

RULES PERTAINING

TO

PLUMBERS LICENSE FEE, EXPIRATION, RENEWAL,

**JOURNEYMAN PLUMBER, MASTER PLUMBER AND RESTRICTED PLUMBER
QUALIFICATIONS**

Effective Date: September 28, 2020

SECTION I AUTHORITY

The following Amendment to the Arkansas State Plumbing Code is duly ~~adopted~~ and promulgated ~~by~~ the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas in Act 200 of 1951, as amended by Act 372 of 1957, Act 555 of 1963, Act of 1973, Act 902 of 1975, Act 816 of 1987, Acts 330 & 1293 of 1991, Acts 1217 of 2003, 248 of 2017, Act 426 of 2019, Act 820, 2019 and Act 1011 of 1991.

SECTION II. PURPOSE

The Board, by rule and after public hearing, may set reasonable license or examination fee for all licenses called for under Act 200 of 1951 as amended including, but not limited to Master Plumber Licenses, Journeyman Plumber License, Apprentice Plumber License registration. It may, among other things, issue restricted licenses and provided that the Board has adopted rules defining restrictions in the type of work allowed, geographical area served, and term of that type of restricted license. Restricted Plumber Licenses are limited to gas fitter, and governmental maintenance, service line installation, solar mechanic and hospital maintenance licenses provided that the licensee has demonstrated competency for the particular phase of plumbing for which the person is licensed including plumbing and/ or gas inspector certification.

SECTION III. DEFINITIONS

- (a) The State Board means the Arkansas Board of Health.
- (b) The Department means the Plumbing and Natural Gas Section of the Arkansas Department of Health.
- (c) Administrative Authority means the individual official, board, Department or agency established and authorized by the state, county, city or other political subdivision to administer and enforce the provisions of Act 200 of 1951 as adopted or amended.
- (d) Journeyman Plumber means any person other than a Master Plumber, who is

engaged in the practical installation of plumbing.

- (e) Master Plumber means any person skilled in the planning, superintending and the practical installation of plumbing and who is familiar with the laws, and rules governing the same.
- (f) Restricted Plumber means a person qualified to install building water or sewer lines or other special phases of plumbing providing that such person has demonstrated competency for that particular phase of plumbing.
- (g) Gas Utility means a firm or corporation engaged in the distribution of natural gas, manufactured gas and/or a mixture of natural gas and manufacturing gas, delivered to the consumer through a system of distribution piping.
- (h) Gas Utility ~~Service man~~Service person means an employee of a gas utility specially trained for gas service work with the utility.
- (i) Apprentice Plumber means a person other than a master, Journeyman, or Restricted license holder who is registered and enrolled in the Apprentice Plumber training program outlined in Arkansas Code Ann. 17-31-401 et seq.
- (j) Backflow testing and repair technicians means any person meeting all the applicable certifications to test and/ or repair backflow devices.
- (k) Substantially similar means an occupational licensing entity of another state or political subdivision of that state or territory, or district of the United States that has adopted a national model plumbing and / or gas code and utilizes a comprehensive examination created and proctored by a national examination agency or equivalent.

SECTION IV. **APPLICATION / EXAMINATION FEES**

- (a) The **application /** examination fees for Master, Restricted ~~Supervising Supervisor~~ Solar Mechanic, Restricted Residential Maintenance, Restricted Governmental Maintenance, Restricted ~~Supervising Supervisor~~ Hospital Maintenance, Restricted Water and Sewer Service Line Installation and Restricted ~~Supervising Supervisor~~ Gas Fitter Plumbers shall be one hundred twenty-five dollars (\$125.00).
- (b) The **application /** examination fees for Journeyman, Restricted Gas Fitter, Restricted Hospital Maintenance, and Restricted Solar Mechanic Plumbers shall be seventy-five dollars(\$75.00).
- (c) The fees for additional examination due to failure to appear without proper notification or pass any portion of the test shall be fifty dollars (\$50.00).

- (d) All non-scheduled or oral examination fees shall require an additional fifty dollars (\$50.00) per examination.
- (e) All **application/** examination fees must accompany the application when submitted.

SECTION V. LICENSE FEES

- (a) The license fee for Master, Restricted ~~Supervising Supervisor~~ Solar Mechanic, Restricted Residential Maintenance, Restricted Water and Sewer Service Line Installation shall be two hundred dollars (\$200.00) annually.
- (b) The license fee for Restricted ~~Supervising Supervisor~~ Gas Fitter Plumbers shall be two hundred dollars (\$200.00) annually.
- (c) The license fee for Journeyman and Restricted Solar Mechanic Plumbers shall be seventy-five dollars (\$75.00) annually.
- (d) The license fee for Restricted Gas Fitter Plumber shall be seventy-five dollars (\$75.00) annually.
- (e) Registration fees for Apprentice, Restricted Gas Fitter Trainee, Restricted Hospital Maintenance Trainee, Restricted Solar Mechanic Trainee, and Plumbing or Gas Inspector shall be twenty-five dollars (\$25.00) annually.
- (f) The license fee for a Restricted Governmental Maintenance Plumbers License and Restricted ~~Supervising Supervisor~~ Hospital Maintenance Plumbers License shall be one hundred dollars (\$100.00) annually.
- (g) The license fee for a Restricted Hospital Maintenance Plumbers License shall be thirty-seven dollars and fifty cents (\$37.50) annually.
- (h) The license fee for a Gas Utility ~~Service man~~ Service person shall be twenty-five dollars (\$25.00) and the fee for Restricted Gas Utility License shall be two hundred dollars (\$200.00) annually.

