of 24 months.

B. Experience Criteria

- 1. Education may not be substituted for experience, except as shown below in Section 4.
- 2. The quantitative experience requirements must be satisfied by time spent in the appraisal process. The appraisal process consists of: analyzing factors that affect value; defining the problem; gathering and analyzing data; applying the appropriate analysis and methodology; and arriving at an opinion and correctly reporting the opinion in compliance with USPAP.
- 3. Hours may be treated as cumulative in order to achieve the necessary number of hours of appraisal experience. Cumulative is defined as experience that may be acquired over multiple time periods.
- 4. There need not be a client in a traditional sense (e.g., a client hiring an appraiser for business purpose) in order for an appraisal to qualify for experience, but experience gained for work without a traditional client cannot exceed 50% of the total experience requirement.
 - A. Practicum courses that are approved by the Board can satisfy the non-traditional client experience requirement. A practicum course must include the generally applicable methods of appraisal practice for the credential category. Content includes, but is not limited to: requiring

the student to produce credible appraisals that utilize an actual subject property; performing market research containing sales analysis; and applying and reporting the applicable appraisal approaches in conformity with USPAP. Assignments must require problem solving skills for a variety of property types for the credential category.

- B. Experience credit shall be granted for the actual classroom hours of instruction and hours of documented research and analysis as awarded from the practicum course approval process.
- 5. An hour of experience is defined as verifiable time spent in performing tasks in accordance with acceptable appraisal practice. Acceptable real property appraisal practice for experience credit includes appraisal, appraisal review, appraisal consulting, and mass appraisal. All experience must be obtained after January 30, 1989, and must be USPAP-compliant. An applicant's experience must be in appraisal work conforming to Standards 1,2,3,4,5, and/or 6, where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), and reporting conclusions.
 - 6. Documentation in the form of reports, certifications, or file memoranda, or, if such reports and memoranda are unavailable for good cause, other evidence at the Board's discretion that the work is compliant with USPAP must be provided as part of the Boards experience verification process to support the experience claimed.
 - 7. Acceptable experience may include a limited number of hours related to necessary and fundamental tasks, such as records research, measurements and certain aspects of property inspections. But to be satisfactory, the experience of the applicant must clearly demonstrate a progression in exposure, charge, responsibility and successful performance of those comprehensive tasks related to real property appraisal practice, to include, but not limited to appraisal development and reporting, and should involve all aspects of the valuation process.
 - 8. The burden of proving the amount and validity of experience claimed is entirely the responsibility of the applicant. As a minimum, the applicant must be prepared to substantiate, on request by the Board, the experience claimed with a true copy of appraisal assignment reports, work file to support the nature or the experience claims, and true copies of time records or calendars which support actual work time associated with the assignments.
 - 9. The verification for experience credit claimed by an applicant shall be on the forms prescribed by the Board, which shall include:
 - a. Type of property;
 - b. Date of report;
 - c. Address of appraised property, including city name;
 - d. Description of work performed by the applicant and scope of the review

- and supervision of the supervising appraiser;
 - e. Number of actual work hours by the applicant on the assignment; and
 - f. The signature and credential number of the supervising appraiser, if applicable. Separate appraisal logs shall be maintained for each supervising appraiser, if applicable.
10. The Board reserves the right, at its discretion, to hold for a reasonable length of time for investigation of the amount of experience claimed on the application of any applicant.
11. There is no maximum time limit during which experience may be obtained.

Section IV – Criteria Applicable to a Registered Apprentice Appraiser Credential

A. General

1. The Registered Apprentice Appraiser classification is intended to incorporate any documented non-certified/non-licensed real property appraisers who are subject to the Real Property Appraiser Qualification Criteria.
2. The scope of practice for the Registered Apprentice Appraiser classification is the appraisal of those properties which the state-certified Supervisory Appraiser is permitted by his/her current credential and that the Supervisory Appraiser is competent to appraise.
3. The Registered Apprentice Appraiser, as well as the Supervisory Appraiser, shall be entitled to obtain copies of appraisal reports and/or permitted appropriate access and retrieval arrangements for all workfiles for appraisals in which he or she participated, in accordance with the Record Keeping Rule of USPAP.
4. Experience hours do not begin to accumulate until the appraiser is issued Registered Apprentice Appraiser credential.
5. All Registered Apprentice Appraisers must comply with the Competency Rule of USPAP for all assignments.

B. Examination

1. There is no examination requirement for the Registered Apprentice Appraiser classification, but the Registered Apprentice Appraiser shall pass the appropriate end-of-course examinations in all of the prerequisite qualifying education courses in order to earn credit for those courses.

C. Qualifying Education

1. As the prerequisite for application, an applicant must have completed seventy-five (75) hours of qualifying education as listed below. Additionally, applicants

must pass the course examinations and pass the 15-Hour National USPAP Course, or its AQB-approved equivalent and the examination as a part of the 75 hours. All qualifying education must be completed within the five (5) year period immediately preceding the date of application for a Registered Apprentice Appraiser credential. The required courses are:

<u>Basic Appraisal Principles</u>	<u>30 Hours</u>
<u>Basic Appraisal Procedures</u>	<u>30 Hours</u>
<u>15-Hour National USPAP Course (or its equivalent)</u>	<u>15 Hours</u>

2. Appraisers holding a valid State Licensed Real Property Appraiser credential satisfy the educational requirements for the Registered Apprentice Appraiser.
3. Appraisers holding a valid Certified Residential Real Property Appraiser credential satisfy the educational requirements for the Registered Apprentice Appraiser credential.
4. Appraisers holding a valid Certified General Real Property Appraiser credential satisfy the educational requirements for the Registered Apprentice Appraiser credential.

D. Experience

1. No experience is required as a prerequisite for the Registered Apprentice Appraiser classification.

E. Training

1. The Registered Apprentice Appraiser shall be subject to the direct control and supervision by a Supervisory Appraiser in good standing, who shall be state certified. A Registered Apprentice Appraiser is permitted to have more than one Supervisory Appraiser.
2. The Supervisory Appraiser shall be responsible for the training, guidance, and direct control and supervision of the Registered Apprentice Appraiser by:
 - a. Accepting Responsibility for the appraisal by signing and certifying the appraisal complies with USPAP;
 - b. Reviewing and signing the Registered Apprentice Appraiser appraisal report(s); and
 - c. Personally inspecting each appraised property with the Registered Apprentice Appraiser until the Supervisory Appraiser determines the Registered Apprentice Appraiser is competent to inspect the property, in accordance with the Competency Rule of USPAP for the property type.
3. The Registered Apprentice Appraiser is permitted to have more than one Supervisory Appraiser, but a Supervisory Appraiser may not supervise more than three (3) Registered Apprentice Appraisers, at one time.
4. An appraisal experience log shall be maintained jointly by the Supervisory Appraiser and the Registered Apprentice Appraiser. It is the responsibility of both the Supervisory Appraiser and the Registered Apprentice Appraiser to ensure the appraisal experience log is accurate, current, and complies with the requirements of the Board. At a minimum, the appraisal log requirements shall

include:

- a. Type of property;
 - b. Date of report;
 - c. Address of appraised property
 - d. Description of the work performed by the Registered Apprentice Appraiser and scope of the review and supervision of the Supervisory Appraiser;
 - e. Number of actual work hours by the Registered Apprentice Appraiser on the assignment; and
 - f. The signature and state certification number of the Supervisory Appraiser. Separate appraisal logs shall be maintained for the Supervisory Appraiser, if applicable.
5. Supervisory Appraisers shall be state certified and in good standing for a period of at least three (3) years prior to being eligible to become a Supervisory Appraiser. Supervisory Appraisers do not need to be state certified and in good standing in the jurisdiction in which the Registered Apprentice Appraiser practices for any specific minimum period of time. Supervisory Appraisers shall not have been subject to any disciplinary action—within any jurisdiction—within the last three (3) years that affected the Supervisory Appraiser’s legal eligibility to engage in appraisal practice. A Supervisory Appraiser subject to a disciplinary action would be considered to be in good standing three (3) years after the successful completion/termination of the sanction imposed against the appraiser.
 6. Registered Apprentice Appraisers shall be required to complete a course that, at a minimum, complies with the specifications for course content established by the AQB, which is specifically oriented to the requirements and responsibilities of Supervisory Appraisers and Registered Apprentice Appraisers. The course must be completed by the Registered Apprentice Appraiser prior to obtaining a Registered Apprentice Appraiser credential from the Board. Further, the Registered Apprentice Appraiser course is not eligible towards the 75 hours of qualifying education required.

Section ~~IV~~ V – Criteria Applicable to a State Licensed Real Property Appraiser Credential

Please consult **Section III – General Examination and Experience Criteria** for additional requirements.

A. General

1. The State Licensed Real Property Appraiser classification applies to the appraisal of non-complex one-to-four residential units having a transaction value less than \$1,000,000, and complex one-to-four residential units having a transaction value less than \$250,000.

2. Complex one-to-four-unit residential property appraisal means one in which the property to be appraised, the form of ownership, or the market conditions are atypical.
3. For non-federally related transaction appraisals, transaction value shall mean market value.
 - a. The classification includes the appraisal of vacant or unimproved land that is utilized for one-to-four residential units, or for which the highest and best use is for one-to-four residential units.
 - b. The classification does not include the appraisal of subdivisions for which a development analysis/appraisal is necessary.
4. All State Licensed Real Property Appraisers must comply with the Competency Rule of USPAP.

B. Examination

1. Upon completion of all applicable requirements, applicants for a State License credential shall be personally interviewed by members of the Appraiser Licensing and Certification Board prior to being granted an approval to sit for the exam.
2. The AQB-approved State Licensed Real Property Appraiser examination must be successfully completed. The only alternative to successful completion of the State Licensed examination is the successful completion of the Certified Residential or Certified General examination.
3. The prerequisites for taking the AQB-approved examination are completion of:
 - a. One hundred fifty (150) creditable class hours as specified in Section (IV) (C) (1), and;
 - b. One thousand (1,000) hours of qualifying experience in no fewer than six (6) months.
4. An applicant for State License who fails to pass the exam after two (2) attempts will not be afforded an opportunity to retake the exam for at least six (6) months from the date of the last exam. Applicants seeking to sit for the fourth attempt are required to submit a new application, any required fees, and any additional education he or she may have acquired.

C. Qualifying Education

1. The State Licensed Real Property Appraiser classification requires completion of one hundred fifty (150) creditable class hours as listed below. As a part of the 150 required hours, the applicant shall successfully complete the *15-Hour National USPAP Course*, or its AQB-approved equivalent, and successfully pass the examination. There is no alternative to successful completion of the USPAP Course

and examination. The required courses are:

- | | |
|---|----------|
| a. Basic Appraisal Principles | 30 Hours |
| b. Basic Appraisal Procedures | 30 Hours |
| c. <i>15-Hour National USPAP Course</i> (or its equivalent) | 15 Hours |
| d. Residential Appraiser Market Analysis & Highest and Best Use | 15 Hours |
| e. Residential Appraiser Site Valuation and Cost Approach | 15 Hours |
| f. Residential Sales Comparison and Income Approaches | 30 Hours |
| g. Residential Report Writing and Case Studies | 15 Hours |

2. Appraisers holding a valid State Registered appraiser credential and who have completed the required 75 hours of qualifying education may satisfy the educational requirements for the State Licensed Real Property Appraiser credential by successfully completing the following additional education hours:

- | | |
|---|----------|
| a. Residential Market Analysis and Highest and Best Use | 15 Hours |
| b. Residential Appraiser Site Valuation and Cost Approach | 15 Hours |
| c. Residential Sales Comparison and Income Approaches | 30 Hours |
| d. Residential Report Writing and Case Studies | 15 Hours |

3. Appraisers holding a valid Certified Residential Real Property Appraiser credential satisfy the educational requirement for the State Licensed Real Property Appraiser credential.
4. Appraisers holding a valid Certified General Real Property Appraiser credential satisfy the educational requirements for the State Licensed Real Property Appraiser credential.

D. Experience

The applicant for a State License credential shall demonstrate at least (as a minimum) one thousand (1,000) hours of appraisal experience, obtained in no less than six (6) months. While the hours may be cumulative, the required number of months must accrue before an individual can be licensed. The experience of the applicant must be of a type and nature sufficient to convince the Board of a demonstrated and proven capability of the applicant to adequately perform assignments of a type permitted by a State License Real Property Appraisal credential.

Section VI – Criteria Applicable to a Certified Residential Real Property Appraiser Credential

Please consult **Section III – General Examination and Experience Criteria** for additional requirements.

A. General

1. The Certified Residential Real Property Appraiser classification qualifies the appraiser to appraise one-to-four residential units without regard to value or complexity.
 - a. The classification includes the appraisal of vacant or unimproved land that is utilized for one-to-four residential unit purposes or for which the highest and best use is for one-to-four residential units.
 - b. The classification does not include the appraisal of subdivisions for which a development analysis/appraisal is necessary.
2. All Certified Residential appraisers must comply with the Competency Rule of USPAP.

B. Examination

1. Upon completion of all applicable requirements, applicants for a State Certified Residential credential shall be personally interviewed by members of the Arkansas Appraiser Licensing and Certification Board prior to sitting for the exam unless previously interviewed on a residential appraisal.
2. The AQB-approved Certified Residential Real Property Appraiser examination must be successfully completed. The only alternative to successful completion of the Certified Residential examination is the successful completion of the Certified General examination.
3. The prerequisites for taking the AQB-approved examination are completion of:
 - a. Two hundred (200) creditable class hours as specified in Section (V) (C) (4)
 - b. Completion of the requirements specified in Section (V) (C) (2) or Section (V) (C) (3), "Qualifying Education"; and
 - c. One thousand five hundred (1,500) hours of qualifying experience obtained in no fewer than twelve (12) months.
4. An applicant for a State Certified Residential credential who fails to pass the exam after two (2) attempts will not be afforded an opportunity to retake the exam for at least six (6) months from the date of last exam. Applicants seeking to sit for the fourth attempt are required to submit a new application, any required fees, and any additional education he or she may have acquired.

C. Qualifying Education

1. All college-level education must be obtained from a degree-granting institution by the Commission on Colleges, a national or regional accreditation association, or by an accrediting agency that is recognized by the US Secretary of Education.

Applicants with a college degree from a foreign country may have their education evaluated for "equivalency" by one of the following:

- An accredited, degree-granting domestic college or university;
- A foreign degree credential evaluation service company that is a member of the National Association of Credential Evaluation Services (NACES); or
- A foreign degree credential evaluation service company that provides

equivalency evaluation reports accepted by an accredited degree-granting domestic college or university or by a state licensing Board that issues credentials in another discipline.

2. Applicants for the Certified Residential credential must satisfy at least one of the following five options Section (V) (C) (2) (a), Section (V) (C) (2) (b), Section (V) (C) (2) (c), Section (V) (C) (2) (d), or Section (V) (C) (2) (e).
 - a. Possession of a Bachelor's Degree in any field of study;
 - b. Possession of an Associate's Degree in a field of study related to:
 - i. Business Administration;
 - ii. Accounting;
 - iii. Finance;
 - iv. Economics; or
 - v. Real Estate
 - c. Successful completion of 30 semester hours of college-level courses that cover each of the following specific topic areas and hours:
 - i. English Composition (3 semester hours);
 - ii. Microeconomics (3 semester hours);
 - iii. Macroeconomics (3 semester hours);
 - iv. Finance (3 semester hours);
 - v. Algebra, Geometry, or higher mathematics (3 semester hours);
 - vi. Statistics (3 semester hours);
 - vii. Computer Science (3 semester hours);
 - viii. Business or Real Estate Law (3 semester hours); and
 - ix. Two elective courses in any of the topics listed above or in accounting, geography, agricultural economics, business management, or real estate (3 semester hours each).
 - d. Successful completion of at least 30 semester hours of College Level Examination Programs® (CLEP®) examinations from each of the following subject matter areas:
 - i. College Algebra (3 semester hours);
 - ii. College Composition (6 semester hours);
 - iii. College Composition Modular (3 semester hours);
 - iv. College Mathematics (6 semester hours);
 - v. Principles of Macroeconomics (3 semester hours);
 - vi. Principles of Microeconomics (3 semester hours);
 - vii. Introductory Business Law (3 semester hours); and
 - viii. Information Systems (3 semester hours).
 - e. Any combination of (c) and (d) above that ensures coverage of all topics

and hours identified in (c).

3. As an alternative to the requirements in Section (V) (C) above, individuals who have held a State Licensed Residential credential for a minimum of five (5) years may qualify for a Certified Residential credential by satisfying all of the following:
 - a. No record of any adverse, final, and non-appealable disciplinary action affecting the State Licensed appraiser's legal eligibility to engage in appraisal practice within the five (5) years immediately preceding the date of application for a Certified Residential credential;
 - b. Successful completion of the additional required qualifying education as listed below:
 - i. Statistics, Modeling and Finance 15 Hours
 - ii. Advanced Residential Applications and Case Studies 15 Hours
 - iii. Appraisal Subject Matter Electives 20 Hours
 - c. Successful completion of the required one thousand five hundred (1,500) hours of experience obtained in no fewer than twelve (12) months.
 - d. Successful completion of the AQB-approved Certified Residential Real Property Appraiser examination. The only alternative to successful completion of the Certified Residential examination is the successful completion of the Certified General examination.
4. The Certified Residential Real Property Appraiser classification requires completion of two hundred (200) creditable course hours as listed below. As part of the 200 required hours, the applicant shall successfully complete the *15-Hour National USPAP Course*, or its AQB-approved equivalent and the examination. There is no alternative to successful completion of the USPAP Course and examination. The required courses are:
 - a. Basic Appraisal Principles 30 Hours
 - b. Basic Appraisal Procedures 30 Hours
 - c. *15-Hour National USPAP Course* (or its equivalent) 15 Hours
 - d. Residential Appraiser Market Analysis and Highest and Best Use 15 Hours
 - e. Residential Appraiser Site Valuation and Cost Approach 15 Hours
 - f. Residential Sales Comparison and Income Approaches 30 Hours
 - g. Residential Report Writing and Case Studies 15 Hours
 - h. Statistics, Modeling and Finance 15 Hours
 - i. Advanced Residential Applications and Case Studies 15 Hours
 - j. Appraisal Subject Matter Electives 20 Hours
5. Appraisers holding a valid State Registered Appraiser credential may satisfy the educational requirements for the Certified Residential Real Property Appraiser credential by successfully completing the following additional education hours:
 - a. Residential Appraiser Market Analysis and Highest and Best Use 15 Hours
 - b. Residential Appraiser Site Valuation and Cost Approach 15 Hours
 - c. Residential Sales Comparison and Income Approaches 30 Hours

- | | |
|---|----------|
| d. Residential Report Writing and Case Studies | 15 Hours |
| e. Statistics, Modeling and Finance | 15 Hours |
| f. Advanced Residential Applications and Case Studies | 15 Hours |
| g. Appraisal Subject Matter Electives | 20 Hours |
6. Appraisers holding a valid State Licensed Residential Real Property Appraiser credential may satisfy the educational requirements for the Certified Residential Real Property Appraiser credential by successfully completing the following educational hours:

a. Statistics, Modeling and Finance	15 Hours
b. Advanced Residential Applications and Case Studies	15 Hours
c. Appraisal Subject Matter Electives	20 Hours
 7. Appraisers holding a valid State Registered appraiser credential wishing to change to the Certified Residential Real Property Appraiser classification must also satisfy the college-level education requirement as specified in Section (V) (C).
 8. Appraisers holding a valid State Licensed Real Property Appraiser credential wishing to change to the Certified Residential Real Property Appraiser classification who do not meet the requirements outlined in Section (V) (C) (3) must also satisfy the college-level education requirements as specified in Section (V) (C) (2).
 9. Appraisers holding a valid State Licensed Real Property Appraiser credential wishing to change to the Certified Residential Real Property Appraiser classification who meet the requirements outlined in Section (V) (C) (3) do not need to satisfy college-level education requirements as specified in Section (V) (C) (2).
 10. Appraisers holding a valid Certified General Real Property Appraiser credential satisfy the educational requirements for the Certified Residential Real Property Appraiser credential.

D. Experience

The applicant for a State Certified Residential Appraiser credential shall demonstrate at least (as a minimum) one thousand five hundred (1,500) hours of appraisal experience that is obtained during no fewer than twelve (12) months. While the hours may be cumulative, the required number of months must accrue before an individual can be certified. The experience of the applicant must be of a type and nature sufficient to convince the Board of a demonstrated and proven capability of the applicant to adequately perform assignments of a type permitted by a State Certified Residential Real Property Appraisal credential.

Section VI – Criteria Applicable to a Certified General Real Property Appraiser

Credential

Please consult **Section III – General Examination and Experience Criteria** for additional requirements.

A. General

1. The Certified General Real Property Appraiser classification qualifies the appraiser to appraise all types of real property.
2. All Certified General appraisers must comply with the Competency Rule of USPAP.

B. Examination

1. Upon completion of all applicable requirements, applicants for a State Certified General Appraiser credential shall be personally interviewed by members of the Arkansas Appraiser Licensing and Certification Board prior to sitting for the exam.
2. The AQB-approved Certified General Real Property Appraiser examination must be successfully completed. There is no alternative to successful completion of the exam.

The prerequisites for taking the AQB-approved examination are completion of:

- a. Three hundred (300) creditable class hours as specified in Section (VI) (C) (2).
 - b. Completion of the college-level education requirements specified in Section (VI) (C) (1).
 - c. Three thousand (3,000) hours of qualifying experience obtained in no fewer than eighteen (18) months, where a minimum of one thousand five hundred (1,500) hours must be obtained in non-residential appraisal work.
3. An applicant for State Certified General Appraiser credential who fails to pass the exam after two (2) attempts will not be afforded an opportunity to retake the exam for at least six (6) months from the date of last exam. Applicants seeking to sit for the fourth attempt are required to submit a new application, any required fees and any additional education he or she may have acquired.

C. Qualifying Education

1. Applicants for the Certified General credential must hold a bachelor's degree or higher from an accredited college or university. The college or university must be a degree-granting institution accredited by the Commission on Colleges, a national or regional accreditation association, or by an accrediting agency that is recognized by the US Secretary of Education. Applicants with a college degree from a foreign country may have their education evaluated for "equivalency" by one of the following:
 - An accredited, degree-granting domestic college or university;
 - A foreign degree credential evaluation service company that is a member of the National Association of Credential Evaluation Services, (NACES); or

- A foreign degree credential evaluation service company that provides equivalency evaluation reports accepted by an accredited degree-granting domestic college or university or by a state licensing Board that issues credentials in another discipline.
2. The Certified General Real Property Appraiser classification requires completion of three hundred (300) creditable class hours as listed below. As part of the 300 required hours, the applicant shall complete the *15-Hour National USPAP Course*, or its AQB-approved equivalent, and the examination. There is no alternative to successful completion of the USPAP Course and examination. The required courses are:

a. Basic Appraisal Principles	30 Hours
b. Basic Appraisal Procedures	30 Hours
c. <i>15-Hour National USPAP Course</i> (or its equivalent)	15 Hours
d. General Appraiser Market Analysis and Highest and Best Use	30 Hours
e. Statistics, Modeling, and Finance	15 Hours
f. General Appraiser Site Valuation and Cost Approach	30 Hours
g. General Appraiser Sales Comparison Approach	30 Hours
h. General Appraiser Income Approach	60 Hours
i. General Appraiser Report Writing and Case Studies	30 Hours
j. Appraisal Subject Matter Electives	30 Hours

(May include hours over minimum shown above in other modules)
 3. Applicants must demonstrate that their education includes the core courses listed in these rules, with particular emphasis on non-residential properties. Residential is defined as "composed of one-to-four residential units."
 4. Appraisers holding a valid State Registered Appraiser credential may satisfy the educational requirements for the Certified General Real Property Appraiser credential by successfully completing the following additional education hours:

a. General Appraiser Market Analysis and Highest and Best Use	30 Hours
b. Statistics, Modeling, and Finance	15 Hours
c. General Appraiser Site Valuation and Cost Approach	30 Hours
d. General Appraiser Sales Comparison Approach	30 Hours
e. General Appraiser Income Approach	60 Hours
f. General Appraiser Report Writing and Case Studies	30 Hours
g. Appraisal Subject Matter Electives	30 Hours
 5. Appraisers holding a valid State Licensed Real Property Appraiser credential may satisfy the educational requirements for the Certified General Real Property Appraiser credential by successfully completing the following additional education hours:

a. General Appraiser Market Analysis and Highest and Best Use	15 Hours
b. Statistics, Modeling, and Finance	15 Hours

- | | |
|---|----------|
| c. General Appraiser Site Valuation and Cost Approach | 15 Hours |
| d. General Appraiser Sales Comparison Approach | 15 Hours |
| e. General Appraiser Income Approach | 45 Hours |
| f. General Appraiser Report Writing and Case Studies | 15 Hours |
| g. Appraisal Subject Matter Electives | 30 Hours |
6. Appraisers holding a valid Certified Residential Real Property Appraiser credential may satisfy the educational requirements for the Certified General Real Property Appraiser credential by successfully completing the following additional educational hours:
- | | |
|---|----------|
| a. General Appraiser Market Analysis and Highest and Best Use | 15 Hours |
| b. General Appraiser Site Valuation and Cost Approach | 15 Hours |
| c. General Appraiser Sales Comparison Approach | 15 Hours |
| d. General Appraiser Income Approach | 45 Hours |
| e. General Appraiser Report Writing and Case Studies | 10 Hours |
7. State Registered Appraisers, State Licensed Real Property Appraisers, and Certified Residential Real Property Appraisers wishing to change to the Certified General Real Property Appraiser classification must also satisfy the requirements in Section (VI) (C) (1) and Section (VI) (C) (3).

D. Experience

Three thousand (3,000) hours of experience are required to be obtained during no fewer than eighteen (18) months. One thousand five hundred (1,500) hours must be in non-residential appraisal work. While the hours may be cumulative, the required number of months must accrue before an individual can be certified. The experience of the applicant must be of a type and nature sufficient to convince the Board of a demonstrated and proven capability of the applicant to adequately perform assignments of a type permitted by a Certified General Real Property Appraisal credential.

