

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 524

5 By: Senator J. Hutchinson
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE POWERS OF THE HVACR LICENSING
9 BOARD; TO AMEND PROVISIONS CONCERNING THE LICENSING
10 OF HVACR WORKERS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND THE POWERS OF THE HVACR
14 LICENSING BOARD; AND TO AMEND PROVISIONS
15 CONCERNING THE LICENSING OF HVACR
16 WORKERS.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 17-33-105 is amended to read as follows:
23 17-33-105. Penalties – No enforcement of liens.

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

28 ~~(i)~~(B) The penalty shall not exceed ~~two hundred~~
29 ~~fifty dollars (\$250)~~ one thousand dollars (\$1,000) for each violation, and
30 each day of a continuing violation may be deemed a separate violation for
31 purposes of penalty assessments by the board.

32 ~~(B)(2)~~ However, no civil penalty may be assessed until the
33 A person charged with the a violation and assessed a civil penalty under
34 subdivision (a)(1) of this section may request has been given the opportunity
35 for a hearing before the board on the violation and the board shall provide
36 the person the opportunity to be heard.



1 ~~(2) The amount of any civil penalty levied by the board may be~~
2 ~~recovered in a civil action brought by the board in a court of competent~~
3 ~~jurisdiction without paying costs or giving bond for costs.~~

4 ~~(b) In addition to the civil penalty provided in this section, the~~
5 ~~board is authorized to petition any court of competent jurisdiction without~~
6 ~~paying costs or giving bond for costs to:~~

7 ~~(1) Enjoin or restrain any violation of or compel compliance~~
8 ~~with the provisions of this chapter and any rules, regulations, or orders~~
9 ~~issued thereunder;~~

10 ~~(2) Affirmatively order that remedial measures be taken as may~~
11 ~~be necessary or appropriate to implement or effectuate the purposes and~~
12 ~~intent of this chapter; and~~

13 ~~(3) Recover all costs, expenses, and damages to the board and~~
14 ~~any other agency or subdivision of the state in enforcing or effectuating the~~
15 ~~provisions of this subchapter.~~

16 (b) If a person who is assessed a penalty for a third time under
17 subsection (a) of this section fails to pay the penalty amounts to the board
18 within six (6) months from the date the third penalty is assessed, the person
19 shall be deemed guilty of a Class B misdemeanor and upon conviction shall be
20 punished by a fine not exceeding one thousand dollars (\$1,000) or by
21 imprisonment in the county jail for not more than ninety (90) days, or by
22 both fine and imprisonment.

23 (c)(1) If an unlicensed person who is required to be licensed performs
24 HVACR work in violation of this subchapter, that person shall not be entitled
25 to a mechanic's and materialman's lien, a laborer's lien, a repairmen's lien,
26 or any other artisan's lien for work done in violation of this subchapter.

27 (2) An unlicensed person in subdivision (c)(1) of this section
28 shall not be entitled to receive any payment for work he or she undertook
29 while unlicensed and any payment received by the unlicensed person shall be
30 remitted to the board.

31 (d) All fines collected under this section shall be deposited into the
32 State Treasury and credited to the HVACR Licensing Fund to be used to defray
33 the costs of administering this chapter.

34
35 SECTION 2. Arkansas Code § 17-33-202 is amended to read as follows:
36 17-33-202. Powers and duties.

1 The HVACR Licensing Board may:

2 (1) Adopt ~~certain rules and regulations~~ to ensure the proper
3 administration and enforcement of this chapter;

4 (2) Adopt a mechanical code and standards for the conduct of
5 HVACR work;

6 (3) Assist and advise the Department of Health on all matters
7 related to the licensing of HVACR maintenance work;

8 (4) Conduct hearings on all matters related to the licensing and
9 inspection of HVACR work;

10 (5) Establish HVACR code inspection programs;

11 (6) Conduct investigations into the qualifications of applicants
12 for licensure at the request of the department;

13 (7) Review applications for examination for a Class A, Class B,
14 Class C, Class D, Class E, and Class L license;

15 (8) Establish by board ~~regulation~~ rule a minimum level of
16 general liability insurance coverage for a license if the board determines
17 that a specific class of license requires insurance coverage;

18 (9) Assist and advise the department in other such matters as
19 requested by the department; ~~and~~

20 (10) Establish fees for the proper administration of the
21 requirements of this chapter; and

22 (11) Assess and collect penalties from a person who violates any
23 provision of this chapter or violates any rule, or order of the board or any
24 permit, license, or certification.

25
26
27
28
29
30
31
32
33
34
35
36