

MARK-UP

**RECEIVED**

OCT 08 2020

BUREAU OF  
LEGISLATIVE RESEARCH

**ADMINISTRATIVE RULES OF  
THE ARKANSAS BOARD OF  
ELECTRICAL EXAMINERS  
STATE OF ARKANSAS**

Rules effective as of ~~January 1, 2018~~ January 1, 2021

**Arkansas Department of Labor and Licensing  
Electrical ~~Division~~ Section  
900 W. Capitol Street  
Little Rock, Arkansas 72201  
(501) 682-4548  
Fax: (501) 682-2569**

---

**ADMINISTRATIVE RULES OF THE ARKANSAS BOARD  
OF ELECTRICAL EXAMINERS  
STATE OF ARKANSAS**

Rules effective as of ~~January 1, 2018~~ January 1, 2021

<b><u>Rule Number</u></b> <b><u>Number</u></b>	<b><u>Title</u></b>	<b><u>Page</u></b>
010.13-001	Statement of Organization and Operations	
010.13-002	Information for Public Guidance	
010.13-003	General Organization	
010.13-004	Rule-Making	
010.13-005	Emergency Rule Making	
010.13-006	Declaratory Orders	
010.13-007	Adjudicative Hearings	
010.13-008	The National Electrical Code	
010.13-009	Definitions	
010.13-010	Construction and Exemptions	
010.13-011	Examinations	
010.13-012	Qualification for Examination and Licensure	
010.13-013	Licenses	
010.13-014	Revocation, Suspensions, Surrender and Denial of Licenses	
010.13-015	Civil Money Penalties	

010.13-016	Reciprocity
010.13-017	Non-licensed Persons Performing Electrical Work
010.13-018	Restricted Lifetime Master Electrician's License
010.13-019	Continuing Education
010.13-020	Code Enforcement
010.13-21	Electrical Inspectors
010.13-22	Active duty service members, returning military Veterans, and spouses
010.13.23	Effective Date, Repealer and History

### **010.13-001 Statement of Organization and Operations**

The Board of Electrical Examiners of the State of Arkansas is a board of state government created by Act 870 of 1979 as amended, Ark. Code Ann. §§ 17-28-201 *et seq.* The licensing authority of the Board is found in Ark. Code Ann. §§ 17-28-201 *et seq.* and its code enforcement authority is found in Ark. Code Ann. §§ 20-31-101 *et seq.* The provisions regarding the licensure of electrical inspectors is found in Ark. Code Ann. §§ 17-55-101 *et seq.* The legislature has delegated to the Board the authority to establish statewide standards for the construction, installation, and maintenance of electrical facilities and the performance of electrical work. Additionally, the legislature has delegated to the Board the power to oversee electrician examination and licensure, conduct examinations of persons who apply for an electrician's license, grant licenses to qualifying applicants, and revoke or suspend a license for cause. The legislature has authorized the ~~Director of the~~ Department of Labor and Licensing to conduct inspections and to otherwise administer and enforce Ark. Code Ann. §§ 17-28-201 *et seq.* and Ark. Code Ann. §§ 20-31-101 *et seq.* From time to time, the Board promulgates rules and regulations.

### **010.13-002 Information for Public Guidance**

The mailing address and telephone number for the Board of Electrical Examiners of the State of Arkansas is:

Arkansas Board of Electrical Examiners  
Arkansas Department of Labor and Licensing  
900 West Capitol Street  
Little Rock, AR 72201  
(501) 682-4549

The Department of Labor and Licensing makes available a list of persons holding certain responsibilities for handling FOIA requests, licensing questions, complaints against licensees, and compliance requests or assistance so that the public may obtain information about the agency or make submissions or requests. The names, mailing addresses, telephone numbers and electronic addresses can be obtained from the agency's office or web site. The Department of Labor and Licensing's web site is: <http://www.labor.arkansas.gov>. The web site for the Board of Electrical Examiners is: <http://www.labor.arkansas.gov/electrical-inspection-and-licensing>.

The agency has a list of official forms used by the agency and a list of all formal, written statements of policy and written interpretative memoranda, and orders, decisions and opinions resulting from adjudications, which may be obtained from the ~~division's~~ section's office. Copies of all forms used by the agency, written statements of policy and written interpretative memoranda, and all orders issued by the ~~division~~ section may be obtained from the ~~division's~~ section's office.

### **010.13-003 General Organization**

A. The Board was created by the legislature, Ark. Code Ann. § 17-28-201, to establish electrical licensure and code compliance standards. The Board consists of nine (9) members, including the ~~Director~~ Secretary of the Department of Labor and Licensing, or his designee. The Board shall annually elect one of its members to serve as Chairman and one other member to serve as Vice Chairman.

B. The ~~Director~~ Secretary of the Department of Labor and Licensing or his designee shall act as Secretary for the Board and shall keep the books and records of the Board. The ~~Director~~ Secretary shall also furnish the Board with the necessary facilities for the exercise of its rights and duties.

C. The business of the Board will be conducted in public meetings pursuant to Robert's Rules of Order and in conformity with the Arkansas Freedom of information Act. Regular meetings will be held the third Tuesday of the following months: January, March, May, July, September, November. Special meetings may be held on the call of the Chairman.

D. Five members of the Board shall constitute a quorum and the majority of those present in a meeting shall be necessary for the transaction of official business.

E. The Board establishes a Screening Committee consisting of four (4) board members appointed by the Chairman. The Screening Committee shall review and take action on all applications for licensure, subject to appeal to the full board. The Screening Committee may refer any application to the Board without prior action at its discretion.

The Board may create other standing or ad hoc committees. The Chairman will appoint members of committees. A quorum for the transaction of committee business is a majority of the number of voting members of the committee.

F. The ~~Director~~ Secretary or his designee will prepare the agenda for regular and special meetings of the Board. The agenda will be distributed to board members and agency staff and made available to the public in advance of the meeting. The agenda should state specifically the items that will be considered at the meeting. The agenda should include the following topics as applicable:

1. Call to order
2. Review of minutes
3. Old business
4. New business
5. Other business
6. Adjudicatory hearings
7. Rule-making hearings; and
8. Public comment

The order of the agenda items is intended to be flexible and may be adjusted to meet the needs of the Board. Additionally, the agenda may be amended by appropriate motion.

## **010.13-004 Rule-Making**

### **A. Authority**

The Board has been authorized by the legislature to promulgate rules. Ark. Code Ann. §§ 17-28-202(a)(1) and 20-31-104. The Board follows the procedural requirements of the Arkansas Administrative Procedure Act, in particular Ark. Code Ann. §§ 25-15-203 and -204. Additionally, the Board is required to abide by the provisions of Ark. Code Ann. § 10-3-309.

### **B. Initiation of Rule-Making**

The process of adopting a new rule or amending or repealing an existing rule (hereinafter referred to as "rule-making") may be initiated by a request of the Board or the director that the department staff submit proposed drafts. Additionally, staff of the department may request permission to initiate rule making. Third persons outside the agency may petition for the issuance, amendment, or repeal of any rule.

### **C. Petition to Initiate Rule-Making**

Third parties may initiate rule-making to adopt, amend, or repeal a rule by filing a petition with the Board to initiate rule-making. The petition must contain the name, address, and telephone number of the petitioner, the specific rule or action requested, the reasons for the rule or action requested, and facts showing that the petitioner is regulated by the Board or has a substantial interest in the rule or action requested.

The petition to initiate rule-making shall be filed with the ~~Director~~Secretary of the Department of Labor and Licensing or his designee.

Within thirty (30) days after submission of the petition, the Board will either deny the petition, stating its reasons in writing or will initiate rule-making. A special meeting of the Board may be called.

### **D. Filing with Legislative Council**

Thirty (30) days before the public-comment period ends, the ~~division~~department will file with Legislative Council the text of the proposed rule or amendment as well as a financial impact statement and any additional information as may be required by the Legislative Council as provided by Ark. Code Ann. § 10-3-309.

**E. Public Input**

1. Before finalizing language of a proposed new rule or an amendment to, or repeal of, an existing rule, the Board will receive public input through written comments and/or oral submissions. The Board will designate in its public notice the format and timing of public comment.

2. Any public hearing will provide affected persons and other members of the public a reasonable opportunity for presentation of evidence, arguments, and oral statements within reasonable conditions and limitations imposed by the Board to avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceedings.

3. The Board chair shall preside at the public hearing. The Board will ensure that the department personnel responsible for preparing the proposed rule or amendment are available, and will notify third parties initiating rule changes to be available to explain the proposal and to respond to questions or comments regarding the proposed rule.

4. The ~~division~~ department will preserve the comments made at the public hearing by a tape recording.

5. Any person may submit written statements within the specified period of time. All timely, written statements will be considered by the Board and be made a part of the rule-making record.

**F. Notice of Rule-Making**

The Board will give notice of proposed rule-making to be published pursuant to Ark. Code Ann. § 25-15-204. The notice will set any written comment period and will specify the time, date, and place of any public hearing.

**G. The Decision to Adopt a Rule**

1. The Board will not finalize language of the rule or decide whether to adopt a rule until the period for public comment has expired and the proposed rule has been reviewed and approved by the Legislative Council or other legislative committee pursuant to Ark. Code Ann. § 10-3-309.

2. Before acting on a proposed rule, the Board will consider all of the written submissions and/or oral submissions received in the rule-making proceeding or any memorandum summarizing such oral submissions, and any regulatory analysis or fiscal impact statement issued in the rule-making proceedings.

3. The Board may use its own experience, specialized knowledge, and

judgment in the adoption of a rule.

#### **H. Variance Between Adopted Rule and Published Notice of Proposed Rule**

1. The Board may not adopt a rule that differs from the rule proposed in the published notice of the intended rule-making on which the rule is based unless:

a. The final rule is in character with the original scheme and was a logical outgrowth of the notice and comments stemming from the proposed rule, or

b. The notice fairly apprised interested persons of the subject and the issues that would be considered so that those persons had an opportunity to comment.

2. In determining whether the final rule is in character with the original scheme and was a logical outgrowth of the notice and comments, and that the notice of intended rule-making provided fair warning that the outcome of that rule-making proceeding could be the rule in question, the Board must consider the following factors:

a. The extent to which persons who will be affected by the rule should have understood that the rule-making proceeding on which it is based could affect their interests; and

b. The extent to which the subject matter of the rule or issues determined by the rule are different from the subject matter or issues contained in the notice of intended rule-making; and

c. The extent to which the effects of the rule differ from the effects of the proposed rule contained in the notice of intended rule-making.

#### **I. Concise Statement of Reasons**

1. When requested by an interested person, either prior to the adoption of a rule or within thirty (30) days after its adoption, the Board shall issue a concise statement of the principal reasons for and against its adoption of the rule. Requests for such a statement must be in writing and be delivered to the ~~Director~~ Secretary of the Department of Labor and Licensing or his designee. The request should indicate whether the statement is sought for all or only a specified part of a rule. A request will be considered to have been submitted on the date on which it is received by the ~~director~~ Secretary.

2. The concise statement of reasons must contain:

a. The Board's reasons for adopting the rule;

b. An indication of any change between the text of the proposed rule and the text of the rule as finally adopted, with explanations for any such change; and



c. The principal reasons urged in the rule-making procedure for and against the rule, and the Board's reasons for overruling the arguments made against the rule.

## **J. Contents**

The Board shall cause its rules to be published and made available to interested persons. The publication must include:

1. The text of the rule; and
2. A note containing the following:
  - a. The date(s) the Board adopted or amended the rule;
  - b. The effective date(s) of the rule;
  - c. Any findings required by any provisions of law as a prerequisite to adoption for effectiveness of the rule; and
  - d. Citation to the entire specific statutory or other authority authorizing the adoption of the rule;
3. The publication of the rule(s) must state the date of publication.

## **K. Format**

The published rules of the division will be organized substantially in the following format:

- I. Statement of Organization and Operations
- II. Information for Public Guidance
- III. General Organization
- IV. Rule-making
- V. Emergency Rule-making
- VI. Declaratory Orders
- VII. Adjudicative Hearings
- VIII. Et seq. Substantive rules and other rules of Agency

## **L. Incorporation by Reference**

By reference in a rule, the Board may incorporate all or any part of a code, standard, rule, or other matter if the Board finds that copying the matter in the Board's rule would be unduly cumbersome, expensive, or otherwise inexpedient. The reference in the Board rule will fully and precisely identify the incorporated matter by title, citation, date, and

edition, if any; briefly indicate the precise subject and general contents of the incorporated matter; and state that the rule does not include any later amendments or editions of the incorporated matter. The Board may incorporate such a matter by reference in a proposed or adopted rule only if the agency makes copies of the incorporated matter readily available to the public. The rules must state how and where copies of the incorporated matter may be obtained at cost from the ~~division~~ section, and how and where copies may be obtained from an agency of the United States, this state, another state, or the organization, association, or persons originally issuing that matter. The Department of Labor and Licensing will retain permanently a copy of any materials incorporated by reference in a rule of the Board.

#### **M. Filing**

1. After the Board formally adopts a new rule or amends a current rule or repeals an existing rule, and after the rule change has been reviewed and approved by the Legislative Council, the staff will file final copies of the rule with the Secretary of State, the Arkansas State Library, and the Legislative Council, or as otherwise provided by Ark. Code Ann. § 25-15-204(d).