Section VII – Criteria Applicable to a State Registered Real Property Appraiser Credential

A. General

Please consult **Section III – General Examination and Experience Criteria** for additional requirements.

1. The State Registered Appraiser classification qualifies the appraiser to perform appraisals on any type of property except when the purpose of the appraisal is for use in federally related transactions.
2. As a part of the application, the applicant must sign an affidavit, attesting to having read and an understanding of the current edition of the Uniform Standards of Professional Appraisal Practice, the applicable State Laws and the Rules [and Regulations](#) governing appraisal practice in Arkansas.

3. ~~As a part of the application, the State Registered Appraiser~~ Both the State Registered Appraiser and the Supervisory Appraiser, if applicable, shall complete an approved four-hour course that, at minimum, complies with the specifications for a trainee/supervisor course content as established by the Appraiser Qualifications Board (AQB) and the Arkansas Appraiser Licensing and Certification Board (~~Board~~).

~~a. The Supervisory Appraiser/Trainee Appraiser course must be completed by the State Registered Appraiser prior to obtaining a State Registered Appraiser credential, and completed by the Supervisory Appraiser prior to supervising a State Registered Appraiser.~~

4. All State Registered Appraisers must comply with the Competency Rule of USPAP for all assignments.

B. Examination

1. There is no examination requirement for the State Registered Appraiser classification, but the State Registered Appraiser shall pass the appropriate end-of-course examinations in all of the prerequisite qualifying education courses in order to earn credit for those courses.

C. Qualifying Education

1. As the prerequisite for application, an applicant must have completed seventy-~~five~~nine (~~75-79~~) hours of qualifying education as listed below. Additionally, applicants must pass the course examinations and pass the *15-Hour National USPAP Course*, or its AQB-approved equivalent and the examination as a part of the ~~75~~79 hours. All qualifying education must be completed within the five (5) year period immediately preceding the date of application for a State Registered Appraiser credential. The required courses are:

Basic Appraisal Principles	30 Hours
Basic Appraisal Procedures	30 Hours
<i>15-Hour National USPAP Course</i> (or its equivalent)	15 Hours
<u>Supervisory Appraiser/Trainee Appraiser Course</u>	<u>4 Hours</u>

~~D. Experience~~

- ~~1. No experience is required as a prerequisite for the State Registered Appraiser classification.~~
- ~~2. Experience hours will not begin to accumulate until the State Registered Appraiser credential is issued.~~
- ~~3. All experience hours must be subject to direct control and supervision by a qualified Supervisory Appraiser.~~

Section ~~VIII~~ IX – Non-Resident Registration and/or Licensing: Reciprocity

"Reciprocity" is a type of appraiser credential which allows an appraiser from another jurisdiction to complete an appraisal assignment in this State. A reciprocal credential is issued to qualified applicants for a period not to exceed twelve (12) months from the date of issuance. Only nonresident licensed or certified appraisers may apply for reciprocity. A reciprocal credential

may be renewed each year.

Reciprocity Appraiser Requirements

- A. A non-resident appraiser planning to develop an appraisal assignment in Arkansas for a federally related transaction must first apply for a state license ~~and/or~~ certification. In the case of a non-federally related transaction, the appraiser shall apply to be registered, licensed, or certified in advance of initiating the appraisal assignment as a non-resident appraiser. Only non-resident licensed or certified appraisers may apply for Reciprocity ~~or a Temporary Practice Permit~~.

Non-Resident appraisers applying for state registered appraiser or registered apprentice appraiser status shall, in addition to meeting the same requirements and utilizing the same forms as those required for Arkansas residents, include a notarized Consent for Service of Legal Process affidavit.

- B. Reciprocity may be obtained by non-residents of this State through recognition of another jurisdiction's program of licensing and certification in accordance with A. C. A. § 17-14-306.
1. A person licensed or certified as a real property appraiser by another jurisdiction may register with the Board to qualify to appraise real property in Arkansas if:
 - a. The Reciprocal applicant is currently in good standing as an appraiser in every jurisdiction where he/she is credentialed. The appraiser's National Registry information found on the Appraisal Subcommittee's website may be used in determining the appraiser's licensing and disciplinary history.
 - b. The applicants background meets Board's qualifications. A new Reciprocal applicant or a Reciprocal applicant whose credential has been inactive for more than twelve (12) months must submit to a state criminal record check conducted by the Arkansas State Police and a nationwide criminal record check conducted by the Federal Bureau of Investigation, including the taking of fingerprints.
- C. A person wishing to be credentialed under this section must:
1. Submit an application for a Reciprocal credential on a form approved by the Board, found on the Board's website;
 2. Submit an irrevocable consent to service of process in this State on a form approved by the Board, found on the Board's website;
 3. Pay the required fees; and
 4. Provide all supporting documentation or information requested by the Board in connection with the application for reciprocity.
- D. The term of a Reciprocal credential shall be for no more than twelve (12) months. Renewal may be accomplished by submitting evidence of the completion of fourteen (14) hours of continuing education, a renewal form, and the appropriate fees. The appraiser's

National Registry information found on the Appraisal Subcommittee's website may be used in determining the appraiser's licensing and disciplinary history.

Section ~~IX~~ X – Non-Resident Licensure & Certification ~~via~~ -- Temporary Practice Permit ~~or Reciprocity~~

A Temporary Practice Permit is a type of an appraiser credential which allows a licensed or certified appraiser from another jurisdiction to complete an appraisal assignment in this State. A Temporary Practice Permit is issued to qualified applicants on an assignment basis. The original term of the Permit will not exceed six (6) months from the date of issuance. Only nonresident licensed or certified appraisers may apply for a Temporary Practice Permit.

Temporary Practice Permit Requirements

- A. Temporary ~~Licensure or Certification~~ Practice Permits may be obtained by nonresidents of this State through recognition of another ~~state's~~ jurisdiction's program of licensing and certification in accordance with A. C. A. § 17-14-306. Temporary Practice Permits are issued on an assignment basis, with a term not to exceed six (6) months from the date of issuance. Only licensed or certified appraisers qualify for a Temporary Practice Permit.
1. A person licensed or certified as a real property appraiser by another jurisdiction may register with the Board to qualify to appraise real property in Arkansas if:
 - a. The appraiser's business in Arkansas is of a temporary nature not to exceed six (6) months; and
 - b. The Temporary Practice Permit applicant is currently in good standing as an appraiser in every jurisdiction where he/she is credentialed. The appraiser's National Registry information found on the Appraisal Subcommittee's website may be used in determining the appraiser's licensing and disciplinary history.
 2. A person wishing to be credentialed under this section must:
 - a. Submit an application for a Temporary Practice Permit on a form approved by the Board, found on the Board's website;
 - b. Submit an irrevocable consent to service of process in this State on a form approved by the Board, found on the Board's website;
 - c. Pay the required fees; and

- d. Provide all supporting documentation or information requested by the Board in connection with the application for a permit.
 - 3. The appraiser who registers for a Temporary Practice Permit is not required to complete a Criminal Background Check.
- B. The term of a Temporary Practice Permit shall extend for the duration of the particular assignment. However, if the assignment is not completed within six (6) months, the appraiser may apply for an extension to the original expiration date of the permit, provided the appraiser:
 - 1. Is continuing the same appraisal assignment listed on the original application for a Temporary Practice Permit; and
 - 2. Requests an extension on a form approved by the Board. The request must be received by the Board or postmarked (not metered) before the expiration of the current Temporary Practice Permit.
- ~~C. Court testimony following the completion of an assignment performed by a nonresident appraiser holding a Temporary Practice Permit shall not require an extension or issuance of an additional permit. Licensure or Certification may be accomplished by submitting an application on forms prescribed by the Board for temporary licensing or certification. These forms shall be signed before a notary public and shall include an irrevocable consent that service of process upon him or her may be made by delivery of the process to the Secretary of State if, in an action against the applicant in a court of this State arising out of the applicant's activities as a State Licensed appraiser or State Certified appraiser, the plaintiff cannot effect personal service upon the applicant. These forms shall be submitted to the Board along with the required fee.~~

~~In an effort to expedite the processing of a Temporary Practice permit, these forms may be obtained from the Board's website.~~

~~The Board may issue a temporary nonresident license or certification to an individual who is licensed or certified in his/her state of domicile, upon receipt of the required forms and provided further that the Board is furnished a letter from the licensing and certification authority of the applicant's state of domicile, that his/her license or certificate is in good standing. In lieu of a home state Letter of Good Standing, the Board may accept the applicant's licensing history as found on the Appraisal Subcommittee's Federal Registry of licensed appraisers.~~

- ~~D. The term of a temporary nonresident license or certification shall extend for the duration of the particular appraisal assignment or service being performed but in any case shall not extend for more than six (6) months from the date of the initial date of issuance of the temporary nonresident license or certification. Court testimony following the completion of an assignment performed by a nonresident appraiser holding a temporary nonresident license or certificate shall not require an extension or issuance of a temporary nonresident license or certificate. Appraisers holding a valid Temporary Practice Permit may, upon making written request and providing additional assignment~~

~~details to the Board, be granted an extension of no more than six months from the permit's date of expiration.~~

- ~~E. These provisions shall not preclude a person who is a nonresident of this State from obtaining a permanent license or certificate by reciprocity or by satisfying all prerequisite requirements as if they were a resident of the State as required in these regulations-
rules, and provided further that the nonresident applicant executes an irrevocable consent that service of process upon him or her may be made by delivery of the process to the Secretary of State if, in an action against the applicant in a court of this State arising out of the applicant's activities as a State Licensed appraiser or State Certified appraiser, the plaintiff cannot effect personal service upon the applicant. The Board may request, for review, samples of work products prior to awarding a reciprocal license or certification.~~
- ~~F. The term of a non-resident license or certificate holder shall be for no more than twelve (12) months and renewal may be accomplished by submitting evidence of the completion of fourteen (14) hours of continuing education plus a Letter of Good Standing from resident's state appraisal agency and the appropriate fees as may be in effect.~~
- ~~G. Non-Resident licensed and certified appraisers may seek resident status in Arkansas upon providing the Board with a completed application and a Letter of Good Standing from their resident State Agency. The Arkansas Appraiser Licensing and Certification Board may request, for review, samples of work products prior to the awarding of resident standing. Appraisers desiring to transfer to Arkansas from another jurisdiction will not be required to retake the examination.~~

Section XI – Transfer of Licensed or Certified Credential

- A. A person licensed or certified as a real property appraiser from another jurisdiction moving his or her residence to the State of Arkansas may apply with the Board to transfer his or her appraiser credential if:
1. The applicant is in good standing as an appraiser in every jurisdiction where he or she is credentialed. The appraiser's National Registry information found on the Appraisal Subcommittee's website may be used in determining the appraiser's credentialing and disciplinary history.
 2. The applicant's background meets the Board's qualifications. A transfer applicant must submit to a state criminal record check conducted by the Arkansas State Police and a nationwide criminal record check conducted by the Federal Bureau of Investigation, including the taking of fingerprints.
 3. A person wishing to be credentialed under this section must:
 - a. Submit a Transfer Application on a form approved by the Board, found on the Board's website;
 - b. Submit a completion certificate indicating the most recent USPAP

- class completed;
 - c. Pay the required fees; and
 - d. Provide all supporting documentation or information requested by the Board in connection with the application to transfer.
- 4. The renewal date for a licensed or certified credential is June 30 of each year.

Section XII – Licensure Expiration, Renewal, Upgrade, and Inactive Status

- A. Appraiser credentials must be renewed each year or they will be placed on an inactive status. Each State Licensed (SL), Certified Residential (CR) and Certified General (CG) credential renewal is June 30th of each year. Each State Registered (SR) credential renewal is December 31st of each year.
- B. An application to renew a credential shall be submitted on a form obtained from the Board office or on the Board's website. Applicants may renew electronically through a Board established electronic process, as available.
- C. It is the policy of the Board to mail or send electronically a renewal notice to credential holders at the last mailing address or email address on file with the Board at least sixty (60) days prior to the expiration date of the credential. Neither the failure of the Board to send such a notice nor the credential holder's failure to receive such a notice shall excuse the requirement to timely renew and pay the renewal fee. Credential holders must ensure that the address on file with the Board office is current and that the Board is notified within thirty (30) days of any mailing address or email address change.
- D. Credential holders shall file a timely and sufficient renewal application with the Board by the renewal date each year. An application shall be deemed filed on the date received by the Board, the date of electronic submission or, if mailed, the date postmarked, but not the date metered.
- E. The Board will issue a new pocket card indicating the new expiration date after receiving evidence of completion of the required continuing education and appropriate fee. Any credential holder who fails to complete continuing education requirements will not be eligible to renew their credential.
- F. The credential of a SR, SL, CR and CG shall be placed on inactive status unless the appraiser submits a timely and sufficient renewal application by the expiration date.
- G. During the first 184 days of inactive status a credential holder may renew their credential by submitting the appropriate renewal form. This includes the payment of renewal fees, a late fee of fifty dollars (\$50) per month or partial month elapsed since the renewal date and submitting the required continuing education completion certificates.
- H. After 185 days up to twelve (12) months of inactive status a credential holder may

renew their credential by submitting the appropriate renewal form. This includes the payment of renewal fees and submitting the required continuing education completion certificates. This includes evidence of completion of the most recent edition of a *7-Hour National USPAP Update Course* (or its AQB approved equivalent).

- I. A credential holder who fails to reinstate their appraiser credential within twelve (12) months of the expiration date of the credential may reinstate their credential by submitting the appropriate reinstatement form. This includes payment of the appropriate renewal fee and evidence of the completion of the required continuing education hours. Credential holders in an inactive status must complete all required continuing education that would have been required if the credential holder was in an active status. The required hours must also include the most recent edition of a *7-Hour National USPAP Update Course* (or its AQB approved equivalent). Continuing education hours required are 14 hours per year for each year or partial year the credential was inactive plus any continuing education hours required at the time the credential was placed on inactive status. For example: Number of years inactive x 14 hours + number of hours due when credential was placed on inactive status = Total number of continuing education hours that must be submitted. Evidence of completion of the most recent edition of a *7-Hour National USPAP Update Course* (or its AQB approved equivalent) must be included in those hours.
- J. After January 1, 2017 a credential holder whose appraiser credential has been in an inactive status for more than twelve (12) months shall be required to consent to a background check as described below. Prior to reinstatement the credential holder is required to obtain a state criminal background check and a national fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and [regulation rule](#) to determine if the applicant possesses a background that does not call into question public trust or the applicant's fitness for registration, licensure, or certification.
- K. Credential holders are not authorized to practice or to hold themselves out to the public as appraisers during the period of time that his or her appraiser credential is inactive. Any violation of this shall be grounds for discipline.
- L. These renewal and reinstatement rules do not apply to a person who has had his or her appraiser credential revoked or suspended.

~~Section XII~~ – ~~Supervisory Guidelines and Responsibilities~~ Appraiser Requirements

~~These guidelines set forth the Arkansas Appraiser Licensing Board's Regulations regarding the supervisory/trainee relationship at the State Registered appraiser level.~~ [Applicable to supervision of a Registered Apprentice Appraiser only.](#)

~~The State Registered appraiser is required by Arkansas law and/or Administrative Rule to be~~

supervised by a Certified appraiser when the appraisal assignment is for federally related transactions. If the assignment is a non-federally related transaction, a supervisor is not required.

~~A. The supervising appraiser shall at all times be in good standing with the Arkansas Appraiser Licensing and Certification Board and be responsible for the training and direct supervision of the trainee by:~~

- ~~1. The supervising appraiser shall personally inspect, with the trainee/State Registered appraiser, each subject property and comparable sale until the Supervisor determines that the appraiser is competent to perform such appraisals;~~
- ~~2. The supervisor shall accept responsibility for the appraisal report by signing and certifying that the report is in compliance with the Uniform Standards of Professional Appraisal Practice;~~
- ~~3. The supervisor shall review the trainee's appraisal reports and periodically sign and date the appraisal log maintained by the trainee. A trainee shall maintain a log for each supervising appraiser;~~
- ~~4. A supervising appraiser shall be State Certified by the Board prior to assuming supervision of a trainee and must be competent to perform the property type of appraisals being supervised;~~
- ~~5. Supervisory Appraiser shall be state certified and in good standing for a period of at least three (3) years in the jurisdiction in which the Trainee Appraiser practices. Supervisory Appraisers shall not have been subject to any disciplinary actions in any jurisdiction within the last three (3) years that affects the Supervisory Appraiser's eligibility to engage in appraisal practice. A Supervisory Appraiser subject to a disciplinary action would be considered to be in good standing three (3) years after successful completion/termination of the sanction imposed against the appraiser. Supervisory Appraisers shall have been state certified for a minimum of three (3) years prior to being eligible to become a Supervisory Appraiser;~~
- ~~6. The Supervisory Appraiser shall be limited to supervising no more than three (3) registered Trainee Appraisers at any one time;~~
- ~~7. A supervisor of Trainee Appraisers shall have a complaint filed against him/her if the Trainee Appraiser fails to timely comply with a pre-application filing of their experience logs and work product.~~

A. General

- 1. Supervisory appraisers shall be responsible for the training, guidance, and direct supervision of the Registered Apprentice Appraiser by:**

- a. Accepting responsibility for the appraisal by signing and certifying the appraisal complies with the Uniform Standards of Professional Appraisal Practice (USPAP);
 - b. Reviewing and signing the Registered Apprentice Appraiser appraisal report(s); and
 - c. Personally inspecting each appraised property with the Registered Apprentice Appraiser until the Supervisory Appraiser determines the Registered Apprentice Appraiser is competent to inspect the property, in accordance with the Competency Rule of USPAP for the property type.
2. Supervisory Appraisers shall be state-certified and in "good standing for a period of at least three (3) years prior to being eligible to become a Supervisory Appraiser. Supervisory Appraisers do not need to be state-certified and in good standing in the jurisdiction in which the Registered Apprentice Appraiser practices for any specific minimum period of time. Supervisory Appraisers shall not have been subject to any disciplinary action—within any jurisdiction—within the last three (3) years that affected the Supervisory Appraiser's legal eligibility to engage in appraisal practice. A Supervisory Appraiser subject to a disciplinary action would be considered to be in "good standing" three (3) years after the successful completion/termination of the sanction imposed against the appraiser.
3. Supervisory Appraisers must comply with the Competency Rule of USPAP for the property type and geographic location where the Registered Apprentice Appraiser is being supervised.
4. Whereas a Registered Apprentice Appraiser is permitted to have more than one Supervisory Appraiser, Supervisory Appraisers may not supervise more than three (3) Registered Apprentice Appraisers at one time.
5. An appraisal experience log shall be maintained jointly by the Supervisory Appraiser and the Registered Apprentice Appraiser. It is the responsibility of both the Supervisory Appraiser and Registered Apprentice Appraiser to ensure the experience log is accurate, current, and complies with the requirements of the Board. At a minimum, the appraisal log requirements shall include:
 - a. Type of property;
 - b. Date of report;
 - c. Address of appraised property;
 - d. Description of work performed by the Registered Apprentice Appraiser and the scope of the review and supervision of the Supervisory Appraiser;
 - e. Number of actual work hours by the Registered Apprentice Appraiser on the assignment; and
 - f. The signature and state certification number of the Supervisory Appraiser. Separate appraisal logs shall be maintained for each

Supervisory Appraiser, if applicable.

6. Supervisory Appraisers shall be required to complete a course that, at a minimum, complies with the specifications for course content established by the AQB, which is specifically oriented to the requirements and responsibilities of Supervisory Appraisers and Trainee Appraisers. The course is to be completed by the Supervisory Appraiser prior to supervising a Registered Apprentice Appraiser.

Section XIV – Fees and Payment of Fees

A. Types of Fees

The following fees shall be paid for pre-licensure and pre-certification applications and for the issuance of original and renewal licenses and certificates and for other purposes and activities of the Board:

1. Application Fee	\$125.00
2. State Licensed, Certified Residential, and Certified General Appraiser	\$300.00 (Annual)*
3. Temporary Non-Resident Licensed, Certified Residential, and Certified General Appraiser	\$150.00 (6 Months)
4. Non-Resident Licensed, Certified Residential and Certified General Appraiser	\$300.00 (Annual)
5. Delinquent Fees (All classifications)	\$ 50.00 (Monthly)
6. Reissuance Fees (Upgrade, Replacement of Lost, Stolen, or Destroyed Licenses or Certificates)	\$ 25.00
7. Pre-License/Certification Course or Seminar Approval Fee	\$100.00 (Per Offering)
8. Continuing Education Course or Seminar Approval Fee	\$100.00 (Per Offering)
9. Photocopies of Records of the Board	\$ 00.05 (Per Page)
10. National Registry Fee (Set by ASC)	\$ 40.00 (Annual)
11. Testing Service Fee (Paid directly to the service)	\$100.00 (Maximum)
12. Application Fee (State Registered Appraiser)	\$200.00*
13. Renewal Fee (State Registered Appraiser)	\$200.00*
14. Renewal of Continuing and Pre-License (Qualifying) Education	\$ 50.00
15. Criminal Background Check Fee	\$ 37.50

*Pursuant to A. C. A. 17-14-203 (10), registration and licensing fees may be reviewed and adjusted annually by the Board as deemed necessary for its effective operation but shall in no way exceed \$300 annually.

B. Payment of Application, Renewal and Upgrade Fees

All fees shall be paid ~~in-cash-or~~ by cashier's check, money order or personal check made payable to the Arkansas Appraiser Licensing and Certification Board except for the Testing Service Fee. The testing fee shall be payable directly to the testing service designated by the Board upon rescheduling the exam. (See instructions for testing.)

All fees are non-refundable except in special circumstances when a refund petition has been submitted to the Board and the Board consents to the request. No license or certification fee of any classification or any portion of a fee will be refunded should any certificate or license be surrendered, suspended or revoked during the term for which the license or certificate is issued. The initial application fee is acceptable for the first three (3) attempts at passing the examination. Upon successful completion of the examination, the application fee will be applied toward the appropriate license or certification fee.

~~A State Registered appraiser who successfully upgrades to State License or certification may credit part of their previously paid annual registration fees toward the applicable classifications' annual fees.~~

C. Delinquency Provision (Fees and Continuing Education)

Registered, Licensed or Certified appraisers who fail to pay their annual renewal fees or meet the required continuing education on or before the renewal deadline, shall be notified that their registration, license or certificate is inactive.

Section XV – Criminal Background Checks

A. Definitions:

1. **"All applicants"** applies to an applicant for a State Registered appraiser credential, a Registered Apprentice Appraiser, an application to transfer an appraiser credential to Arkansas, an application to upgrade an existing appraiser credential, an application to reinstate an appraiser credential that has been inactive for more than 12 months, and an application for a new reciprocal appraiser credential. "All applicants" does not apply to an application for a Temporary Practice Permit.
2. **"Appraiser credential"** means authorization issued by the Arkansas Appraiser Licensing and Certification Board to individuals who have satisfied the requirements to become a registered, licensed or certified appraiser.
3. **"Criminal background check"** means both a state criminal records check conducted by the Arkansas State Police ("state background check") and a nationwide criminal record check conducted by the Federal Bureau of Investigation ("federal background check"), including the taking of fingerprints.
4. **"Disqualifying conviction"** means the applicant's criminal background history report or application indicates a conviction of a criminal offense that calls into

question public trust or the applicant's fitness for registration, licensure, or certification.

B. Background Check Required:

1. Effective January 1, 2017, all applicants for an appraiser credential shall apply for state and national fingerprint-based criminal background checks, using forms furnished by and pursuant to instructions provided by the Board.
2. Each new applicant shall authorize the release of criminal background check reports to the Board and may pay any applicable fees associated with the state and federal criminal background checks pursuant to the written instructions provided by the Board.
3. A new state and federal criminal background check are required each time an appraiser applies to upgrade his/her credential type.

C. Application Procedure

1. All personnel for the Arkansas Appraiser Licensing and Certification Board will be trained and authorized to have access to each applicant and credential holder's criminal background history.
2. When an applicant applies for his/her appraiser credential or an existing credential holder applies to upgrade his/her credential type, and the Board receives the appropriate application form and check for his/her application or upgrade fee: the Board Staff will provide the applicant with instructions to obtain his or her background check.
3. If the applicant does not have a criminal history, agency personnel will issue his/her appraiser credential when all other requirements are fulfilled.
4. If the applicant's criminal history report contains a disqualifying conviction(s), the applicant's application will not be approved. A letter indicating there is a disqualifying conviction will be sent to the applicant by Restricted and Certified mail with the applicant as the only person who may sign for the receipt of the letter at the United States Postal Service.
5. It is the policy of the Board not to provide a copy of the FBI criminal history record to the applicant. The applicant may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained on the FBI's website.
6. If, after viewing his/her criminal identification record, he/she believes that it is incorrect or incomplete in any respect and wish changes, corrections, or updating of the alleged deficiency he/she should make application directly to the agency which contributed the questioned/deficient information. He/she may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Service (CJIS) Division, and Attn: SCU, Mod. D2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data, requesting that agency to verify

or correct the questioned/deficient entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

7. Should an applicant challenge his/her criminal identification record, he/she shall notify the Board in writing. After receipt of such notice, the Board shall not determine whether an applicant is qualified for an appraiser credential until the applicant has had a reasonable opportunity to challenge said criminal identification record and shall not process the application until the challenge of said record is resolved by the State Identification Bureau and/or Arkansas Crime Information Center. The applicant shall notify the Identification Bureau to forward to the Board changes in the applicant's record as a result of such challenge.
8. If an applicant with a disqualifying conviction chooses to appeal the decision to deny his/her application, he/she may appeal to the Board for a waiver to be credentialed. The applicant has (30) thirty calendar days from the date notification is received from the Board in which to appeal the decision.
9. Each applicant with a disqualifying conviction who requests a waiver may appear before the Board or may choose to allow the Board to make a determination on the request for a waiver based on the file documentation obtained by the Board and that submitted by the applicant.
10. If an individual has been convicted of an offense listed in Act 990 of 2019 except those permanently disqualifying offenses found in subsection (e), the Board may waive disqualification of a potential applicant or revocation of a registration based on the conviction if a request for a waiver is made by:
 - a. An affected applicant for registration; or
 - b. An individual holding a registration subject to revocation.
11. 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 registration; and
 - h. Other evidence demonstrating that registration of the applicant does not pose a threat to the health or safety of the public.
12. A request for a waiver, if made by an applicant, must be in writing.
13. The Board will respond with a decision in writing and will state the reasons for the decision.
14. An appeal of a determination under this section will be subject to the Administrative Procedures Act § 25-15-201 et seq.
15. The criminal history information, along with all supporting documentation, will be destroyed after (7) seven years by having authorized agency personnel cross-shred all information

including the file folder. This time limit will be confirmed with the State of Arkansas Records Retention policy in effect at the time the documents are scheduled to be destroyed.

