

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Goodwin**

A Bill

ACT 788 OF 1995
HOUSE BILL 1891

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 17-31-102 AND § 17-31-310
9 TO STANDARDIZE ENFORCEMENT PROCEDURES AND PENALTIES
10 BETWEEN SECTIONS OF THE STATE'S PUBLIC HEALTH CODE BY
11 ADDING CIVIL PENALTY AUTHORITY TO THE ARKANSAS PLUMBING
12 LAWS; AND FOR OTHER PURPOSES."

Subtitle

15 "TO STANDARDIZE PUBLIC HEALTH
16 ENFORCEMENT BY ADDING CIVIL PENALTY
17 AUTHORITY TO THE ARKANSAS PLUMBING
18 LAWS."

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

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22 SECTION 1. Arkansas Code Annotated § 17-31-102 is amended to read as
23 follows:

24 "17-31-102. Prohibitions and penalties.

25 (a) Any person, firm, or corporation who engages in or follows the
26 business or occupation of, or advertises or holds himself or itself out as, or
27 acts temporarily or otherwise as a plumber without first having secured the
28 required license or permit, or who otherwise violates any provisions of this
29 chapter, shall be deemed guilty of a misdemeanor and upon conviction shall be
30 punished by a fine of not less than one hundred dollars (\$100) nor more than
31 five hundred dollars (\$500), or by imprisonment in the county jail for not
32 more than thirty (30) days, or by both fine and imprisonment. Each day during
33 which a violation continues shall be a separate offense.

34 (b) Any person who shall do any act prohibited in this chapter or fail
35 to obey a lawful order of the department, or a judgment or decree of a court
36 in connection with this chapter, shall be punished by imprisonment in the

1 county jail for not more than three (3) months or by a fine not exceeding five
2 hundred dollars (\$500). Each day during which the violation continues shall
3 constitute a separate offense.

4 (c) Any person, firm, or corporation who shall employ an apprentice of
5 plumbing representing him to be a journeyman, or who shall charge for an
6 apprentice a journeyman's wage, shall be punished by a fine of not more than
7 one hundred dollars (\$100) or by imprisonment in the county jail for not more
8 than thirty (30) days. Each day of violation shall be a separate offense.

9 (d) Every firm, person, or corporation who violates any of the
10 provisions of this act or the rules or regulations or orders issued or
11 promulgated by the State Board of Health, or who violates any condition of a
12 license, permit, certificate or any other type of registration issued by the
13 Committee of Examiners may be assessed a civil penalty by the Committee of
14 Examiners. The penalty shall not exceed one thousand dollars (\$1,000) for
15 each violation. Each day of a continuing violation may be deemed a separate
16 violation for purposes of penalty assessments.

17 (e) All fines collected under this section shall be deposited in the
18 State Treasury and credited to the Plumbing Licensing Fund to be used to
19 defray the costs of administering this section.

20 (f) Subject to such rules and regulations as may be implemented by the
21 Chief Fiscal Officer of the State, the disbursing officer for the Department
22 of Health is authorized to transfer all unexpended funds relative to fines
23 collected under this subsection, as certified by the Chief Fiscal Officer of
24 the State, to be carried forward and made available for expenditures for the
25 same purpose for any following fiscal year.

26 (g) All rules and regulations promulgated pursuant to this subsection
27 shall be reviewed by the Joint Interim Committee on Public Health, Welfare and
28 Labor or an appropriate subcommittee thereof."

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30 SECTION 2. Arkansas Code Annotated § 17-31-310 is hereby amended to
31 read as follows:

32 "17-31-310. Procedure for suspension or revocation.

33 (a) Suspension, revocations, civil penalties and all other such actions
34 regarding licensure, registration, permit, certification, apprenticeship, and
35 all appeals to the Board of Health taken from such actions shall be conducted

1 in accordance with the Arkansas Administrative Procedures Act, Ark. Code Ann.
2 § 25-15-201, et seq.

3 (b) Any member of the Committee of Examiners or a representative
4 designated by the Committee of Examiners, or any member of the Board of Health
5 or a representative designated by the Board shall have the authority to
6 administer oaths for the taking of testimony.

7 (c) One (1) year after the date of revocation, an application may be
8 made for a new license."

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10 SECTION 3. All provisions of this act of a general and permanent nature
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
12 Revision Commission shall incorporate the same in the Code.

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14 SECTION 4. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

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20 SECTION 5. All laws and parts of laws in conflict with this act are
21 hereby repealed.

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APPROVED: 3-24-95

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