2. Proof of filing a copy of the rule, amendment, or repeal with the Secretary of State, the Arkansas State Library, and the Legislative Council will be kept in a file maintained by the Legal ~~Division~~ Section of the Arkansas Department of Labor and Licensing.

3. Notice of the rule change will be posted on the department Web site.

### **010.13-005 Emergency Rule-Making**

#### **A. Request for Emergency Rule-Making**

The proponent of a rule may request the Board to adopt an emergency rule. In addition to the text of the proposed rule or amendment to an existing rule and any other information required by ~~Regulation~~ Rule 010.13-004(C), the proponent will provide a written statement setting out the facts or circumstances that would support a finding of imminent peril to the public health, safety, or welfare.

#### **B. Finding of Emergency**

Upon receipt of the written statement requesting an emergency rule-making and documents or other evidence submitted in support of the assertion that an emergency exists, the Board will make an independent judgment as to whether the circumstances and facts constitute an imminent peril to the public health, safety, or welfare requiring adoption of the rule upon fewer than 30 days' notice. If the Board determines that the circumstances warrant emergency rule-making, it will make a written determination that sets out the reasons for the Board's finding that an emergency exists. Upon making this

finding, the Board may proceed to adopt the rule without any prior notice or hearing, or it may determine to provide an abbreviated notice and hearing.

**A. Effective Date of Emergency Rule**

1. The Board shall not finalize an emergency rule or file an emergency rule with the Secretary of State for adoption until the emergency rule has been approved under Ark. Code Ann. § 10-3-309. An emergency rule shall not be effective before the emergency rule has been approved under Ark. Code Ann. § 10-3-309.

2. The emergency rule will be effective immediately upon filing, or at a stated time less than ten (10) days thereafter, if the Board finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The Board will file with the rule its written findings justifying the determination that emergency rule-making is appropriate and, if applicable, the basis for the effective date of the emergency rule being less than ten days after the filing of the rule pursuant to Ark. Code Ann. § 25-15-204(e). The Board will take appropriate measures to make emergency rules known to persons who may be affected by them.

**010.13-006 Declaratory Orders**

**A. Purpose and Use of Declaratory Orders**

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 Board 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 the Board or the department. A petition or declaratory order must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.

**B. The Petition**

The process to obtain a declaratory order is begun by filing with the ~~Director~~ Secretary of the Department of Labor and Licensing or his designee a petition that provides the following information:

1. The caption shall read: Petition for Declaratory Order before Arkansas Board of Electrical Examiners.

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 question 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. Disposition**

1. The Board may hold a hearing to consider a petition for declaratory statement. If a hearing is held, it shall be conducted in accordance with Ark. Code Ann. § 25-15-208 and § 25-15-213, and the Board's rules for adjudicatory hearings.

2. The Board 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 the filing of the petition, the Board will render a final order denying the petition or issuing a declaratory order.

## **010.13-007 Adjudicative Hearings**

### **A. Scope of This Rule**

This Rule applies in all administrative adjudications conducted by the Arkansas Board of Electrical Examiners. This procedure is developed to provide a process by which the Board formulates orders, including orders revoking a permit or license or making a final administrative determination regarding the imposition of a civil penalty or fine.

### **B. Presiding Officer**

The Board chair shall preside at the hearing or may designate a hearing officer, examiner or referee to preside at a hearing.

### **C. Appearances**

1. Any party appearing in any Board proceeding has the right, at his or her own expense, to be represented by counsel.

2. The respondent may appear on his or her own behalf.

3. Any attorney representing a party to an adjudicatory proceeding must file notice of appearance as soon as possible.

4. Service on counsel of record is the equivalent of service on the party represented.

5. On written motion served on the party represented and all other parties of record, the presiding officer may grant counsel of record leave to withdraw for good cause shown.

#### **D. Consolidation**

If there are separate matters that involve similar issues of law or fact, or identical parties, the matters may be consolidated if it appears that consolidation would promote the just, speedy, and inexpensive resolution of the proceedings, and would not unduly prejudice the rights of a party.

#### **E. Notice to Interested Parties**

If it appears that the determination of the rights of parties in a proceeding will necessarily involve a determination of the substantial interests of persons who are not parties, the presiding officer may enter an order requiring that an absent person be notified of the proceeding and be given an opportunity to be joined as a party of record.

#### **F. Service of Papers**

Unless the presiding officer otherwise orders, every pleading and every other paper filed for the proceeding, except applications for witness subpoenas and the subpoenas, shall be served on each party or the party's representative at the last address of record.

#### **G. Initiation & Notice of Hearing**

1. An administrative adjudication is initiated by the issuance of a notice of hearing from the Electrical ~~Division~~ Section.

2. The notice of hearing will be sent to the respondent by U.S. Mail, return receipt requested, delivery restricted to the named recipient or his agent. Notice shall be sufficient when it is so mailed to the respondent's latest address on file with the ~~agency~~ section.

3. Notice will be mailed at least twenty (20) days before the scheduled hearing.

4. The notice will include:

- a. a statement of the time, place, and nature of the hearing;
- b. a statement of the legal authority and jurisdiction under which the hearing is to be held; and
- c. a short and plain statement of the matters of fact and law asserted.

#### **H. Motions**

All requests for relief will be by motion. Motions must be in writing or made on the record during a hearing. A motion must fully state the action requested and the grounds relied upon. The original written motion will be filed with the Board. When time allows, the other parties may, within seven (7) days of the service of the written motion, file a response in opposition. The presiding officer may conduct such proceedings and enter such orders as are deemed necessary to address issues raised by the motion. However, a presiding officer, other than the Board chair, will not enter a dispositive order unless expressly authorized in writing to do so.

#### **I. Answer**

A respondent may file an answer.

#### **J. Discovery**

- 1. Upon written request, the Board or ~~division~~ section will provide the information designated in Ark. Code Ann. § 25-15-208(a)(3).
- 2. Such requests should be received by the Electrical ~~Division~~ Section at least ten (10) days before the scheduled hearing.

#### **K. Continuances**

1. The Board chair may grant a continuance of hearing for good cause shown. Requests for continuances will be made in writing. The request must state the grounds to be considered and be made as soon as practicable and, except in cases of emergencies, no later than five (5) days prior to the date noticed for the hearing. In determining whether to grant a continuance, the Board chair may consider:

- a. Prior continuances;
- b. The interests of all parties;
- c. The likelihood of informal settlements;
- d. The existence of an emergency;

- e. Any objection;
  - f. Any applicable time requirement;
  - g. The existence of a conflict of the schedules of counsel, parties, or witnesses;
  - h. The time limits of the request; and
  - i. Other relevant factors.
2. The Board chair may require documentation of any grounds for continuance.

#### **L. Hearing Procedures**

1. The presiding officer presides at the hearing and may rule on motions, require briefs, and issue such orders as will ensure the orderly conduct of the proceedings; provided, however, any presiding officer other than the Board chair shall not enter a dispositive order or proposed decision unless expressly authorized in writing to do so.
2. All objections must be made in a timely manner and stated on the record.
3. Parties have the right to participate or to be represented by counsel in all hearings or pre-hearing conferences related to their case.
4. Subject to terms and conditions prescribed by the Administrative Procedure Act, parties have the right to introduce evidence on issues of material fact, cross-examine witnesses as necessary for a full and true disclosure of the facts, present evidence in rebuttal, and, upon request by the Board, may submit briefs and engage in oral argument.
5. The presiding officer is charged with maintaining the decorum of the hearing and may refuse to admit, or may expel, anyone whose conduct is disorderly.

#### **M. Order of Proceedings**

The presiding officer will conduct the hearing in the following manner:

1. The presiding officer will give an opening statement, briefly describing the nature of the proceedings.
2. The parties are to be given the opportunity to present opening statements.
3. The parties will be allowed to present their cases in the sequence

determined by the presiding officer.

4. Each witness must be sworn or affirmed by the presiding officer, or the court reporter, or any other person authorized by law to administer oaths and be subject to examination and cross-examination as well as questioning by the Board. The presiding officer may limit questioning in a manner consistent with the law.

5. When all parties and witnesses have been heard, parties may be given the opportunity to present final arguments.

## **N. Evidence**

1. The presiding officer shall rule on the admissibility of evidence and may, when appropriate, take official notice of facts in accordance with all applicable requirements of law.

2. Stipulation of facts is encouraged. The Board may make a decision based on stipulated facts.

3. Evidence in the proceeding must be confined to the issues set forth in the hearing notice, unless the parties waive their right to such notice or the presiding officer determines that good cause justifies expansion of the issues. If the presiding officer decides to admit evidence outside the scope of the notice, over the objection of a party who did not have actual notice of those issues, that party, upon timely request, will receive a continuance sufficient to prepare for the additional issue and to permit amendment of pleadings.

4. A party seeking admission of an exhibit must provide ten (10) copies of each exhibit at a hearing before the Board. The presiding officer must provide the opposing parties with an opportunity to examine the exhibit prior to the ruling on its admissibility. All exhibits admitted into evidence must be appropriately marked and be made part of the record.

5. Any party may object to specific evidence or may request limits on the scope of the examination or cross-examination. A brief statement of the grounds upon which it is based shall accompany such an objection. The objection, the ruling on the objection, and the reasons for the ruling will be noted in the record. The presiding officer may rule on the objection at the time it is made or may reserve the ruling until the written decision.

6. Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence consists of a document or exhibit, it shall be marked as part of an offer of proof and inserted in the record.



7. Irrelevant, immaterial, and unduly repetitive evidence will be excluded. Any other oral or documentary evidence, not privileged, may be received if it is of a type commonly relied upon by reasonably prudent men and women in the conduct of their affairs.

8. Reasonable inferences. The finder of fact may base its findings of fact upon reasonable inferences derived from other evidence received.

#### **O. Default**

If a party fails to appear or participate in an administrative adjudication after proper service of notice, the Board may proceed with the hearing and render a decision in the absence of the party.

#### **P. Subpoenas**

1. At the request of any party, the ~~Director~~ Secretary of the Department of Labor and Licensing or his designee shall issue subpoenas for the attendance of witnesses at the hearing. The requesting party shall specify whether the witness is also requested to bring documents and reasonably identify said documents.

2. A subpoena may be served by any person specified by law to serve process or in any manner authorized by law or by any person who is not a party and who is eighteen (18) years of age or older. Delivering a copy to the person named in the subpoena shall make service. Proof of service may be made by affidavit of the person making service. The party seeking the subpoena shall have the burden of obtaining service of the process and shall be charged with the responsibility of tendering appropriate mileage fees and witness fees pursuant to Rule 45, Arkansas Rules of Civil Procedure. The witness must be served at least two (2) days prior to the hearing. For good cause, the Director may authorize the subpoena to be served less than two (2) days before the hearing.

3. Any motion to quash or limit the subpoena shall be filed with the Board and shall state the grounds relied upon.

#### **Q. Recording the Proceedings**

The responsibility to record the testimony heard at a hearing is borne by the Electrical ~~Division~~ Section. Upon the filing of a petition for judicial review, the agency will provide a transcript of testimony taken before the Board.

#### **R. Factors to be Considered in Imposing Sanctions**

In addition to any other considerations permitted by Ark. Code Ann. §§ 17-28-201 *et seq.* and Ark. Code Ann. §§ 20-31-101 *et seq.* and these ~~Regulations~~ Rules, if applicable, the Board in imposing any sanction may consider the following:

1. The nature and degree of the misconduct for which the sanction is being imposed.
2. The seriousness and circumstances surrounding this misconduct.
3. The loss or damage to clients or others.
4. The assurance of future compliance.
5. The profit to the wrongdoer.
6. The avoidance of repetition.
7. Whether the conduct was deliberate, intentional, or negligent.
8. The deterrent effect on others.
9. The conduct of the individual, corporation or other entity during the course of the disciplinary proceeding.
10. Any prior enforcement actions or sanctions, including warnings.
11. Matters offered in mitigation or extenuation, except that a claim of disability or impairment resulting from the use of alcohol or drugs may not be considered unless the individual demonstrates that he or she is successfully pursuing in good faith a program of recovery.

#### **S. Final Order**

The Board will serve on the respondent a written order that reflects the action taken by the Board. The order will include a recitation of facts found based on testimony and other evidence presented and reasonable inferences derived from the evidence pertinent to the issues of the case. It will also state conclusions of law and directives or other disposition entered against or in favor of the respondent.

The order will be served personally or by mail on the respondent. If counsel represents respondent, service of the order on respondent's counsel shall be deemed service on the respondent.

#### **T. Expectation of Candor before the Board**

The Board anticipates and expects that applicants who seek licensure and/or parties who come before the Board to seek redress of issues will be candid and truthful with the Board and that if there is prevarication or dishonesty, that can and will constitute cause for the denial of any grant of licensure or the revocation of an existing license or the

denial of the redress or remedy being sought from the Board.

**010.13-008 The National Electrical Code**

**A.** The Board hereby adopts and incorporates herein the National Electrical Code, 2017 edition of the National Fire Protection Association.