16. The exchange of the Criminal History Report Information is subject to cancellation if dissemination is made outside the receiving departments or related agencies and if Criminal History Record Information is used for any other reason that is not stated in Arkansas State law. Furthermore, depending upon the nature of the offense and the identity of the offender, federal or state crimes may be charged for the willful, unauthorized disclosure of Criminal History Report Information. Misuse of the Criminal History Report Information is a Class A Misdemeanor or a Class D Felony depending on the circumstances. ACA 12-12-212 and 12-12-1002(b) and Title 28, U.S.C., § 534, Pub. L. 92-544, Title 28, CFR, 20.33 (d). Misuse of the Criminal History Report Information may result in termination of agency personnel involved.

D. Pre-Licensure Criminal Background Check

1. Pursuant to Act 990 of 2019, an individual may petition for a pre-registration determination of whether the individual's criminal record will disqualify the individual from registration and whether a waiver may be obtained.
2. The individual must obtain the pre-registration criminal background check petition form from the Board.
3. The Board will respond with a decision in writing to a completed petition within a reasonable time.
4. The Boards response will state the reason(s) for the decision.
5. All decisions of the Board in response to the petition will be determined by the information provided by the individual.
6. Any decision made by the Board in response to a pre-registration criminal background check is not subject to appeal.
7. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

State of Arkansas

As Engrossed: H2/13/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1301

By: Representative Cozart

For An Act To Be Entitled

AN ACT TO CREATE THE RED TAPE REDUCTION EXPEDITED
TEMPORARY AND PROVISIONAL LICENSURE ACT; TO AUTHORIZE
OCCUPATIONAL LICENSING ENTITIES TO GRANT EXPEDITED
TEMPORARY AND PROVISIONAL LICENSING FOR CERTAIN
INDIVIDUALS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE RED TAPE REDUCTION
EXPEDITED TEMPORARY AND PROVISIONAL
LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL
LICENSING ENTITIES TO GRANT EXPEDITED
TEMPORARY AND PROVISIONAL LICENSING FOR
CERTAIN INDIVIDUALS.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Red Tape Reduction
Expedited Temporary and Provisional Licensure Act."

SECTION 2. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas is taking a leading role in the nationwide pursuit
of reforms to the system of occupational licensing;

(2) Arkansas became one (1) of eleven (11) states chosen to
participate in the Occupational Licensing Policy Learning Consortium, an
initiative funded by a grant from the United States Department of Labor and



1 supported in partnership with the National Conference of State Legislatures,
2 the Council of State Governments, and the National Governors Association;

3 (3) Governor Asa Hutchinson appointed seventeen (17) individuals
4 to the Red Tape Reduction Working Group to review and address occupational
5 licensing regulations that create unnecessary barriers to labor market entry;
6 and

7 (4) The Red Tape Reduction Working Group issued a final report
8 to the Governor in the fall of 2018 with five (5) recommendations for
9 substantive legislative reform, which are to:

10 (A) Establish an expedited procedure for occupational
11 licensing entities to collectively submit administrative rules that are
12 responsive to new legislation;

13 (B) Extend Acts 2017, No. 781, to allow repeal of
14 subsections of rules;

15 (C) Establish provisions to allow certain agencies to
16 consider occupational relevance with regard to criminal background issues;

17 (D) Authorize occupational licensing entities to identify
18 types of individuals or entities that may be issued temporary or provisional
19 licenses; and

20 (E) Establish a systematic process for review of:

21 (i) New occupational licensure and occupational
22 licensing entities; and

23 (ii) Existing occupational licensure and
24 occupational licensing entities.

25 (b) It is the intent of the General Assembly to authorize occupational
26 licensing entities to identify types of individuals or entities that may be
27 issued temporary or provisional licenses.

28
29 SECTION 3. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
30 to add an additional section to read as follows:

31 17-1-108. Expedited temporary and provisional licensure.

32 (a) As used in this section:

33 (1) "Individual" means a natural person, firm, association,
34 partnership, corporation, or other entity that may hold an occupational
35 licensure;

36 (2) "Occupational licensing entity" means an office, board,

1 commission, department, council, bureau, or other agency of state government
2 having authority to license, certify, register, permit, or otherwise
3 authorize an individual to engage in a particular occupation or profession;
4 and

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

9 (b) An occupational licensing entity shall by rule adopt the least
10 restrictive requirements for occupational licensure for an individual who:

11 (1) Demonstrates that he or she:

12 (A) Holds an occupational licensure that is substantially
13 similar to practice in the field of his or her occupation or profession in
14 another state, territory, or district of the United States;

15 (B) Holds his or her occupational licensure in good
16 standing;

17 (C) Has not had his or her occupational licensure revoked
18 for:

19 (i) An act of bad faith; or

20 (ii) A violation of law, rule, or ethics;

21 (D) Is not holding a suspended or probationary
22 occupational licensure in any state, territory, or district of the United
23 States; and

24 (E) Is sufficiently competent in his or her field; and

25 (2) Pays any occupational licensure fee required by law or rule.

26 (c)(1)(A) An occupational licensing entity shall comply with the
27 requirements under subsection (b) of this section by adopting the least
28 restrictive rule that allows for reciprocity or licensure by endorsement.

29 (B) The rule adopted under subdivision (c)(1)(A) of this
30 section shall provide the procedure by which an occupational licensing entity
31 shall grant a temporary and provisional occupational licensure for ninety
32 (90) days or longer to an individual under subsection (b) of this section if
33 presented with evidence of a current and active occupational licensure that
34 is substantially similar to practice in the field of his or her occupation or
35 profession in another state, territory, or district of the United States.

36 (2) If a state, territory, or district of the United States does

1 not require occupational licensure for a profession that requires
2 occupational licensure in this state, an occupational licensing entity shall
3 adopt a rule that is least restrictive to permit an individual who is
4 sufficiently competent in his or her field to obtain occupational licensure
5 for that occupation or profession in this state.

6 (3) The occupational licensing entity may require additional
7 state-specific education for an individual with an occupational licensure in
8 another state, territory, or district of the United States that does not
9 offer reciprocity similar to reciprocity under this section to individuals
10 with occupational licensure in this state.

11 (d)(1) Except as provided under subdivision (d)(2) of this section, an
12 occupational licensing entity shall not require an individual who meets the
13 requirements of subsection (b) of this section to participate in the
14 apprenticeship, education, or training required as a prerequisite to
15 occupational licensure of a new professional in the field.

16 (2) The occupational licensing entity may require the individual
17 to participate in continuing education or training if the continuing
18 education or training is required for all professionals in the field to
19 maintain the occupational licensure.

20 (e) If a criminal background check is required of an applicant for an
21 initial occupational licensure or of a person currently holding an
22 occupational licensure, then the occupational licensing entity may require a
23 person seeking his or her occupational licensure under this section to meet
24 the same criminal background check requirements as the applicant for an
25 initial occupational licensure or as the person currently holding an
26 occupational licensure.

27 (f) The occupational licensing entity may require the individual
28 applying for occupational licensure under this section to meet any bonding,
29 financial statement, or insurance requirements that are applicable to all
30 applicants.

31 (g) This section shall not apply to:

32 (1) Reciprocity or license by endorsement provisions under §§
33 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305,
34 17-43-307, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308,
35 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

36 (2) The occupational licensing entities that administer the

1 reciprocity provisions under subdivision (g)(1) of this section.

2 (h) An occupational licensing entity may enter into written agreements
3 with similar occupational licensing entities of another state, territory, or
4 district of the United States as necessary to assure for licensees in this
5 state have comparable nonresident licensure opportunities as those
6 opportunities available to nonresidents by occupational licensing entities in
7 this state.

8
9 /s/Cozart

10
11
12 APPROVED: 3/12/19
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

State of Arkansas

As Engrossed: S3/6/19

92nd General Assembly

A Bill

Regular Session, 2019

SENATE BILL 394

By: Senator Hester

By: Representative Dotson

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS CONCERNING LICENSING AND
CERTIFICATION OF APPRAISERS; TO CREATE A REGISTRATION
CLASS FOR A REGISTERED APPRENTICE APPRAISER; AND FOR
OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS CONCERNING LICENSING
AND CERTIFICATION OF APPRAISERS; AND TO
CREATE A REGISTRATION CLASS FOR A
REGISTERED APPRENTICE APPRAISER.

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

SECTION 1. Arkansas Code § 17-14-102(a), concerning the necessity for
registration, license, or certificate of appraisers, is amended to read as
follows:

(a)(1) The Arkansas Appraiser Licensing and Certification Act, § 17-
14-101 et seq., § 17-14-201 et seq., and § 17-14-301 et seq., is created in
response to Title XI of the Financial Institutions Reform, Recovery, and
Enforcement Act of 1989 and specifies three (3) classes of appraisers: state-
licensed, state-certified residential, and state-certified general appraisers
for federally related transactions.

(2) A fourth class is created for nonfederally related
transactions, which shall be known as "state-registered appraisers".

(3) A fifth class is created for an appraiser who is subject to
direct control and supervision by a qualified state-certified appraiser



1 supervisor as part of upgrading his or her classification to state-licensed
2 or state-certified, which shall be known as "registered apprentice
3 appraiser".
4

5 SECTION 2. Arkansas Code § 17-14-103 is amended to read as follows:

6 17-14-103. Definitions.

7 As used in the Arkansas Appraiser Licensing and Certification Act, §
8 17-14-101 et seq., § 17-14-201 et seq., and § 17-14-301 et seq.:

9 (1) "Appraisal":

10 (A) As a noun, means the act or process of estimating
11 value or an estimate of value; and

12 (B) As an adjective, means of or pertaining to appraising
13 and related functions, i.e., appraisal practice and appraisal services;

14 (2) "Appraisal Foundation" and "foundation" mean the Appraisal
15 Foundation established on November 30, 1987, as a not-for-profit corporation
16 under the laws of Illinois;

17 (3) "Appraisal practice" and "appraisal services" mean the work
18 or services performed by appraisers for clients;

19 (4) "Appraisal Standards Board" means the board created under
20 Article XI, sections 11.01 – 11.13 inclusive, of the bylaws of the Appraisal
21 Foundation, as amended April 22, 1990;

22 (5) "Appraisal Subcommittee" means the subcommittee of the
23 Federal Financial Institutions Examination Council established under Title
24 XI, the Real Estate Appraisal Reform Amendments of the Financial Institutions
25 Reform, Recovery, and Enforcement Act of 1989, section 1102, by amendment to
26 the Federal Financial Institutions Examination Council Act of 1978, 12 U.S.C.
27 § 3301 et seq., through the addition of new section 1011, "Establishment of
28 Appraisal Subcommittee";

29 (6) "Appraiser" or "real estate fee appraiser" means any person
30 who, for a fee or other consideration, develops and communicates a real
31 estate appraisal or otherwise gives an opinion of the value of real estate or
32 any interest in real estate;

33 (7) "Appraiser Qualifications Board" means the board created
34 under Article XII, sections 12.01 – 12.08 inclusive, of the bylaws of the
35 Appraisal Foundation, as amended April 22, 1990;

36 (8) "Board" means the Arkansas Appraiser Licensing and

1 Certification Board established under the Arkansas Appraiser Licensing and
2 Certification Act, § 17-14-101 et seq., § 17-14-201 et seq., and § 17-14-301
3 et seq.;

4 (9) "Client" means any person for whom an appraiser performs a
5 service;

6 (10) "Federal financial institutions regulatory agencies" means
7 the Board of Governors of the Federal Reserve System, the Federal Deposit
8 Insurance Corporation, the United States Office of the Comptroller of the
9 Currency, the Office of Thrift Supervision, and the National Credit Union
10 Administration;

11 (11) "Federally related transaction" means any real estate-
12 related financial transaction which:

13 (A) A financial institution, a federal financial
14 institution's regulatory agency, or the Federal Deposit Insurance Corporation
15 engages in, contracts for, or regulates; and

16 (B) In accordance with any federal law, rule, or
17 regulation, as the same may be amended, requires the services of an
18 appraiser;

19 (12) "Financial institution" means an insured depository
20 institution as defined in the Federal Deposit Insurance Act, 12 U.S.C. §
21 1813(c)(2), or an insured credit union as defined in section 101 of the
22 Federal Credit Union Act, 12 U.S.C. § 1751 et seq.;

23 (13) "Independent appraisal assignment" means any engagement for
24 which an appraiser is employed or retained to act or to be perceived by third
25 parties or the public as acting as a disinterested third party in rendering
26 an unbiased analysis, opinion, evaluation, or conclusions relating to the
27 nature, quality, value, or utility identified as real estate or real
28 property;

29 (14) "Market analysis" or "broker's price opinion" means a
30 proposed sale price opinion or recommended listing price given by a licensed
31 real estate broker, sales person, or other to a potential seller, purchaser,
32 or third party;

33 (15) "Personal property" means identifiable portable and
34 tangible objects which are considered by the general public as being
35 "personal", e.g., furnishings, artwork, antiques, gems and jewelry,
36 collectibles, machinery and equipment; all property that is not classified as

1 real estate;

2 (16) "Real estate" means an identified parcel or tract of land,
3 including improvements, if any;

4 (17)(A) "Real estate appraisal" means an unbiased estimate of
5 the nature, quality, value, or utility of an interest in, or aspect of,
6 identified real estate and related personalty.

7 (B)(i) A real estate appraisal may be classified by
8 subject matter into either a valuation or an evaluation.

9 (ii) Valuation is the process of estimating the
10 market value, investment value, insurable value, or other properly defined
11 value of an identified interest or interests in a specific parcel or parcels
12 of real estate as of a given date.

13 (iii) Evaluation or analysis is the study of the
14 nature, quality, or utility of a parcel of real estate, or interests in or
15 aspects of real property, in which a value estimate is not necessarily
16 required, i.e., a study of real estate or real property other than estimating
17 value;

18 (18) "Real estate-related financial transaction" means any
19 transaction involving:

20 (A) The sale, lease, purchase, investment in, or exchange
21 of real property, including interests in property, or the financing thereof;

22 (B) The refinancing of real property or interests in real
23 property; and

24 (C) The use of real property or interests in property as
25 security for a loan or investment, including mortgage-backed securities;

26 (19) "Real property" means interest, benefits, and rights
27 inherent in the ownership of real estate;

28 (20)(A) "Registered apprentice appraiser" means an individual
29 who has satisfied the requirements for apprentice appraiser by the Appraiser
30 Qualifications Board and who is subject to direct control and supervision by
31 a qualified state-certified appraiser supervisor as a party of upgrading his
32 or her classification to state-licensed or state-certified.

33 (B) The scope of practice for a registered apprentice
34 appraiser is the appraisal of properties that the state-certified appraiser
35 supervisor is permitted by his or her current credential and competent to
36 appraise;

1 ~~(20)~~(21) "Report" means:

2 (A) Any communication, written or oral, of an appraisal,
3 review, or analysis;

4 (B) The document that is transmitted to the client upon
5 completion of an assignment; or

6 (C) The tangible expression of an appraiser's service;
7 ~~(21)~~(22) "Review" means the act or process of critically
8 studying a report prepared by another;

9 ~~(22)~~(23) "State-certified general appraiser" means any
10 individual who has satisfied the requirements for state certification in the
11 State of Arkansas and who is qualified to perform appraisals of all real
12 property types of any monetary size and complexity;

13 ~~(23)~~(24) "State-certified residential appraiser" means any
14 individual who has satisfied the requirements for state certification in the
15 State of Arkansas and who is qualified to perform appraisals of all property
16 types up to a monetary size and complexity as prescribed by the Appraiser
17 Qualifications Board and the federal financial institutions regulatory
18 agencies;

19 ~~(24)~~(25) "State-licensed appraiser" means any individual who has
20 satisfied the requirements for state licensing in the State of Arkansas and
21 who is qualified to perform appraisals of all property types up to a monetary
22 size and complexity as prescribed by the Appraiser Qualifications Board and
23 the federal financial institutions regulatory agencies;

24 ~~(25)~~(26) "State-registered appraiser" means any person who has
25 satisfied the requirements for ~~registering a state-registered appraiser~~
26 credential as set forth in § 17-14-307 or requirements as may have been
27 determined by the board and who may perform appraisals on any type of
28 property except when the purpose of the appraisal is for use in federally
29 related transactions;

30 ~~(26)~~(27) "Uniform Standards of Professional Appraisal Practice"
31 means the entire body of rules, definitions, binding requirements,
32 guidelines, explanatory comments, and ethical conduct provisions, as
33 promulgated by the Appraisal Standards Board of the Appraisal Foundation,
34 which provide the basis for an individual to conduct the practice of
35 professional appraisal with integrity, objectivity, and independent judgment
36 and in an ethical manner; and

1 ~~(27)~~(28) "Written appraisal" means ~~a written statement used in~~
2 ~~connection with a federally related transaction that is independently and~~
3 ~~impartially prepared by a licensed appraiser or certified appraiser setting~~
4 ~~forth an opinion of defined value of an adequately described property as of a~~
5 ~~specific date, supported by the presentation and analysis of relevant market~~
6 ~~information~~ the conclusions of an appraiser's valuation analysis communicated
7 to the client in writing.

8
9 SECTION 3. Arkansas Code § 17-14-105 is amended to read as follows:

10 17-14-105. Rights and privileges of ~~licensed or registered appraiser~~
11 appraisers.

12 (a) A state-registered appraiser or state-licensed appraiser as
13 defined in § 17-14-103 may appraise real property for compensation if the use
14 of a state-certified appraiser is not required under the Arkansas Appraiser
15 Licensing and Certification Act, § 17-14-101 et seq., § 17-14-201 et seq.,
16 and § 17-14-301 et seq., or by federal or state law, rule, or policy.

17 (b) An appraiser shall not sign an appraisal report or be cited within
18 the report as having provided "significant real property appraisal
19 assistance" in the development of the appraisal without having been state-
20 registered, state-licensed, registered apprentice, or state-certified.

21 (c) An appraiser shall not perform or be employed to perform an
22 appraisal where the property that is subject to the assignment lies within
23 the borders of the State of Arkansas without first being state-registered,
24 state-licensed, registered apprentice, or state-certified by the Arkansas
25 Appraiser Licensing and Certification Board.

26
27 SECTION 4. Arkansas Code § 17-14-201(b)(2)(A), concerning the
28 composition and membership of the Arkansas Appraiser Licensing and
29 Certification Board, is amended to read as follows:

30 (A) A state or regional chapter of a nationally recognized
31 real estate appraisal organization that requires an individual to have
32 qualified appraisal experience, education, and testing in order to become a
33 designated member and to adhere to standards of professional practice in
34 order to retain such a designation; or

35
36 SECTION 5. Arkansas Code § 17-14-202 is amended to read as follows:

1 17-14-202. Powers and duties – Reporting standards – Qualification
2 standards.

3 (a) The Arkansas Appraiser Licensing and Certification Board may
4 establish, maintain, report, and periodically update meaningful qualification
5 standards for state-licensed, registered apprentice, and state-certified
6 appraisers practicing in the State of Arkansas, including testing,
7 experience, and educational requirements that:

8 (1) Are adequate to demonstrate knowledge and competency; and

9 (2) Will further demonstrate the continued compliance with:

10 (A) All applicable federal law and regulations, including
11 Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act
12 of 1989, and related requirements of the federal financial institutions
13 regulatory agencies; and

14 (B) The minimum standards and qualifications as
15 promulgated by the Appraisal Standards Board and the Appraiser Qualifications
16 Board of the Appraisal Foundation ~~and as approved by the Appraisal~~
17 ~~Subcommittee.~~

18 (b) The Arkansas Appraiser Licensing and Certification Board may
19 adopt, maintain, report, and periodically update minimum reporting standards
20 for state-registered, state-licensed, registered apprentice, and state-
21 certified appraisers practicing in the State of Arkansas. The reporting
22 standards shall:

23 (1) Be equivalent to the “Uniform Standards of Professional
24 Appraisal Practice” as promulgated by the Appraisal Standards Board of the
25 Appraisal Foundation; and

26 (2) At all times seek compliance with:

27 (A) All applicable federal law and regulations, including
28 Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act
29 of 1989, and related requirements of the federal financial institutions
30 regulatory agencies; and

31 (B) The minimum standards as promulgated by the Appraisal
32 Standards Board of the Appraisal Foundation ~~and as approved by the Appraisal~~
33 ~~Subcommittee.~~

34
35 SECTION 6. Arkansas Code § 17-14-203(5) and (6), concerning the powers
36 and duties of the Arkansas Appraiser Licensing and Certification Board, are

1 amended to read as follows:

2 (5)(A) Maintain a roster of the names, addresses, email
3 addresses, and telephone numbers of all persons licensed and certified under
4 the Arkansas Appraiser Licensing and Certification Act, § 17-14-101 et seq.,
5 § 17-14-201 et seq., and § 17-14-301 et seq., and, in accordance with
6 sections 1103(a)(3) and 1109(a)(1) of Title XI of the Financial Institutions
7 Reform, Recovery, and Enforcement Act of 1989, shall submit this roster
8 ~~annually~~ monthly to the Appraisal Subcommittee.

9 (B) This roster may be published and periodically updated
10 and provided to all interested parties at cost;

11 (6)(A) Establish by rule the minimum examination, education,
12 experience, and continuing education requirements for state-registered,
13 state-licensed, registered apprentice, and state-certified appraisers.

14 (B)(i) The criteria for a state-registered appraiser shall
15 be less rigorous than the criteria for a state-licensed appraiser.

16 (ii) The criteria for a state-licensed appraiser
17 shall be less rigorous than the criteria for a state-certified appraiser.
18 However, the criteria will ensure that licensed appraisers have sufficient
19 experience and training to perform appraisals for transactions within and in
20 compliance with Title XI of the Financial Institutions Reform, Recovery, and
21 Enforcement Act of 1989.

22 (C) These rules shall at all times be equivalent to the
23 minimum appraiser-qualification criteria as promulgated by the Appraiser
24 Qualifications Board of the Appraisal Foundation for state-licensed,
25 registered apprentice, and state-certified appraisers performing federally
26 related transactions.

27 (D) With respect to examinations, these rules shall at all
28 times require minimum examination contents that are equivalent to the
29 national uniform examination content as promulgated by the Appraiser
30 Qualifications Board of the Appraisal Foundation and shall provide for the
31 selection and utilization of a testing service acceptable to the Appraiser
32 Qualifications Board of the Appraisal Foundation.

33 (E)(i) Every application for registering, licensing, and
34 ~~certification~~ certifying shall be accompanied by an application ~~and~~
35 ~~examination fee, as applicable,~~ and a criminal background check fee that the
36 Arkansas Appraiser Licensing and Certification Board may establish by rule.

(ii) However, the Arkansas Appraiser Licensing and Certification Board, at its discretion, may direct each applicant to pay the actual cost of the examination fee directly to a testing service engaged by the Arkansas Appraiser Licensing and Certification Board to administer the examination.

(F)(i) ~~The examination application fee for registering, licensing, or certification to upgrade a credential from registered apprentice to state-licensed or to state-certified~~ shall not exceed one hundred dollars (\$100).

(ii) The application fee to upgrade a credential from state-licensed to state-certified shall not exceed fifty dollars (\$50.00).

(G) The total annual resident registering, licensing, certification, and application fees established by the Arkansas Appraiser Licensing and Certification Board shall not exceed three hundred dollars (\$300), excluding fees for:

(i) Applicable examination and federal pass-through fees; and

(ii) Criminal background check fees.

(H) Courses, schools, seminars, and any other educational programs must be recognized by the Arkansas Appraiser Licensing and Certification Board as acceptable to satisfy registration, licensing, and certification standards and continuing education requirements under the Arkansas Appraiser Licensing and Certification Act, § 17-14-101 et seq., § 17-14-201 et seq., and § 17-14-301 et seq.;

SECTION 7. Arkansas Code § 17-14-203(12)(A)(ii), concerning the powers and duties of the Arkansas Appraiser Licensing and Certification Board, is amended to read as follows:

(ii) Subdivision (12)(A)(i) of this section applies to an application for a state-registered appraiser credential, an application for a registered apprentice appraiser credential, an application to upgrade an existing appraiser credential, an application to reinstate an appraiser credential that has been inactive for more than twelve (12) months, and an application for a new reciprocal appraiser credential.

1 SECTION 8. Arkansas Code § 17-14-205(b), concerning hearings, review,
2 and access to records of the Arkansas Appraisal Licensing and Certification
3 Board, is amended to read as follows:

4 (b) Disciplinary hearings conducted by the board for the purpose of
5 determining whether to levy civil penalties under the Arkansas Appraiser
6 Licensing and Certification Act, § 17-14-101 et seq., § 17-14-201 et seq.,
7 and § 17-14-301 et seq., and for the purpose of determining whether to revoke
8 or suspend any registration, license, or certificate issued under the
9 Arkansas Appraiser Licensing and Certification Act, § 17-14-101 et seq., §
10 17-14-201 et seq., and § 17-14-301 et seq., shall not be deemed open public
11 meetings but shall be executive sessions conducted as provided for in the
12 Freedom of Information Act of 1967, § 25-19-101 et seq.
13

14 SECTION 9. Arkansas Code § 17-14-206, concerning complaints and
15 disciplinary procedures of the Arkansas Appraiser Licensing and Certification
16 Board, is amended to add an additional subsection to read as follows:

17 (c)(1) An action in tort or contract, whether oral or written, to
18 recover damages for malpractice, negligence, error, mistake, omission, or
19 breach shall not be brought against a registered apprentice appraiser, a
20 state-registered appraiser, a state-licensed appraiser, or a state-certified
21 appraiser, including any agent, firm, employee, or employer thereof, after
22 three (3) years from the date on which the appraisal or appraisal-related
23 service giving rise to the action was completed or should have been
24 completed.

