

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H2/26/07 H3/9/07

A Bill

HOUSE BILL 1624

5 By: Representatives D. Johnson, *Glidewell*
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7

For An Act To Be Entitled

9 AN ACT TO INCREASE THE CIVIL PENALTIES FOR
10 VIOLATIONS OF ANY STATUTE OR RULE OF THE HVACR
11 LICENSING BOARD; TO ADD CRIMINAL PENALTIES FOR
12 PERFORMING WORK WITHOUT A LICENSE; TO REQUIRE
13 GENERAL LIABILITY INSURANCE; AND FOR OTHER
14 PURPOSES.

Subtitle

16 TO ENHANCE THE PENALTIES FOR VIOLATING
17 THE STATUTES OR RULES OF THE HVACR
18 LICENSING BOARD AND TO REQUIRE THAT
19 LICENSEES CARRY GENERAL LIABILITY
20 INSURANCE.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 17-33-105(a)(1), concerning the civil
27 penalties for violations of any rule, regulation, or order of the HVACR
28 Licensing Board, is amended to read as follows:

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

33 (ii) The penalty shall not exceed ~~two hundred fifty~~
34 ~~dollars (\$250)~~ five hundred dollars (\$500) for each violation, and each day
35 of a continuing violation may be deemed a separate violation for purposes of
36 penalty assessments.



1 (B) However, no civil penalty may be assessed until the
2 person charged with the violation has been given the opportunity for a
3 hearing on the violation.

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5 SECTION 2. Arkansas Code § 17-33-105, concerning the penalties for
6 violations of any rule, regulation, or order of the HVACR Licensing Board, is
7 amended to add an additional subsection to read as follows:

8 (d) A person who performs HVACR work without the appropriate license
9 is guilty of a Class B misdemeanor.

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11 SECTION 3. Arkansas Code § 17-33-302(a), concerning the qualifications of an
12 applicant for an HVACR license, is amended to read as follows:

13 (a) An applicant for an HVACR license ~~must meet the following minimum~~
14 ~~requirements. The applicant must~~ shall:

- 15 (1) ~~Be an individual of~~ at least eighteen (18) years of age;
16 (2) ~~Make application to the Department of Health Division of~~
17 Health of the Department of Health and Human Services on forms prescribed by
18 the HVACR Licensing Board;
19 (3) Specify the class of license desired;
20 (4) Meet all requirements specified by ~~rule and regulation~~ rules
21 promulgated by the board;
22 (5) Pay the appropriate examination and license fees required by
23 the board; and
24 (6) Pass the appropriate examinations specified by the board.

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26 SECTION 4. Arkansas Code Title 17, Chapter 33, Subchapter 3 is
27 amended to add additional sections to read as follows:

28 17-33-309. General liability insurance coverage requirements.

29 (a) Before performing any act for which a license is required under
30 this chapter, a licensee of a:

31 (1) Class A, Class B, or Class E license shall provide the HVACR
32 Licensing Board a current certificate of insurance issued by an insurance
33 company licensed to do business in this state that provides the licensee
34 general liability insurance coverage of at least two hundred fifty thousand
35 dollars (\$250,000);

36 (2) Class C license shall provide the board a current

1 certificate of insurance issued by an insurance company licensed to do
2 business in this state that provides the licensee general liability insurance
3 coverage of at least one hundred fifty thousand dollars (\$150,000); and

4 (3) Class D license shall provide the board a current
5 certificate of insurance issued by an insurance company licensed to do
6 business in this state that provides the licensee general liability insurance
7 coverage of at least one hundred thousand dollars (\$100,000).

8 (b) This section does not apply to an employee of a person that
9 performs HVACR work in the course of the employee's employment by the person.

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11 17-33-310. Continuing education.

12 (a) The HVAC Licensing Board shall adopt rules mandating continuing
13 education for an HVACR licensee.

14 (b) An HVACR licensee shall fulfill the continuing education
15 requirements of the board.

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17 SECTION 5. Effective date. This act takes effect January 1, 2008.

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19 /s/ D. Johnson, et al
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