**B.** The National Electrical Code, 2017, shall be the standard for the construction, installation, repair, and maintenance of electrical facilities and the performance of electrical work.

1. Notwithstanding the provisions of the 2017 National Electrical Code, arc fault circuit interrupters shall not be required in kitchens and laundry rooms.

**C.** In the event there are updates and new editions to the National Electrical Code, the Board shall, after notice and public hearing, adopt such changes and editions which it determines are necessary to insure the public health and safety.

**D.** The statewide standards shall guarantee a uniform minimum standard for the construction, installation, and maintenance of electrical facilities and for the performance of electrical work.

**E.** The Board hereby adopts and incorporates herein the Standard Practices for Good Workmanship in Electrical Contracting, American National Standards Institute/National Electrical Contractors Association 1-2006, as the guide for the quality and the standard of workmanship in the installation of electrical equipment.

**F.** This rule does not include any later amendments or editions of the standards incorporated by reference.

**G.** Copies of these standards incorporated by reference can be viewed in the offices of the Electrical ~~Division~~ Section or can be obtained by contacting the following:

National Fire Protection Association  
1 Batterymarch Park  
Quincy, MA 02169-7471  
1-800-344-3555  
[www.nfpa.org](http://www.nfpa.org)

**010.13-009 Definitions**

**A.** The various classes of licenses ~~shall be~~ are defined as follows:

1. "Master electrician" ~~shall~~ means an individual with an unlimited license

classification and who is authorized to plan, lay out, and supervise the installation, maintenance, and extension of electrical conductors and equipment.

2. "Journeyman electrician" ~~shall~~ means an individual who is limited by license classification to install, maintain, and extend electrical conductors and equipment. A journeyman electrician cannot contract with the general public to plan, lay out or supervise the installation, maintenance and extension of electrical conductors and equipment without employing at least one (1) full-time master electrician.

3. "Residential master electrician" ~~shall~~ means an individual who is limited by license classification to performing electrical work for one and two family dwellings, including planning and supervising the installation, maintenance and extension of electrical facilities. A residential master electrician may perform electrical work on a commercial or other project under the supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice.

4. "Residential journeyman electrician" ~~shall~~ means an individual who is limited by license classification to install, alter, repair, maintain, or renovate electrical facilities for one and two family dwellings under the general supervision of a residential master electrician or a master electrician. A residential journeyman may perform electrical work on a commercial or other project under the supervision of a journeyman electrician or master electrician in the same manner and with the same ratio as an electrical apprentice.

5. "Air conditioning electrician" ~~shall~~ means an individual who is limited by license classification to the installation, maintenance, and extension of electrical conductors and equipment solely for the purpose of supplying heating and air conditioning and refrigeration units.

6. "Industrial maintenance electrician" ~~shall~~ means an individual who is limited by license classification to the repair, maintenance, alteration, and extension of electrical conductors and equipment for electrical power and control systems on or within industrial, manufacturing, or similar type facilities. For employees of industrial facilities, it is not necessary to possess this or any other class of license. See Ark. Code Ann. § 17-28-102(a)(2) and ~~Regulation~~ Rule 010.13.010(A).

7. "Specialist Sign Electrician" means any individual who is limited to a license classification possessing the necessary qualifications, training, and technical knowledge for installing, maintaining and repairing electrically illuminated or operated signs and gaseous tubing for illumination, making all connection to an approved outlet of sufficient capacity within twenty-five (25) feet of the sign to be connected. A specialist sign electrician may be authorized to maintain and repair parking lot lights upon receipt of an endorsement to his or her license.

**B. "Board"** ~~shall~~ means the Board of Electrical Examiners of the State of Arkansas.

**C.** **"Department"** shall mean the Department of Labor and Licensing.

**C.D.** **"Director"** shall mean the Director of the Division of Labor, Arkansas Department of Labor and Licensing.

**D.E.** **"Electrical Apprentice"** means any person whose principal occupation is the learning of and assisting in the installation of electrical work under the supervision of a journeyman electrician or master electrician.

**E.F.** **"Electrical work"** means:

1. As defined by Ark. Code Ann. §§ 17-28-101(4) and 20-31-102(5):

a. Installations of electric conductors and equipment within or on public and private buildings or other structures, including recreational vehicles, and floating buildings, and other premises such as yards, carnivals, parking and other lots, and industrial substations;

b. Installations of conductors that connect to the supply of electricity;  
and

c. Installations of other outside conductors on the premises.

**E.G.** **"HVACR"** shall mean heating, ventilation, air conditioning and refrigeration.

**G.H.** **"Manager"** shall mean any employee:

1. whose primary duty consists of oversight of the technical and business functions of the electrical company in which he or she is employed; and

2. who customarily and regularly directs the work of one or more other employees therein; and

3. who has a good working knowledge of electrical theory, electrical materials and equipment, and electrical installation procedures; and

4. who customarily and regularly exercises discretion and independent judgment; and

5. who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

6. who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds

itself out to perform such work.

**H.** “Secretary” means the Secretary of the Department of Labor and Licensing.

**I.** “Section” means the Electrical Inspection and Licensing Section of the Department of Labor and Licensing.

**J.** “Substantially similar” license or “substantially equivalent” license means an occupational license from another state or political subdivision of that state or territory or district of the United States that has adopted a national model electrical code and utilizes a comprehensive examination created and proctored by a national examination agency or equivalent or the state or political subdivision of that state.

**H.K.** “Superintendent” shall means any employee:

1. whose primary duty consists of oversight of the electrical work performed by the electrical company in which he or she is employed; and
2. who has a good working knowledge of electrical theory, electrical materials and equipment, and electrical installation procedures; and
3. who customarily and regularly directs the work of one or more other employees therein; and
4. who has the authority to hire or fire other employees, or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees, will be given particular weight; and
5. who customarily and regularly exercises discretion and independent judgment; and
6. who normally maintains oversight of the electrical work performed by the electrical company in which he or she is employed during such time that company holds itself out to perform such work.

#### **010.13-010 Construction and Exemptions**

**A.** The licensing requirements of Ark. Code Ann. § 17-28-101 *et seq.* shall not apply to the following:

1. The construction, installation, maintenance, repair, or renovation by any public utility, as that term is defined by Ark. Code Ann. § 23-1-101(4)(A), by any rural electric association or cooperative, or by any municipally owned utility, of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards, or to any other such activity when

performed by any duly authorized employee, agent, contractor, or subcontractor of any such public utility, association, cooperative, or municipally owned utility;

2. The construction, installation, maintenance, repair, or renovation by any industry of any electric conductors or equipment or facilities incidental to their business and covered under other nationally recognized safety standards, or to any other such activity when performed by any duly authorized employee of such industry;

3. The construction, installation, maintenance, repair and renovation of telephone equipment, computer systems, or satellite systems by a person, firm, or corporation engaged in the telecommunications or information systems industry when such activities involve low-voltage work exclusively for communication of data, voice, or for other signaling purposes; including fire alarm systems, security systems and environmental control systems that are not an integral part of a telecommunications system;

4. The construction, installation, maintenance, repair or renovation of any nonresidential farm building or structure;

5. The construction and manufacture of manufactured homes covered by the federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401 *et seq.*; and

6. The performance of electrical work on an individual's primary residence by that individual, except as otherwise may be required by state law, ~~regulations~~ regulations or rules, or local ordinance.

**B.** The Electrical Code requirements of Ark. Code Ann. § 20-31-101 *et seq.* shall not apply to the following:

1. Any construction, installation, maintenance, repair, or renovation by a public utility regulated by the Arkansas Public Service Commission, by a rural electric association or cooperative, or by a municipal utility, of any transmission or distribution lines or facilities incidental to their business and covered under other nationally recognized safety standards;

2. Any construction, installation, maintenance, repair, or renovation of any nonresidential farm building or structure; and

3. Any construction or manufacture of manufactured homes covered by the federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 4501 *et seq.*

**C.** Any holder of a state-issued heating, ventilation, air conditioning and refrigeration or HVACR license may run line voltage power wiring, in compliance with the state electric code, from a disconnect box to an outdoor HVACR unit within a distance not to

exceed ten (10) feet from any point of the HVACR equipment without an electrician's license.

**D.** Any person licensed by the Commission on Water Well Construction pursuant to the provisions of Ark. Code Ann. § 17-50-101 *et seq.*, and subject to that Commission ~~regulations~~ rules and the National Electric Code, may run power and control wiring from an existing disconnect box to water well equipment without an electrician's license. Alteration of the existing electrical service shall require an electrician's license.

**E.** An employee of a hospital may perform minor repairs or make minor alterations to existing electrical facilities during the normal performance of his duties with a hospital licensed by the Department of Health without an electrician's license.

**F.** Nothing in these ~~regulations~~ rules shall be construed to require an electrician's license in order to test, install, repair, maintain or alter industrial machinery, household appliances, or medical equipment, by the manufacturer(s) or vendor(s) of such machinery and equipment or technicians providing services with respect to such machinery and equipment. Nothing in these ~~regulations~~ rules shall be construed to require an electrician's license in order to supervise such activities.

**G.** Nothing in these ~~regulations~~ rules shall be construed to require an electrician's license in order to replace an existing wall switch or receptacle in isolated incidences.

**H.** Nothing in these ~~regulations~~ rules shall be construed to require an electrician's license in order to perform manual labor, such as pick up, delivery and distribution of materials and equipment, or to generally maintain the job site in a clean and workmanlike condition. Manual labor does not include actual use of any tools of the electrical trade.

#### **010.13-011 Examinations**

**A.** The Board shall make provisions for examinations on the following classes of licenses: master electrician, journeyman electrician, industrial maintenance electrician, residential master electrician, residential journeyman electrician, specialist sign electrician and air conditioning electrician to be given at least every six (6) months.

**B.** The examination of each class of license shall be of length and type to ensure proficiency in the tested area. The exact content of any examination shall be within the discretion of the Board. Said examinations shall be confined to questions, the answers to which will aid in determining the fitness and competency of the applicant for the intended service and shall be of uniform grade throughout the state.

**C.** Persons applying for a license ~~shall pay the following examination fees as instructed by the director:~~

1. <del>Master Electrician</del>	<del>\$50.00</del>
----------------------------------	--------------------



2.	Journeyman Electrician	\$50.00
3.	Industrial Maintenance Electrician	\$50.00
4.	Residential Master Electrician	\$50.00
5.	Residential Journeyman Electrician	\$50.00
6.	Air Conditioning Electrician	\$50.00
7.	Specialist Sign Electrician	\$50.00

do not pay an examination fee to the department, but upon approval by the board will pay a fee directly to the testing service approved by the Board. In no case will that fee paid by any applicant exceed the statutory maximum of Ark. Code Ann. § 17-28-203 (a) et. seq.

**D.** Any applicant who shall fail to pass the examination shall continue to be approved for subsequent examinations of the same class without further action by the Board, provided the applicant completed an apprenticeship training program. Any applicant who shall fail to pass the examination and who failed to complete an apprenticeship program may be required by the Board to complete up to two (2) years of an apprenticeship program before being approved for any subsequent examination.

#### **010.13-012 Qualification for Examination and Licensure**

**A.** All applications for licensure of any class must be received by the Board five (5) business days prior to the date of the scheduled meeting of the Board or the Screening Committee. After review of the applications, the Board will issue a list of approved applicants eligible for examination.

**B.** 1. An individual is not eligible to receive or hold a license issues by the Board if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Ark. Code Ann. §17-3-102 et. seq. by any court in the State of Arkansas or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013 § 16-90-1401 et. seq. or otherwise sealed pardoned or expunged under prior law.

2. The Board may grant a waiver as authorized by Ark. Code Ann. §17-3-102 et. seq. in certain circumstances.

3. The Board is not authorized to conduct criminal background checks, but the Board may inquire about criminal convictions at the time of license application or the renewal of a license. Any applicant or licensee who provides false information to the Board may be subject to suspension, license revocation or the denial of a license.

**BC.** An applicant for a master electrician's license shall have:

1. a degree in electrical engineering plus two (2) years of electrical design construction related experience; or

2. six (6) years of experience in the construction industry, both residential

and commercial, including two (2) years of experience as a licensed journeyman electrician; or

3. any combination of training and experience as the Board may approve, such as formal electrical apprenticeship programs specifically approved by the board, on-the-job training specifically approved by the Board, or a combination of training and construction experience that is determined by the Board to be equivalent to that as specified in paragraph 010.13-012(B)(1) or (2) above.

**ED.** An applicant for a journeyman electrician license shall have the following qualifications, as appropriate:

1. **Applicants who completed an apprenticeship program.** Applicants who have completed a 4-year electrical construction apprenticeship program approved by the U. S. Department of Labor, Bureau of Apprenticeship and Training shall have:

a. a "Notice of Apprenticeship Committee Action - Released for Test/Completion" form from the applicant's training program and approved by the Arkansas Department of Workforce Education; or

b. if the applicant completed an apprenticeship program in another state, certification from the Bureau of Apprenticeship and Training or the state agency responsible for oversight of apprenticeship programs of completion.

c. The Board may approve an applicant without a Released for Test form in extenuating circumstances.

