

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S4/1/19

A Bill

SENATE BILL 525

5 By: Senator Hester
6 By: Representative Dotson
7

For An Act To Be Entitled

9 AN ACT TO MODERNIZE PLUMBING PLAN REVIEW SUBMISSIONS
10 AND RESPONSES; TO CLARIFY THAT LOCAL JURISDICTION
11 REVIEW OF CERTAIN PLUMBING PLANS AND SPECIFICATIONS
12 DOES NOT REQUIRE REVIEW BY THE DEPARTMENT OF HEALTH;
13 TO CLARIFY THAT CERTAIN CONSTRUCTION PLANS ARE
14 REQUIRED TO GO TO THE DEPARTMENT OF HEALTH FOR
15 REVIEW; AND FOR OTHER PURPOSES.
16
17

Subtitle

18 TO MODERNIZE PLUMBING PLAN REVIEW
19 SUBMISSIONS AND RESPONSES; AND TO CLARIFY
20 THAT LOCAL JURISDICTION REVIEW OF CERTAIN
21 PLUMBING PLANS AND SPECIFICATIONS DOES
22 NOT REQUIRE REVIEW BY THE DEPARTMENT OF
23 HEALTH.
24
25
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 SECTION 1. Arkansas Code § 17-38-201, concerning the powers and duties
30 of the State Board of Health relating to plumbing, is amended to add an
31 additional subsection to read as follows:

32 (h) The department and the State Board of Health shall:

33 (1) Accept plumbing plan review documents via email, mail, or in
34 person; and

35 (2) Respond to an individual or entity submitting plumbing plan
36 review documents via email, unless the individual or entity indicates that



1 the individual or entity would prefer to receive the response via mail.

2
3 SECTION 2. Arkansas Code § 17-38-204(h), concerning local regulatory
4 authority of plumbing plans and exceptions, is amended to read as follows:

5 (h)(1) If a city, town, sewerage district, water district, sewer
6 association, water association, utility gas system, or county enacts an
7 ordinance or regulation to provide for plan reviews of plumbing plans, the
8 entity city, town, sewerage district, water district, sewer association,
9 water association, utility gas system, or county may have an employee who is
10 certified as a plumbing and natural gas inspector perform plan reviews of
11 plumbing plans.

12 (2)(A)(i) All plumbing plans approved under subdivision (h)(1)
13 of this section shall not be required to be:

14 (a) ~~submitted~~ Submitted with a payment of a fee to
15 the department if a fee is submitted to the city, town, sewerage district,
16 water district, sewer association, water association, utility gas system, or
17 county; or

18 (b) Reviewed by the department if an engineer
19 licensed in this state has prepared the plumbing plan and the employee
20 described under subdivision (h)(1) of this section is a licensed engineer in
21 this state.

22 (ii) However, a city, town, sewerage district, water
23 district, sewer association, water association, utility gas system, or county
24 may submit a plumbing plan to the department for an advisory opinion.

25 (B) The department shall not require the city, town,
26 sewerage district, water district, sewer association, water association,
27 utility gas system, or county to relinquish or surrender a fee submitted to
28 the city, town, sewerage district, water district, sewer association, water
29 association, utility gas system, or county.

30 (C) The maximum allowable fee for a plan review under
31 subdivision (h)(1) of this section shall not exceed the fees set out in § 20-
32 7-123(b)(2).

33 (3)(A) An employee who performs a plan review under subdivision
34 (h)(1) of this section ~~is assumed to have~~ has the responsibility to ensure
35 that the plumbing ~~plans meet~~ plan meets state requirements.

36 (B) The department may audit or inspect the records of an

1 employee who performs a plan review under subdivision (h)(1) of this section.

2 (4) This section does not:

3 (A) Create a cause of action against a city, town,
4 sewerage district, water district, sewer association, water association,
5 utility gas system, or county for any resulting damages or failures of the
6 plumbing plan; or

7 (B) Prohibit a person from seeking a plan review from and
8 paying a fee to the department in lieu of seeking a plan review from and
9 paying a fee to a city, town, sewerage district, water district, sewer
10 association, water association, utility gas system, or county.

11 (5) A plumbing plan review under this section includes a review
12 of the plumbing as defined in § 17-38-101 and the water supply, water lines,
13 and sewage line designs.

14
15 SECTION 3. Arkansas Code § 20-9-217 is amended to read as follows:

16 20-9-217. Alterations, additions, and new construction of facilities.

17 (a) ~~The State Board of Health shall prescribe by regulation that any~~
18 ~~licensee or applicant desiring to make specified types of alterations or~~
19 ~~additions to its facilities or to construct new facilities, before~~ Before
20 commencing ~~the~~ alterations, additions, or new construction under this
21 subchapter, a facility shall submit plans, including a plumbing plan that
22 includes the plumbing as defined in § 17-38-101 and the water supply line and
23 sewage line designs, and specifications that have been prepared by a licensed
24 architect or professional engineer for them to the Department of Health ~~for~~
25 ~~preliminary inspection and approval or recommendations~~ with respect to
26 compliance with the ~~regulations~~ applicable codes, rules, and standards.

27 (b) Plans and specifications as described in subsection (a) of this
28 section shall be submitted according to procedures of the department.

29 (c)(1) From time to time, the Director of the Department of Health or
30 his or her agent shall inspect each construction project approved by the
31 United States Surgeon General.

32 (2) If the inspection so warrants, the director or his or her
33 agent shall certify to the United States Surgeon General that work has been
34 performed upon the project, or purchases have been made, in accordance with
35 the approved plans and specifications, and that payment of an installment of
36 federal funds is due the applicant.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/Hester