25 (2) The time for commencement of an action contained in
26 subdivision (c)(1) of this section does not apply to any claim alleging that
27 a state-registered appraiser, state-licensed appraiser, registered apprentice
28 appraiser, or state-certified appraiser knowingly and intentionally:

29 (A) Committed fraud; or

30 (B) Made misrepresentations when performing a real estate
31 appraisal or when providing an appraisal-related service.
32

33 SECTION 10. Arkansas Code § 17-14-303(a), concerning unlicensed
34 persons and federally and nonfederally related transactions relating to
35 appraisers, is amended to read as follows:

36 (a) It is a Class B misdemeanor for any person who is not licensed,

1 registered, or certified under the Arkansas Appraiser Licensing and
2 Certification Act, § 17-14-101 et seq., § 17-14-201 et seq., and § 17-14-301
3 et seq., to perform appraisal services as defined in the Arkansas Appraiser
4 Licensing and Certification Act, § 17-14-101 et seq., § 17-14-201 et seq.,
5 and § 17-14-301 et seq., in connection with a federally related transaction.
6

7 SECTION 11. Arkansas Code § 17-14-304(d) and (e), concerning the use
8 of terms related to appraisers and appraisals, are amended to read as
9 follows:

10 (d) A person other than a state-registered appraiser, state-licensed
11 appraiser, registered apprentice appraiser, or state-certified appraiser
12 shall not assume or use that title or any title, designation, or abbreviation
13 likely to create the impression of registration, licensing, or certification
14 as an appraiser by this state.

15 (e) A person who is not registered, licensed, or certified under the
16 Arkansas Appraiser Licensing and Certification Act, § 17-14-101 et seq., §
17 17-14-201 et seq., and § 17-14-301 et seq., shall not describe or refer to
18 any appraisal report, written or oral, or other evaluation of real estate
19 covered under the activities of appraisers by the term “registered”,
20 “licensed”, “certified”, or any other similar term that may be construed to
21 imply qualification or competency recognized by the state.
22

23 SECTION 12. Arkansas Code §§ 17-14-305 and 17-14-306 are amended to
24 read as follows:

25 17-14-305. Compliance with uniform standards and code of ethics –
26 Seals – Licensing and certification documents.

27 (a)(1) Each state-registered appraiser, each state-licensed appraiser,
28 each registered apprentice appraiser, and each state-certified appraiser
29 shall comply with the Uniform Standards of Professional Appraisal Practice
30 and Code of Ethics adopted by the Arkansas Appraiser Licensing and
31 Certification Board and shall authenticate all written appraisal reports with
32 a seal that shall indicate the registration, license, or certification
33 number.

34 (2) The seal and number shall also be used in all statements of
35 qualifications, contracts, or other instruments used by the registration,
36 license, or certificate holder when reference is made to his or her status as

1 a state-registered appraiser, state-licensed appraiser, registered apprentice
2 appraiser, or a state-certified appraiser.

3 (b) Registration, license, and certificate documents, licenses,
4 certificates, seals, and pocket cards shall remain the property of the state,
5 and, upon any suspension, revocation, or other termination of a registration,
6 license, or certification under the Arkansas Appraiser Licensing and
7 Certification Act, § 17-14-101 et seq., § 17-14-201 et seq., and § 17-14-301
8 et seq., the individual holding the related documents shall immediately
9 return the documents to the board.

10
11 17-14-306. Additional licenses – Nonresidents.

12 (a)(1) Every applicant for registration, licensure, or certification
13 under the Arkansas Appraiser Licensing and Certification Act, § 17-14-101 et
14 seq., § 17-14-201 et seq., and § 17-14-301 et seq., who is not a resident of
15 this state shall submit with the application for registration, licensure, or
16 certification an irrevocable consent that service of process upon him or her
17 may be made by delivery of the process to the Secretary of State if, in an
18 action against the applicant in a court of this state arising out of the
19 applicant's activities as a state-registered appraiser, state-licensed
20 appraiser, registered apprentice appraiser, or state-certified appraiser, the
21 plaintiff cannot effect personal service upon the applicant.

22 (2) A nonresident of this state who has complied with this
23 provision may obtain a license or certification as a state-licensed appraiser
24 or a state-certified appraiser by complying with the Arkansas Appraiser
25 Licensing and Certification Act, § 17-14-101 et seq., § 17-14-201 et seq.,
26 and § 17-14-301 et seq., relating to state-registered appraisers, state-
27 licensed appraisers, or state-certified appraisers, including the payment of
28 a fee.

29 (b)(1) If, in the determination by the Arkansas Appraiser Licensing
30 and Certification Board, another state is deemed to have substantially
31 equivalent licensing and certification requirements, an applicant who is
32 licensed or certified under the laws of the other state may obtain a
33 ~~temporary or~~ nonresident license or certificate as a state-licensed appraiser
34 or a state-certified appraiser in this state upon such terms and conditions
35 as may be determined by the board.

36 (2) An appropriate fee is to be charged.

1
2 SECTION 13. Arkansas Code § 17-14-308(b)(2), concerning the violation
3 of law and civil penalties, injunctions, and venue related to appraisers, is
4 amended to read as follows:

5 (2) Any person cosigning an appraisal with a state-registered,
6 state-licensed, registered apprentice, or state-certified appraiser becomes
7 subject to the Arkansas Appraiser Licensing and Certification Act, § 17-14-
8 101 et seq., § 17-14-201 et seq., and § 17-14-301 et seq.

9
10
11 /s/Hester
12
13

14 **APPROVED: 3/19/19**
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

State of Arkansas

As Engrossed: S3/28/19

92nd General Assembly

A Bill

Regular Session, 2019

SENATE BILL 564

By: Senators Irvin, T. Garner, J. Hendren, D. Wallace

By: Representative Bentley

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OCCUPATIONAL
LICENSURE OF ACTIVE DUTY SERVICE MEMBERS, RETURNING
MILITARY VETERANS, AND THEIR SPOUSES; TO PROVIDE
AUTOMATIC LICENSURE; TO REQUIRE REVIEW AND APPROVAL
OF RULES SUBMITTED BY OCCUPATIONAL LICENSING
ENTITIES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
OCCUPATIONAL LICENSURE OF ACTIVE DUTY
SERVICE MEMBERS, RETURNING MILITARY
VETERANS, AND THEIR SPOUSES; TO PROVIDE
AUTOMATIC LICENSURE; TO REQUIRE REVIEW
AND APPROVAL OF RULES SUBMITTED.

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

SECTION 1. DO NOT CODIFY. Legislative Intent.

The General Assembly finds that:

(1) The current law regarding the issuance of licenses,
certificates, and permits required to enable the holder to lawfully engage in
a profession, trade, or employment in this state continues to constitute a
hardship on active duty service members, returning military veterans, and
their spouses;

(2) Acts 2017, No. 248, amended the law to require that all
state boards and commissions promulgate rules to expedite the process and



1 procedures for full licensure, certification, or permitting for active duty
2 service members, returning military veterans, and their spouses;

3 (3) State boards and commissions required to promulgate rules by
4 Acts 2017, No. 248, have failed to do so in accordance with the law; and

5 (4) Automatic licensure is necessary to remedy these hardships
6 and allow active duty service members, returning military veterans, and their
7 spouses to engage in their chosen professions.

8
9 Section 2. Arkansas Code § 17-1-106 is amended to read as follows:

10 17-1-106. ~~Licensure, certification, or permitting of Automatic~~
11 licensure for active duty service members, returning military veterans, and
12 spouses – ~~Definition~~ Definitions.

13 (a) As used in this section:

14 (1) "Automatic licensure" means the granting of occupational
15 licensure without an individual's having met occupational licensure
16 requirements provided under this title or by the rules of the occupational
17 licensing entity;

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

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

26 (4) "returning Returning military veteran" means a former member
27 of the United States Armed Forces who was discharged from active duty under
28 circumstances other than dishonorable.

29 ~~(b)(1) A state board or commission that issues licenses, certificates,~~
30 ~~or permits required to enable the holder to lawfully engage in a profession,~~
31 ~~trade, or employment in this state~~ An occupational licensing entity shall
32 allow grant the following individuals to secure employment with a temporary
33 license, certificate, or permit while completing the application process for
34 full licensure or certification or permitting automatic licensure to engage
35 in an occupation or profession if the to an individual who is the holder in
36 good standing of a substantially equivalent license, certificate, or permit

1 occupational license issued by another state, territory, or district of the
2 United States and is:

3 ~~(1)(A)~~ An active duty military service member stationed in the
4 State of Arkansas;

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

7 ~~(3)(C)~~ The spouse of a person under subdivisions ~~(b)(1)~~
8 (b)(1)(A) and ~~(2)~~ (b)(1)(B) of this section.

9 (2) However, an occupational licensing entity shall be required
10 to provide automatic licensure if the proposed rules are not approved as
11 required under subsection (d)(2) of this section.

12 ~~(c) A state board or commission shall expedite the process and~~
13 ~~procedures for full licensure, certification, or permitting for the following~~
14 ~~individuals:~~

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

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

19 ~~(3) The spouse of a person under subdivisions (c)(1) and (2) of~~
20 ~~this section.~~

21 ~~(d) When considering an application for full licensure,~~
22 ~~certification, or permitting for an active duty military service member~~
23 ~~stationed in the State of Arkansas or a returning military veteran applying~~
24 ~~within one (1) year of his or her discharge from active duty, a state board~~
25 ~~or commission:~~

26 ~~(1) Shall consider whether or not the applicant's military~~
27 ~~training and experience in the area of licensure, certification, or~~
28 ~~permitting is substantially similar to experience or education required for~~
29 ~~licensure, certification, or permitting; and~~

30 ~~(2) Shall accept the applicant's military training and~~
31 ~~experience in the area of licensure, certification, or permitting in lieu of~~
32 ~~experience or education required for licensure, certification, or permitting~~
33 ~~if the state board or commission determines the military training and~~
34 ~~experience is a satisfactory substitute for the experience or education~~
35 ~~required for licensure, certification, or permitting.~~

36 ~~(e) A license, certificate, or permit required to enable the holder to~~

1 ~~lawfully engage in a profession, trade, or employment in this state held by~~
2 ~~an active duty military service member deployed outside the State of Arkansas~~
3 ~~or his or her spouse shall not expire until one hundred eighty (180) days~~
4 ~~following the active duty military service member's or spouse's return from~~
5 ~~active deployment.~~

6 ~~(f)(1) A state board or commission shall allow a full or partial~~
7 ~~exemption from continuing education required as part of licensure,~~
8 ~~certification, or permitting for a profession, trade, or employment in this~~
9 ~~state for the following individuals:~~

10 ~~(A) An active duty military service member deployed~~
11 ~~outside of the State of Arkansas;~~

12 ~~(B) A returning military veteran within one (1) year of~~
13 ~~his or her discharge from active duty; or~~

14 ~~(C) The spouse of a person under subdivisions (f)(1) and~~
15 ~~(2) of this section.~~

16 ~~(2) A state board or commission allowing a full or partial~~
17 ~~exemption from continuing education required under subdivision (f)(1) of this~~
18 ~~section may require evidence of completion of continuing education before~~
19 ~~issuing the individual a subsequent license, certificate, or permit or~~
20 ~~authorizing the renewal of a license, certificate, or permit.~~

21 ~~(g) All state boards and commissions shall promulgate rules necessary~~
22 ~~to carry out the provisions of this section.~~

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

27 (d) The Administrative Rules and Regulations Subcommittee of the
28 Legislative Council shall:

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

33 (2) Approve the proposed rules submitted under subsection (c)
34 based on:

35 (A) A determination of whether the expedited process and
36 procedure provide the least restrictive means of accomplishing occupational

1 licensure; and

2 (B) Any other criteria the Administrative Rules and
3 Regulations Subcommittee of the Legislative Council determines necessary to
4 achieve the objectives of this section.

5 (e) The Administrative Rules and Regulations Subcommittee of the
6 Legislative Council may:

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

9 (2) Assign information filed with the Administrative Rules and
10 Regulations Subcommittee of the Legislative Council under this section to one
11 (1) or more subcommittee of the Legislative Council, including without
12 limitation a subcommittee created under subdivision (e)(1) of this section;
13 or

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

18 (f) An occupational licensing entity shall:

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

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

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

30 (B) Returning military veterans applying within one (1)
31 year of his or her discharge from active duty; or

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

34
35 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. An occupational
36 licensing entity proposing rules recommending an expedited process and

1 procedure for occupational licensure instead of automatic licensure as
2 provided under § 17-1-106(b) to the Administrative Rules and Regulations
3 Subcommittee of the Legislative Council shall complete the review and
4 approval process of the proposed rules required by § 17-1-106 within one (1)
5 year of the effective date of this act.

6
7
8 */s/ Irvin*

9
10
11 **APPROVED: 4/9/19**
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

State of Arkansas *As Engrossed: S3/18/19 H4/3/19*

92nd General Assembly

Regular Session, 2019

A Bill

SENATE BILL 451

By: Senator J. Cooper

By: Representative Dalby

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND OCCUPATIONS TO
OBTAIN CONSISTENCY REGARDING CRIMINAL BACKGROUND
CHECKS AND DISQUALIFYING OFFENSES FOR LICENSURE; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND
OCCUPATIONS TO OBTAIN CONSISTENCY
REGARDING CRIMINAL BACKGROUND CHECKS AND
DISQUALIFYING OFFENSES FOR LICENSURE.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas is taking a leading role in the nationwide pursuit
of reforms to the system of occupational licensing;

(2) Arkansas became one (1) of eleven (11) states chosen to
participate in the Occupational Licensing Policy Learning Consortium, an
initiative funded by a grant from the United States Department of Labor and
supported in partnership with the National Conference of State Legislatures,
the Council of State Governments, and the National Governors Association;

(3) Governor Asa Hutchinson appointed seventeen (17) individuals
to the Red Tape Reduction Working Group to review and address occupational



1 licensing regulations that create unnecessary barriers to labor market entry;
2 and

3 (4) The Red Tape Reduction Working Group issued a final report
4 to the Governor in the fall of 2018 with five (5) recommendations for
5 substantive legislative reform, which are to:

6 (A) Establish an expedited procedure for occupational
7 licensing entities to collectively submit administrative rules that are
8 responsive to new legislation;

9 (B) Extend Acts 2017, No. 781, to allow repeal of
10 subsections of rules;

11 (C) Establish provisions to allow certain agencies to
12 consider occupational relevance with regard to criminal background issues;

13 (D) Authorize occupational licensing entities to identify
14 types of individuals or entities that may be issued temporary or provisional
15 licenses; and

16 (E) Establish a systematic process for review of:

17 (i) New occupational licenses and occupational
18 licensing entities; and

19 (ii) Existing occupational licenses and occupational
20 licensing entities.

21 (b) It is the intent of the General Assembly to establish provisions
22 to allow certain agencies to consider occupational relevance with regard to
23 criminal background issues.

24
25 SECTION 2. Arkansas Code Title 17 is amended to add an additional
26 chapter to read as follows:

27 CHAPTER 2

28 OCCUPATIONAL CRIMINAL BACKGROUND CHECKS

29
30 17-2-101. Definitions.

31 As used in this subchapter:

32 (1) "Criminal record" means any type of felony or misdemeanor
33 conviction;

34 (2) "Licensing entity" means an office, board, commission,
35 department, council, bureau, or other agency of state government having
36 authority to license, certify, register, permit, or otherwise authorize an

1 individual to engage in a particular occupation or profession; and

2 (3) "License" means a license, certificate, registration,
3 permit, or other form of authorization required by law or rule that is
4 required for an individual to engage in a particular occupation or
5 profession.

6
7 17-2-102. Licensing restrictions based on criminal records.

8 (a) An individual is not eligible to receive or hold a license issued
9 by a licensing entity if that individual has pleaded guilty or nolo
10 contendere to or been found guilty of any of the following offenses by any
11 court in the State of Arkansas or of any similar offense by a court in
12 another state or of any similar offense by a federal court, unless the
13 conviction was lawfully sealed under the Comprehensive Criminal Record
14 Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed,
15 pardoned or expunged under prior law:

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

17 (2) Murder in the first degree and second degree as prohibited
18 in §§ 5-10-102 and 5-10-103;

19 (3) Manslaughter as prohibited in § 5-10-104;

20 (4) Negligent homicide as prohibited in § 5-10-105;

21 (5) Kidnapping as prohibited in § 5-11-102;

22 (6) False imprisonment in the first degree as prohibited in § 5-
23 11-103;

24 (7) Permanent detention or restraint as prohibited in § 5-11-
25 106;

26 (8) Robbery as prohibited in § 5-12-102;

27 (9) Aggravated robbery as prohibited in § 5-12-103;

28 (10) Battery in the first degree as prohibited in § 5-13-201;

29 (11) Aggravated assault as prohibited in § 5-13-204;

30 (12) Introduction of a controlled substance into the body of
31 another person as prohibited in § 5-13-210;

32 (13) Aggravated assault upon a law enforcement officer or an
33 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
34 felony;

35 (14) Terroristic threatening in the first degree as prohibited
36 in § 5-13-301;

- 1 (15) Rape as prohibited in § 5-14-103;
2 (16) Sexual indecency with a child as prohibited in § 5-14-110;
3 (17) Sexual extortion as prohibited in § 5-14-113;
4 (18) Sexual assault in the first degree, second degree, third
5 degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
6 (19) Incest as prohibited in § 5-26-202;
7 (20) Offenses against the family as prohibited in §§ 5-26-303 –
8 5-26-306;
9 (21) Endangering the welfare of an incompetent person in the
10 first degree, as prohibited in § 5-27-201;
11 (22) Endangering the welfare of a minor in the first degree as
12 prohibited in § 5-27-205;
13 (23) Permitting the abuse of a minor as prohibited in § 5-27-
14 221;
15 (24) Engaging children in sexually explicit conduct for use in
16 visual or print media, transportation of minors for prohibited sexual
17 conduct, pandering or possessing visual or print medium depicting sexually
18 explicit conduct involving a child, or use of a child or consent to use of a
19 child in a sexual performance by producing, directing, or promoting a sexual
20 performance by a child, as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402,
21 and 5-27-403;
22 (25) Computer child pornography as prohibited in § 5-27-603;
23 (26) Computer exploitation of a child in the first degree as
24 prohibited in § 5-27-605;
25 (27) Felony adult abuse as prohibited in § 5-28-103;
26 (28) Theft of property as prohibited in § 5-36-103;
27 (29) Theft by receiving as prohibited in § 5-36-106;
28 (30) Arson as prohibited in § 5-38-301;
29 (31) Burglary as prohibited in § 5-39-201;
30 (32) Felony violation of the Uniform Controlled Substances Act,
31 §§ 5-64-101 – 5-64-510, as prohibited in the former § 5-64-401, and §§ 5-64-
32 419 – 5-64-442;
33 (33) Promotion of prostitution in the first degree as prohibited
34 in § 5-70-104;
35 (34) Stalking as prohibited in § 5-71-229;
36 (35) Criminal attempt, criminal complicity, criminal

solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection; and

(36) All other crimes referenced in this title.

(b)(1) If an individual has been convicted of a crime listed in subsection (a) 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.

(2) A basis upon which a waiver may be granted includes 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 licensure of the applicant does not pose a threat to the health or safety of the public.

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

(A) Was not convicted for committing a violent or sexual offense; and

(B) Has not been convicted of any other offense during the five-year disqualification period.

(d) A licensing entity shall not, as a basis upon which a license may be granted or denied:

(1) Use vague or generic terms, including without limitation the

1 phrase "moral turpitude" and "good character"; or

2 (2) Consider arrests without a subsequent conviction.

3 (e) Due to the serious nature of the offenses, the following shall
4 result in permanent disqualification for licensure:

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

6 (2) Murder in the first degree as prohibited in § 5-10-102 and
7 murder in the second degree as prohibited in § 5-10-103;

8 (3) Kidnapping as prohibited in § 5-11-102;

9 (4) Aggravated assault upon a law enforcement officer or an
10 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
11 felony;

12 (5) Rape as prohibited in § 5-14-103;

13 (6) Sexual extortion as prohibited in § 5-14-113;

14 (7) Sexual assault in the first degree as prohibited in § 5-14-
15 124 and sexual assault in the second degree as prohibited in § 5-14-125;

16 (8) Incest as prohibited in § 5-26-202;

17 (9) Endangering the welfare of an incompetent person in the
18 first degree as prohibited in § 5-27-201;

19 (10) Endangering the welfare of a minor in the first degree as
20 prohibited in § 5-27-205;

21 (11) Adult abuse that constitutes a felony as prohibited in § 5-
22 28-103; and

23 (12) Arson as prohibited in § 5-38-301.

24 (f) This chapter does not preclude a licensing entity from taking
25 emergency action against a licensee as authorized under § 25-15-211 for the
26 sake of public health, safety, or welfare.

27 (g) The permanent disqualification for an offense listed in subsection
28 (e) of this section does not apply to an individual who holds a valid license
29 on the effective date of this chapter.

30 (h) This section does not apply to licensure or certification:

31 (1) Of professions not governed by this title;

32 (2) Of polygraph examiners and voice stress analysis examiners
33 under § 17-39-101 et seq.; or

34 (3) Of private investigators and private security agencies under
35 the Private Security Agency, Private Investigator, and School Security
36 Licensing and Credentialing Act, § 17-40-101 et seq.

17-2-103. Prelicensure criminal background checks.

(a)(1) An individual with a criminal record may petition a licensing entity at any time for a determination of whether the criminal record of the individual will disqualify the individual from licensure and whether or not he or she could obtain a waiver under § 17-2-102(b).

(2) The petition shall include details on the criminal record of the individual.

(b)(1) A licensing entity may require that the applicant undergo a state and federal criminal background check as required by the licensing entity for all applicants for a license.

(2) The petitioner under subsection (a) of this section shall be responsible for payment for the state and federal criminal background check.

17-2-104. Rules.

(a) A licensing entity shall adopt or amend rules necessary for the implementation of this chapter.

(b)(1) When adopting or amending rules to implement this chapter, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(A) On or before January 1, 2020; or

(B) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(2) A licensing entity shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.

SECTION 3. Arkansas Code § 17-11-302(b), concerning application and certificate of registration to become a registered abstractor, is amended to read as follows:

(b) The application shall be in a form prepared by the board and shall contain such information as may be necessary to assist the board in registration ~~and to determine if the applicant is of good moral character.~~

SECTION 4. Arkansas Code § 17-11-304(a), concerning issuance or

1 reapplication for a certificate of registration by the Arkansas Abstracters'
2 Board, is amended to read as follows:

3 (a) If the applicant satisfactorily passes the examinations ~~and is of~~
4 ~~good moral character~~, the applicant shall be certified as a registered
5 abstracter, and the certificate provided for shall be issued to him or her.
6 The privileges granted by the certificate shall continue unless revoked, as
7 provided in this chapter, or unless the certificate is otherwise surrendered
8 to the Arkansas Abstracters' Board.

9
10 SECTION 5. Arkansas Code § 17-11-340(a), concerning the revocation of
11 certificates authorized by the Arkansas Abstracters' Board, is amended to
12 read as follows:

13 (a) The Arkansas Abstracters' Board is authorized, after a hearing as
14 provided in § 17-11-341, to cancel and revoke any certificate of registration
15 issued to any person under the provisions of this chapter:

16 (1) For a violation of any of the provisions of this chapter;

17 (2) Upon a conviction of the holder of such a certificate of a
18 crime ~~involving moral turpitude~~ under § 17-1-102; or

19 (3) If the board finds the holder to be guilty of habitual
20 carelessness or of fraudulent practices in the conduct of the business of
21 abstracting.

22
23 SECTION 6. Arkansas Code § 17-11-341(a)(1), concerning the procedure
24 of appeal for revocation of certificates authorized by the Arkansas
25 Abstracters' Board, is amended to read as follows:

26 (a)(1) Upon a verified complaint being filed with the Arkansas
27 Abstracters' Board or upon the board's own motion filing a complaint charging
28 the holder of a certificate of registration with a violation of any of the
29 provisions of this chapter, or conviction of a crime involving ~~moral~~
30 ~~turpitude, or with~~ under § 17-2-102 or habitual carelessness or fraudulent
31 practices in the conduct of the business of abstracting, or charging the
32 holder of a certificate of authority with failure to furnish the bond or
33 bonds, or other securities, required by § 17-11-324, or with failing to have
34 employed a registered abstracter as provided in § 17-11-301, or with a
35 violation of any of the provisions of this chapter, the board shall
36 immediately notify in writing by registered mail, with return receipt, the

holder of the certificate of the filing of the complaint and furnish the holder with a copy of the complaint.

SECTION 7. Arkansas Code § 17-12-301 is amended to read as follows:

17-12-301. Requirements generally – Definition.

(a) A certificate as a certified public accountant shall be granted by the Arkansas State Board of Public Accountancy to any person ~~of good moral character:~~

(1) Who has met the education and experience requirements set forth in this chapter and by the board; and

(2) Who has passed an examination in accounting and auditing and such related subjects as the board shall determine to be appropriate.

~~(b)(1)(A) “Good moral character” as used in this section means lack of a history of:~~

~~(i) Dishonest or felonious acts; or~~

~~(ii) Conduct involving fraud or moral turpitude.~~

~~(B) The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good moral character is supported by clear and convincing evidence.~~

~~(2) When an applicant is found to be unqualified for a certificate because of a lack of good moral character, the board shall furnish the applicant a:~~

~~(A) Statement containing the findings of the board;~~

~~(B) Complete record of the evidence upon which the determination was based; and~~

~~(C) Notice of the applicant’s right of appeal.~~

~~(e)(1)(b)(1)~~ Any person who has received from the board a certificate as a certified public accountant which is currently in full force and effect shall be styled and known as a “certified public accountant” and may also use the abbreviation “CPA”.