SECTION VI. QUALIFICATIONS FOR INITIAL LICENSURE FEES WAIVER

- (a) Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:
 - 1) Are receiving assistance through the State of Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children

(SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);

2) Were approved for unemployment within the last twelve (12) months; or

3) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(b) Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.

1) For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;

2) For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or

3) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.

(a)(c) Applicants shall attest that the documentation provided under (b) is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

SECTION VII. TERMS OF EXPIRATION AND RENEWAL

(a) Master, Journeyman and Apprentice Plumbers licenses issued under the provisions of these rules shall expire annually on December 31st. The license shall be renewed by February 1st. After February 1st, ~~of a~~ penalty of (\$5.00) per month shall be added.

(b) All Restricted Plumbers Licenses issued under the provisions of these rules shall expire annually on June 30th. The license shall be renewed by August 1st. After August 1st, a penalty of five dollars (\$5.00) per month shall be added.

(c) All Plumbing and/or Gas Inspector's Certificates issued under the provisions of these rules shall expire annually on June 30th. The license shall be renewed by August 1st. After August 1st, a penalty of five dollars (\$5.00) per month shall be added.

(d) In no case shall the Committee of Examiners issue more than one (1) type of license per applicant as defined under Act 200 of 1951, as amended.

(e) All licenses shall be renewed annually within thirty days after the expiration date of the license. The Department may renew a license after the thirty-day period if there is sufficient reason for not renewing in the time specified and after payment of

penalties as prescribed by the rules.

- (f) The Department may set a system of staggered expiration dates for all licenses issued by the Department.
- (g) The Department may issue permits for less than (1) year. The cost of such permits shall be determined based upon the number of months the permit is valid divided by twelve (12) months multiplied by the amount of annual fee.

SECTION VIII. DEFERMENT OF LICENSE

- (a) A Master or Journeyman Plumber holding a current license may make application to the Department for deferment of such license. The Department, upon receipt ~~of such~~ application, may grant deferment of license. Deferments shall be made annually at a fee of twenty dollars (\$20.00) per year.
- (b) The Department shall grant a deferment without regular or reinstatement ~~fees~~ to members of the Armed Services or their spouses in accordance with Section XVIII of these rules.
- (c) The Department may grant a courtesy deferment without regular or reinstatement fees to a Master or Journeyman Plumber who becomes a legally appointed or employed as a Plumbing Inspector.

SECTION ~~VIII~~IX. REINSTATEMENT OF LICENSE

- (a) Reinstatement of Expired License.

A Master Plumber, Journeyman Plumber, Apprentice Plumber or Restricted Plumber whose License has expired for non-payment of renewal fees may make an application to the Department for reinstatement of license. The application must be supported with ~~an~~ amended experience record covering all experience subsequent to the date of the lapse. In no case shall the reinstatement of the license ~~require~~ apprenticeship, education, ~~or~~ training as a prerequisite for reinstatement except for an individual that was previously ~~licensed~~ as an apprentice plumber wanting to reinstate an apprentice license.

Upon receipt of the application and experience record, the Department will determine whether to reinstate without examination or whether to require an examination.

If reinstatement is granted, the applicant shall pay the applicable reinstatement fee of three hundred twenty-five dollars (\$325.00) for Master Plumber License or one hundred fifty dollars (\$150.00) for Journeyman Plumber License, in addition to any back fees and penalties assessed under Section XIII (13) of these Rules.

After a license has been delinquent for non-payment of fees for over a period five (5) consecutive years, the application for reinstatement must be supported with an amended experience record covering all experience subsequent to the date of

delinquency. Upon receipt of the application and amended experience record, the Committee of Examiners will determine whether to reinstate with or without examination.

(b) Reinstatement of Deferred License

A Master Plumber, Journeyman Plumber, Apprentice Plumber or Restricted Plumber whose license has been deferred under Section VII of these Rules may apply for reinstatement by applications to the Department. The Department may reinstate such license without examination upon payment of the current license fee and a reinstatement fee of twenty dollars (\$20.00).

After a license has been deferred over a period of five consecutive years, the application for reinstatement must be supported with an amended experience record covering all experience subsequent to the date of deferment. Upon receipt of the application and amended experience record, the Committee of Examiners will determine whether to reinstate without examination or whether to require an examination.

(c) Reinstatement of Revoked License

A Master Plumber, Journeyman Plumber, Apprentice Plumber or Restricted Plumber whose license has been revoked may make application for a new license one year after the date of revocation on an application form furnished by the Department. Such application shall contain a statement of intent to comply with all pertinent laws and rules.