2. **Applicants who seek reciprocity.** Applicants who seek reciprocity shall have certification from the sister state that:

a. the applicant is currently licensed as a journeyman and in good standing;

b. the applicant has held his/her license in the sister state for a period of one (1) year; and

c.

d. the applicant was tested in ~~their~~ the sister state.

3. **Applicants who have not completed an apprenticeship program.** Applicants who have not completed a 4-year electrical construction apprenticeship program approved by the Bureau of Apprenticeship and Training shall have 8 years (16,000 hours) of electrical construction experience or training as may be approved by the Board. This training or experience may include electrical experience gained in the military. See ~~Regulation~~ Rule 010.13-012(1) for experience that does not qualify.

**DE.** An applicant for an industrial maintenance electrician's license shall have:

1. four (4) years experience under the supervision of an engineer, master electrician, journeyman electrician or industrial maintenance electrician in the maintenance of electrical conductors and equipment; or

2. any combination of training and experience as the Board may approve, such as formal apprenticeship programs approved by the Board, on-the-job training specifically approved by the Board, public or private electrical training programs, such as those conducted by the armed forces, colleges, or vocational-technical schools, specifically approved by the Board, or a combination of training and electrical maintenance experience that is determined by the Board to be equivalent to that as specified in paragraph 010.13-012(0)(1) above.

**EF.** An applicant for a residential master electrician's license shall have:

1. three (3) years experience in the wiring of one (1) or two (2) family dwellings including one (1) year experience as a licensed residential journeyman; or

2. any combination of training and experience as the Board may approve as being equivalent to that as specified in paragraph 010.13-012(E)(1) above.

**FG.** An applicant for a residential journeyman license shall have:

1. two (2) years experience in the wiring of one (1) or two (2) family dwellings;

2. a two-year combination of training and experience as the Board may approve, such as formal apprenticeship programs approved by the Board; and

3. a signed letter from the applicant's school verifying the applicant's hours.

**GH.** An applicant for an air conditioning electrician's license shall have:

1. two (2) years experience in wiring HVACR equipment; or

2. any combination of experience and training as the Board may approve as being equivalent to that as specified in paragraph 010.13-012(G)(1) above.

3. the experience required in paragraph 010.13-012(G)(1) may be demonstrated by having held for two years:

a. a HVACR electrician's license issued by an Arkansas municipality,  
or

b. a HVACR Class A or Class B license issued by the state HVACR Licensing Board.

**H1.** An applicant for a specialist sign electrician's license shall have:

1. two (2) years experience working for an electrical sign company or a licensed electrical licensee performing the work of installing, maintaining and repairing electrically illuminated or operated signs and gaseous tubing for illumination, making all connection to an approved outlet of sufficient capacity within twenty-five (25) feet of the sign to be connected; or

2. any combination of training and experience as the Board may approve as being equivalent to that as specified in paragraph 010.13-012(H)(1) above.

3. ~~Applicants for a specialist sign electrician license pursuant to the provisions of this chapter shall be exempt from the examination requirement of §17-28-203, provided that the applicant:~~

a. ~~Is qualified by experience requirements specified in 010.13-012(H)(1) or (2); and~~

~~Has not had a municipal electrician's license or a state electrician's license of any classification revoked or suspended for cause; and~~

~~Submits the appropriate fee; and~~

~~Applies for a license prior to September 1, 2009.~~

4. ~~This license shall not be required of any Board licensee currently qualified to perform the type of work described by 010.13-012(H)(1).~~

3. A specialist sign electrician may obtain an endorsement to his or her license authorizing the licensee to maintain and repair parking lot lights upon successfully passing a separate examination approved by the Board.

a. Maintenance and repair work under this endorsement does not include initial installation and construction.

b. Maintenance and repair work under this endorsement is limited to work from the ground up to a lighting fixture that is being maintained or repaired and shall not include work underground or work to an electrical panel inside or outside of a building.

5. ~~All licensed specialist sign electricians shall submit to the Department section a list of any employees performing work as described in Regulation Rule 010.13-012(H).~~ All such work shall be performed under direct supervision of a licensed sign electrician or other electrical licensee authorized to perform this type of work.

**IJ.** For the purpose of determining experience qualification, the Board shall not consider the following:

1. any experience obtained in violation of Ark. Code Ann. § 17-28-304 (Repl. 2001) which required a state electrician's license beginning July 1, 1998; or
2. any experience obtained in a sister state in violation of that state's licensing or registration requirements.

**JK.** Work experience shall be documented by official transcripts, notarized letters or affidavits from past or present employers, official letters from other licensing boards detailing the duration and character of the work, or equivalent evidence. Letters and employment verification shall be dated within six (6) months of application. Employment verification from the Social Security Administration may be required.

### **010.13-013 Licenses**

#### **A. Generally**

1. All ~~division~~ action regarding licensure shall be governed by Ark. Code Ann. §§ 17-28-201 *et seq.*; ~~and~~ Ark. Code Ann. §§ 20-31-101 *et seq.*; Ark. Code Ann. §§ 17-55-101 *et seq.* and these Regulations Rules.
2. The Board is required to oversee electrician examination and licensure, conduct examinations of persons who apply for an electrician's license, grant licenses to qualifying applicants who have paid the prescribed fee, and revoke or suspend the license of any licensee or the certification of any electrical apprentice for cause.

#### **B. Requirement to Keep Current Address on File; Post License Number and Keep License Available**

1. All persons holding a license or permit issued by the Board are required to provide the Electrical ~~Division~~ Section with information so that the ~~division~~ section can remain in contact and provide notice of complaints and/or hearings. The licensee is required to provide written notice to the Board of any change in business and/or residence address within ten (10) working days of the change. Service of notices of hearing sent by mail will be addressed to latest address on file with the Electrical ~~Division~~ Section.
2. The license number of the responsible master electrician and the company name shall be displayed on a sign at all job sites that do not have a permit issued by a city or county building code enforcement authority. The sign shall be a minimum of 12 inches by 12 inches and include the name of the electrical contractor, license number of the responsible master, and telephone number, in contrasting colors to the sign color with a minimum letter size of 1.5 inches.

3. All licensed electricians and apprentices shall have on their person or immediately available, their license and a form of identification with a photo at all times during which the licensee is performing electrical work. The license and photo identification shall be provided to any state or local government electrical inspector or building inspector or fire marshal upon request.

### **C. Review of Application**

The application and supporting documentation will be reviewed by the Board Screening Committee. The Electrical ~~Division~~ Section will inform the applicant in writing if it determines that the application is incomplete, and will specify why the application is incomplete. When a completed application, a supplemental application, or the requested information is returned, the agency will reinitiate action on the application for license. If all requirements of are met, the applicant will be allowed to take the licensing examination.

### **D. Expiration, Reinstatement and Renewal**

1. Licenses shall expire on the date indicated on the license. Licenses shall expire on the last day of the month, one year following the date of issue. Such licenses may be renewed as provided herein. All licenses originally issued prior to the adoption of this rule shall continue to expire as indicated on the license.

2. Licenses may be renewed for one (1) year in the last year of an NEC cycle, two (2) years in the second year of an NEC cycle, or three (3) years in the first year of an NEC cycle upon a payment of fifty dollars (\$50.00) per year for a master electrician's license; fifty dollars (\$50.00) per year for a residential master electrician's license; twenty-five dollars (\$25.00) per year for a journeyman electrician's license; twenty-five dollars (\$25.00) per year for a residential journeyman electrician's license; twenty-five (\$25.00) per year for an air conditioning electrician's license; and twenty-five dollars (\$25.00) per year for an industrial maintenance electrician's license.

3. A license may be renewed ~~within six (6) months of~~ after the expiration date ~~but within thirty-six (36) months of the expiration date~~ providing all documentation for renewal and by paying the following:

a. the renewal fees stated in ~~Regulation~~ Rule 010.13-013(D)(2) for each year;

b. a late fee equal to one (1) year of the renewal fee plus ten dollars (\$10) for each calendar month between the expiration date on the license and the date of application for renewal; and

c. any outstanding civil money penalty.

4. ~~A license may be renewed after six (6) months from the expiration date, by paying the renewal fee stated in Regulation 010.13-013(0)(2) plus a penalty of ten-~~

~~dollars(\$10.00) per month for journeyman electrician, residential journeyman electrician, air conditioning electrician, or industrial maintenance electrician, and twenty dollars (\$20.00) for and master electrician or residential master electrician. A licensee whose license has expired for thirty-six (36) months or more may reinstate his or her license by submitting a completed application and other required documentation and by paying the following:~~

- ~~a. the fees and applicable penalties under Rule 010.13-013(D)(3) above; and~~
- ~~b. an additional penalty of one thousand dollars (\$1000).~~

~~5. If any license is not renewed within a year after the expiration of such license, the licensee shall be required to take another examination as authorized by the Board. If any grandfather license is not renewed within a year after the expiration of such license, the licensee shall be required to take an examination as authorized by the Board. An applicant shall not be required to take an examination if the applicant meets the requirements for reciprocity to Rule 010.13-016. The Board may, after hearing deny renewal or reinstatement of a license for cause.~~

~~6. An applicant for renewal or reinstatement of a license may obtain a temporary license to expire on the date of his or her hearing before the board.~~

7. Reinstatement

a. Notwithstanding any rule to the contrary, an individual may seek reinstatement under this subsection, provided the applicant for reinstatement demonstrates that he or she:

- i. was previously licensed by the Board at any time;
- ii. was licensed in good standing at the time of licensing;
- iii. did not have his or her license revoked for: an act of bad faith or a violation of law, rule or ethics;
- iv. is not holding a suspended or probationary license in a sister state; and
- v. ~~passes a licensing examination if the applicant's license has been expired for more than one (1) year.~~

b. Apprenticeship training is not required of applicants for reinstatement who are qualified pursuant to Rule 010.13-013(D)(7)(a) above.

c. Continuing education requirements apply to a reinstated licensee in

the same manner as other licensees.

d. An applicant for reinstatement shall not be required to comply with the requirements of Rule 010.13-013(D)(6)(a) if the applicant meets the requirements for reciprocity pursuant to Rule 010.13-016.

e. An application for reinstatement may be reviewed and approved for examination by the Department of Labor and Licensing's Code Enforcement Manager in lieu of the Board's Screening Committee.

f. The Board may, after a hearing, deny a renewal or reinstatement application for cause.

**E.** No person, firm, or corporation licensed under the provisions of Ark. Code Ann. § 17-28-101 *et seq.*, shall alter, transfer, lend or rent his, her or its license.

**F.** If any applicant passing any class of examination does not obtain an initial license within one (1) year following the last day of the month in which the examination was taken, the applicant shall be required to take another examination as authorized by the Board before a license is issued. Grandfather applicants that have not obtained a license within one (1) year of approval shall be required to take an examination as authorized by the Board.

**G. Electrical Contractors**

An applicant for an electrical contractor's license shall submit to the Board the following:

1. an application on a form approved by the Board; and
2. proof that the applicant is a licensed master electrician or employs a licensed master electrician; and
3. if the applicant is not a master electrician, a statement from the master electrician, under oath, disclosing the master electrician's affiliation with any other electrical contractor and verifying that the master electrician is employed as the superintendent or manager of the applicant contractor.

**H. Apprentices**

1. Upon employing an electrical apprentice to work at the trade, the electrical contractor/master electrician shall within thirty (30) days register such apprentice with the Board, the Department of Career Education and the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship (OAT). The



apprentice must begin school no later than the first full semester following the date of hire. In the event that school begins more than ninety (90) days from the hire date, the employer shall, in the interim, provide the apprentice with technically related instruction pursuant to the guidelines of the U. S. Department of Labor, Employment and Training Administration, Office of Apprenticeship (OAT).

2. An applicant for registration as an electrical apprentice shall submit the following:

- a. an application on a form approved by the Board;
- b. a registration fee of ten dollars (\$10.00);
- c. satisfactory proof that the applicant is enrolled in and attending a school or training course for electrical apprentices certified by the OAT.

3. Apprentice registration certificates shall be valid for one (1) year. They shall expire on the last day of the month, one (1) year from the date of issue.

4. Apprentice registration certification may be renewed by payment of a ten dollar (\$10.00) renewal fee and submission of satisfactory proof of current enrollment in and attendance of a training program approved by the OAT.

5. An apprentice who has successfully completed a certified school or training program and has been released for testing may continue to renew his or her apprentice registration card, if otherwise qualified, without enrolling in a school or training program. Such an apprentice may work as a fourth year apprentice for the purpose of ~~Regulation Rule~~ 010.13-013(H)(6) for a period of six (6) months. If an apprentice has not passed the journeyman electrician examination within six (6) months of completing apprenticeship school, the apprentice shall be subject to the same supervision as a third year apprentice pursuant to ~~Regulation Rule~~ 010.13-013(H)(6).