(2) The board shall maintain a list of certified public accountants.

(c) Any certified public accountant may also be known as a public

1 accountant.

2
3 SECTION 8. Arkansas Code § 17-12-303(d), concerning the criminal
4 background check for initial licensure of accountants, is amended to read as
5 follows:

6 (d) Upon completion of the criminal background checks, the
7 Identification Bureau of the Department of Arkansas State Police shall
8 forward to the board all releasable information obtained concerning the
9 ~~commission by the applicant of any offense listed in subsection (e) of this~~
10 ~~section.~~

11
12 SECTION 9. Arkansas Code § 17-12-303(e), concerning the criminal
13 background check for initial licensure of accountants, is repealed.

14 ~~(e) Notwithstanding the provisions of § 17-12-301, a person convicted~~
15 ~~of a felony or crime involving moral turpitude or dishonesty in any state or~~
16 ~~federal court may not receive or hold a license as a certified public~~
17 ~~accountant or public accountant.~~

18
19 SECTION 10. Arkansas Code § 17-12-601(a)(5) and (6), concerning the
20 grounds for revocation or suspension of licensure of accountants, are amended
21 to read as follows:

22 (5) Conviction of a felony under ~~the law of any state or of the~~
23 ~~United States~~ § 17-2-102;

24 (6) Conviction of any crime an element of which is dishonesty,
25 ~~or fraud, or moral turpitude~~ under the law of any state or of the United
26 States;

27
28 SECTION 11. Arkansas Code § 17-12-601, concerning the grounds for
29 revocation or suspension of licensure of an accountant, is amended to add an
30 additional subsection to read as follows:

31 (c) In addition to the offenses listed in § 17-2-102, the Arkansas
32 State Board of Public Accountancy may refuse to issue a license to or
33 reinstate a license of a person who has been convicted of a felony involving
34 theft or fraud, regardless of the amount of time that has elapsed since the
35 conviction.

1 SECTION 12. Arkansas Code § 17-14-203(12)(C)(i), concerning the powers
2 and duties regarding criminal background checks of the Arkansas Appraiser
3 Licensing and Certification Board, is amended to read as follows:

4 (i) During the five (5) years immediately preceding
5 the date of the application was convicted of, or pled guilty or nolo
6 contendere to, a crime that would call into question the applicant's fitness
7 for registration, licensure, or certification, including without limitation a
8 crime involving:

9 ~~(a) Moral turpitude;~~

10 ~~(b)(1)~~(a)(1) An act substantially related to
11 the qualifications, functions, or duties of an appraiser.

12 (2) A crime or act may be deemed
13 substantially related to the qualifications, functions, or duties of an
14 appraiser if, to a substantial degree, the crime or act evidences present or
15 potential unfitness of a person applying for or holding a real property
16 appraiser credential to perform the functions authorized by the credential;

17 ~~(e)~~(b) Taking, appropriating, or retaining the
18 funds or property of another;

19 ~~(d)~~(c) Forging, counterfeiting, or altering an
20 instrument affecting the rights or obligations of another;

21 ~~(e)~~(d) Evasion of a lawful debt or obligation,
22 including without limitation a tax obligation;

23 ~~(f)~~(e) Trafficking in narcotics or controlled
24 substances;

25 ~~(g)~~(f) Violation of a relation of trust or
26 confidence;

27 ~~(h)~~(g) Theft of personal property or funds;

28 ~~(i)~~(h) An act of violence or threatened
29 violence against persons or property; or

30 ~~(j)~~(i) A sexually related crime or act under §
31 5-14-101 et seq.;

32
33 SECTION 13. Arkansas Code § 17-14-206(a)(3), concerning complaints and
34 disciplinary procedures of the Arkansas Appraiser Licensing and Certification
35 Board for licensees, is repealed.

36 ~~(3)(A) Conviction in any jurisdiction of any misdemeanor~~

1 ~~involving moral turpitude or of any felony.~~

2 ~~(B) A plea of nolo contendere or no contest shall be~~
3 ~~considered a conviction for the purposes of this section.~~

4
5 SECTION 14. Arkansas Code § 17-14-405(b)(3), concerning requirements
6 for registration under the Appraisal Management Company Registration Act, is
7 amended to read as follows:

8 (3)(A) The name, address, and contact information of any person
9 that owns ten percent (10%) or more of the appraisal management company.

10 (B) Any person owning more than ten percent (10%) of an
11 appraisal management company in this state shall:

12 ~~(i) Be of good moral character, as determined by the~~
13 ~~board; and~~

14 ~~(ii) Submit~~ submit to a state criminal background
15 check and a national fingerprint-based criminal background check performed by
16 the Federal Bureau of Investigation in compliance with federal law and
17 regulations;

18
19 SECTION 15. Arkansas Code § 17-14-410(a)(3), concerning the
20 disciplinary authority, enforcement, and hearings under the Appraisal
21 Management Company Registration Act, is amended to read as follows:

22 (3) The person has pleaded guilty or nolo contendere to or been
23 found guilty of:

24 (A) A felony listed under § 17-2-102; or

25 (B) Within the past ten (10) years:

26 (i) A misdemeanor involving mortgage lending or real
27 estate appraising; or

28 (ii) An offense involving breach of trust, ~~moral~~
29 ~~turpitude~~, or fraudulent or dishonest dealing;

30
31 SECTION 16. Arkansas Code § 17-15-102(3), concerning the definition of
32 "good moral character" related to architects, is repealed.

33 ~~(3)(A) "Good moral character" means character that will enable a~~
34 ~~person to discharge the fiduciary duties of an architect to his or her client~~
35 ~~and to the public for the protection of health, safety, and welfare.~~

36 ~~(B) Evidence of inability to discharge such duties~~

1 ~~includes the commission of an offense justifying discipline under § 17-15-~~
2 ~~308,~~

3
4 SECTION 17. Arkansas Code § 17-15-304(b)(1), concerning examinations
5 to be a registered and licensed architect, is amended to read as follows:

6 (b)(1) To be qualified for admission to an examination to practice
7 architecture in the State of Arkansas, an applicant ~~must~~ shall be at least
8 twenty-one (21) years of age ~~and of good moral character.~~

9
10 SECTION 18. Arkansas Code § 17-15-308(5), concerning grounds for
11 revocation of a license for an architect, is amended to read as follows:

12 (5) The holder of the license or certificate of registration has
13 been guilty of a felony listed under § 17-2-102;

14
15 SECTION 19. Arkansas Code § 17-16-105(a)(8), concerning the
16 registration requirements for an athlete agent under the Uniform Athlete
17 Agents Act, is amended to read as follows:

18 (8) whether the applicant or any person named pursuant to
19 paragraph (7) has been convicted of a crime that, if committed in this State,
20 would be a crime involving ~~moral turpitude~~ or a felony listed under § 17-2-
21 102, and identify the crime;

22
23 SECTION 20. Arkansas Code § 17-17-308(6), concerning the suspension or
24 revocation of a license of an auctioneer, is amended to read as follows:

25 (6) Being convicted of a criminal offense involving ~~moral~~
26 ~~turpitude~~ or a felony listed under § 17-2-102 in a court of competent
27 jurisdiction of this or any other jurisdiction;

28
29 SECTION 21. Arkansas Code § 17-19-203(3), concerning character
30 references for a professional bail bondsman license, is amended to read as
31 follows:

32 (3) ~~Such other~~ Provide other proof as the board may require that
33 he or she is competent, trustworthy, financially responsible, and of good
34 personal and business reputation and has not been convicted of a felony ~~or~~
35 ~~any offense involving moral turpitude~~ listed under § 17-2-102.

1 SECTION 22. Arkansas Code § 17-19-210(b)(1), concerning the suspension
2 and penalties for a professional bail bondsman licensee, is amended to read
3 as follows:

4 (1) Violated any provision of or any obligation imposed by this
5 chapter or any lawful rule, ~~regulation~~, or order of the board or has been
6 convicted of a felony ~~or any offense involving moral turpitude~~ listed under §
7 17-2-102;

8
9 SECTION 23. Arkansas Code § 17-20-302 is amended to read as follows:

10 17-20-302. Qualifications of applicants.

11 Any person shall be qualified to receive a certificate of registration
12 to practice as a registered barber who:

13 (1) Is qualified under this chapter;

14 ~~(2) Is of good moral character and temperate habits;~~

15 ~~(3)~~(2) Has passed a satisfactory examination conducted by the
16 State Board of Barber Examiners to determine his or her fitness to practice
17 barbering;

18 ~~(4)~~(3) Is at least sixteen and one-half (16 ½) years of age; and

19 ~~(5)~~(4) Has received training approved by the appropriate
20 licensing authorities.

21
22 SECTION 24. Arkansas Code § 17-20-308(1)(A), concerning grounds for
23 disciplinary action of barbers, is amended to read as follows:

24 (1)(A) Conviction of a felony listed under § 17-2-102 shown by a
25 certified copy of the record of the court of conviction.

26
27 SECTION 25. Arkansas Code § 17-24-307(3), concerning the grounds for
28 revocation, suspension, or refusal of license issued by the State Board of
29 Collection Agencies, is repealed.

30 ~~(3) Conviction of any crime involving moral turpitude;~~

31
32 SECTION 26. Arkansas Code § 17-25-305(a), concerning the
33 qualifications for a contractors license, is amended to read as follows:

34 (a) The Contractors Licensing Board, in determining the qualifications
35 of any applicant for an original license or any renewal license, shall, among
36 other things, consider the following:

- 1 (1) Experience;
- 2 (2) Ability;
- 3 ~~(3) Character;~~
- 4 ~~(4)~~(3) The manner of performance of previous contracts;
- 5 ~~(5)~~(4) Financial condition;
- 6 ~~(6)~~(5) Equipment;
- 7 ~~(7)~~(6) Any other fact tending to show ability and willingness to
- 8 conserve the public health and safety; and
- 9 ~~(8)~~(7) Default in complying with the provisions of this chapter
- 10 or ~~any other~~ another law of the state.
- 11

12 SECTION 27. Arkansas Code § 17-25-305, concerning the qualifications
13 for a contractors license, is amended to add an additional subsection to read
14 as follows:

15 (c) In addition to the offenses listed in § 17-2-102, the board may
16 consider the following offenses when determining fitness for licensure or
17 registration of a contractor under this chapter:

18 (1) Conviction of a crime with an element of dishonesty or fraud
19 under the laws of this state, another state, or the United States;

20 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-
21 16-102;

22 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et
23 seq.; and

24 (4)(A) A crime or act that is substantially related to the
25 qualifications, functions, or duties of a contractor.

26 (B) A crime or act may be deemed substantially related to
27 the qualifications, functions, or duties of a contractor if, to a substantial
28 degree, the crime or act evidences present or potential unfitness of a person
29 applying for or holding a contractors license or registration to perform the
30 functions authorized by the license or registration.

31
32 SECTION 28. Arkansas Code § 17-25-507, concerning the qualifications
33 for a contractors license through the Residential Contractors Committee, is
34 amended to add an additional subsection to read as follows:

35 (c) In addition to the offenses listed in § 17-2-102, the committee
36 may consider the following offenses when determining fitness for licensure or

1 registration of a contractor under this subchapter:

2 (1) Conviction of a crime with an element of dishonesty or fraud
3 under the laws of this state, another state, or the United States;

4 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-
5 16-102;

6 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et
7 seq.; and

8 (4)(A) A crime or act that is substantially related to the
9 qualifications, functions, or duties of a contractor.

10 (B) A crime or act may be deemed substantially related to
11 the qualifications, functions, or duties of a contractor if, to a substantial
12 degree, the crime or act evidences present or potential unfitness of a person
13 applying for or holding a contractors license or registration to perform the
14 functions authorized by the license or registration.

15
16 SECTION 29. Arkansas Code § 17-26-105(10), concerning grounds for
17 disciplinary action for cosmetology and other related occupations, is amended
18 to read as follows:

19 (10) Conviction under the laws of the United States or any state
20 or territory of the United States of a crime that is:

21 (A) ~~Is a~~ A felony or misdemeanor listed under § 17-2-102,
22 as evidenced by a certified copy of a court record or by license application;
23 and

24 (B) ~~Involves~~ A misdemeanor involving dishonesty or is in
25 any way related to the practice or teaching of the cosmetology industry,
26 unless the applicant or licensee can demonstrate to the board's satisfaction
27 that the applicant or licensee has been sufficiently rehabilitated to warrant
28 the public trust;

29
30 SECTION 30. Arkansas Code § 17-26-201(c), concerning the membership of
31 the Cosmetology Technical Advisory Committee, is amended to read as follows:

32 (c) The committee shall be composed of the following representatives
33 from within the cosmetology industry who are ~~of good moral character and who~~
34 ~~are~~ at least twenty-five (25) years of age:

35 (1) One (1) member shall be a licensed cosmetologist actively
36 engaged in practicing the art of cosmetology for at least five (5) years at

1 the time of appointment;

2 (2) One (1) member shall be a licensed nail technician;

3 (3) One (1) member shall be an owner of a licensed school of
4 cosmetology or shall be a director of cosmetology at a state-supported
5 school;

6 (4) One (1) member shall be a licensed aesthetician; and

7 (5) Three (3) members shall represent the cosmetology industry
8 at large or a related field.

9
10 SECTION 31. Arkansas Code § 17-27-301(2), concerning qualifications
11 for a licensed professional counselor, is amended to read as follows:

12 (2) The applicant is highly regarded in ~~personal character and~~
13 professional ethics;

14
15 SECTION 32. Arkansas Code § 17-27-303(2), concerning qualifications
16 for a licensed marriage and family therapist before January 1, 1998, is
17 amended to read as follows:

18 (2) The applicant is highly regarded in ~~personal character and~~
19 professional ethics;

20
21 SECTION 33. Arkansas Code § 17-27-313 is amended to read as follows:
22 17-27-313. Criminal background checks.

23 (a) The Arkansas Board of Examiners in Counseling may require each
24 applicant for license renewal and each first-time applicant for a license
25 issued by the board to apply to the Identification Bureau of the Department
26 of Arkansas State Police for a state and national criminal background check,
27 to be conducted by the Identification Bureau of the Department of Arkansas
28 State Police and the Federal Bureau of Investigation.

29 (b) The check shall conform to the applicable federal standards and
30 shall include the taking of fingerprints.

31 (c) The applicant shall sign a release of information to the board and
32 shall be responsible for the payment of any fee associated with the criminal
33 background check.

34 (d) Upon completion of the criminal background check, the
35 Identification Bureau of the Department of Arkansas State Police shall
36 forward to the board all releasable information obtained concerning the

1 applicant.

2 ~~(e) No person shall be eligible to receive or hold a license issued by~~
3 ~~the board if that person has pleaded guilty or nolo contendere to or been~~
4 ~~found guilty of any of the following offenses by any court in the State of~~
5 ~~Arkansas or of any similar offense by a court in another state or of any~~
6 ~~similar offense by a federal court;~~

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

8 ~~(2) Murder in the first degree and second degree as prohibited~~
9 ~~in §§ 5-10-102 and 5-10-103;~~

10 ~~(3) Manslaughter as prohibited in § 5-10-104;~~

11 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~

12 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

13 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
14 ~~11-103;~~

15 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
16 ~~106;~~

17 ~~(8) Robbery as prohibited in § 5-12-102;~~

18 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~

19 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~

20 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~

21 ~~(12) Introduction of controlled substance into body of another~~
22 ~~person as prohibited in § 5-13-210;~~

23 ~~(13) Aggravated assault upon a law enforcement officer or an~~
24 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

25 ~~(14) Terroristic threatening in the first degree as prohibited~~
26 ~~in § 5-13-301;~~

27 ~~(15) Rape as prohibited in § 5-14-103;~~

28 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~

29 ~~(17) Sexual extortion, § 5-14-113;~~

30 ~~(18) Sexual assault in the first degree, second degree, third~~
31 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

32 ~~(19) Incest as prohibited in § 5-26-202;~~

33 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
34 ~~5-26-306;~~

35 ~~(21) Endangering the welfare of an incompetent person in the~~
36 ~~first degree as prohibited in § 5-27-201;~~

1 ~~(22) Endangering the welfare of a minor in the first degree as~~
2 ~~prohibited in § 5-27-205;~~

3 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~

4 ~~(24) Engaging children in sexually explicit conduct for use in~~
5 ~~visual or print media, transportation of minors for prohibited sexual~~
6 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
7 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
8 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
9 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
10 ~~5-27-403;~~

11 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

12 ~~(26) Computer exploitation of a child in the first degree as~~
13 ~~prohibited in § 5-27-605;~~

14 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

15 ~~(28) Theft of property as prohibited in § 5-36-103;~~

16 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

17 ~~(30) Arson as prohibited in § 5-38-301;~~

18 ~~(31) Burglary as prohibited in § 5-39-201;~~

19 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
20 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
21 ~~5-64-442;~~

22 ~~(33) Promotion of prostitution in the first degree as prohibited~~
23 ~~in § 5-70-104;~~

24 ~~(34) Stalking as prohibited in § 5-71-229; and~~

25 ~~(35) Criminal attempt, criminal complicity, criminal~~
26 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
27 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

28 ~~(f)(1)(e)~~ The board may issue a six-month nonrenewable letter of
29 provisional eligibility for licensure to a first-time applicant pending the
30 results of the criminal background check.

31 ~~(2) Upon receipt of information from the Identification Bureau~~
32 ~~of the Department of Arkansas State Police that the person holding such a~~
33 ~~letter of provisional licensure has pleaded guilty or nolo contendere to or~~
34 ~~been found guilty of any offense listed in subsection (e) of this section,~~
35 ~~the board shall immediately revoke the provisional license.~~

36 ~~(g)(1) The provisions of subsections (e) and (f) of this section may~~

1 ~~be waived by the board upon the request of:~~

2 ~~(A) An affected applicant for licensure; or~~

3 ~~(B) The person holding a license subject to revocation;~~

4 ~~(2) Circumstances for which a waiver may be granted shall~~
5 ~~include, but not be limited to, the following:~~

6 ~~(A) The age at which the crime was committed;~~

7 ~~(B) The circumstances surrounding the crime;~~

8 ~~(C) The length of time since the crime;~~

9 ~~(D) Subsequent work history;~~

10 ~~(E) Employment references;~~

11 ~~(F) Character references; and~~

12 ~~(G) Other evidence demonstrating that the applicant does~~
13 ~~not pose a threat to the health or safety of children.~~

14 (f) For the purposes of this section, the board shall follow the
15 licensing restrictions based on criminal records under § 17-2-102.

16 ~~(h)-(i)(g)(1)~~ Any information received by the board from the
17 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~
18 under this section shall not be available for examination except by:

19 (A) The affected applicant for licensure, or his or her
20 authorized representative; or

21 (B) The person whose license is subject to revocation, or
22 his or her authorized representative.

23 (2) No record, file, or document shall be removed from the
24 custody of the Department of Arkansas State Police.

25 ~~(i)(h)~~ Any information made available to the affected applicant for
26 licensure or the person whose license is subject to revocation shall be
27 information pertaining to that person only.

28 ~~(j)(i)~~ Rights of privilege and confidentiality established under this
29 section shall not extend to any document created for purposes other than this
30 background check.

31 ~~(k)(j)~~ The board shall adopt the necessary rules ~~and regulations~~ to
32 fully implement the provisions of this section.

33
34 SECTION 34. Arkansas Code § 17-29-311(a)(1), concerning the sanctions
35 and prohibited conduct of embalmers and funeral directors, is amended to read
36 as follows:

1 (1) Conviction of a felony listed under § 17-2-102;

2
3 SECTION 35. Arkansas Code § 17-30-305(a)(2)(A), concerning the
4 administrative violations and penalties for an engineer, is amended to read
5 as follows:

6 (A) A felony listed under § 17-2-102;

7
8 SECTION 36. Arkansas Code § 17-31-303(c), concerning application for
9 registration with the Arkansas State Board of Registration for Foresters, is
10 repealed.

11 ~~(c) A person shall not be eligible for registration as a forester who~~
12 ~~is not of good character and reputation.~~

13
14 SECTION 37. Arkansas Code § 17-31-309(b), concerning revocation of a
15 certificate for a registered forester, is amended to read as follows:

16 (b)(1) The board may revoke the certificate of any registered forester
17 who has been convicted of a felony listed under § 17-2-102 or who is found
18 guilty by the board of any fraud, deceit, gross negligence,
19 misrepresentation, willful violation of contract, misconduct, or gross
20 incompetence.

21 (2) The board shall investigate such charges.

22
23 SECTION 38. Arkansas Code § 17-32-304(a)(1), concerning the
24 qualifications for a geologist-in-training certificate, is repealed.

25 ~~(1) Be of good ethical character;~~

26
27 SECTION 39. Arkansas Code § 17-32-311(a)(3), concerning the denial,
28 suspension, or revocation of a registration certificate of a geologist, is
29 amended to read as follows:

30 (3) Any felony listed under § 17-2-102;

31
32 SECTION 40. Arkansas Code § 17-35-301(c)(2), concerning the
33 registration of interior designers, is amended to read as follows:

34 (2) Has not been convicted of an offense listed under § 17-2-102
35 that bears directly on the fitness of the applicant to be registered;

1 SECTION 41. Arkansas Code § 17-35-305(5), concerning grounds of
2 revocation for a license of an interior designer, is amended to read as
3 follows:

4 (5) The holder of the registration has been guilty of a felony
5 listed under § 17-2-102;

6
7 SECTION 42. Arkansas Code § 17-36-303(a), concerning examination for
8 licensure as a landscape architect, is amended to read as follows:

9 (a) An applicant for licensure shall:

10 (1) Be at least twenty-one (21) years of age; and

11 ~~(2) Be of good moral character; and~~

12 ~~(3)~~ (2) Pass an examination covering the matters confronting
13 landscape architects that is prepared by:

14 (A) The Arkansas State Board of Architects, Landscape
15 Architects, and Interior Designers; or

16 (B) Another entity as selected by the Arkansas State Board
17 of Architects, Landscape Architects, and Interior Designers.

18
19 SECTION 43. Arkansas Code § 17-36-306(5), concerning the grounds of
20 revocation for a landscape architect, is amended to read as follows:

21 (5) The holder of the license or certificate has been guilty of
22 a felony listed under § 17-2-102;

23
24 SECTION 44. Arkansas Code § 17-42-311(a), concerning violations of the
25 real estate license law, is amended to read as follows:

26 (a) The following acts, conduct, or practices are prohibited, and any
27 licensee found guilty shall be subject to disciplinary action as provided in
28 § 17-42-312:

29 (1) Obtaining a license by means of fraud, misrepresentation, or
30 concealment;

31 (2) Violating any of the provisions of this chapter or any rules
32 ~~or regulations adopted pursuant to~~ under this chapter or any order issued
33 under this chapter;

34 (3) Being convicted of or pleading guilty or nolo contendere to
35 a felony listed under § 17-2-102 or crime involving ~~moral turpitude~~ violence,
36 *fraud*, dishonesty, untruthfulness, or untrustworthiness regardless of whether

1 the imposition of sentence has been deferred or suspended;

2 (4) Making any substantial misrepresentation;

3 (5) Making, printing, publishing, distributing, or causing,
4 authorizing, or knowingly permitting the making, printing, publication, or
5 distribution of false statements, descriptions, or promises of such character
6 as to reasonably induce, persuade, or influence any person to act thereon;

7 (6) Failing within a reasonable time to account for or to remit
8 any moneys coming into his or her possession which belong to others;

9 (7) Committing any act involving ~~moral turpitude~~ violence,
10 *fraud*, dishonesty, untruthfulness, or untrustworthiness;

11 (8) Acting for more than one (1) party in a transaction without
12 the knowledge of all parties for whom he or she acts or accepting a
13 commission or valuable consideration for the performance of any of the acts
14 specified in this chapter from any person except the licensed principal
15 broker under whom he or she is licensed;

16 (9) Acting as a broker or salesperson while not licensed with a
17 principal broker, representing or attempting to represent a broker other than
18 the principal broker with whom he or she is affiliated without the express
19 knowledge and consent of the principal broker, or representing himself or
20 herself as a salesperson or having a contractual relationship similar to that
21 of a salesperson with anyone other than a licensed principal broker;

22 (10) Advertising in a false, misleading, or deceptive manner;

23 (11) Being unworthy or incompetent to act as a real estate
24 broker or salesperson in such a manner as to safeguard the interests of the
25 public;

26 (12) Paying a commission or valuable consideration to any person
27 for acts or services performed in violation of this chapter, including paying
28 a commission or other valuable consideration to an unlicensed person for
29 participation in a real estate auction; and

30 (13) Any other conduct, whether of the same or a different
31 character from that specified in this section, which constitutes improper,
32 fraudulent, or dishonest dealing.

33
34 SECTION 45. Arkansas Code § 17-42-315(f), concerning the criminal
35 background check for real estate licensees, is amended to read as follows:

36 (f) Except as provided in subsection (g) of this section, a person

1 shall not receive or hold a license issued by the commission if the person
2 has been convicted of or pleaded guilty or nolo contendere to a felony listed
3 under § 17-2-102 or a crime involving ~~moral turpitude~~ violence, fraud,
4 dishonesty, untruthfulness, or untrustworthiness.

