

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

# A Bill

HOUSE BILL 1624

5 By: Representative D. Johnson  
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## 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)(1) A person who performs HVACR work without the appropriate  
 9 license is guilty of a Class B misdemeanor.

10 (2) Each day a violation of subdivision (d)(1) of this section  
 11 continues is a separate offense.

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

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

17 (1) ~~Be an individual of~~ at least eighteen (18) years of age;

18 (2) Make application to the ~~Department of Health~~ Division of  
 19 Health of the Department of Health and Human Services on forms prescribed by  
 20 the HVACR Licensing Board;

21 (3) Specify the class of license desired;

22 (4) Meet all requirements specified by ~~rule and regulation~~ rules  
 23 promulgated by the board;

24 (5) Pay the appropriate examination and license fees required by  
 25 the board; and

26 (6) Pass the appropriate examinations specified by the board.

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

30 17-33-309. General liability insurance coverage requirements.

31 Before performing any act for which a license is required under this  
 32 chapter, a licensee of a:

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

1 dollars (\$250,000);

2 (2) Class C license shall provide the board a current  
3 certificate of insurance issued by an insurance company licensed to do  
4 business in this state that provides the licensee general liability insurance  
5 coverage of at least one hundred fifty thousand dollars (\$150,000); and

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

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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 4. Effective date. This act takes effect January 1, 2008.

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19 /s/ D. Johnson  
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