6. Ratios and Supervision

a. No journeyman or master electrician shall employ or supervise electrical apprentices at a ratio greater than three (3) apprentices to one (1) journeyman or one (1) master electrician on a single electrical job.

b. An apprentice electrician shall not engage in electrical work unless he or she is supervised by a master electrician or a journeyman electrician.

c. Observation of apprentices' work. The supervising electrician shall observe the work of an apprentice electrician in person at regular and reasonable intervals. "Regular and reasonable intervals" shall mean a minimum of the following:

- i. For work on 1-2 family dwellings:

A. an apprentice in the first 90 days of employment shall be under the direct, immediate, and continuous supervision of the supervising master or journeyman; and

B. an apprentice employed from the 91st day of employment through 2 years shall have his or her work observed by the supervising master or journeyman every 2-3 hours and before the work is operational, before it is considered complete, and before it is covered.

ii. or work on all projects other than 1-2 family dwellings:

A. For a first year apprentice, the supervising electrician shall observe the apprentice's work on a direct and continuous basis;

B. For a second year apprentice, the supervising electrician shall observe the apprentice's work every 30 minutes to 1 hour and before the electrical work is operational, before it is considered complete, and before it is covered;

C. For a third year apprentice, the supervising electrician shall observe the apprentice's work every 2-3 hours and before the work is operational, before it is considered complete, and before it is covered; and

D. For a fourth year apprentice, the supervising electrician shall observe the apprentice's work before the work is operational, before it is considered complete, and before it is covered.

d. Proximity to apprentices. The supervising electrician shall remain within reasonable proximity to an apprentice electrician while electrical work is being performed. The proximity of the supervising electrician to the apprentice electrician is reasonable if:

i. The supervising electrician is:

A. within the line of sight of the apprentice electrician;  
or

B. at the same street address at which the apprentice electrician is working; or

ii. The job site is not a single-family residence, requires a contractor's license, and the supervising electrician is within the line of sight of the apprentice electrician.

e. The responsible master electrician is responsible for all the electrical work performed by an apprentice. This means that it is the supervising

electrician's initial responsibility and ultimately the responsible master's obligation to ensure that all electrical work performed by the apprentice is performed in compliance with the standards adopted by these rules.

7. Classroom Study

By memorandum of understanding, the Department of Career Education Apprenticeship Office shall oversee related classroom study of apprentices.

8. A certificate of registration may be revoked by the Board for cause. This includes, but is not limited to the following:

a. Expulsion from or dropping from the training program approved by the OAT.

b. Performing electrical work which is not performed under the supervision of a licensed master or journeyman electrician; or

c. Performing electrical work outside the employment of the apprentice's mentoring or sponsoring electrician or electrical contractor.

9. A licensed electrician shall verify the work hours of any apprentice who has been in his/her employ the previous four (4) years at the request of the Department of Labor and Licensing; the Department of ~~Career Education~~ Commerce- State Apprenticeship Office; ~~the Office of Apprenticeship~~; and any local apprenticeship committee. Failure to comply with such a request may result in the assessment of civil money penalties and the revocation or suspension of a license.

**I. Temporary licenses**

1. The Board shall issue a temporary license as a master electrician or journeyman electrician for a period of six (6) months, upon submission by the applicant of the following:

a. A temporary license fee in the amount of \$50 for a master electrician and \$25 for a journeyman electrician;

b. A completed application on a form provided by the Board; and

c. Evidence that the applicant holds a current license of the same classification issued by another state or has otherwise met the experience qualifications established in ~~Regulation~~ Rule 010.13-012(B) or (C).

2. A temporary license may be renewed for an industry project as defined by Ark. Code Ann. § 17-28-102(f):

a. one (1) time only for an additional six (6) months industrial projects, upon submission by the applicant of the items listed in Regulation 010.13-013(1)(a) above; or

b. for two (2) additional consecutive six (6) month periods, provided:

(i) the renewal is for work to be performed on a specific industry project;

(ii) the director determines that the additional renewal is necessary because:

(A) actual construction will exceed one (1) year;

(B) an insufficient number of licensed electricians is available to perform the necessary work; and

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

c. the applicant has submitted the items listed in Rule 010.13-013(1)(a) above.

3. ~~In no event shall a renewed temporary license exceed a period of twelve (12) months from the date of original issue on the first temporary license.~~

4.3. The Board may issue and renew a temporary license as a master electrician or journeyman electrician for regularly scheduled or emergency maintenance work or shut-downs of ~~not no~~ longer than six (6) weeks on industry projects as defined by Ark. Code Ann. § 17-28-102(f).

## **010.13-014 Revocation, Suspension, Surrender and Denial of Licenses**

### **A. Authority of Board**

The Board shall have the power to revoke or suspend any license or registration for cause. This includes, but is not limited to, the performance of electrical work which does not comply with the provisions of the National Electrical Code, as adopted by the Board.

### **B. Automatic Suspension of Apprentice License/Registration**

An apprentice license shall be automatically suspended if the Electrical Division determines that the apprentice is not compliant with ~~Regulation~~ Rule 010.13-013(H) of

the Board. The Electrical Division shall notify the apprentice of this suspension and that a final revocation hearing has been scheduled before the Board. The automatic suspension shall continue until a final revocation hearing before the Board or until the apprentice proves compliance with ~~Regulation~~ Rule 010.13-013(H) of the Board.

### **C. Complaints Against Licensee**

1. Any party who is wronged or damaged by an individual or company licensed by the Board in the performance of electrical work on his, her, or its property may make written notice of complaint to the Board. Such complaint shall state the actions of the license holder(s) causing damage to the complainant. Damage or wrongful action which may be investigated includes, but is not limited to the following:

- a. property damage;
- b. electrical work that does not comply with the minimum standards for such work established by ~~Regulation~~ Rule 010.13-008;
- c. threats of bodily harm made by a licensee; and
- d. accepting payment for electrical work or supplies that is not performed or provided.

2. Upon receipt of a written complaint made against any party holding a license issued by the Board, the Arkansas Department of Labor and Licensing Electrical Division staff may investigate said complaint to ascertain information relating to the complaint. The Board may on its own motion cause a staff investigation of any licensee's compliance with the provisions of the act or the ~~regulations~~ rules of the Board.

3. After investigation, the ~~Arkansas Department of Labor Electrical Division~~ staff of the Electrical Section shall determine if the allegations against any licensee are sufficient to warrant a revocation/suspension hearing. If such allegations are sufficient to warrant a hearing, staff shall recommend to the Board that a revocation/suspension hearing take place.

4. Any licensee shall be provided at least twenty (20) days notice of any revocation or suspension hearing. Such notice may be provided by certified mail to the last address provided to the Board by the licensee. Notice shall contain a statement of the allegations and conform to the requirements of the Administrative Procedures Act, Ark. Code Ann. 25-15-201 et seq. and these ~~Regulations~~ Rules.

5. The Arkansas Department of Labor and Licensing may impose a civil money penalty subject to appeal to the Board pursuant to Rule 010.13-015.

### **D. Emergency Action**

1. If the Board finds that the public health, safety, or welfare imperatively requires emergency action and incorporates that finding in its order, the Board can summarily suspend, limit, or restrict a license. The notice requirement in 010.13-007(G) does not apply and must not be construed to prevent a hearing at the earliest time practicable.

2. Emergency Order:

An emergency adjudicative order must contain findings that the public health, safety, and welfare imperatively require emergency action to be taken by the division. The written order must include notification of the date on which division proceedings are scheduled for completion.

Written Notice. The written emergency adjudicative order will be immediately delivered to persons who are required to comply with the order. One or more of the following procedures will be used:

- a. Personal delivery;
- b. Certified mail, return receipt requested, to the last address on file with the division;
- c. First class mail to the last address on file with the division;
- d. Fax. Fax may be used as the sole method of delivery if the person required to comply with the order has filed a written request that division orders be sent by fax and has provided a fax number for that purpose.
- e. Oral notice. Unless the written emergency order is served by personal delivery on the same day that the order issues, the division shall make reasonable immediate efforts to contact by telephone the persons who are required to comply with the order.

3. Unless otherwise provided by law, within ten (10) days after emergency action taken pursuant to paragraph (D)(1) of this rule, the Electrical Division must initiate a formal suspension or revocation proceeding.

**E. Denial of License-Right to Appeal**

Any applicant who is denied a license or who is approved for examination for a class of license lower than the class of license sought, shall be notified of such action by mail at the address provided by the applicant. The applicant shall have twenty (20) days from the date of the notice to appeal the denial, or the approval for examination for a lower class license, to the full board. The applicant shall be provided at least twenty (20) days notice of the hearing before the full Board. Such notice will be provided by regular mail to the address on the application.

**F. Notice and Burden of Proof**

1. Prior to the entry of a final order to suspend, revoke, annul, or withdraw a license, or to impose other sanctions upon a licensee, the Electrical Division will serve the licensee a notice of hearing in the manner set out in A.C.A. § 25-15-208 and Rule 010.13-007(G).

2. The division has the burden of proving the alleged facts and violations of law stated in the notice.

**G. Voluntary Surrender of License**

The licensee, in lieu of formal disciplinary proceedings, may offer to surrender his or her license, subject to the division's determination to accept the proffered surrender, rather than conducting a formal disciplinary proceeding.

**H. Duty of Sanctioned Licensee**

In every case in which a license is revoked, suspended, or surrendered, the licensee shall, within thirty (30) days of the revocation, suspension, or surrender, do the following:

1. Return his or her license to the Electrical ~~Division's~~ Section's office;
2. Notify all of his or her clients or employer in writing that his or her license has been revoked, suspended, or surrendered;
3. Notify all clients or his or her employer to make arrangements for other services, calling attention to any urgency in seeking the substitution of another licensee;
4. Deliver to all clients or employer any papers or property to which they are entitled, or notify the client or employer of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property;
5. Refund any part of the fees paid in advance that have not been earned;
6. Keep and maintain a record of the steps taken to accomplish the foregoing;
7. File with the Electrical Division a list of all other state, federal, and administrative jurisdictions by which he or she is licensed. Upon such filing, the division will notify those entitled of the revocation, suspension, or surrender; and
8. The sanctioned licensee shall, within thirty (30) days of revocation, suspension, or surrender of the license, file an affidavit with the agency that he or she has

fully complied with the provisions of the order and completely performed the foregoing or provide a full explanation of the reasons for his or her non-compliance. Such affidavit shall also set forth the address where communications may thereafter be directed to the respondent.

**I. Reinstatement After Suspension**

1. An order suspending a license may provide that a person desiring reinstatement may file with the Board a verified petition requesting reinstatement.

2. The petition for reinstatement must set out the following:

a. That the individual has fully and promptly complied with the requirements of section 010.13-014(H) of these rules pertaining to the duty of a sanctioned licensee;

b. That the individual has refrained from practicing in this occupation or business during the period of suspension;

c. That the individual's license fee is current or has been tendered to the division; and

d. That the individual has fully complied with any requirements imposed as conditions for reinstatement.

3. Any knowing misstatement of fact may constitute grounds for denial or revocation of reinstatement.

4. Failure to comply with the provisions of sections 010.13-014(H)7 and (H)8 of this Rule precludes consideration for reinstatement.

5. No individual will be reinstated unless the Board approves reinstatement upon a recommendation from the Board by a majority vote.

**J. Re-Licensure for Revoked or Surrendered License**

1. No individual who has had his or her license revoked or who has surrendered his or her license will be licensed, except on petition made to the Board. The application for re-licensure is not allowed until at least two (2) years after the revocation or surrender of the license took effect.

2. The applicant bears the burden of proof that he or she is rehabilitated following the revocation or surrender of his license, that he can engage in the conduct authorized by the license without undue risk to the public health, safety, and welfare, and he is otherwise qualified for the license.



3. The Board may impose any appropriate conditions or limitations on a license to protect the public health, safety and welfare.
4. The Board may require that the person seeking re-licensure take the licensing exam.
5. The applicant must comply with the same terms as provide in paragraph (I) of this Rule for reinstatement following a suspension.

#### **010.13-015 Civil Money Penalties**

##### **A. Civil Penalties, Generally.**

1. Any person, firm, or corporation that violates provisions of Ark. Code Ann. §§ 17-28-101 through -310 or Ark. Code Ann. §§ 20-31-101 through 20-31-105; or any rule, ~~regulation~~, or order promulgated by the Board; or any condition of a license, certificate, or registration issued by the Board shall be subject to a civil penalty that shall not exceed the following:

- a. Two hundred fifty dollars (\$250.00) for a first offense;
  - b. Seven hundred fifty dollars (\$750.00) for a second offense;
  - c. One thousand dollars (\$1000.00) for a third offense.
2. Each day of a continuing violation shall constitute a separate offense.
3. Assessment of a civil penalty shall be made no later than two (2) years from the date of the occurrence of the violation.
4. The amount of civil penalties will be determined in accordance with ~~Regulation~~ Rule 010.13-015(C) and (D).
5. Nothing in these ~~Regulations~~ Rules shall abridge the authority of the Board to revoke or suspend any license for cause. A licensee may be assessed a civil money penalty and have his or her license suspended or revoked for the same offense.

##### **B. Notice of Civil Money Penalty Assessment**

1. In civil penalty cases, the staff of the Electrical ~~Division~~ Section of the Arkansas Department of Labor and Licensing shall notify the person, firm, or corporation charged with the violation by regular mail (at the last known address on file with the division, if the individual is licensed) of the following:

- a. the type of violation( s);

- b. the date(s) of the violation(s);
- c. the amount of the civil penalty for the violation( s);
- d. the civil penalty determination issued by the Electrical Division staff shall be final, unless within twenty (20) days after receipt of this notice, the person, firm, or corporation notifies the Director in writing that the person, firm, or corporation contests the penalty; and
- e. the procedure for contesting a civil penalty as provided in Regulation Rule 010.13-015(E).