5
6 SECTION 46. Arkansas Code § 17-42-509(c)(3), concerning the issuance
7 or denial of a license for an instructor of real estate education license, is
8 amended to read as follows:

9 (3) The person or entity has pleaded guilty or nolo contendere
10 to or been found guilty of a felony listed under § 17-2-102 or a misdemeanor
11 involving violence, fraud, misrepresentation, or dishonest or dishonorable
12 dealing in a court of competent jurisdiction; or

13
14 SECTION 47. Arkansas Code § 17-42-515(3), concerning the violations
15 that disqualify for a real estate educator license or licensee, is amended to
16 read as follows:

17 (3) Committing an act, a felony listed under § 17-2-102, or a
18 crime involving ~~moral turpitude~~ violence, fraud, dishonesty, untruthfulness,
19 or untrustworthiness regardless of whether the imposition of the sentence has
20 been deferred or suspended;

21
22 SECTION 48. Arkansas Code § 17-43-303(a), concerning the application
23 for examination for a sanitarian certificate of registration, is amended to
24 read as follows:

25 (a) The Arkansas State Board of Sanitarians shall admit to examination
26 any person who makes application to the Secretary of the Arkansas State Board
27 of Sanitarians on forms prescribed and furnished by the board, and pays an
28 application fee of twenty dollars (\$20.00) to defray the expense of
29 examination, ~~and submits evidence satisfactory to the board that he or she is~~
30 ~~of good moral character.~~

31
32 SECTION 49. Arkansas Code § 17-43-307 is amended to read as follows:

33 17-43-307. Reciprocity.

34 The Arkansas State Board of Sanitarians shall issue a certificate of
35 registration without examination to any person who makes application on forms
36 prescribed and furnished by the board, pays a registration fee of ten dollars

1 (\$10.00), and submits satisfactory proof that he or she:

2 ~~(1) Is of good moral character;~~

3 ~~(2)~~(1) Has had at least two (2) years' experience in the field
4 of environmental sanitation; and

5 ~~(3)~~(2) Is registered as a sanitarian in a state in which the
6 qualifications for registration are not lower than the qualifications for
7 registration in this state at the time he or she applies for registration.
8

9 SECTION 50. Arkansas Code § 17-43-309(a), concerning the grounds for
10 suspension, revocation, or refusal to renew a sanitarian certificate of
11 registration, is amended to read as follows:

12 (a) The Arkansas State Board of Sanitarians may suspend, revoke, or
13 refuse to renew a certificate of registration upon proof that the applicant+

14 ~~(1) Is not of good character; or~~

15 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,
16 incompetency, or misconduct in relation to his or her duties as a sanitarian.
17

18 SECTION 51. Arkansas Code § 17-47-302(a), concerning the eligibility
19 and application for registration as a professional soil classifier or soil
20 classifier-in-training, is amended to read as follows:

21 (a) To be eligible for registration as a professional soil classifier
22 or certification as a soil classifier-in-training, an applicant ~~must+~~

23 ~~(1) Be of good character and reputation; and~~

24 ~~(2) Submit~~ shall submit a written application to the Arkansas
25 State Board of Registration for Professional Soil Classifiers containing ~~such~~
26 information ~~as~~ the board may require, together with five (5) references,
27 three (3) of which shall be professional soil classifiers having personal
28 knowledge of his or her soil classifying experience or, in the case of an
29 application for certification as a soil classifier-in-training, three (3)
30 character references.
31

32 SECTION 52. Arkansas Code § 17-47-311 is amended to read as follows:

33 17-47-311. Disciplinary actions – Grounds.

34 The Arkansas State Board of Registration for Professional Soil
35 Classifiers shall have the power to suspend, refuse to renew, or revoke the
36 certificate of registration of, or reprimand, any registrant who is guilty

1 of:

- 2 (1) Fraud or deceit in obtaining a certificate of registration;
3 (2) Gross negligence, incompetence, or misconduct in the
4 practice of soil classifying;
5 (3) A felony listed under § 17-2-102 ~~or crime involving moral~~
6 ~~turpitude~~; or
7 (4) A violation of the code of ethics adopted and promulgated by
8 the board.

9
10 SECTION 53. Arkansas Code § 17-48-203(a), concerning the
11 qualifications for certification as a surveyor, is amended to read as
12 follows:

13 (a) A person who shows to the satisfaction of the State Board of
14 Licensure for Professional Engineers and Professional Surveyors that he or
15 she is a person ~~of good character and reputation and~~ over twenty-one (21)
16 years of age ~~shall be~~ is eligible for licensure as a professional surveyor if
17 he or she qualifies under one (1) of the following provisions:

18 (1) A person holding a certificate of licensure to engage in the
19 practice of land surveying issued to him or her on the basis of a written
20 examination by proper authority of a state, territory, possession of the
21 United States, the District of Columbia, or any foreign country, based on
22 requirements and qualifications as shown on his or her application that in
23 the opinion of the board are equal to or higher than the requirements of this
24 chapter may be licensed at the discretion of the board;

25 (2)(A) A graduate from an approved engineering curriculum with
26 sufficient surveying courses or a surveying technology curriculum of two (2)
27 years or more approved by the board, followed by at least two (2) years of
28 land surveying that must be surveying experience of a character satisfactory
29 to the board, who has passed a written examination designed to show that he
30 or she is qualified to practice land surveying in this state, may be licensed
31 if he or she is otherwise qualified.

32 (B) Each year of teaching land surveying in an approved
33 engineering or surveying curriculum may be considered as equivalent to one
34 (1) year of land surveying experience; or

35 (3)(A) An applicant who cannot qualify under subdivision (a)(2)
36 of this section and who has six (6) years or more of active experience in

1 land surveying of a character satisfactory to the board and who has passed a
2 written examination designed to show that he or she is qualified to practice
3 land surveying may be granted a certificate of licensure to practice land
4 surveying in this state if he or she is otherwise qualified.

5 (B) Each year of satisfactory work in an approved
6 engineering or engineering technology curriculum majoring in surveying may be
7 considered as one (1) year of experience in land surveying, but not exceeding
8 two (2) years.

9
10 SECTION 54. Arkansas Code § 17-48-203(c), concerning the
11 qualifications for licensure as a surveyor intern, is amended to read as
12 follows:

13 (c) ~~A person who shows to the satisfaction of the board that he or she~~
14 ~~is a person of good character~~ shall be eligible for licensure as a surveyor
15 intern if he or she qualifies under one (1) of the following provisions:

16 (1) A person holding a certificate of licensure as a surveyor
17 intern issued to him or her on the basis of a written examination by proper
18 authority of a state, territory, possession of the United States, the
19 District of Columbia, or any foreign country, based on requirements and
20 qualifications as shown on his or her application, which requirements and
21 qualifications, in the opinion of the board, are equal to or higher than the
22 requirements of this chapter, may be licensed as a surveyor intern at the
23 discretion of the board;

24 (2) A graduate from an approved engineering curriculum with
25 sufficient surveying courses, or a surveying technology curriculum of two (2)
26 years or more, approved by the board, who has passed a written examination
27 designed to show that he or she is proficient in surveying fundamentals, may
28 be licensed if he or she is otherwise qualified; or

29 (3)(A) An applicant who cannot qualify under subdivision (c)(2)
30 of this section and who has four (4) years or more of active experience in
31 land surveying of a character satisfactory to the board and who has passed a
32 written examination designed to show that he or she is proficient in
33 surveying fundamentals may be licensed if he or she is otherwise qualified.

34 (B) Each year of satisfactory work in an approved
35 engineering or engineering technology curriculum majoring in surveying may be
36 considered as one (1) year of experience in land surveying, but not exceeding

1 two (2) years.

2
3 SECTION 55. Arkansas Code § 17-48-205(a)(2)(A), concerning the
4 administrative violations and penalties of a surveyor, is amended to read as
5 follows:

6 (A) A felony listed under § 17-2-102;

7
8 SECTION 56. Arkansas Code § 17-50-301(a)(2), concerning applicant
9 qualifications for registration as a certified water well driller or
10 certified pump installer, is repealed.

11 ~~(2) Is of good moral character;~~

12
13 SECTION 57. Arkansas Code § 17-52-308(b)(3), concerning complaints
14 against and disciplinary procedures for a home inspector, is amended to read
15 as follows:

16 ~~(3)(A) Conviction in any jurisdiction of a misdemeanor involving~~
17 ~~moral turpitude or~~ of any felony listed under § 17-2-102;

18 ~~(B) A plea of nolo contendere or no contest is considered~~
19 ~~a conviction for the purposes of this section;~~

20
21 SECTION 58. Arkansas Code § 17-52-315(a), concerning the application
22 for registration as a home inspector, is amended to read as follows:

23 (a) Any person applying for registration or renewal of registration as
24 a home inspector shall ~~be of good moral character and shall~~ submit to the
25 Arkansas Home Inspector Registration Board:

26 (1) An application under oath upon a form to be prescribed by
27 the board;

28 (2) A current certificate of insurance issued by an insurance
29 company licensed or surplus lines approved to do business in this state that
30 states that the applicant has procured general liability insurance in the
31 minimum amount of one hundred thousand dollars (\$100,000) and, if applicable,
32 workers' compensation insurance; and

33 (3) The required registration or registration renewal fee with
34 the application.

35
36 SECTION 59. Arkansas Code § 17-81-304(a)(2), concerning the

1 application for licensure as a chiropractor, is amended to read as follows:

2 (2) The applicant must submit proof satisfactory to the board of
3 graduation from a chartered school or college of chiropractic as herein
4 described and file with his or her application the affidavits of at least two
5 (2) licensed and reputable doctors of chiropractic ~~showing him or her to be~~
6 ~~of good moral character.~~

7
8 SECTION 60. Arkansas Code § 17-81-305(a)(6), concerning the
9 qualifications of applicants for licensure as a chiropractor, is repealed.

10 ~~(6) Be of good moral character;~~

11
12 SECTION 61. Arkansas Code § 17-81-318(e), concerning the criminal
13 background check required for a chiropractor, is amended to read as follows:

14 (e) Except as provided in subsection (f) of this section, a person
15 shall not receive or hold a license issued by the board if the person has
16 been convicted of or pleaded guilty or nolo contendere to any felony listed
17 under § 17-2-102 or a crime involving ~~moral turpitude~~, fraud, dishonesty,
18 untruthfulness, or untrustworthiness, or is a registered sex offender or
19 required to register as a sex offender.

20
21 SECTION 62. Arkansas Code § 17-82-304(b), concerning the licensing
22 procedure for dentists, is amended to read as follows:

23 (b) An applicant:

24 (1) ~~Must~~ Shall:

25 (A) Be at least twenty-one (21) years of age ~~and of good~~
26 ~~moral reputation and character;~~

27 (B) Submit upon request ~~such~~ proof as required by the
28 board ~~may require~~ touching upon age, ~~character~~, and fitness; and

29 (C) Have ~~been~~ graduated from an American Dental
30 Association-accredited college of dentistry with the degree of Doctor of
31 Dental Surgery or Doctor of Dental Medicine; or

32 (2) ~~Must~~ Shall:

33 (A) Be at least twenty-one (21) years of age ~~and of good~~
34 ~~moral reputation and character;~~

35 (B) Have graduated from a college of dentistry in North
36 America with the degree of Doctor of Dental Surgery, Doctor of Dental

1 Medicine, or an equivalent degree approved by the board;

2 (C) Have passed an examination approved by the board and
3 authorized under § 17-82-303;

4 (D) Be a resident of the State of Arkansas and the United
5 States and be in compliance with federal laws of immigration; and

6 (E) Serve a period of at least one (1) year under a
7 provisional license issued by the board to foreign graduates and successfully
8 complete the monitoring requirements as ordered by the board at the time the
9 provisional license is issued.

10
11 SECTION 63. Arkansas Code § 17-82-306(b), concerning the licensing
12 procedures for dental hygienists, is amended to read as follows:

13 (b) An applicant ~~must~~ shall:

14 ~~(1) Be of good moral reputation and character;~~

15 ~~(2)(1)~~ Have graduated from a dental hygiene program which is
16 accredited by the American Dental Association Commission on Dental
17 Accreditation and approved by the board for the training of dental
18 hygienists; and

19 ~~(3)(2)~~ Submit upon request ~~such~~ proof as required by the board
20 may require touching upon ~~character and~~ fitness.

21
22 SECTION 64. Arkansas Code § 17-82-308(b)(3), concerning the
23 credentials for dentists and dental hygienists licensed in other states, is
24 amended to read as follows:

25 (3) A certificate from the authority which issued the license,
26 setting forth the applicant's ~~moral reputation and character~~, history with
27 the board, professional ability, and such other information or data as the
28 board may deem necessary or expedient.

29
30 SECTION 65. Arkansas Code § 17-82-316(c)(3), concerning the revocation
31 or suspension of a license for a dentist, dental hygienist, or dental
32 assistant, is amended to read as follows:

33 (3) The commission of any criminal operation; habitual
34 drunkenness for a period of three (3) months; insanity; adjudication of
35 insanity or mental incompetency if deemed detrimental to patients; conviction
36 of ~~an infamous crime or a felony~~ listed under § 17-2-102; addiction to

1 narcotics; immoral, dishonorable, or scandalous conduct; professional
2 incompetency; failure to maintain proper standards of sanitation or failure
3 otherwise to maintain adequate safeguards for the health and safety of
4 patients; or employment in the practice of the profession of any drug,
5 nostrum, unknown formula, or dangerous or unknown anesthetic not generally
6 used by the dental profession;

7
8 SECTION 66. Arkansas Code § 17-82-802 is amended to read as follows:
9 17-82-802. License eligibility.

10 A person shall not be eligible to receive or hold a license to practice
11 dentistry or another healthcare profession issued by the Arkansas State Board
12 of Dental Examiners if the person has pleaded guilty or nolo contendere or
13 has been found guilty of ~~either an infamous crime that would impact his or~~
14 ~~her ability to practice dentistry or oral hygiene in the State of Arkansas or~~
15 ~~a felony, regardless of whether the conviction has been sealed, expunged, or~~
16 ~~pardoned~~ listed under § 17-2-102.

17
18 SECTION 67. Arkansas Code § 17-83-307 is amended to read as follows:
19 17-83-307. Grounds for denial, revocation, or suspension.

20 The Arkansas Dietetics Licensing Board may refuse to issue or renew a
21 license or may revoke or suspend a license issued under this chapter for any
22 of the following, but is not limited to:

- 23 (1) Violation of a provision of this chapter;
24 (2) Engaging in unprofessional conduct or gross incompetence as
25 defined by the rules of the board or violating the standards of professional
26 responsibility adopted and published by the board; or
27 (3) ~~Conviction in this or any other state of any crime that is a~~
28 ~~felony in this state~~ of a felony listed under § 17-2-102; or
29 ~~(4) Conviction of a felony in a federal court.~~

30
31 SECTION 68. Arkansas Code § 17-84-304(a)(3), concerning the
32 qualifications for licensure and internship for hearing instrument
33 dispensers, is amended to read as follows:

- 34 (3) Show to the satisfaction of the board that he or she:
35 (A) Is twenty (20) years of age or older; and
36 (B) Has an education equivalent of two (2) or more years

1 of accredited college-level course work from a regionally accredited college
2 or university; ~~and~~

3 ~~(C) Is of good moral character.~~

4
5 SECTION 69. Arkansas Code § 17-84-308(a)(1), concerning the
6 suspension, revocation, nonissuance, or nonrenewal of a hearing instrument
7 dispenser license, is amended to read as follows:

8 (1) Being convicted of a crime ~~involving moral turpitude. A~~
9 ~~record of a conviction, certified by the judge or the clerk of the court~~
10 ~~where the conviction occurred, shall be sufficient evidence to warrant~~
11 ~~suspension, revocation, or refusal to issue or renew~~ listed under § 17-2-102;
12

13 SECTION 70. Arkansas Code § 17-86-203(e)-(h), concerning the powers
14 and duties of the State Board of Health regarding massage therapy licenses,
15 are amended to read as follows:

16 (e)~~(1)~~ For purposes of this section, ~~an applicant is not eligible to~~
17 ~~receive or hold a license issued by the Department of Health if the applicant~~
18 ~~has pleaded guilty or nolo contendere to or been found guilty of a felony or~~
19 ~~Class A misdemeanor or any offense involving fraud, theft, dishonesty, sexual~~
20 ~~misconduct, sexual solicitation, lewd behavior, child abuse or molestation,~~
21 ~~statutory rape, sexual assault, human trafficking, or other violent crimes~~
22 the board shall follow the licensing restrictions based on criminal records
23 under § 17-2-102.

24 ~~(2) A provision of this section may be waived by the Department~~
25 ~~of Health if:~~

26 ~~(A) The conviction is for a Class A misdemeanor and:~~

27 ~~(i) The completion of the applicant's sentence and~~
28 ~~probation or completion of the applicant's sentence or probation of the~~
29 ~~offense is at least three (3) years from the date of the application; and~~

30 ~~(ii) The applicant has no criminal convictions~~
31 ~~during the three year period; or~~

32 ~~(B) The conviction is for a felony of any classification~~
33 ~~and:~~

34 ~~(i) The completion of the applicant's sentence and~~
35 ~~probation or the completion of the applicant's sentence or probation of the~~
36 ~~offense is at least five (5) years from the date of the application; and~~

1 ~~(ii) The applicant has no criminal convictions~~
2 ~~during the five year period.~~

3 ~~(f) The Department of Health may permit an applicant to be licensed~~
4 ~~regardless of having been convicted of an offense listed in this section,~~
5 ~~upon making a determination that the applicant does not pose a risk of harm~~
6 ~~to any person served by the Department of Health.~~

7 ~~(g) In making a determination under subsection (f) of this section,~~
8 ~~the Department of Health may consider the following factors:~~

9 ~~(1) The nature and severity of the crime;~~
10 ~~(2) The consequences of the crime;~~
11 ~~(3) The number and frequency of crimes;~~
12 ~~(4) The relationship between the crime and the health, safety,~~
13 ~~and welfare of persons served by the Department of Health, such as:~~

14 ~~(A) The age and vulnerability of victims of the crime;~~

15 ~~(B) The harm suffered by the victim; and~~

16 ~~(C) The similarity between the victim and persons served~~
17 ~~by the Department of Health;~~

18 ~~(5) The time elapsed without a repeat of the same or similar~~
19 ~~event;~~

20 ~~(6) Documentation of successful completion of training or~~
21 ~~rehabilitation pertinent to the incident; and~~

22 ~~(7) Any other information that bears on the applicant's ability~~
23 ~~to care for others or other relevant information.~~

24 ~~(h) If the Department of Health waives the provisions of subsection~~
25 ~~(e) of this section, the Department of Health shall submit the reasons for~~
26 ~~waiving this provision in writing, and the determination and reasons shall be~~
27 ~~made available to the members of the Department of Health for review.~~

28
29 SECTION 71. Arkansas Code § 17-86-303(a)(1), concerning qualifications
30 for licensure as a massage therapist, is amended to read as follows:

31 (1) Furnish to the Department of Health satisfactory proof that
32 he or she is eighteen (18) years of age or older ~~and of good moral character;~~

33
34 SECTION 72. Arkansas Code § 17-86-311(a), concerning the disciplinary
35 actions and penalties for massage therapists, is amended to read as follows:

36 (a) The Massage Therapy Technical Advisory Committee may deny,

1 suspend, place on probation, or revoke a license upon any one (1) of the
2 following grounds:

3 (1) ~~Conviction of, finding of guilt, or entry of a plea of~~
4 ~~guilty or nolo contendere to a felony, Class A misdemeanor, or prostitution~~ A
5 felony listed under § 17-2-102;

6 (2) Malpractice or gross incompetency;

7 (3) The use in advertisements of untruthful or improbable
8 statements or flamboyant, exaggerated, or extravagant claims concerning the
9 licensee's professional excellence or abilities;

10 (4) Habitual drunkenness or habitual use of any illegal drugs;

11 (5) Serving alcoholic beverages at the clinic or school in a
12 room where massage therapy is being performed or in a massage therapy school;

13 (6) ~~Moral turpitude or immoral or unprofessional~~ Unprofessional
14 conduct;

15 (7) Failure to comply with the Department of Health's Massage
16 Therapy Code of Ethics or any valid regulation or order of the committee;

17 (8) Invasion of the field of practice of any profession for
18 which a license is required, the diagnosis of ailments, diseases, or injuries
19 of human beings, the performance of osseous adjustments, prescription of
20 medications, or other breaches of the scope of practice of massage therapy;

21 (9) Failure of any licensee to comply with this chapter; or

22 (10) Failure to have licensed personnel to perform massage
23 therapy techniques in his or her clinic or school.

24
25 SECTION 73. Arkansas Code § 17-87-301(a), concerning the
26 qualifications for an applicant for licensure as a registered nurse, is
27 amended to read as follows:

28 (a) Qualifications. Before taking the examination or before the
29 issuance of a license by endorsement, an applicant for a license to practice
30 professional nursing shall submit to the Arkansas State Board of Nursing
31 written evidence, verified by oath, that the applicant:

32 ~~(1) Is of good moral character;~~

33 ~~(2)~~ (1) Has completed an approved high school course of study or
34 the equivalent thereof as determined by the appropriate educational agency;
35 and

36 ~~(3)~~ (2) Has completed the required approved professional nursing

1 education program.

2
3 SECTION 74. Arkansas Code § 17-87-304(a), concerning the
4 qualifications of an applicant for licensure as a licensed practical nurse,
5 is amended to read as follows:

6 (a) Qualifications. An applicant for a license to practice practical
7 nursing shall submit to the Arkansas State Board of Nursing evidence,
8 verified by oath, that the applicant:

9 ~~(1) Is of good moral character;~~

10 ~~(2)~~(1) Has completed an approved high school course of study or
11 the equivalent thereof as determined by the appropriate educational agency;
12 and

13 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved
14 program for the preparation of practical nurses and holds a diploma or
15 certificate therefrom. However, the board may waive this requirement if the
16 board determines the applicant to be otherwise qualified.

17
18 SECTION 75. Arkansas Code § 17-87-305(a), concerning the
19 qualifications of an applicant for licensure as a licensed psychiatric
20 technician nurse, is amended to read as follows:

21 (a) Qualifications. An applicant for a license to practice
22 psychiatric technician nursing shall submit to the Arkansas State Board of
23 Nursing evidence, verified by oath, that the applicant:

24 ~~(1) Is of good moral character;~~

25 ~~(2)~~(1) Has completed an approved high school course of study or
26 the equivalent thereof as determined by the appropriate educational agency;
27 and

28 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved
29 program for the preparation of psychiatric technician nurses and holds a
30 diploma or certificate therefrom. However, the board may waive this
31 requirement if the board determines the applicant to be otherwise qualified.

32
33 SECTION 76. Arkansas Code § 17-87-312(d)-(1), concerning criminal
34 background checks for nurses, are amended to read as follows:

35 (d) Upon completion of the criminal background check, the
36 Identification Bureau of the Department of Arkansas State Police shall

1 forward to the board all releasable information obtained concerning the
2 applicant ~~in the commission of any offense listed in subsection (e) of this~~
3 ~~section.~~

4 (e) For purposes of this section, the board shall follow the licensing
5 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~
6 ~~in subdivision (1)(1) of this section, a person shall not be eligible to~~
7 ~~receive or hold a license issued by the board if that person has pleaded~~
8 ~~guilty or nolo contendere to or has been found guilty of any of the following~~
9 ~~offenses by a court in the State of Arkansas or of any similar offense by a~~
10 ~~court in another state or of any similar offense by a federal court;~~

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

12 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~
13 ~~murder in the second degree as prohibited in § 5-10-103;~~

14 ~~(3) Manslaughter as prohibited in § 5-10-104;~~

15 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~

16 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

17 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
18 ~~11-103;~~

19 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
20 ~~106;~~

21 ~~(8) Robbery as prohibited in § 5-12-102;~~

22 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~

23 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~

24 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~

25 ~~(12) Introduction of a controlled substance into the body of~~
26 ~~another person as prohibited in § 5-13-210;~~

27 ~~(13) Aggravated assault upon a law enforcement officer or an~~
28 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

29 ~~(14) Terroristic threatening in the first degree as prohibited~~
30 ~~in § 5-13-301;~~

31 ~~(15) Rape as prohibited in § 5-14-103;~~

32 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~

33 ~~(17) Sexual extortion, § 5-14-113;~~

34 ~~(18) Sexual assault in the first degree, second degree, third~~
35 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

36 ~~(19) Incest as prohibited in § 5-26-202;~~

1 ~~(20) Felony offenses against the family as prohibited in §§ 5-~~
2 ~~26-303—5-26-306;~~

3 ~~(21) Endangering the welfare of an incompetent person in the~~
4 ~~first degree as prohibited in § 5-27-201;~~

5 ~~(22) Endangering the welfare of a minor in the first degree as~~
6 ~~prohibited in § 5-27-205 and endangering the welfare of a minor in the second~~
7 ~~degree as prohibited in § 5-27-206;~~

8 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~

9 ~~(24) Engaging children in sexually explicit conduct for use in~~
10 ~~visual or print media, transportation of minors for prohibited sexual~~
11 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
12 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
13 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
14 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
15 ~~5-27-403;~~

16 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

17 ~~(26) Computer exploitation of a child in the first degree as~~
18 ~~prohibited in § 5-27-605;~~

19 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

20 ~~(28) Felony theft of property as prohibited in § 5-36-103;~~

21 ~~(29) Felony theft by receiving as prohibited in § 5-36-106;~~

22 ~~(30) Arson as prohibited in § 5-38-301;~~

23 ~~(31) Burglary as prohibited in § 5-39-201;~~

24 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
25 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
26 ~~5-64-442;~~

27 ~~(33) Promotion of prostitution in the first degree as prohibited~~
28 ~~in § 5-70-104;~~

29 ~~(34) Stalking as prohibited in § 5-71-229; and~~

30 ~~(35) Criminal attempt, criminal complicity, criminal~~
31 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
32 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

33 (f)(1)(A) The board may issue a nonrenewable temporary permit for
34 licensure to a first-time applicant pending the results of the criminal
35 background check.

36 ~~(B)~~(2) The permit shall be valid for no more than six (6)

1 months.

