

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 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/19/03

A Bill

Act 1217 of 2003
SENATE BILL 897

5 By: Senator Faris
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE GENERAL PROVISIONS,
10 REGULATIONS BY THE STATE BOARD OF HEALTH, AND
11 LICENSING REQUIREMENTS CONCERNING PLUMBERS; AND
12 FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO AMEND THE PROVISIONS
15 CONCERNING PLUMBERS.
16
17
18

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

21 SECTION 1. Arkansas Code § 17-38-101 is amended to read as follows:
22 17-38-101. Definitions.

23 As used in this chapter, unless the context otherwise requires:

24 (1) "Apprentice plumber" means any person other than a
25 journeyman or master plumber who is engaged in learning and assisting in the
26 installation of plumbing and drainage and enrolled in a state-approved
27 apprentice program;

28 (2) "Approved backflow preventor" means any permanent mechanical
29 device or combination of permanent mechanical devices, of whatever material,
30 which, after installation according to the state plumbing regulations, acts
31 to prevent a reversal of the normal directional flow of potable water within
32 the piping system in which it is installed.

33 ~~(2)~~(3) "Board" means the State Board of Health;

34 ~~(3)~~(4) "Department" means the Department of Health;

35 ~~(4)~~(5) "Gas utility serviceman" means an employee of a gas
36 utility specially trained for gas service work with the utility;



1 ~~(5)~~(6) "Journeyman plumber" means any person other than a master
2 plumber who is engaged in the practical installation of plumbing;

3 ~~(6)~~(7) "Master plumber" means any person skilled in the
4 planning, superintending, and practical installation of plumbing and familiar
5 with the laws, rules, and regulations governing it;

6 ~~(7)~~(8) "Plumbing" means ~~and includes:~~

7 ~~(A) All piping, fixtures, appliances, and appurtenances in~~
8 ~~connection with the water supply and drainage systems within a building and~~
9 ~~to a point from three feet (3') to five feet (5') outside the building;~~

10 ~~(B) The construction and connection of any drain or waste~~
11 ~~pipe carrying domestic sewage from a point within five feet (5') outside of~~
12 ~~the foundation walls of any building within the sewer service lateral or~~
13 ~~other disposal terminal, including the alteration of any system, drain, or~~
14 ~~waste pipe, except minor repairs to faucets, valves, pipes, and appliances,~~
15 ~~and removing of stoppages;~~

16 ~~(C) The water service piping from a point within five feet~~
17 ~~(5') outside of the foundation walls of any building to the water meter or~~
18 ~~other water utility property or other terminal and the connecting of domestic~~
19 ~~hot water storage tanks, water softeners, and water heaters with the water~~
20 ~~supply system;~~

21 ~~(D) A sanitary drainage system so designed and vent piping~~
22 ~~so installed as to keep the air within the system in free circulation and~~
23 ~~movement and to prevent, with a margin of safety, unequal air pressures of~~
24 ~~forces that might blow, siphon, or affect trap seals or retard the discharge~~
25 ~~from plumbing fixtures, or permit sewer air to escape into the building; and~~

26 (A) All piping, fixtures, appurtenances, and appliances in
27 connection with a supply of water within or adjacent to any building,
28 structure, or conveyance on the premises, and to the connection with a
29 utility water meter or other public water utility property, or other source
30 of supply;

31 (B) All piping, fixtures, appurtenances, and appliances
32 for sanitary drainage or storm drainage facilities, including venting systems
33 for facilities, within or adjacent to any building, structure, or conveyance,
34 connected with a public disposal or private disposal system or other point of
35 disposal;

36 (C) The installation, repair, maintenance, and renovation

1 of all piping, fixtures, appurtenances, and appliances for a supply of water,
 2 or for the disposal of waste water, liquid waste, or sewage within or
 3 adjacent to any building, structure, or conveyance on the premises, and to
 4 the utility water meter or other public utility property or point of disposal
 5 waste; and

6 ~~(E)~~(D) All fixtures, appliances, appurtenances, or pipes
 7 used in the installation of natural gas; and

8 (8) "Restricted plumber" means a person qualified to install
 9 building water or sewer lines or other special phases of plumbing if the
 10 person has demonstrated competency for that particular phase of plumbing.
 11

12 SECTION 2. Arkansas Code § 17-38-103 is amended to read as follows:
 13 17-38-103. Scope of state plumbing code.

14 (a) The provisions of the state plumbing code or amendments thereto as
 15 adopted by the State Board of Health defining plumbing work and prescribing
 16 minimum requirements for design, materials, appliances, workmanship, and
 17 methods of installation shall, after ~~publication in any legal publication in~~
 18 ~~the state once each week for three (3) weeks,~~ adoption according to the
 19 Arkansas Administrative Procedure Act, § 25-15-201 et seq., have the effect
 20 and force of law in the form of minimum standards statewide in application.
 21 The provisions shall apply to all types of buildings, private or public,
 22 rural or urban, including buildings owned by the state or any political
 23 subdivision thereof.