2. If the person, firm, corporation, partnership, or association charged with the violation has not filed written notice with the Director that the charged party contests the civil penalty within twenty (20) days after receiving notice in accordance with Regulation Rule 010.13-015(B)(1), the penalty assessment by the Electrical ~~Division~~ Section staff shall become the final determination of the Director.

3. Notice of the civil penalty may also be delivered in the same manner as summons in civil cases or by hand-delivered citation by an electrical inspector of the Arkansas Department of Labor and Licensing.

### **C. Civil Penalty Assessment**

1. If upon inspection or investigation, the Arkansas Department of Labor and Licensing, Electrical Inspection Section finds that a person, firm, or corporation has violated any of the provisions of Ark. Code Ann. §§ 17-28-101 through -310, 17-55-101 through -106 or ~~Ark. Code Ann. §§ 20-31-101 through -105~~; or any rule, ~~regulation~~, or order promulgated by the Board; or any condition of a license, certificate, or registration issued by the Board, such person, firm or corporation shall be subject to a civil penalty that shall not exceed the following:

- a. Two hundred fifty dollars (\$250.00) for a first offense;
  - b. Seven hundred fifty dollars (\$750.00) for a second offense; and
  - c. One thousand dollars (\$1000.00) for a third offense.
2. The amount of a civil penalty will be based on the Violation Fine Schedule in Regulation Rule 010.13-015(D).
3. The Violation Fine Schedule is only a guideline to assist in consistent application of civil monetary penalties. The Board shall only be bound by the statutory fine scale described in Ark. Code Ann. § 17-28-309(b)(2).

4. Upon appeal, the Board may exercise its discretion in determining the appropriate penalty according to the Violation Fine Schedule in ~~Regulation~~ Rule 010.13-015(D). In determining the amount of a civil monetary penalty, the Board may consider:

- a. The degree and extent of harm to the public safety or to property, or the potential for harm;
- b. The duration and gravity of the violation;
- c. Whether the violation was committed willfully or intentionally, or reflects a continuing pattern;
- d. Whether the violation involved elements of fraud or deception either to the public or to the Board, or both;
- e. The violator's prior disciplinary record with the Board;
- f. Whether and to the extent which the violator profited by the violation.

5. No civil penalty assessments older than two (2) years shall be used as the basis for a progressive discipline pursuant to the Violation Fine Schedule in ~~Regulation~~ Rule 010.13-015(D).

6. No provision of this subsection shall abridge authority of the Board to evaluate all past civil money assessments by any person, firm, or corporation to revoke or suspend any license for any offense.

#### **D. Violation Fine Schedule;**

1. The Violation Fine Schedule is only a guideline to assist in consistent application of civil monetary penalties. The Board shall only be bound by the statutory fine scale described in Ark. Code Ann. § 17-28-309(b)(2).

2. The aggravating and mitigating factors in ~~Regulation~~ Rule 010.13-015(C)(4) may affect the final civil monetary penalty assessed.

3. Nothing in these ~~regulations~~ rules shall abridge the authority of the Board to revoke or suspend any license for any offense.

**FINE SCHEDULE**

<b><u>VIOLATION</u></b>	<b><u>STATUTE OR REGULATION RULE- PROVISION</u></b>	<b><u>1<sup>ST</sup></u></b>	<b><u>2<sup>ND</sup></u></b>	<b><u>3<sup>RD</sup></u></b>
Failure to possess appropriate license for electrical work	17-28-304	\$50	\$100	Discretionary (up to \$1000 per day)
Providing false or misleading advertising	17-28-304	\$250	\$500	Discretionary (up to \$1000 per day)
Failure to correct code violations within a reasonable time	20-31-105	\$250	\$750	Discretionary (up to \$1000 per day)

<b><u>VIOLATION</u></b>	<b><u>STATUTE OR REGULATION RULE PROVISION</u></b>	<b><u>1<sup>ST</sup></u></b>	<b><u>2<sup>ND</sup></u></b>	<b><u>3<sup>RD</sup></u></b>
Failure of a licensee to maintain supervisory ratio of one licensed electrician to two apprentices on a construction project at any one time, or to maintain an overall employment ratio of one to one, except as another ratio may be approved by BAT	<del>Regulation Rule</del> 010.13-013(H)(6)  (Violations of this <del>Regulation Rule</del> shall be assessed per apprentice out of the required ratio)	\$75	\$150	Discretionary (up to \$1000 per day)
Performing electrical work beyond the authorization of the electrical license or registration	17-28-101 & <del>Regulations- Rules</del> 010.13-009(A)(1-6)	\$50	\$100	Discretionary (up to \$1000 per day)
Failure of apprentice to register with the Arkansas Department of Labor and <u>Licensing</u>	<del>Regulation Rule</del> 010.13-013(H)	\$10	\$20	Discretionary (up to \$1000 per day)
Employment by an electrical contractor licensed by the Arkansas Department of Labor and <u>Licensing</u> or by a master electrician	<del>Regulation Rule</del> 010.13-017(F)	\$250	\$750	Discretionary (up to \$1000 per day)

of unlicensed or unregistered persons doing electrical work				
<b><u>VIOLATION</u></b>	<b><u>STATUTE OR REGULATION</u></b> <b><u>RULE</u></b> <b><u>PROVISION</u></b>	<b><u>1<sup>ST</sup></u></b>	<b><u>2<sup>ND</sup></u></b>	<b><u>3<sup>RD</sup></u></b>
Deception misrepresentation or fraud in obtaining or attempting to obtain a license (includes loaning a license)	17-28-303 & <del>Regulations</del> Rules 010.13-014(A) and 010.13-013(E)	\$250	\$750	Discretionary (up to \$1000 per day)
Other Violations		Discretionary (up to \$250 per day)	Discretionary (up to \$750 per day)	Discretionary (up to \$1000 per day)

#### **E. Contesting a Civil Penalty**

1. The person, firm, or corporation may contest the imposition of a civil penalty by filing a written request for a hearing with the Director, 10421 West Markham, Little Rock, Arkansas 72205. The written request must be made within twenty (20) days after receipt of notification of the civil penalty or the assessment will become final.

2. A written request for a hearing shall be scheduled for a hearing before the Board.

3. The person, firm, or corporation shall be provided at least twenty (20) day notice of the hearing. Such notice shall include:

- a. a statement of the time, date, place, and nature of the hearing;
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held;
- c. A short and plain statement of the matters of fact and law asserted;  
and
- d. A statement that the person, firm, or corporation may, upon written request, obtain the issuance of a subpoena by the Director for the attendance and

testimony of witnesses and the production of documents.

4. The Board shall, after consideration of the evidence, issue a decision and issue an order setting forth findings of fact and conclusions of law. Such decision shall become the final determination of the Board, unless judicial review is sought within thirty (30) days pursuant to the Administrative Procedures Act, Ark. Code Ann. § 25-15-212.

5. If any person, firm, or corporation against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of the final determination, the Director of the Arkansas Department of Labor and Licensing may file an action in a court of competent jurisdiction to collect the civil penalty, without paying costs or giving bonds for costs.

**F. Failure to pay civil monetary penalties**

1. If any person, firm, or corporation against whom a civil penalty has been imposed fails to pay the penalty within sixty (60) days of the final determination, the Director of the Arkansas Department of Labor and Licensing may file an action in a court of competent jurisdiction to collect the civil penalty, without paying costs or giving bonds for costs.

2. Failure to pay assessed fines may result in the denial, revocation or suspension of any electrical license or certification.

**010.13-016 Reciprocity**

The Board may issue licenses to those applicants holding equivalent licenses in other states, upon payment of the required fees and submission of proof of license, provided an agreement has been reached with that state to recognize the electrical licenses held by Arkansas residents.

**010.13-017 Non-licensed Persons Performing Electrical Work**

**A.** The Board staff shall, on behalf of the director, investigate complaints and allegations against any person or corporation not licensed by the Board for violation of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the ~~regulations~~ rules of the Board adopted pursuant thereto.

**B.** After investigation, the director shall make an initial determination of whether there has occurred a violation of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the ~~regulations~~ rules of the Board adopted pursuant thereto.

**C.** The director shall notify the person(s) or corporation(s) of his determination by certified mail to the last known address. This notice shall conform to the requirements of

the Administrative Procedures Act, Ark. Code Ann. § 25-15-201 *et seq.* and shall specifically contain the following:

1. a statement of the allegations against the person or corporation;
2. a statement that the person or corporation is entitled to a hearing before the Board on the allegations, provided a written request for a hearing is received by the Board within twenty (20) days of receipt of the notice; and
3. a statement that the person or corporation's failure to make a written denial of the allegations within twenty (20) days of receipt of the notice or the failure to appear at any scheduled hearing will result in the director seeking injunctive relief and/or filing a criminal complaint with the local prosecuting attorney.

**D.** Notice of any scheduled hearing shall be mailed at least twenty (20) days prior to the hearing date.

**E.** If the director finds that the public health, safety, or welfare imperatively requires emergency action, the director may petition a court of competent jurisdiction to enjoin or restrain any person or corporation from violating the provisions of Ark. Code Ann. §§ 17-28-101 *et seq.*; 20-31-101 *et seq.*; or the ~~regulations~~ rules of the Board adopted pursuant thereto, without providing notice and the opportunity for hearing.

**F.** No person licensed by this Board shall employ unlicensed persons or unregistered apprentices to perform electrical work without an exemption.

**G.** Any electrical work performed by a non-licensed person that does not comply with the minimum standards established by ~~Regulation Rule~~ 010.13-008, may be required to be removed at the discretion of a state electrical inspector. The responsibility and costs for removal shall be that of the non-licensed person. In the event the non-licensed person is employed by a licensed electrician or an electrical contractor, the responsibility and costs for removal shall be that of the licensee or the responsible master electrician employed by the contractor.

#### **010.13-018 Restricted Lifetime Master Electrician's License**

##### **A. Qualifications**

To qualify for a restricted lifetime master electrician license, an applicant shall:

1. have been a licensed master electrician licensed by the Board of Electrical Examiners for not less than twelve (12) years;
2. be at least sixty-five (65) years of age; and



3. have a current license as a master electrician issued by the Board of Electrical Examiners at the time of application for a restricted lifetime master electrician license.

**B. Application**

1. Application for a restricted lifetime master electrician license shall be on a form approved by the Board.

2. The applicant for a restricted lifetime master electrician license shall submit with the application satisfactory proof of age, which may include one of the following:

- a. a birth certificate;
- b. a passport or certificate of arrival in the United States;
- c. a state-issued driver's license or identification card;
- d. any document issued by the U.S. Military which includes a photograph or information including name, sex, date of birth, and other identifying information; or
- e. any other document of similar reliability.

**C. Restrictions**

A person holding a restricted lifetime master electrician license is authorized to perform any work authorized for a master electrician. Such license is non-transferable.

**D. Fees**

The fee for issuance of a Restricted Lifetime Master Electrician license shall be fifty dollars (\$50.00).

**E. Term of license**

The restricted lifetime master electrician license shall be valid for the lifetime of the holder of such license, unless the license is suspended or revoked by the Board for cause.

**F. Revocation or suspension**

1. The Board may revoke or suspend a restricted lifetime master electrician license for the same reasons and in the same manner as any other master electrician license. Grounds for suspension or revocation includes, but is not limited to, the performance or supervision of electrical work which does not comply with the provisions

of the National Electrical Code, as adopted by the Board.

2. Notice of any complaint, proceeding, or hearing shall be made to the holder of a restricted lifetime master electrician license to the last address on file with the Board.

3. Revocation or suspension proceedings shall be conducted in the same manner as provided for other licensed electricians by ~~regulation~~ rule of the Board. See ~~Regulation~~ Rule 010.13-014. Revocation, Suspension, Surrender and Denial of Licenses.

#### **G. Change of address**

The holder of a restricted lifetime master electrician license shall notify the board of any change of address following issuance of the license.

### **010.13-019 Continuing Education**

**A.** No journeyman electrician license or master electrician license shall be renewed unless the licensee completes at least eight (8) hours of continuing education for each National Electrical Code (NEC) cycle. Continuing education shall consist of classroom or other Board approved instruction relating specifically to the National Electrical Code. The NEC cycle shall begin on January 1 of each year of NEC publication.

#### **B. Approved Continuing Education Hours:**

1. Continuing education hours required by these ~~Regulations~~ Rules shall be obtained only in programs and courses approved by the Board.

2. The Board shall examine and approve curricula from any entity that provides continuing education to determine whether it provides appropriate and adequate NEC instruction.

3. Course curricula shall be presented to the Board for approval at least sixty (60) days prior to the date of the course. The curricula shall be presented on a form approved by the Board. Electrical Division staff may recommend course providers and curricula to the Board for approval. The Board may approve retroactive credit for courses completed during the current NEC cycle but before the effective date of these ~~regulations~~ rules.