2 ~~(2) Except as provided in subdivision (1)(1) of this section,~~
3 ~~upon receipt of information from the Identification Bureau of the Department~~
4 ~~of Arkansas State Police that the person holding the letter of provisional~~
5 ~~licensure has pleaded guilty or nolo contendere to, or has been found guilty~~
6 ~~of, any offense listed in subsection (e) of this section, the board shall~~
7 ~~immediately revoke the provisional license.~~

8 ~~(g)(1) The provisions of subsection (e) and subdivision (f)(2) of this~~
9 ~~section may be waived by the board upon the request of:~~

10 ~~(A) An affected applicant for licensure; or~~

11 ~~(B) The person holding a license subject to revocation.~~

12 ~~(2) Circumstances for which a waiver may be granted shall~~
13 ~~include, but not be limited to, the following:~~

14 ~~(A) The age at which the crime was committed;~~

15 ~~(B) The circumstances surrounding the crime;~~

16 ~~(C) The length of time since the crime;~~

17 ~~(D) Subsequent work history;~~

18 ~~(E) Employment references;~~

19 ~~(F) Character references; and~~

20 ~~(G) Other evidence demonstrating that the applicant does~~
21 ~~not pose a threat to the health or safety of the public.~~

22 ~~(h)(1)(g)(1)~~ Any information received by the board from the
23 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~
24 under this section shall not be available for examination except by:

25 (A) The affected applicant for licensure or his or her
26 authorized representative; or

27 (B) The person whose license is subject to revocation or
28 his or her authorized representative.

29 (2) No record, file, or document shall be removed from the
30 custody of the Department of Arkansas State Police.

31 ~~(i)(h)~~ Any information made available to the affected applicant for
32 licensure or the person whose license is subject to revocation shall be
33 information pertaining to that person only.

34 ~~(j)(i)~~ Rights of privilege and confidentiality established in this
35 section shall not extend to any document created for purposes other than this
36 background check.

1 ~~(k)(j)~~ The board shall adopt the necessary rules ~~and regulations~~ to
2 fully implement the provisions of this section.

3 ~~(1)(1)~~ ~~For purposes of this section, an expunged record of a~~
4 ~~conviction or a plea of guilty or nolo contendere to an offense listed in~~
5 ~~subsection (e) of this section shall not be considered a conviction, guilty~~
6 ~~plea, or nolo contendere plea to the offense unless the offense is also~~
7 ~~listed in subdivision (1)(2) of this section.~~

8 ~~(2)~~ ~~Because of the serious nature of the offenses and the close~~
9 ~~relationship to the type of work that is to be performed, the following shall~~
10 ~~result in permanent disqualification:~~

- 11 ~~(A)~~ ~~Capital murder as prohibited in § 5-10-101;~~
12 ~~(B)~~ ~~Murder in the first degree as prohibited in § 5-10-102~~
13 ~~and murder in the second degree as prohibited in § 5-10-103;~~
14 ~~(C)~~ ~~Kidnapping as prohibited in § 5-11-102;~~
15 ~~(D)~~ ~~Aggravated assault upon a law enforcement officer or~~
16 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
17 ~~(E)~~ ~~Rape as prohibited in § 5-14-103;~~
18 ~~(F)~~ ~~Sexual extortion, § 5-14-113;~~
19 ~~(G)~~ ~~Sexual assault in the first degree as prohibited in §~~
20 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
21 ~~(H)~~ ~~Incest as prohibited in § 5-26-202;~~
22 ~~(I)~~ ~~Endangering the welfare of an incompetent person in~~
23 ~~the first degree as prohibited in § 5-27-201;~~
24 ~~(J)~~ ~~Endangering the welfare of a minor in the first degree~~
25 ~~as prohibited in § 5-27-205;~~
26 ~~(K)~~ ~~Adult abuse that constitutes a felony as prohibited in~~
27 ~~§ 5-28-103; and~~
28 ~~(L)~~ ~~Arson as prohibited in § 5-38-301.~~

29
30 SECTION 77. Arkansas Code § 17-87-707(a)(1), concerning disciplinary
31 actions for nurses, is amended to read as follows:

32 (1) Has been found guilty of or pleads guilty or nolo contendere
33 to:

34 (A) Fraud or deceit in procuring or attempting to procure
35 a medication assistive person certificate; or

36 (B) Providing services as a medication assistive person

1 without a valid certificate; ~~or~~

2 ~~(C) Committing a crime of moral turpitude;~~

3
4 SECTION 78. Arkansas Code § 17-88-302(2), concerning the
5 qualifications of an applicant for licensure as an occupational therapist, is
6 repealed.

7 ~~(2) The applicant must be of good moral character;~~

8
9 SECTION 79. Arkansas Code § 17-88-309(b)(4), concerning the denial,
10 revocation, or suspension of an occupational therapist license, is amended to
11 read as follows:

12 (4) Being convicted of a ~~crime, other than minor offenses~~
13 ~~defined as "minor misdemeanors", "violations", or "offenses", in any court if~~
14 ~~the acts for which the applicant or licensee was convicted are found by the~~
15 ~~board to have a direct bearing on whether he or she should be entrusted to~~
16 ~~serve the public in the capacity of an occupational therapist or occupational~~
17 ~~therapy assistant~~ felony listed under § 17-2-102; and

18
19 SECTION 80. Arkansas Code § 17-89-302(a), concerning the
20 qualifications of an applicant for licensure as a licensed dispensing
21 optician, is amended to read as follows:

22 (a) Every applicant for examination as a licensed dispensing optician
23 shall present satisfactory evidence to the Arkansas Board of Dispensing
24 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~
25 ~~character,~~ a high school graduate or the equivalent thereof, and either:

26 (1) Is a graduate of a school of opticianry whose curriculum
27 consists of at least eighteen (18) months of didactic and practical
28 instruction which is accredited by a national accreditation organization and
29 approved by the board; or

30 (2)(A) Has been engaged in the providing of ophthalmic
31 dispensing services, as defined in this chapter, in the State of Arkansas for
32 a period of not less than five (5) years immediately before application.

33 (B) No more than three (3) years may consist of:

34 (i) Working in a qualified service optical
35 laboratory approved by the board; or

36 (ii) Providing ophthalmic dispensing services under

1 the direct supervision of an Arkansas-licensed or registered dispensing
2 optician, Arkansas-licensed optometrist, or Arkansas physician skilled in
3 diseases of the eye.

4
5 SECTION 81. Arkansas Code § 17-89-303 is amended to read as follows:

6 17-89-303. Qualifications – Registered dispensing opticians.

7 Every applicant for examination as a registered dispensing optician
8 shall present satisfactory evidence to the Arkansas Board of Dispensing
9 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~
10 ~~character~~, a high school graduate or the equivalent thereof, and either:

11 (1) Has a minimum of three (3) years' dispensing experience in
12 Arkansas under the direct supervision of an Arkansas-licensed optometrist or
13 Arkansas-licensed physician skilled in disease of the eye;

14 (2) Has a minimum of three (3) years' experience under the
15 direct supervision of a licensed or registered dispensing optician holding a
16 certificate of licensure or registry in the State of Arkansas, one (1) year
17 of which may be while working in a qualified full-service optical laboratory
18 approved by the board; or

19 (3) Is a graduate of an approved school of opticianry which has
20 been accredited by a national accreditation organization and is recognized by
21 the board.

22
23 SECTION 82. Arkansas Code § 17-89-305(b), concerning reciprocity for
24 dispensing opticians, is amended to read as follows:

25 (b) The certificate may be issued without a written or practical
26 examination upon payment of the fee prescribed in § 17-89-304(f) to the
27 Secretary-treasurer of the Arkansas Board of Dispensing Opticians and upon
28 satisfactory proof that the applicant:

29 (1) Is qualified under the provisions of this chapter;

30 ~~(2) Is of good moral character;~~

31 ~~(3)~~ (2) Has provided ophthalmic dispensing services to the public
32 as a dispensing optician in the state of licensure or registration for a
33 period of at least five (5) years for licensure or three (3) years for
34 registration immediately before his or her application for reciprocity to
35 this state; and

36 ~~(4)~~ (3) Is licensed or registered in a state which grants like

1 reciprocal privileges to opticians who hold certificates of licensure or
2 registry issued by this state.

3
4 SECTION 83. Arkansas Code § 17-89-306(b), concerning an ophthalmic
5 dispensers from nonlicensing states seeking licensure as a dispensing
6 opticians in Arkansas, is amended to read as follows:

7 (b) The applicant ~~must~~ shall:

8 (1) Be qualified under the provisions of this chapter;

9 ~~(2) Be of good moral character;~~

10 ~~(3)~~ (2) Have been engaged in ophthalmic dispensing as described
11 in § 17-89-102(4) for a period of:

12 (A) Five ~~(5)~~ years for applicants for licensure, of which
13 no more than three ~~(3)~~ years may be while working in a qualified full-service
14 optical laboratory approved by the board; or

15 (B) Three ~~(3)~~ years for applicants for registry, of which
16 no more than one ~~(1)~~ year may be while working in a qualified full-service
17 laboratory approved by the board immediately before the date of application;

18 ~~(4)~~ (3) Successfully complete the written and practical
19 examination for licensure or registry prepared and conducted by the board;
20 and

21 ~~(5)~~ (4) Have paid the fee prescribed in § 17-89-304(f) to the
22 Secretary-treasurer of the Arkansas Board of Dispensing Opticians.

23
24 SECTION 84. Arkansas Code § 17-89-309(a)(3), concerning grounds of
25 denial, suspension, or revocation of a licensure or registration of an
26 ophthalmic dispensers, is amended to read as follows:

27 (3) The applicant, licensee, or registrant being convicted of a
28 felony listed under § 17-2-102 in any state or federal court, and not
29 ~~pardoned, if the acts for which the person is convicted are found by the~~
30 ~~board to have a direct bearing on whether he or she should be entrusted to~~
31 ~~serve the public in the capacity of a dispensing optician;~~

32
33 SECTION 85. Arkansas Code § 17-90-301(b), concerning examinations for
34 licensure as an optometrist, is amended to read as follows:

35 (b) Every applicant for examination shall present satisfactory
36 evidence that he or she is:

1 (1) ~~Over~~ At least twenty-one (21) years of age;
2 (2) A successful candidate having passed all parts of the
3 National Board of Examiners in Optometry examination since January 1, 1997;
4 and

5 ~~(3) Of good moral character; and~~
6 ~~(4)~~(3) A graduate of a college of optometry that has been
7 accredited by the Accreditation Council on Optometric Education of the
8 American Optometric Association.

9
10 SECTION 86. Arkansas Code § 17-90-302(c)(3), concerning licensure by
11 endorsement for optometrists, is amended to read as follows:

12 (3) A certificate of good standing from each authority which
13 issued the license, setting forth the applicant's ~~moral reputation and~~
14 ~~character~~, history with the authority, professional ability, continuing
15 education compliance, and other information or data as the State Board of
16 Optometry may deem necessary or expedient;

17
18 SECTION 87. Arkansas Code § 17-90-305(a)(3), concerning the grounds
19 for denial, revocation, or suspension of an optometrist license, is amended
20 to read as follows:

21 (3) Conviction of a felony listed under § 17-2-102 or the
22 conviction of a misdemeanor, if the misdemeanor conduct would denote an
23 impairment in the ability to practice optometry;

24
25 SECTION 88. Arkansas Code § 17-91-101(a), concerning the licensing
26 requirements for an osteopathic physician, is amended to read as follows:

27 (a) The Arkansas State Medical Board shall accept for licensure by
28 examination any person who:

29 (1) Is at least twenty-one (21) years of age;
30 (2) Is a citizen of the United States;
31 ~~(3) Is of good moral character;~~
32 ~~(4)~~(3) Has not been guilty of acts constituting unprofessional
33 conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et
34 seq., § 17-95-301 et seq., and § 17-95-401 et seq.;

35 ~~(5)~~(4) Is a graduate of an osteopathic college of medicine whose
36 course of study has been recognized by the Department of Education of the

1 American Osteopathic Association; and

2 ~~(6)~~(5) Has completed a one-year internship in a hospital
3 approved by the American Medical Association or the American Osteopathic
4 Association.

5
6 SECTION 89. Arkansas Code § 17-92-305(a), concerning qualification of
7 applicants for licensure as a pharmacist, is amended to read as follows:

8 (a) Each applicant for examination as a pharmacist shall:

9 (1) ~~Shall be~~ Be not less than twenty-one (21) years of age; and

10 ~~(2) Shall be of good moral character and temperate habits; and~~

11 ~~(3)~~(2) ~~Shall have~~ Have:

12 (A) Graduated and received the first professional
13 undergraduate degree from a pharmacy degree program which has been approved
14 by the Arkansas State Board of Pharmacy; or

15 (B) Graduated from a foreign college of pharmacy,
16 completed a transcript verification program, taken and passed a college of
17 pharmacy equivalency exam program, and completed a process of communication
18 ability testing as defined under board regulations so that it is assured that
19 the applicant meets standards necessary to protect public health and safety.

20
21 SECTION 90. Arkansas Code § 17-92-311(a)(3), concerning grounds for
22 revocation, suspension, or nonrenewal of licensure or registration, is amended
23 to read as follows:

24 (3) The person has been found guilty or pleaded guilty or nolo
25 contendere in a criminal proceeding, regardless of whether or not the
26 adjudication of guilt or sentence is withheld by a court of this state,
27 another state, or the United States Government for:

28 (A) Any felony listed under § 17-2-102;

29 (B) Any act involving ~~moral turpitude~~, gross immorality,
30 or which is related to the qualifications, functions, and duties of a
31 licensee; or

32 (C) Any violation of the pharmacy or drug laws or rules of
33 this state, or of the pharmacy or drug statutes, rules, and regulations of
34 any other state or of the United States Government;

35
36 SECTION 91. Arkansas Code § 17-92-317(e), concerning criminal

1 background check requirements for an intern or pharmacist license or a
2 pharmacy technician registration, is amended to read as follows:

3 (e) Notwithstanding the provisions of § 17-1-103, ~~no person shall be a~~
4 person is not eligible to receive or hold an intern or pharmacist license or
5 pharmacy technician registration issued by the board if that person has
6 pleaded guilty or nolo contendere to, or has been found guilty of, any of the
7 following offenses, regardless of whether an adjudication of guilt or
8 sentencing or imposition of sentence is withheld, by any court in the State
9 of Arkansas or of any similar offense by a court in another state or of any
10 similar offense by a federal court:

11 (1) Any felony listed under § 17-2-102;

12 (2) Any act involving ~~moral turpitude~~, gross immorality,
13 dishonesty, or which is related to the qualifications, functions, and duties
14 of a person holding the license or registration; or

15 (3) Any violation of Arkansas pharmacy or drug law or
16 regulations, including, but not limited to, this chapter, the Uniform
17 Controlled Substances Act, § 5-64-101 et seq., and the Food, Drug, and
18 Cosmetic Act, § 20-56-201 et seq.

19
20 SECTION 92. Arkansas Code § 17-93-303(b), concerning qualification of
21 applicants for licensure as a physical therapist, is amended to read as
22 follows:

23 (b) Each physical therapist applicant shall:

24 (1) Be at least twenty-one (21) years of age;

25 ~~(2) Be of good moral character;~~

26 ~~(3)~~(2) Have graduated from a school of physical therapy
27 accredited by a national accreditation agency approved by the board;

28 ~~(4)~~(3) Have passed examinations selected and approved by the
29 board; and

30 ~~(5)~~(4) Submit fees as determined by the board.

31
32 SECTION 93. Arkansas Code § 17-93-304(b), concerning qualification of
33 applicants for licensure as a physical therapist assistant, is amended to
34 read as follows:

35 (b) Each physical therapist assistant applicant shall:

36 (1) Be at least eighteen (18) years of age;

~~(2) Be of good moral character;~~

~~(3)~~(2) Have graduated from a school of physical therapy accredited by a national accreditation agency approved by the Arkansas State Board of Physical Therapy;

~~(4)~~(3) Have passed examinations selected and approved by the Arkansas State Board of Physical Therapy; and

~~(5)~~(4) Submit fees as determined by the Arkansas State Board of Physical Therapy.

SECTION 94. Arkansas Code § 17-93-308(a)(4), concerning the revocation, suspension, or denial of licensure for physical therapists, is repealed.

~~(4) Has been convicted of a crime involving moral turpitude;~~

SECTION 95. Arkansas Code § 17-93-412(a)(1), concerning the revocation, suspension, or denial of a license for an athletic trainer, is amended to read as follows:

(1) Been convicted of a felony ~~or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction if the board determines after investigation that the person has not been sufficiently rehabilitated to warrant the public trust~~ listed under § 17-2-102;

SECTION 96. Arkansas Code § 17-95-104(a)(2), concerning a hospital's duty to report physician misconduct, is amended to read as follows:

(2) The hospital shall also report any other formal disciplinary action concerning any such physician taken by the hospital upon recommendation of the medical staff relating to professional ethics, medical incompetence, ~~moral turpitude,~~ or drug or alcohol abuse.

SECTION 97. Arkansas Code § 17-95-307 is amended to read as follows:
17-95-307. License eligibility.

~~No~~ A person ~~shall be~~ is not eligible to receive or hold a license to practice medicine or another healthcare profession issued by the Arkansas State Medical Board if the person has pleaded guilty or nolo contendere to or has been found guilty of ~~either an infamous crime that would impact his or~~

1 ~~her ability to practice medicine in the State of Arkansas or a felony listed~~
2 ~~under § 17-2-102, regardless of whether the conviction has been sealed,~~
3 ~~expunged, or pardoned.~~

4
5 SECTION 98. Arkansas Code § 17-95-403(b)(2), concerning qualification
6 of applicants for licensure as a physician, is amended to read as follows:

7 (2) ~~Is of good moral character and has~~ Has not been guilty of
8 acts constituting unprofessional conduct as defined in § 17-95-409;

9
10 SECTION 99. Arkansas Code § 17-95-408(d)(2), concerning annual
11 registration for licensure as a physician, is amended to read as follows:

12 (2) If application for reinstatement is made, the board shall
13 consider the ~~moral character and~~ professional qualifications of the applicant
14 upon notice and hearing before ordering reinstatement. Unless such a showing
15 shall thereupon be made to the board as would entitle the applicant to the
16 issuance of an original license, reinstatement shall be denied.

17
18 SECTION 100. Arkansas Code § 17-95-409(a)(2)(A), concerning the
19 grounds for denial, suspension, or revocation of a physician license, is
20 amended to read as follows:

21 (A)(i) Conviction of ~~any crime involving moral turpitude~~
22 ~~or conviction of~~ a felony listed under § 17-2-102.

23 (ii) The judgment of any such conviction, unless
24 pending upon appeal, shall be conclusive evidence of unprofessional conduct;

25
26 SECTION 101. Arkansas Code § 17-95-903(b)(7), concerning
27 qualifications of an applicant for licensure as a graduate registered
28 physician, is repealed.

29 ~~(7) Is of good moral character; and~~

30
31 SECTION 102. Arkansas Code § 17-95-910 is amended to read as follows:
32 17-95-910. Violation.

33 Following the exercise of due process, the Arkansas State Medical Board
34 may discipline a graduate registered physician who:

35 (1) Fraudulently or deceptively obtains or attempts to obtain a
36 license;

- 1 (2) Fraudulently or deceptively uses a license;
2 (3) Violates any provision of this subchapter or any rules
3 adopted by the board pertaining to this chapter;
4 (4) Is convicted of a felony listed under § 17-2-102;
5 (5) Is a habitual user of intoxicants or drugs to the extent
6 that he or she is unable to safely perform as a graduate registered
7 physician; or
8 (6) Has been adjudicated as mentally incompetent or has a mental
9 condition that renders him or her unable to safely perform as a graduate
10 registered physician; ~~or~~
11 ~~(7) Has committed an act of moral turpitude.~~
12

13 SECTION 103. Arkansas Code § 17-96-303(a), concerning qualifications
14 of an applicant for licensure as a podiatrist, is amended to read as follows:

15 (a) ~~No person shall be entitled to~~ A person shall not take any
16 examination for such registration unless that person shall furnish the
17 Arkansas Board of Podiatric Medicine with satisfactory proof that he or she:

- 18 (1) Is twenty-one (21) years of age or over; and
19 ~~(2) Is of good moral character; and~~
20 ~~(3)~~ (2) Has received a license or certificate of graduation from
21 a legally incorporated, regularly established school of podiatric medicine
22 recognized by the Council on Podiatric Medical Education of the American
23 Podiatric Medical Association within the states, territories, districts, and
24 provinces of the United States or within any foreign country.
25

26 SECTION 104. Arkansas Code § 17-96-308(c)(2)(C), concerning the
27 definition of "unprofessional and dishonest conduct" regarding podiatric
28 medicine licensure, is repealed.

29 ~~(C) Being guilty of an offense involving moral turpitude;~~
30

31 SECTION 105. Arkansas Code § 17-97-201(a)(5)(B), concerning the
32 membership of the Arkansas Psychology Board, is amended to read as follows:

33 (B) The Governor shall remove any member from the board if
34 he or she:

- 35 (i) Ceases to be qualified;
36 (ii) Fails to attend three (3) successive board

1 meetings without just cause as determined by the board;

2 (iii) Is found to be in violation of this chapter;

3 (iv) Pleads guilty or nolo contendere to or is found
4 guilty of a felony ~~or an unlawful act involving moral turpitude~~ listed under
5 § 17-2-102 by a court of competent jurisdiction; or

6 (v) Pleads guilty or nolo contendere to or is found
7 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her
8 board duties by a court of competent jurisdiction.

9
10 SECTION 106. Arkansas Code § 17-97-302(b)(1), concerning
11 qualifications of an applicant for licensure as a psychologist, is amended to
12 read as follows:

13 (b)(1) A candidate for a license shall furnish the board with
14 satisfactory evidence that he or she:

15 ~~(A) Is of good moral character;~~

16 ~~(B)~~(A) Has received a doctoral degree in psychology from
17 an accredited institution recognized by the board as maintaining satisfactory
18 standards at the time the degree was granted or, in lieu of a degree, a
19 doctoral degree in a closely allied field if it is the opinion of the board
20 that the training required therefor is substantially similar;

21 ~~(C)~~(B) Has had at least two (2) years of experience in
22 psychology of a type considered by the board to be qualifying in nature with
23 at least one (1) of those years being postdoctoral work;

24 ~~(D)~~(C) Is competent in psychology, as shown by passing
25 examinations, written or oral, or both, as the board deems necessary;

26 ~~(E)~~(D) Is not considered by the board to be engaged in
27 unethical practice;

28 ~~(F)~~(E) Has applied for a criminal background check and has
29 not been found guilty of or pleaded guilty or nolo contendere to any of the
30 offenses listed in § 17-97-312(f); and

31 ~~(G)~~(F) Has not failed an examination given by the board
32 within the preceding six (6) months.

33
34 SECTION 107. Arkansas Code § 17-97-303(b)(1), concerning
35 qualifications of an applicant for licensure as a psychological examiner, is
36 amended to read as follows:

1 (b)(1) A candidate for a license shall furnish the board with
2 satisfactory evidence that he or she:

3 ~~(A) Is of good moral character;~~

4 ~~(B)(A)~~ Has a master's degree in psychology or a closely
5 related field from an accredited educational institution recognized by the
6 board as maintaining satisfactory standards;

7 ~~(C)(B)~~ Is competent as a psychological examiner as shown
8 by passing examinations, written or oral, or both, as the board deems
9 necessary;

10 ~~(D)(C)~~ Is not considered by the board to be engaged in
11 unethical practice;

12 ~~(E)(D)~~ Has applied for a criminal background check and has
13 not been found guilty of or pleaded guilty or nolo contendere to any of the
14 offenses listed in § 17-97-312(f); and

15 ~~(F)(E)~~ Has not failed an examination given by the board
16 within the preceding six (6) months.
17

18 SECTION 108. Arkansas Code § 17-97-305(d)(1)(C), concerning the
19 qualifications for examination for a provisional license as a psychologist,
20 is repealed.

21 ~~(C) Has good moral character;~~
22

23 SECTION 109. Arkansas Code § 17-97-305(d)(1)(F), concerning the
24 qualifications for a provisional license for psychologists and psychological
25 examiners, is amended to read as follows:

26 (F) Has not been convicted of ~~a crime involving moral turpitude~~
27 ~~or~~ a felony listed under § 17-2-102;
28

29 SECTION 110. Arkansas Code § 17-97-308(f)(2), concerning annual
30 registration for licensure as a psychologist, is amended to read as follows:

31 (2) If application for reinstatement is made, the board shall
32 consider the ~~moral character and~~ professional qualifications of the applicant
33 as in the case of an original application.
34

35 SECTION 111. Arkansas Code § 17-97-312(d)-(m), concerning criminal
36 background checks for psychologists and psychological examiners, are amended

1 to read as follows:

2 (d) Upon completion of the criminal background check, the
3 Identification Bureau of the Department of Arkansas State Police shall
4 forward to the board all releasable information obtained concerning the
5 applicant ~~in the commission of any offense listed in subsection (f) of this~~
6 ~~section.~~

7 (e) At the conclusion of any background check required by this
8 section, the Identification Bureau of the Department of Arkansas State Police
9 shall promptly destroy the fingerprint card of the applicant.