24 (b) All plumbing installations shall be made to conform ~~with~~ to the
 25 state plumbing code.
 26

27 SECTION 3. Arkansas Code § 17-38-104(a), concerning inspections by the
 28 state in cities having enforcement officers, is amended to read as follows:
 29 17-38-104. Inspections by state in cities having enforcement officers.

30 (a)(1) The Department of Health inspectors may ~~not~~ go into any city
 31 which has a city code enforcement officer and assist the city code
 32 enforcement officer for the purpose of ~~conducting an inspection, unless the~~
 33 ~~department first contacts the city code enforcement officer and asks him or~~
 34 ~~her to accompany them on inspections within the city. In such an event, a~~
 35 ~~department inspector shall work through, and in concert with, the city code~~
 36 ~~enforcement officer at all times when conducting an inspection within the~~

1 ~~city limits of the city in which the inspection is to be conducted,~~
2 insuring the minimum standards of the state plumbing code and plumber
3 licensing regulations are being met.

4 (2) A written report of all inspections performed by the
5 Department of Health inspector hereunder under this section shall be prepared
6 by the department inspector and a copy of the report shall be furnished to
7 the city code enforcement officer and the owner of the property on which the
8 inspection by the department inspector and city inspector is conducted,
9 within five (5) days.

10
11 SECTION 4. Arkansas Code Title 17, Chapter 38, Subchapter 1 is amended
12 to add an additional section to read as follows:

13 17-38-105. Exceptions.

14 This chapter shall not apply to:

15 (1) The installation, maintenance, repair, or renovation of fire
16 protection sprinkler systems and related mechanical appurtenances beginning
17 at a point where the pipe or piping system provides water used exclusively
18 for these automatic sprinklers and their related appurtenances, and to
19 standpipes connected to automatic sprinkler systems;

20 (2) The construction, installation, maintenance, repair,
21 renovation, or removal of pipe or piping systems and related mechanical
22 appurtenances, appliances, or equipment used in connection with boilers or
23 related pressure pipe, as defined in § 20-23-101, commercial or residential
24 swimming pools or irrigation sprinkler systems from a point or location in a
25 source of potable water supply at which point or location there exists any
26 approved backflow preventor; or

27 (3) Piping, fixtures, appurtenances, and appliances for, and in
28 connection with, liquified petroleum gas systems as defined in § 15-75-101.

29
30 SECTION 5. Arkansas Code § 17-38-201(a)(2), concerning the powers of
31 the State Board of Health, is amended to read as follows:

32 (2) To have general supervision of all plumbing and shall, ~~after~~
33 ~~ten (10) days' notice in a recognized legal publication and after a public~~
34 ~~hearing,~~ according to the Arkansas Administrative Procedure Act, § 25-15-201
35 et seq., prescribe and publish and enforce minimum reasonable standards
36 ~~therefor~~ which shall be uniform as far as practicable. The Director of the

1 Department of Health or any employee of the department designated by the
2 board may act for the board, except in adoption of rules and regulations;

3
4 SECTION 6. Arkansas Code § 17-38-201(d), concerning the powers of the
5 State Board of Health, is amended to read as follows:

6 (d)(1) The State Board of Health shall prescribe rules and regulations
7 as to the qualifications, examination, and licensing of master and journeyman
8 plumbers and for the registration of plumbing apprentices.

9 (2) ~~On March 1 of each year, the~~ The State Board of Health shall
10 ~~prepare~~ publish a list giving the names and addresses of all licensed
11 ~~plumbers and registered plumbing apprentices, registered plumbers, and city~~
12 plumbing inspectors.

13
14 SECTION 7. Arkansas Code § 17-38-301 is amended to read as follows:

15 17-38-301. License required.

