

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

As Engrossed: S1/25/99 S2/3/99

Act 465 of 1999

A Bill

SENATE BILL 134

5 By: Senator Scott
6 By: *Representative Gullett*

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 17-33-101(16), 17-33-102(b)(8), 17-33-105, 17-33-202(7), 17-33-204(b), 17-33-303 TO ADD LICENSING CATEGORIES FOR SHEET METAL CONTRACTORS, COMMERCIAL REFRIGERATION CONTRACTORS AND LIFETIME LICENSES; TO AMEND ARKANSAS CODE 17-33-105 TO PROVIDE FOR MISDEMEANOR CRIMINAL PENALTIES; AND FOR OTHER PURPOSES."

Subtitle

"ACT TO ADD ADDITIONAL CATEGORIES OF HVACR LICENSES."

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

SECTION 1. Arkansas Code §17-33-101(16) is hereby amended to read as follows:

"(16) 'Registrant' means a person who does not hold a Class A, Class B, ~~or Class C,~~ Class D or Class E HVACR license and who can only perform work for an HVACR licensee and who holds a current HVACR registration;"

SECTION 2. Arkansas Code 17-33-102(b)(8) is hereby amended to read as follows:

"(8) Is a pipefitter, welder, well driller, or plumber working under a Class A ~~or,~~ Class B or Class E licensee and who is enrolled in or has satisfactorily completed an apprenticeship training program, approved by the State of Arkansas, in his respective trade, and the work is performed within

1 the limitations of the person's license."

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3 SECTION 3. Arkansas Code 17-33-105 is amended to read as follows:

4 "17-33-105. Penalties.

5 (a) Any person who violates any provision of this chapter or violates
6 any rule, regulation, or order of the Board or any permit, license, or
7 certification may:

8 (1) In accordance with the regulations issued by the Board, be assessed
9 a civil penalty by the Board. The penalty shall not exceed two hundred fifty
10 dollars (\$250) for each violation and each day of a continuing violation may
11 be deemed a separate violation for purposes of penalty assessments. However,
12 no civil penalty may be assessed until the person charged with the violation
13 has been given the opportunity for a hearing on the violation; or

14 ~~(2) In any civil action instituted by the department under this chapter,~~
15 ~~be assessed a civil penalty by the court. The penalty shall not exceed two~~
16 ~~hundred fifty dollars (\$250) for each violation. Each day of a continuing~~
17 ~~violation may be deemed a separate violation for the purpose of penalty~~
18 ~~assessments. The amount of any civil penalty levied by the board may be~~
19 ~~recovered in a civil action brought by the board in a court of competent~~
20 ~~jurisdiction, without paying costs or giving bond for costs.~~

21 (c) In addition to the civil penalty provided in this section, the
22 board is authorized to petition any court of competent jurisdiction without
23 paying costs or giving bond for costs, to:

24 (1) Enjoin or restrain any violation of, or compel compliance with, the
25 provisions of this chapter and any rules, regulations, or orders issued
26 thereunder;

27 (2) Affirmatively order that remedial measures be taken as may be
28 necessary or appropriate to implement or effectuate the purposes and intent of
29 this chapter; and

30 (3) Recover all costs, expenses, and damages to the board and any other
31 agency or subdivision of the state in enforcing or effectuating the provisions
32 of this subchapter.

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34 SECTION 4. Arkansas Code 17-33-202(7) is amended to read as follows:

35 "(7) Review applications for examination for a Class A, Class B, and
36 Class C, Class D, Class E and Class L license;"

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SECTION 5. Arkansas Code 17-33-204(b) is amended to read as follows:

“(b) Until a fee schedule is established by the Board, the licensure and registration fees shall be as follows:

Class A License	\$200.00
Class B License	\$150.00
Class C License	\$100.00
<u>Class D License</u>	<u>\$150.00</u>
<u>Class E License</u>	<u>\$150.00</u>
<u>Class L License</u>	<u>No Charge</u>
Registration Fee	\$25.00”

SECTION 6. Arkansas Code 17-33-303 is amended to read as follows:

“17-33-303. Classes of licenses.

(a) Except as otherwise provided in this chapter, every individual who designs, installs, constructs, maintains, services, repairs, alters, or modifies any HVACR system or any portion of an HVACR system in the State of Arkansas shall obtain one of the following classes of licenses and pay the fees prescribed by the Board:

(1) Class A - Entitles the licensee to perform HVACR work without limitation to BTUH or horsepower capacities;

(2) Class B - Entitles the licensee to perform HVACR work on air conditioning systems that develop a total of not more than fifteen (15) tons cooling capacity per unit or one million (1,000,000) BTUH heating input per unit, and refrigeration systems of fifteen horsepower (15 h.p.) or less per unit; or

(3) Class C - Entitles the licensee, who is in the business of servicing and repairing heating, ventilation, air conditioning, or refrigeration equipment for the public to service, repair, or replace components of HVACR equipment and to perform HVACR work on air conditioning systems that develop a total of not more than fifteen (15) tons cooling capacity per unit or one million (1,000,000) BTUH heating input per unit and refrigeration systems of fifteen horsepower (15 h.p.) or less per unit. A Class C license holder shall not install any original HVACR equipment or replace any existing HVACR equipment.

(4) Class D - Entitles the licensee to perform 'Sheetmetal' work

1 as it relates to ductwork for HVACR systems without regard to or limitation of
2 horsepower of the system to which the duct connects. The licensee in this
3 category is prohibited from the sale, installation and service of HVACR
4 equipment and systems.

5 (5) Class E – Entitles the licensee to perform ‘Refrigeration’
6 work as defined in 17-33-101 without regard to or limitation of horsepower.
7 The licensee in this category is prohibited from the sale, installation and
8 service of heating and air conditioning equipment used for the treatment of
9 air for human comfort requirements.

10 (6) Class L – Entitles a licensee to apply for and obtain a
11 restricted ‘lifetime’ license without having to pay a license fee in any
12 specific category of license as defined in this chapter. The applicant must
13 be at least sixty-five (65) years of age and hold a current license in good
14 standing with the Board. The Board shall promulgate rules and regulations to
15 define the specific requirements of the ‘lifetime’ license.

16 (b) The Board shall promulgate rules and regulations necessary to carry
17 out the provisions of this section.

18 (c) Grandfather Clause. Upon application to the Board, every individual
19 who has engaged in the performance of sheetmetal work as it relates to HVACR
20 ductwork or refrigeration work as defined in 17-33-101, as an employer or
21 employee for at least two (2) years prior to July 1, 1999, shall be entitled
22 to obtain a Class D or Class E license upon paying the appropriate fees. The
23 application for licensure under this provision must be made before July 1,
24 2000.

25 ~~(b)~~ (d)(1) An individual may perform HVACR work under a Class A, Class
26 B, ~~or~~ Class C, Class D or Class E HVACR license holder by registering with the
27 department.

28 (2) The registrant shall pay an annual registration fee as
29 required by the Board.

30 (3) All licensees are responsible for insuring that all HVACR
31 employees hold a current HVACR registration or HVACR license.”

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33 SECTION 7. All provisions of this Act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

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