10 (f) For purposes of this section, the board shall follow the licensing
11 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~
12 ~~in subdivision (m)(1) of this section, no person shall be eligible to receive~~
13 ~~or hold a license issued by the board if that person has pleaded guilty or~~
14 ~~nolo contendere to or been found guilty of any of the following offenses by~~
15 ~~any court in the State of Arkansas or of any similar offense by a court in~~
16 ~~another state or of any similar offense by a federal court:~~

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

18 (2) ~~Murder in the first degree as prohibited in § 5-10-102 and~~
19 ~~murder in the second degree as prohibited in § 5-10-103;~~

20 (3) ~~Manslaughter as prohibited in § 5-10-104;~~

21 (4) ~~Negligent homicide as prohibited in § 5-10-105;~~

22 (5) ~~Kidnapping as prohibited in § 5-11-102;~~

23 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~
24 ~~11-103;~~

25 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~
26 ~~106;~~

27 (8) ~~Robbery as prohibited in § 5-12-102;~~

28 (9) ~~Aggravated robbery as prohibited in § 5-12-103;~~

29 (10) ~~Battery in the first degree as prohibited in § 5-13-201;~~

30 (11) ~~Aggravated assault as prohibited in § 5-13-204;~~

31 (12) ~~Introduction of a controlled substance into the body of~~
32 ~~another person as prohibited in § 5-13-210;~~

33 (13) ~~Aggravated assault upon a law enforcement officer or an~~
34 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

35 (14) ~~Terroristic threatening in the first degree as prohibited~~
36 ~~in § 5-13-301;~~

1 ~~(15) Rape as prohibited in § 5-14-103;~~
2 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
3 ~~(17) Sexual extortion, § 5-14-113;~~
4 ~~(18) Sexual assault in the first degree, second degree, third~~
5 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
6 ~~(19) Incest as prohibited in § 5-26-202;~~
7 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
8 ~~5-26-306;~~
9 ~~(21) Endangering the welfare of an incompetent person in the~~
10 ~~first degree as prohibited in § 5-27-201;~~
11 ~~(22) Endangering the welfare of a minor in the first degree as~~
12 ~~prohibited in § 5-27-205;~~
13 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~
14 ~~(24) Engaging children in sexually explicit conduct for use in~~
15 ~~visual or print media, transportation of minors for prohibited sexual~~
16 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
17 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
18 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
19 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
20 ~~5-27-403;~~
21 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
22 ~~(26) Computer exploitation of a child in the first degree as~~
23 ~~prohibited in § 5-27-605;~~
24 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~
25 ~~(28) Theft of property as prohibited in § 5-36-103;~~
26 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~
27 ~~(30) Arson as prohibited in § 5-38-301;~~
28 ~~(31) Burglary as prohibited in § 5-39-201;~~
29 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
30 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
31 ~~5-64-442;~~
32 ~~(33) Promotion of prostitution in the first degree as prohibited~~
33 ~~in § 5-70-104;~~
34 ~~(34) Stalking as prohibited in § 5-71-229; and~~
35 ~~(35) Criminal attempt, criminal complicity, criminal~~
36 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~

~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

(g)(1) The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

~~(2) Except as provided in subdivision (m)(1) of this section, upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding a letter of provisional licensure has pleaded guilty or nolo contendere to or been found guilty of any offense listed in subsection (f) of this section, the board shall immediately revoke the provisional license.~~

~~(h)(1) The provisions of subsection (f) and subdivision (g)(2) of this section may be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure; or~~

~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

~~(A) The age at which the crime was committed;~~

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.~~

~~(i)(1)(h)(1)~~ Any information received by the board from the Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~ under this section shall not be available for examination except by the affected applicant for licensure or his or her authorized representative or the person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the department.

~~(j)(i)~~ Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(k)(j)~~ Rights of privilege and confidentiality established in this

1 section shall not extend to any document created for purposes other than this
2 background check.

3 ~~(1)(k)~~ The board shall adopt the necessary rules and regulations to
4 fully implement the provisions of this section.

5 ~~(m)(1)~~ For purposes of this section, an expunged record of a
6 conviction or plea of guilty of or nolo contendere to an offense listed in
7 subsection (f) of this section shall not be considered a conviction, guilty
8 plea, or nolo contendere plea to the offense unless the offense is also
9 listed in subdivision (m)(2) of this section.

10 ~~(2)~~ Because of the serious nature of the offenses and the close
11 relationship to the type of work that is to be performed, the following shall
12 result in permanent disqualification:

- 13 ~~(A)~~ Capital murder as prohibited in § 5-10-101;
- 14 ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102
- 15 ~~and murder in the second degree as prohibited in § 5-10-103;~~
- 16 ~~(C)~~ Kidnapping as prohibited in § 5-11-102;
- 17 ~~(D)~~ Aggravated assault upon a law enforcement officer or
- 18 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- 19 ~~(E)~~ Rape as prohibited in § 5-14-103;
- 20 ~~(F)~~ Sexual extortion, § 5-14-113;
- 21 ~~(G)~~ Sexual assault in the first degree as prohibited in §
- 22 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
- 23 ~~(H)~~ Incest as prohibited in § 5-26-202;
- 24 ~~(I)~~ Endangering the welfare of an incompetent person in
- 25 ~~the first degree as prohibited in § 5-27-201;~~
- 26 ~~(J)~~ Endangering the welfare of a minor in the first degree
- 27 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~
- 28 ~~second degree as prohibited in § 5-27-206;~~
- 29 ~~(K)~~ Adult abuse that constitutes a felony as prohibited in
- 30 ~~§ 5-28-103; and~~
- 31 ~~(L)~~ Arson as prohibited in § 5-38-301.

32
33 SECTION 112. Arkansas Code § 17-98-302(a), concerning admission to
34 examination for licensure as a disease intervention specialist, is amended to
35 read as follows:

36 (a) The State Board of Disease Intervention Specialists shall admit to

1 examination any person who makes application to the Secretary of the State
2 Board of Disease Intervention Specialists on forms prescribed and furnished
3 by the board, pays an application fee set by the board to defray the expense
4 of examination, and submits satisfactory proof to the board that he or she:

- 5 ~~(1) Is a person of good moral character;~~
6 ~~(2)~~(1) Meets the minimum educational requirements;
7 ~~(3)~~(2) Meets the minimum specialized training requirements, as
8 determined by the board;
9 ~~(4)~~(3) Has had two (2) years of field experience in human
10 immunodeficiency virus/sexually transmitted disease intervention; and
11 ~~(5)~~(4) Is actively engaged in the field of human
12 immunodeficiency virus/sexually transmitted disease intervention at the time
13 he or she makes application.
14

15 SECTION 113. Arkansas Code § 17-98-303 is amended to read as follows:
16 17-98-303. Issuance of certificate without examination.

17 The State Board of Disease Intervention Specialists shall issue a
18 certificate of registration without examination to any person who makes
19 application on forms prescribed and furnished by the board, pays a
20 registration fee set by the board, and submits satisfactory proof that he or
21 she:

- 22 ~~(1) Is of good moral character;~~
23 ~~(2)~~(1) Has had at least two (2) years' experience in the field
24 of human immunodeficiency virus/sexually transmitted disease intervention;
25 and
26 ~~(3)~~(2) Is registered as a disease intervention specialist in a
27 state in which the qualifications for registration are not lower than the
28 qualifications for registration in this state at the time he or she applies
29 for registration.
30

31 SECTION 114. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to
32 read as follows:

33 17-98-305. Application for reinstatement.

34 (a) A former registered disease intervention specialist whose
35 certificate has expired or has been suspended or revoked may make application
36 for reinstatement by paying a renewal fee and submitting satisfactory proof

1 to the State Board of Disease Intervention Specialists that he or she has
2 complied with the continuing education requirements.

3 (b) The board shall consider the ~~moral character and~~ professional
4 qualifications of the applicant as in the case of an original application.

5
6 17-98-306. Refusal to renew – Suspension or revocation.

7 The State Board of Disease Intervention Specialists may refuse to renew
8 or may suspend or revoke a certificate upon proof that the applicant+

9 ~~(1) Is not of good character; or~~

10 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,
11 incompetency, or misconduct relative to his or her duties as a disease
12 intervention specialist.

13
14 SECTION 115. Arkansas Code § 17-99-302(b), concerning qualifications
15 of an applicant for licensure as a respiratory care practitioner, is amended
16 to read as follows:

17 (b) Each applicant ~~must~~ shall:

18 (1) Be at least eighteen (18) years of age;

19 ~~(2) Be of good moral character;~~

20 ~~(3)~~ (2) Have been awarded a high school diploma or its
21 equivalent;

22 ~~(4)~~ (3) Have satisfactorily completed training in a respiratory
23 care program which has been approved by the Arkansas State Respiratory Care
24 Examining Committee, to include adequate instruction in basic medical
25 science, clinical science, and respiratory care theory and procedures; and

26 ~~(5)~~ (4) Have passed an examination approved by the Arkansas State
27 Medical Board and the committee, unless exempted by other provisions of this
28 chapter.

29
30 SECTION 116. Arkansas Code § 17-99-307(3), concerning the grounds for
31 denial, suspension, or revocation of a respiratory care practitioner license,
32 is repealed.

33 ~~(3) Has been convicted of any crime involving moral turpitude;~~

34
35 SECTION 117. Arkansas Code § 17-100-302(b), concerning qualifications
36 of an applicant for licensure as a speech-language pathologist or

1 audiologist, is amended to read as follows:

2 (b) To be eligible for licensure by the board as a speech-language
3 pathologist or audiologist, a person shall:

4 ~~(1) Be of good moral character;~~

5 ~~(2)(1)~~ Possess at least a master's degree in the area of speech-
6 language pathology or a master's degree in audiology obtained on or before
7 December 30, 2006, or a doctoral degree obtained after January 1, 2007, from
8 an educational institution recognized by the board;

9 ~~(3)(2)~~ Submit evidence of the completion of the educational,
10 clinical experience, and employment requirements, which shall be based on
11 appropriate national standards and prescribed by the rules adopted under this
12 chapter; and

13 ~~(4)(3)~~ Pass an examination approved by the board before the
14 board approves a license.

15
16 SECTION 118. Arkansas Code § 17-100-302(d), concerning qualifications
17 of an applicant for provisional licensure as a speech-language pathologist or
18 audiologist, is amended to read as follows:

19 (d) To be eligible for provisional licensure by the board as a speech-
20 language pathologist or audiologist, a person shall:

21 ~~(1) Be of good moral character;~~

22 ~~(2)(1)~~ Possess at least a master's degree in the area of speech-
23 language pathology or audiology, as the case may be, from an educational
24 institution recognized by the board;

25 ~~(3)(2)~~ Be in the process of completing the postgraduate
26 professional experience requirement; and

27 ~~(4)(3)~~ Pass an examination approved by the board.

28
29 SECTION 119. Arkansas Code § 17-100-307(a)(3), concerning the grounds
30 for denial, suspension, or revocation of a license, or other disciplinary
31 action for speech-language pathologists and audiologists, is amended to read
32 as follows:

33 (3)(A) Being convicted of a felony listed under § 17-2-102 in
34 ~~any court of the United States if the acts for which the licensee or~~
35 ~~applicant is convicted are found by the board to have a direct bearing on~~
36 ~~whether he or she should be entrusted to serve the public in the capacity of~~

1 ~~a speech language pathologist or audiologist.~~

2 ~~(B) A plea or verdict of guilty made to a charge of a~~
3 ~~felony or of any offense involving moral turpitude is a conviction within the~~
4 ~~meaning of this section.~~

5 ~~(C)~~(B) At the direction of the board, and after due notice
6 and an administrative hearing in accordance with the provisions of applicable
7 Arkansas laws, the license of the person so convicted shall be suspended or
8 revoked or the board shall decline to issue a license when:

9 (i) The time for appeal has elapsed;

10 (ii) The judgment of conviction has been affirmed on
11 appeal; or

12 (iii) An order granting probation has been made
13 suspending the imposition of sentence, without regard to a subsequent order
14 under the provisions of state law allowing the withdrawal of a guilty plea
15 and the substitution of a not guilty plea, or the setting aside of a guilty
16 verdict, or the dismissal of the acquisition, information, or indictment;

17
18 SECTION 120. Arkansas Code § 17-101-305(a)(4)(A), concerning the
19 grounds for denial, suspension, or revocation of a veterinarian license, is
20 amended to read as follows:

21 (4)(A) Conviction of a felony ~~or other crime involving moral~~
22 ~~turpitude~~ listed under § 17-2-102.

23
24 SECTION 121. Arkansas Code § 17-102-304(a)(3), concerning
25 qualifications of an applicant for provisional licensure as an acupuncturist,
26 is amended to read as follows:

27 (3) Before any applicant shall be eligible for an examination,
28 the applicant shall furnish satisfactory proof to the board that he or she:

29 ~~(A) Is of good moral character by filing with his or her~~
30 ~~application the affidavits of at least two (2) reputable acupuncturists who~~
31 ~~attest to his or her character;~~

32 ~~(B)~~(A) Has successfully completed not fewer than sixty
33 (60) semester credit hours of college education, to include a minimum of
34 thirty (30) semester credit hours in the field of science; and

35 ~~(C)~~(B) Has completed a program in acupuncture and related
36 techniques and has received a certificate or diploma from an institute

1 approved by the board as described in this section. The training received in
2 the program shall be for a period of no fewer than four (4) academic years
3 and shall include a minimum of eight hundred (800) hours of supervised
4 clinical practice.

5
6 SECTION 122. Arkansas Code § 17-102-304(c)(4), concerning
7 qualifications of an applicant for provisional licensure as an acupuncturist,
8 is amended to read as follows:

9 (4) Not have been convicted of a felony listed under § 17-2-102;
10 and

11
12 SECTION 123. Arkansas Code § 17-103-305(b), concerning the grounds for
13 renewal, revocation, or suspension of a social worker license, is amended to
14 read as follows:

15 (b) The board shall refuse to issue or shall revoke the license of a
16 person who has been found guilty of a felony, ~~any crime involving moral~~
17 ~~turpitude,~~ listed under § 17-2-102 or criminal offense involving violence,
18 dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable
19 unless the person requests and the board grants a waiver under § 17-103-
20 307(f).

21
22 SECTION 124. Arkansas Code § 17-103-306(a)(1)(D), concerning
23 qualifications of an applicant for licensure as a licensed social worker, is
24 repealed.

25 ~~(D) Has good moral character;~~

26
27 SECTION 125. Arkansas Code § 17-103-306(a)(1)(G), concerning
28 qualifications for a Licensed Social Worker license, is amended to read as
29 follows:

30 (G) Has not pleaded guilty or nolo contendere to or been
31 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §
32 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,
33 breach of client trust, or abuse of the vulnerable;

34
35 SECTION 126. Arkansas Code § 17-103-306(b)(1)(G), concerning the
36 qualifications for a Licensed Master Social Worker license, is amended to

1 read as follows:

2 (G) Has not pleaded guilty or nolo contendere to or been
3 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §
4 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,
5 breach of client trust, or abuse of the vulnerable;

6
7 SECTION 127. Arkansas Code § 17-103-306(c)(1)(H), concerning the
8 qualifications for a Licensed Certified Social Worker license, is amended to
9 read as follows:

10 (H) Has not pleaded guilty or nolo contendere to or been found
11 guilty of a felony, ~~any crime involving moral turpitude,~~ listed under § 17-2-
12 102 or criminal offense involving violence, dishonesty, fraud, deceit, breach
13 of client trust, or abuse of the vulnerable;

14
15 SECTION 128. Arkansas Code § 17-103-307(d)-(k), concerning criminal
16 background check requirements for social workers, are amended to read as
17 follows:

18 (d) Upon completion of the criminal background check, the
19 Identification Bureau of the Department of Arkansas State Police shall
20 forward to the board all releasable information obtained concerning the
21 applicant ~~in the commission of any offense listed in subsection (e) of this~~
22 ~~section.~~

23 (e) For purposes of this section, the board shall follow the licensing
24 restrictions based on criminal records under § 17-2-102. Except as provided
25 ~~in subdivision (k)(1) of this section, a person is not eligible to receive or~~
26 ~~hold a license issued by the board if that person has pleaded guilty or nolo~~
27 ~~contendere to or been found guilty of a felony, any crime involving moral~~
28 ~~turpitude, or criminal offense involving violence, dishonesty, fraud, deceit,~~
29 ~~breach of client trust, or abuse of the vulnerable, including without~~
30 ~~limitation:~~

31 ~~(1) Capital murder as prohibited in § 5-10-101;~~
32 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~
33 ~~murder in the second degree as prohibited in § 5-10-103;~~
34 ~~(3) Manslaughter as prohibited in § 5-10-104;~~
35 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~
36 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

1 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
2 ~~11-103;~~
3 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
4 ~~106;~~
5 ~~(8) Robbery as prohibited in § 5-12-102;~~
6 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
7 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
8 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
9 ~~(12) Introduction of a controlled substance into the body of~~
10 ~~another person as prohibited in § 5-13-210;~~
11 ~~(13) Aggravated assault upon a law enforcement officer or an~~
12 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
13 ~~(14) Terroristic threatening in the first degree as prohibited~~
14 ~~in § 5-13-301;~~
15 ~~(15) Rape as prohibited in § 5-14-103;~~
16 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
17 ~~(17) Sexual extortion, § 5-14-113;~~
18 ~~(18) Sexual assault in the first degree, second degree, third~~
19 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~
20 ~~(19) Incest as prohibited in § 5-26-202;~~
21 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
22 ~~5-26-306;~~
23 ~~(21) Endangering the welfare of an incompetent person in the~~
24 ~~first degree as prohibited in § 5-27-201;~~
25 ~~(22) Endangering the welfare of a minor in the first degree as~~
26 ~~prohibited in § 5-27-205;~~
27 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~
28 ~~(24) Engaging children in sexually explicit conduct for use in~~
29 ~~visual or print media, transportation of minors for prohibited sexual~~
30 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
31 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
32 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
33 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
34 ~~5-27-403;~~
35 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
36 ~~(26) Computer exploitation of a child in the first degree as~~

1 ~~prohibited in § 5-27-605;~~

2 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

3 ~~(28) Theft of property as prohibited in § 5-36-103;~~

4 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

5 ~~(30) Arson as prohibited in § 5-38-301;~~

6 ~~(31) Burglary as prohibited in § 5-39-201;~~

7 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
8 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
9 ~~5-64-442;~~

10 ~~(33) Promotion of prostitution in the first degree as prohibited~~
11 ~~in § 5-70-104;~~

12 ~~(34) Stalking as prohibited in § 5-71-229; and~~

13 ~~(35) Criminal attempt, criminal complicity, criminal~~
14 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
15 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

16 ~~(f)(1) The provisions of subsection (e) of this section may be waived~~
17 ~~by the board upon the request of:~~

18 ~~(A) An affected applicant for licensure; or~~

19 ~~(B) The person holding a license subject to revocation.~~

20 ~~(2) Circumstances for which a waiver may be granted include, but~~
21 ~~are not limited to, the following:~~

22 ~~(A) The applicant's age at the time the crime was~~
23 ~~committed;~~

24 ~~(B) The circumstances surrounding the crime;~~

25 ~~(C) The length of time since the crime;~~

26 ~~(D) Subsequent work history;~~

27 ~~(E) Employment references;~~

28 ~~(F) Character references; and~~

29 ~~(G) Other evidence demonstrating that the applicant does~~
30 ~~not pose a threat to the health or safety of children or endangered adults.~~

31 ~~(g)(1)(f)(1)~~ Information received by the board from the Identification
32 Bureau of the Department of Arkansas State Police under this section shall
33 not be available for examination except by the affected applicant for
34 licensure or his or her authorized representative or the person whose license
35 is subject to revocation or his or her authorized representative.

36 (2) No record, file, or document shall be removed from the

1 custody of the department.

2 ~~(h)~~(g) Information made available to the affected applicant for
3 licensure or the person whose license is subject to revocation shall be
4 information pertaining to that person only.

5 ~~(i)~~(h) Rights of privilege and confidentiality established in this
6 section do not extend to any document created for purposes other than the
7 criminal background check.

8 ~~(j)~~(i) The board shall adopt the necessary rules to fully implement
9 the provisions of this section.

10 ~~(k)(1) As used in this section, an expunged record of a conviction or~~
11 ~~plea of guilty or nolo contendere to an offense listed in subsection (c) of~~
12 ~~this section shall not be a felony, any crime involving moral turpitude, or a~~
13 ~~criminal offense involving violence, dishonesty, fraud, deceit, breach of~~
14 ~~client trust, or abuse of the vulnerable unless the offense is also listed in~~
15 ~~subdivision (k)(2) of this section.~~

16 ~~(2) Because of the serious nature of the offenses and the close~~
17 ~~relationship to the type of work that is to be performed, a conviction,~~
18 ~~guilty plea, or nolo contendere plea to any of the following offenses shall~~
19 ~~result in permanent disqualification for licensure:~~

- 20 ~~(A) Capital murder as prohibited in § 5-10-101;~~
21 ~~(B) Murder in the first degree as prohibited in § 5-10-102~~
22 ~~and murder in the second degree as prohibited in § 5-10-103;~~
23 ~~(C) Kidnapping as prohibited in § 5-11-102;~~
24 ~~(D) Aggravated assault upon a law enforcement officer or~~
25 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
26 ~~(E) Rape as prohibited in § 5-14-103;~~
27 ~~(F) Sexual extortion, § 5-14-113;~~
28 ~~(G) Sexual assault in the first degree as prohibited in §~~
29 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
30 ~~(H) Endangering the welfare of an incompetent person in~~
31 ~~the first degree as prohibited in § 5-27-201;~~
32 ~~(I) Endangering the welfare of a minor in the first degree~~
33 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~
34 ~~second degree as prohibited in § 5-27-206;~~
35 ~~(J) Engaging children in sexually explicit conduct for use~~
36 ~~in visual or print media, transportation of minors for prohibited sexual~~

1 ~~conduct, or pandering or possessing a visual or print medium depicting~~
2 ~~sexually explicit conduct involving a child, or use of a child or consent to~~
3 ~~use of a child in a sexual performance by producing, directing, or promoting~~
4 ~~a sexual performance by a child, as prohibited in §§ 5-27-303—5-27-305, 5-~~
5 ~~27-402, and 5-27-403;~~

6 ~~(K) Adult abuse that constitutes a felony as prohibited in~~
7 ~~§ 5-28-103; and~~

8 ~~(L) Arson as prohibited in § 5-38-301.~~

9
10 SECTION 129. Arkansas Code § 17-104-312(3)(F), concerning violations
11 of the Perfusionist Licensure Act, is amended to read as follows:

12 (F) A plea of guilty, nolo contendere, or a finding of
13 guilt of a felony listed under § 17-2-102 or any offense substantially
14 related to the qualifications, functions, or duties of a perfusionist, in
15 which event the record shall be conclusive evidence; or

16
17 SECTION 130. Arkansas Code § 17-105-102(b)(6), concerning
18 qualifications of an applicant for licensure as a physician assistant, is
19 repealed.

20 ~~(6) Is of good moral character;~~

21
22 SECTION 131. Arkansas Code § 17-105-113 is amended to read as follows:
23 17-105-113. Violation.

24 Following the exercise of due process, the Arkansas State Medical Board
25 may discipline any physician assistant who:

26 (1) Fraudulently or deceptively obtains or attempts to obtain a
27 license;

28 (2) Fraudulently or deceptively uses a license;

29 (3) Violates any provision of this chapter or any regulations
30 adopted by the board pertaining to this chapter;

31 (4) Is convicted of a felony listed under § 17-2-102;

32 (5) Is a habitual user of intoxicants or drugs to such an extent
33 that he or she is unable to safely perform as a physician assistant;

34 (6) Has been adjudicated as mentally incompetent or has a mental
35 condition that renders him or her unable to safely perform as a physician
36 assistant; or

1 ~~(7) Has committed an act of moral turpitude; or~~

2 ~~(8)~~(7) Represents himself or herself as a physician.

3
4 SECTION 132. Arkansas Code § 17-106-107(a)(2), concerning the
5 licensing requirements for healthcare professionals who use radioactive
6 materials or medical equipment emitting or detecting ionizing radiation on
7 human beings for diagnostic or therapeutic purposes, is amended to read as
8 follows:

9 (2) Submit satisfactory evidence verified by oath or affirmation
10 that the applicant:

11 (A) Is qualified to administer radioactive materials or
12 operate medical equipment emitting or detecting ionizing radiation upon human
13 beings;

14 ~~(B) Is of good moral character;~~

15 ~~(C)~~(B) Is at least eighteen (18) years of age at the time
16 of application; and

17 ~~(D)~~(C) Has been awarded a high school diploma or has
18 passed the General Educational Development Test or the equivalent.

19
20 SECTION 133. Arkansas Code § 17-106-110(a)(2), concerning discipline
21 for healthcare professionals who use radioactive materials or medical
22 equipment emitting or detecting ionizing radiation on human beings for
23 diagnostic or therapeutic purposes, is amended to read as follows:

24 (2) Has been convicted of a felony listed under § 17-2-102 ~~in a~~
25 ~~court of competent jurisdiction either within or outside of this state unless~~
26 ~~the conviction has been reversed and the holder of the license has been~~
27 ~~discharged or acquitted or if the holder has been pardoned with full~~
28 ~~restoration of civil rights, in which case the license shall be restored;~~

29
30 SECTION 134. Arkansas Code § 17-107-310(1), concerning disciplinary
31 action for orthotists, prosthetists, and pedorthists, is amended to read as
32 follows:

33 (1) Has pleaded guilty or nolo contendere to or has been found
34 guilty of a felony listed under § 17-2-102;

/s/J. Cooper

APPROVED: 4/15/19

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

State of Arkansas

As Engrossed: H4/2/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1928

By: Representatives V. Flowers, Clowney, M. Davis, Della Rosa, Dotson, Glover, Godfrey, Gonzales, M. Hodges, Love, Lowery, Payton, Scott, Sorvillo, Walker, Warren, Womack

By: Senators Elliott, Bond, *Hickey*

For An Act To Be Entitled

AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; TO REQUIRE ALL OPEN PUBLIC MEETINGS TO BE RECORDED; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; AND TO REQUIRE ALL OPEN PUBLIC MEETINGS TO BE RECORDED.

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

SECTION 1. Arkansas Code § 25-19-106, concerning open public meetings under the Freedom of Information Act of 1967, is amended to add an additional subsection to read as follows:

(d)(1) All officially scheduled, special, and called open public meetings shall be recorded in a manner that allows for the capture of sound including without limitation:

(A) A sound-only recording;

(B) A video recording with sound and picture; or

(C) A digital or analog broadcast capable of being recorded.

(2) A recording of an open public meeting shall be maintained by the public entity for a minimum of one (1) year from the date of the open public meeting.

(3) The recording shall be maintained in a format that may be



1 reproduced upon a request under this chapter.

2 (4) Subdivisions (d)(1) and (2) of this section do not apply to:

3 (A) Executive sessions; or

4 (B) Volunteer fire departments.

5 (5) Cities of the second class and incorporated towns are exempt
6 from subdivisions (d)(1) and (2) of this section until July 1, 2020.

7
8
9 /s/V. Flowers

10
11
12 APPROVED: 4/15/19
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36