4. Upon completion of a Board approved course, the course provider shall complete an attendance roster form approved by the Board to confirm completion. The course provider shall submit this form to the Board and/or the Arkansas Department of Labor and Licensing Electrical Division or its designee. The course provider's roster is the only document acceptable to confirm completion of course credit. Each course provider shall maintain this information not less than five (5) years from the course

completion date.

5. The Arkansas Department of Labor and Licensing Electrical ~~Division~~  
Section shall:

- a. maintain the attendance rosters submitted by course providers; and
- b. maintain a list of Board approved courses.

C. No apprentice that completes an apprenticeship program and passes the journeyman exam shall be required to obtain additional continuing education hours during that NEC cycle until the next code cycle.

**D. Failure to complete continuing education hours**

~~1. If any licensee fails to complete the required continuing education hours before the end of each NEC cycle when due, the licensee may obtain the required continuing education hours within ninety (90) days without being subject to examination requirements or civil penalties for performing unlicensed electrical work. All other civil penalties shall apply not renew or reinstate his or her license until the licensee:~~

- a. obtains the required continuing education hours and submits proof of completion to the section;
- b. provides required documentation for renewal or reinstatement; and
- c. pays all outstanding fees and penalties, if any.

~~2. If the licensee fails to obtain the required hours within this ninety (90) day period, the licensee shall be required to take another examination.~~

~~E. Notwithstanding the provisions of 010.13-019(D)(2) above, the required continuing education hours for the 2005 NEC cycle may be obtained no later than December 31, 2008, without the licensee being required to take another examination. A licensee may be subject to civil penalties for performing unlicensed electrical work and may be subject to an examination requirement pursuant to Ark. Code Ann. § 17-28-301(b)(5).~~

**010.13-020 Code Enforcement**

A. An electrical inspector of the department may require electrical work to be exposed for inspection, including the removal of sheetrock or other finish material applied to walls, floors or ceilings in the following circumstances:

1. The electrical work had not been subject to inspection by a city or county

code enforcement authority; and

2. The state inspector has evidence of serious violations of the standards established by ~~Regulation Rule~~ 010.13-008 in the visible electrical work. "Serious violations" include the following:

- a. open conductors or unapproved raceways;
- b. open splices not in approved boxes;
- c. cables not protected from physical damage;
- d. unapproved wiring, such as telephone or thermostat wire for 120 volt receptacles; and
- e. Romex cable run in air plenums in walls.

**B.** Any property damage caused in order to expose electrical work for inspection or in order to correct violations of the minimum standards established by ~~Regulation Rule~~ 010.13.008, shall be repaired by the responsible electrician so that the property is in the same or equivalent status as before the correction or exposure.

**C.** Disconnecting devices or equipment is not an acceptable method of correcting violations to the minimum standards established by ~~Regulation Rule~~ 010.13.008.

## **010.13-021. Electrical Inspectors**

### **A. Definition**

1. "Electrical Inspector" means any individual who is limited by license classification to inspecting the electrical work of others for code compliance or verifying mandatory licensing or permitting requirements as an employee of, or on behalf of, the State of Arkansas or any political subdivision of the state.

2. "Political subdivision of the state" means any state or local governmental entity including without limitation, any state agency, board, commission, state supported institution of higher education, city, county, township, or municipal corporation and any other body corporate and politic that is responsible for government activities in a geographical area smaller than that of the state.

### **B. License Requirement**

No person shall perform work as an electrical inspector for the state or any political subdivision of the state without a license issued by the Board of Electrical Examiners of the State of Arkansas.

### **C. Application and Qualifications**

1. A person shall apply for licensure as an electrical inspector on a form approved by the Board of Electrical Examiners within thirty (30) days of employment or appointment as an electrical inspector.

~~2. Any person employed or appointed as an electrical inspector by the state or a political subdivision of the state on the effective date of these regulations rules, shall apply for licensure no later than April 1, 2014.~~

~~3. Any person employed or appointed as an electrical inspector by the state or a political subdivision of the state on the effective date of these regulations rules shall be qualified, without additional proof of experience, for licensure as an electrical inspector and shall submit proof of the following with the application:~~

~~a. proof of current employment or appointment as an electrical inspector by the state or a political subdivision of the state;~~

~~b. proof of employment or appointment as an electrical inspector by the state or a political subdivision of the state on the effective date of these regulations rules; and~~

~~c. a license fee of \$50.00.~~

4.2. Any person not employed or appointed as an electrical inspector by the state or a political subdivision of the state on the effective date of these ~~regulations~~ rules shall submit the following with the application:

a. proof of current employment or appointment as an electrical inspector with the state or any political subdivision of the state;

b. a license fee of \$50.00; and

c. proof of work experience as follows:

(i) licensure by the Board of Electrical Examiners of the State of Arkansas as a master electrician or a journeyman electrician, or by the State of Arkansas as an electrical engineer;

(ii) four (4) years of experience working with the materials and methods used in the installation of electrical equipment and facilities; or

(iii) a combination of training and experience as the Board may approve as being equivalent to that as specified in (i) through (ii) above. In such an event, the Board may impose training requirements in addition to the annual continuing

education requirements of Section E., as a condition of obtaining or maintaining licensure as an electrical inspector.

5. Any person licensed pursuant to 010.13-021(C)(3) above must maintain continuous employment as an electrical inspector by the state or a political subdivision of the state, or be required to submit proof of work experience as required by 010.13-021(C)(4) upon renewal.

**D. Renewal of License**

1. All electrical inspector licenses shall expire January 1 of each year.
2. Application for renewal of an electrical inspector license shall include:
  - a. proof of continued employment or appointment as an electrical inspector with the state or any political subdivision of the state;
  - b. proof of sixteen (16) hours of continuing education as approved by the Board of Electrical Examiners; and
  - c. payment of an annual license fee of \$50.00.
3. Any outstanding civil money penalty must be paid before a license may be renewed.

**E. Continuing Education**

1. An electrical inspector shall complete sixteen (16) hours of continuing education each calendar year. Proof of this continuing education is required for license renewal, regardless of the date of original licensure.
2. Beginning January 2014, during the first year of each 3-year publication cycle of the National Electrical Code, annual continuing education training shall consist of:
  - a. 8 hours on the changes contained in the National Electrical Code as currently adopted or pending adoption by the Board of Electrical Examiners; and
  - b. 8 hours of training sponsored by the Arkansas Department of Labor and Licensing.
3. During the second and third year of each 3-year publication cycle of the National Electrical Code, annual continuing education training shall consist of:
  - a. 8 hours of training sponsored by the Arkansas Department of Labor and Licensing; and

b. 8 hours of training sponsored by the Arkansas Department of Labor and Licensing or a nationally recognized inspector organization as approved by the Board.

4. The costs of training provided by the Arkansas Department of Labor and Licensing shall be \$50 per 8-hour session.

5. Instructors shall get continuing education credit for teaching a class on an hour- for-hour basis.

#### **F. Revocation, Suspension, Surrender and Denial of License**

1. The Board has the authority to revoke or suspend an electrical inspector's license for just cause subject to hearing before the Board pursuant to the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 *et seq.* Additional procedures are contained in ~~Regulation~~ Rule 010.13-014, herein.

2. Just cause shall include, but not be limited to the following:

a. willful failure to inspect to the standards of the State Electrical Code as adopted by the Board of Electrical Examiners;

b. violating a provision of Ark. Code Ann. 17-55-101 *et seq.*;

c. violating any statutory provision relating to electricians, if the inspector is also a licensed electrician or electrical apprentice;

d. violating a rule, ~~regulation~~ or order issued or promulgated by the Board; or

e. violating a condition of a license issued by the Board.

#### **G. Civil Money Penalties**

1. A civil penalty may be assessed against an electrical inspector by the Department of Labor and Licensing and subject to appeal and hearing before the Board pursuant to the Administrative Procedures Act, Ark. Code Ann. § 25-15-201 *et seq.*, if it is determined that the electrical inspector has violated:

a. a provision of Ark. Code Ann. § 17-55-101 *et seq.*;

b. a rule, ~~regulation~~ or order issued or promulgated by the Board; or

c. a condition of a license issued by the Board.

2. The provisions and procedures contained in Rule 010.13-105 herein apply to civil money penalties assessed against electrical inspectors.

## **H. Prohibited Conduct**

1. Licensure as an electrical inspector does not qualify or authorize a person to act as an electrician.

2. An electrical inspector shall not inspect electrical work that he/she installed or supervised.

3. An electrical inspector shall perform electrical inspections only within the political subdivision in which he/she is employed. An electrical inspector may be employed by multiple political subdivisions and may perform electrical inspection in each.

## **I. Other Provisions**

1. A person licensed as a master or journeyman electrician who is also employed as a licensed electrical inspector shall be exempt from:

a. license renewal fees for the master or journeyman electrician license pursuant to ~~Regulation Rule~~ Regulation Rule 010.13-013(D), provided the person holds a current electrical inspector license; and

b. continuing education requirements for the master or journeyman license pursuant to ~~Regulation Rule~~ Regulation Rule 010.13-019, provided the continuing education requirements for an electrical inspector pursuant to ~~Regulation Rule~~ Regulation Rule 010.13-021 (E), are met.

2. Nothing in this ~~regulation rule~~ shall be construed to require a person to hold a license to perform electrical work on their own primary residence except as otherwise required by state law, rules, or local ordinances.

3. An electrical inspector employed by the Arkansas Department of Labor and Licensing may perform electrical inspections anywhere within the State of Arkansas.

4. Nothing in this ~~regulation rule~~ shall be construed to prohibit a person licensed as an electrical inspector or an electrician from performing work free of charge on his or her own properties, properties of family members, or for a non-profit charity if the person holds the requisite license for the work performed free of charge.

## **010.13-022 Active duty service members, returning military veterans, and spouses**



**A. Definitions.** As used in this rule;

1. "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable; And

2. "substantially equivalent" license means an occupational license from another state or political subdivision of that state or territory or district of the United States that has adopted a national model electrical code and utilizes a comprehensive examination created and proctored by a national examination agency or equivalent or the state or political subdivision of that state.

**B. The Board shall grant licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:**

1. An active duty military service member stationed in the State of Arkansas;

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

3. The spouse of a person under B (1) or (2) above.

**C. The Board shall grant such licensure upon receipt of all the below:**

1. Payment of the initial licensure fee;

2. Evidence that the individual holds a substantially equivalent license in another state; and

3. Evidence that the applicant is a qualified applicant under Section B.

**B.D. Temporary License**

1. An individual who is the holder in good standing of a substantially equivalent license in another state, shall be issued a temporary license of the same class while completing the application process for full licensure, ~~provided the individual is one of the following:~~ .

~~\_\_\_\_\_ a. an active duty military service member stationed in the State of Arkansas;~~

~~\_\_\_\_\_ b. a returning military veteran applying within one (1) year of his or her discharge from active duty; or~~

~~\_\_\_\_\_ c. the spouse of a person under subdivisions (B)(1)(a) and (B)(1)(b) of this rule.~~

2. A temporary license under this rule shall expire on its face in six (6) months, although it is subject to renewal until a final administrative decision on full licensure is made.

3. If a full license is granted and the license fee paid, the license shall expire on the last day of the month, one (1) year following the date of the original temporary license.

**C.E.** The Department of Labor and Licensing's Code Enforcement Manager and/or staff shall review the application for full licensure of any individual listed under subdivisions ~~(B)(1)(a); (B)(1)(b); and (B)(1)(c)~~ (B)(1) through (B)(3) of this rule in lieu of the Board's Screening Committee in order to expedite the process. The decision of the Code Enforcement Manager is subject to review by the full Board upon written request by the applicant.

**D.F.** When considering an application for full licensure for an active duty military service member stationed in the State of Arkansas or a returning military veteran applying within one (1) year of his or her discharge from active duty, the Code Enforcement Manager or Board shall:

1. consider whether or not the applicant's military training and experience is substantially similar to the experience and education required by Rule 010.13-012 for the class of license being sought; and

2. accept the applicant's military training and experience in lieu of the training experience and education required by Rule 010.13-012 if the Board determines the military training and experience is a satisfactory substitute for the training and experience required by Rule 010.13-012.

**E.G.** A license held by an active duty military service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred eighty (180) days following the active duty military service member's or spouse's return from active deployment. The licensee must submit proof of deployment and deployment dates.

**F.H.** Continuing education

1. An active duty military service member deployed outside the State of Arkansas or his or her spouse shall have an additional one hundred eighty (180) days to obtain the eight (8) hours of continuing education required by Rule 010.13-019, dating from:

a. the three (3) years provided by Rule 010.13-019; or

b. the date of return to active duty, whichever is longer. For this option the licensee must submit proof of deployment and deployment dates.

2. A returning military veteran discharged from active duty or his or her spouse shall have an additional one hundred eighty (180) days to obtain the eight (8) hours of continuing education required by Rule 010.13-019, dating from:

- a. the three (3) years provided by Rule 010.13-019; or
- b. the expiration of one (1) year from the date of discharge, whichever is longer. For this option, the licensee must submit proof of the discharge date.