16 (a)(1) No person shall engage in work as a master plumber, journeyman
17 plumber, apprentice plumber, or restricted license holder called for under
18 this chapter or adopted regulations unless first licensed or registered to do
19 so by the Department of Health.

20 (2) No person other than a licensed master plumber shall use or
21 display the title "master plumber" or append his or her name to or in
22 connection with such a title or any other title or words which represent or
23 may tend to represent him or her as a licensed master plumber.

24 (b) In any city or town or in any sewerage district, water district,
25 water association, sewer association, or utility gas system, no person, firm,
26 or corporation shall install plumbing unless a licensed master or restricted
27 licensed plumber is in charge at all times who shall be responsible for
28 proper installation. No license shall be transferable. It shall be unlawful
29 for any licensed plumber to allow the use of his or her license, directly or
30 indirectly, for the purpose of obtaining local permits for others. He or she
31 shall not allow the use of his or her license by others to install plumbing
32 work.

33 ~~(c) Each member or employee of a copartnership or each officer or~~
34 ~~employee of a corporation engaging in the business of superintending plumbing~~
35 ~~installations shall be required to apply for and obtain a master plumber~~
36 ~~license or other license provided for in this chapter before engaging in the~~

1 ~~work of superintending plumbing installations.~~

2 ~~(d)~~(c) No person shall act as a plumbing inspector in this state
3 without first obtaining a certificate of competency as a plumbing inspector
4 which shall be issued by the department. The department may issue special
5 certification for special phases of plumbing and may issue an inspector-in-
6 training certificate to duly appointed plumbing inspectors.

7
8 SECTION 8. Arkansas Code § 17-38-302 is amended to read as follows:
9 17-38-302. Exemptions.

10 The licensing provisions of this chapter shall not apply to:

11 (1) Plumbing work done by a property owner in a building owned
12 and occupied by him or her as his or her home, except where the license is
13 required by local ordinance; ~~or~~

14 (2) Work done on buildings whose primary use is agricultural
15 located outside the incorporated limits of any city or town, unless the
16 buildings are connected to a public water system, sewerage system, or natural
17 gas utility system;

18 (3) Minor repairs consisting of repairing minor working parts of
19 plumbing, fixtures, or the removal of stoppages;

20 (4) Individuals certifying or repairing backflow devices within
21 the scope of a plumbing system, if the individuals hold a certificate of
22 competency from the Department of Health Plumbing and Natural Gas Program; or

23 (5) The construction, installation, maintenance, repair,
24 renovation, or removal of a storm sewer system not connected to a sanitary
25 sewer system.

26
27 SECTION 9. Arkansas Code § 17-38-303 is amended to read as follows:
28 17-38-303. Temporary permits.

29 The ~~Department of Health~~ Committee of Plumbing Examiners of the State
30 Board of Health may issue temporary revocable permits to master and
31 journeyman plumber license applicants pending examination. The State Board
32 of Health shall make rules and prescribe procedure governing the issuance of
33 the permits.

34
35 SECTION 10. Arkansas Code § 17-38-403 is amended to read as follows:
36 17-38-403. State Apprenticeship Committee.

1 (a) The State Board of Workforce Education and Career Opportunities
2 shall appoint a State Apprenticeship Committee consisting of seven (7) voting
3 members as follows:

4 (1) Two (2) shall be Arkansas state-licensed journeyman
5 plumbers;

6 ~~(2) One (1) shall be a registered engineer;~~

7 ~~(3)~~(2) One (1) shall be a citizen member; and

8 ~~(4)~~(3) Three (3) ~~Four (4)~~ shall be Arkansas state-licensed
9 master plumbers.

10 (b)(1) One (1) of the voting members shall be appointed from each
11 congressional district, and three (3) of the voting members shall be
12 appointed from the state at large.

13 (2) At least three (3) of the ~~five (5)~~ six (6) journeyman and
14 master plumber members must be members of existing functioning local
15 apprenticeship committees.

16 (c) The Director of the Department of Workforce Education or his or
17 her designee shall serve as a nonvoting advisory member to the committee.

18 (d) Voting members shall serve four-year terms.

19 (e) The members of the committee may receive expense reimbursement in
20 accordance with § 25-16-901 et seq.

21 (f) The board shall prescribe their qualifications and prescribe their
22 duties.

23 (g) The board may remove a member for cause.

24
25 /s/ Faris

26
27
28 **APPROVED: 4/10/2003**