**010.13-023 Effective Date, Repealer and History.**

A. Effective June 1, 2008 all previous ~~regulations~~ rules promulgated by the Board are hereby repealed.

B. The effective date of these ~~regulations~~ rules is June 1, 2008.

C. History

1. The Board of Electrical Examiners first promulgated ~~regulations~~ rules effective September 12, 1979. These ~~regulations~~ rules were amended effective October 15, 1987.

2. All previous rules ~~and regulations~~ of the Board were repealed and new rules ~~and regulations~~ were adopted effective January 1, 1992. These ~~regulations~~ rules were amended effective January 19, 1993; September 29, 1993; January 15, 1996; June 1, 1999; and July 1, 1999

3. All previous rules ~~and regulations~~ of the Board were repealed and new rules ~~and regulations~~ were adopted effective September 1, 1999. These ~~regulations~~ rules were amended effective August 20, 2001; January 1, 2002; April 1, 2002; April 1, 2004; November 1, 2004; October 1, 2005; and June 1, 2006.

4. All previous rules ~~and regulations~~ of the Board of Electrical Examiners were repealed and new rules ~~and regulations~~ were adopted effective June 1, 2008. [Note: Rule 010.13-019 was amended effective September 1, 2008 by adding subsection (E)].

5. ~~Regulations~~ Rules 010.13-009, 010.13-011, and 010.13-012 pertaining to Specialist Sign Electricians and examination fees were amended by emergency regulation effective July 31, 2009. These changes were adopted as permanent ~~regulations~~ rules effective February 1, 2010. ~~Regulation~~ Rule 010.13-012(H)(5) was also added by the permanent ~~regulation~~ rule.

6. Effective September 15, 2011 the following Rules were amended: Rule

010.13-008(B)(to update the National Electrical Code to the 2011 edition).

7. ~~Regulation~~ Rule 010.13-021 pertaining to the licensure of electrical inspectors, was adopted with an effective date of February 10, 2014.

8. Effective November 21, 2014, Rule 010.13-008 was amended to update the National Electrical Code to the 2014 edition, with certain exceptions (dealing with arc fault circuit interrupters in kitchen and laundry rooms).

9. Effective April 21, 2016, the following Rules were amended: Rule 010.13-002 (Information for public guidance); Rule 010.13-004 (Rule-making); Rule 010.13-005 (Emergency rule-making); Rule 010.13-009 (Definitions); and Rule 010.13-013 (Licenses). A new rule was adopted effective April 21, 2016, Rule 010.13-022 (Active duty service members, returning military veterans, and spouses).

10. Effective June 1, 2017, Rule 010.13-008 was amended to adopt Article 691, Large-Scale Photovoltaic (PV) Power Production Facility, 2017 edition of the National Electrical Code as an emergency rule.

11. Effective December 15, 2017, Rule 010.13-008 was amended to update to the 2017 edition of the National Electrical Code, with certain exceptions (dealing with arc fault circuit interrupters in kitchen and laundry rooms).

12. Effective January 1, 2020, the rules of the Board were amended to change references of “regulation” to “rule” and to change the name of the “Department of Labor” to the “Department of Labor and Licensing,” as well as to change the names of other organizational designations within the department. Additionally, Rule 010.13-012 (Qualification for Examination and Licensure) was amended to comply with Act 990 of 2019 concerning criminal background disqualification and to provide for special endorsement for a licensed specialist sign electrician. Rule 010.13-013 (Licenses) was amended with regard to renewal and reinstatement and temporary licensure. Rule 010.13-020 (Continuing Education) was amended, as was Rule 010.13-022 dealing with active duty service members, returning military veterans and spouses.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1478

By: Representative Lynch

## For An Act To Be Entitled

AN ACT TO ELIMINATE REQUIRED RE-TESTING OF AN  
ELECTRICIAN WHO FAILS TO TIMELY RENEW HIS OR HER  
LICENSE; TO PROVIDE MONETARY PENALTIES FOR FAILURE TO  
TIMELY RENEW A LICENSE; TO DECLARE AN EMERGENCY; AND  
FOR OTHER PURPOSES.

## Subtitle

TO ELIMINATE REQUIRED RE-TESTING OF AN  
ELECTRICIAN WHO FAILS TO TIMELY RENEW HIS  
OR HER LICENSE; TO PROVIDE MONETARY  
PENALTIES FOR FAILURE TO TIMELY RENEW A  
LICENSE; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 17-28-301(b), concerning the issuance and  
renewal of an electrician's license and fees associated with the license, is  
amended to read as follows:

(b)(1) Licenses shall expire on the date indicated on the licenses.  
~~Licenses shall expire on the last day of the month, one (1) year following~~  
~~the date of the original license.~~

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

(A) Master electrician	\$50.00 per year
(B) Journeyman electrician	25.00 per year
(C) Industrial maintenance electrician	25.00 per year



(D) Residential master electrician 50.00 per year

(E) Residential journeyman electrician 25.00 per year

(F) Air conditioning electrician 25.00 per year

(G) Specialist sign electrician 25.00 per year.

(3) ~~Any A~~ licensee may renew his or her license within ~~six (6)~~ thirty-six (36) months following the expiration date on the license by paying: ~~the renewal fee as indicated in subdivision (b)(2) of this section.~~

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

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

(C) Any outstanding monetary civil penalty.

(4) If a licensee shall fail to renew his or her license within ~~six (6)~~ thirty-six (36) months after the expiration date on the license, the licensee may ~~renew~~ reinstate his or her license by paying: ~~a penalty of ten dollars (\$10.00) for a journeyman or residential journeyman electrician, ten dollars (\$10.00) for an industrial maintenance electrician or air conditioning electrician, and twenty dollars (\$20.00) for a master electrician or a residential master electrician, in addition to the regular renewal fees.~~

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

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

~~(5)(A) If the license is not renewed within one (1) year after the expiration date on the license, the licensee shall be required to take another examination as administered by the Board of Electrical Examiners of the State of Arkansas~~ The Board of Electrical Examiners of the State of Arkansas may, after hearing, deny renewal or reinstatement of a license for cause.

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

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

(A) Renewal fee under this section; and

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

SECTION 2. Arkansas Code § 17-28-311 is amended to read as follows:

17-28-311. Continuing education requirement.

(a) ~~No A~~ journeyman electrician ~~license licensee~~ or master electrician ~~license licensee~~ shall ~~be renewed unless the licensee completes~~ complete at least eight (8) hours of continuing education for each National Electrical Code cycle before renewing his or her license.

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

(1) Obtains the required continuing education hours and submits proof of completion of the continuing education hours to the Department of Labor as required by the rules of the Board of Electrical Examiners of the State of Arkansas; and

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

~~(b)(1)(c)~~ The Board of Electrical Examiners of the State of Arkansas shall promulgate rules to set standards for continuing education for licensees under this section.

~~(2) The rules shall include, but not be limited to, provisions of the National Electrical Code, as in effect on January 1, 2005.~~

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that an electrician relies on a license to sustain his or her livelihood and provide for his or her family; that requiring re-testing in lieu of a penalty places a significant financial hardship on an electrician and delays the electrician's ability to legally work; and that this act is immediately necessary because it provides an equitable solution for the efficient renewal of an electrician's license. Therefore, an emergency is declared to exist, and this act being immediately

1 necessary for the preservation of the public peace, health, and safety shall  
2 become effective on:

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

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

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

9  
10  
11 **APPROVED: 03/06/2017**  
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: H2/13/17*

91st General Assembly

# A Bill

Regular Session, 2017

HOUSE BILL 1472

By: Representative Ladyman

## For An Act To Be Entitled

AN ACT TO EXPAND THE AUTHORIZATION FOR THE USE OF  
TEMPORARY ELECTRICAL LICENSES ON LARGE INDUSTRIAL  
PROJECTS; AND FOR OTHER PURPOSES.

## Subtitle

TO EXPAND THE AUTHORIZATION FOR THE USE  
OF TEMPORARY ELECTRICAL LICENSES ON LARGE  
INDUSTRIAL PROJECTS.

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

SECTION 1. Arkansas Code § 17-28-301(d), concerning temporary  
electrician's licenses, is amended to read as follows:

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

~~(1)(A)~~ (A) A temporary license fee in the amount established by  
subsection (a) of this section;

~~(2)(B)~~ (B) A completed application on a form furnished and approved  
by the board; and

~~(3)(C)~~ (C) Evidence that the applicant:

~~(A)(i)~~ (i) Holds a current license of the same classification  
issued by another state; or

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



1       (2) The Director of the Department of Labor may renew a temporary  
2 license as a master electrician or journeyman electrician issued by the board  
3 for more than one (1) additional period of six (6) months, if:

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

6             (B) The director determines that the additional renewal is  
7 necessary because:

8                 (i) Actual construction will exceed one (1) year; and

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

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

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

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

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

22  
23       SECTION 2. Arkansas Code § 17-28-301(e), concerning temporary  
24 electrician's licenses, is repealed.

25       ~~(e) Notwithstanding any restrictions in subsection (d) of this~~  
26 ~~section, the board may issue and renew a temporary license as a master~~  
27 ~~electrician or journeyman electrician for regularly scheduled or emergency~~  
28 ~~maintenance work or shut-downs of not longer than six (6) weeks on industry~~  
29 ~~projects as defined in this chapter.~~

30  
31                             /s/Ladyman  
32

33  
34                             **APPROVED: 03/14/2017**  
35  
36

State of Arkansas *As Engrossed: H3/2/17 H3/15/17*

91st General Assembly

Regular Session, 2017

# A Bill

HOUSE BILL 1160

By: Representative A. Mayberry

By: Senator Collins-Smith

## For An Act To Be Entitled

AN ACT TO AMEND THE DEFINITION OF A "SPECIALIST SIGN  
ELECTRICIAN"; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE DEFINITION OF A "SPECIALIST  
SIGN ELECTRICIAN".

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

*SECTION 1. DO NOT CODIFY. Legislative findings.*

*The General Assembly finds that a change to the law concerning the  
licensing of specialist sign electricians is needed in order to expand the  
scope of services that specialist sign electricians may provide by adding an  
optional endorsement to an existing license without expanding government by  
creating an entirely new license.*

SECTION 2. Arkansas Code § 17-28-101(11), concerning the definition of  
"specialist sign electrician", is amended to read as follows:

(11) "Specialist sign electrician" means an individual who is  
limited to a license classification possessing the necessary qualifications,  
training, and technical knowledge for:

(A) *Installing, maintaining, and repairing electrically  
illuminated or electrically operated signs and gaseous tubing for  
illumination; and*

(B) *Making all connections to an approved outlet of  
sufficient capacity within twenty-five feet (25') of the sign to be*



1 ~~connected~~; and

2 (C)(i)(a) Maintaining and repairing parking lot lights,  
3 upon successfully passing a separate examination approved by the Board of  
4 Electrical Examiners of the State of Arkansas.

5 (b) A specialist sign electrician may obtain a  
6 parking lot light endorsement upon passing a separate examination approved by  
7 the Board of Electrical Examiners of the State of Arkansas.

8 (ii) However, maintenance and repair under  
9 subdivision (11)(C)(i) of this section shall be limited to work from the  
10 ground up to a lighting fixture that is being maintained or repaired and  
11 shall not include work underground or work to an electrical panel inside or  
12 outside of a building.

13  
14 *SECTION 3. Arkansas Code § 17-28-301, concerning the issuance and*  
15 *renewal of an electrician's license, is amended to add an additional*  
16 *subsection read as follows:*

17 (f) A specialist sign electrician under § 17-28-101 shall qualify for  
18 an endorsement on his or her license authorizing the licensee to maintain and  
19 repair parking lot lights upon successfully passing a separate examination as  
20 approved by the Board of Electrical Examiners of the State of Arkansas.

21  
22 /s/A. Mayberry

23  
24  
25 **APPROVED: 03/30/2017**

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                      **A Bill**  
Regular Session, 2019

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 (c) 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~~

~~conduct, or pandering or possessing a visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child, as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and 5-27-403;~~

~~(K) Adult abuse that constitutes a felony as prohibited in § 5-28-103; and~~

~~(L) Arson as prohibited in § 5-38-301.~~

SECTION 129. Arkansas Code § 17-104-312(3)(F), concerning violations of the Perfusionist Licensure Act, is amended to read as follows:

(F) A plea of guilty, nolo contendere, or a finding of guilt of a felony listed under § 17-2-102 or any offense substantially related to the qualifications, functions, or duties of a perfusionist, in which event the record shall be conclusive evidence; or

SECTION 130. Arkansas Code § 17-105-102(b)(6), concerning qualifications of an applicant for licensure as a physician assistant, is repealed.

~~(6) Is of good moral character;~~

SECTION 131. Arkansas Code § 17-105-113 is amended to read as follows:  
17-105-113. Violation.

Following the exercise of due process, the Arkansas State Medical Board may discipline any physician assistant who:

(1) Fraudulently or deceptively obtains or attempts to obtain a license;

(2) Fraudulently or deceptively uses a license;

(3) Violates any provision of this chapter or any regulations adopted by the board pertaining to this chapter;

(4) Is convicted of a felony listed under § 17-2-102;

(5) Is a habitual user of intoxicants or drugs to such an extent that he or she is unable to safely perform as a physician assistant;

(6) Has been adjudicated as mentally incompetent or has a mental condition that renders him or her unable to safely perform as a physician 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