The Committee of Examiners may issue a new license after the applicant has passed the prescribed examination. Fees for such license shall be the same as for a new license.

SECTION ~~IX~~X. TRANSFER OF MASTER PLUMBER LICENSE TO JOURNEYMAN PLUMBER LICENSE.

- (a) A Master Plumber may transfer a Master Plumber License to that of a Journeyman Plumber License by application to the Department and payment of twenty dollars (\$20.00) transfer fee to cover services connected with the transfer of a license.
- (b) A Journeyman Plumber who has previously held a Master Plumber License in this state may reinstate as a Master without examination provided the applicant pay a twenty dollars (\$20.00) transfer fee plus the cost of a Master Plumber License.

If more than five (5) years have elapsed since the original transfer from Master to Journeyman, the application for transfer must be supported with an amended experience record covering all experience subsequent to the date of transfer. Upon receipt of the application and amended experience record, the Committee of Examiners shall determine whether to require an examination. If an examination is required, the examination fee for a Master Plumber License shall be charged.

SECTION XI. RECIPROCAL LICENSING

- (a) The State Committee of Plumbing Examiners, as a means of facilitating interstate practice,

may enter into reciprocal agreements with other states regarding plumber licensing.

(b) An applicant applying for reciprocal licensure shall meet the following requirements:

(1) The applicant shall hold a plumber's license in another United States jurisdiction that are substantially similar to an Arkansas plumbers' licensure requirements as established by these rules.

a. There are no minimum education requirements for licensure:-

(2) The applicant shall hold his or her occupational licensure in good standing.

(3) The applicant shall not have had a license revoked for an act -of bad faith or a violation -of laws, rule or ethics:

(4) The applicant shall not hold a suspended or probationary license in a United States jurisdiction.

(5) The applicant shall be sufficiently competent in the plumbing and natural gas installations.

(c) The Committee of Examiners shall apply the least restrictive requirements for an applicant applying for reciprocal licensure unless it is required as a condition of reciprocity with another United States jurisdiction:

(1) Examinations shall not be required;

(2) Apprenticeship, education, or training shall not be required as a prerequisite to licensure except for an individual that was previously licensed as an apprentice plumber wanting to reinstate an apprentice license.

(d) An applicant shall submit a completed application, the required fee, and the documentation described below.

(1) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas, the applicant shall submit the following information:

a. Copy of plumber's license from the other jurisdiction(s); and

b. Completion of required forms from the other jurisdiction(s) showing the candidates licensing status including suspensions and revocations, types of examinations administered, and types of plumbing and gas codes used. The Committee may use online or telecommunications to other licensing jurisdiction for verification of information.

c. Candidates shall also be required to submit the names of all states in which the candidates is either currently or has been previously licensed in and confirmation that the license is in good standing. The Committee has the authority to verify candidate licensing information.

(ae) In special cases, where back licenses fees have accumulated so as to work an extreme hardship on the applicant, the Department may allow the applicant to pay on back license fees on an installment plan. In no case may the current license -fee be paid in this -manner. The payments of the back fees shall be made at the discretion of the Department to fit the individual case. A license issued under such conditions shall be revoked for non: payment of - any part of the fees.

SECTION XIII. MASTER, JOURNEYMAN AND RESTRICTED PLUMBER QUALIFICATIONS

(a) An applicant for the Master Plumber examination shall have a minimum of five (5) years' experience and an applicant for Journeyman Plumber examination licensing shall have a minimum of four (4) years' experience or its equivalent.

(b) The State Committee of Plumbing Examiners shall approve an applicant for Master or Journeyman or Restricted Plumber examination provided that the applicant is currently licensed as a Master or Journeyman Plumber or Restricted Plumber in another state or political subdivision of that state or territory, or district of the United States with which the Committee has no Reciprocation and whose plumbing laws and codes are substantially similar to those of the state of Arkansas and:

- 1) Holds his or her occupational licensure in good standing;
- 2) Has not had his or her occupational licensure revoked for and an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or probationary license from any state, territory, or district of the United States;
- 3) Is sufficiently competent in his or her field, and;
- 4) Pays the required license fee.

In no case shall apprenticeship, education, or training be a prerequisite or condition for licensure except for an individual that was previously licensed as an apprentice plumber wanting to reinstate an apprentice license.

(c) The State Committee of Plumbing Examiners may approve an applicant under the following conditions for Master or Journeyman or Restricted Plumber examination that is not currently licensed in another state or its political subdivision or territory, or district of the United States and who has no plumber licensing background, provided the applicant shows proof of experience as a plumber.

- 1) Is sufficiently competent in his or her field, and;
- 2) Pays the required license fee.

The Committee shall use the least restrictive requirements by allowing the licensing candidate to show proof experience in the form of records, affidavits, or bona fide evidence from current or former employers, or persons who can attest to the

applicant's work background as a plumber.

- (d) The State Committee of Examiners shall consider an Apprentice Plumber for the Journeyman Plumber examination provided the Apprentice Plumber has successfully completed the training as defined under the Arkansas plumber apprenticeship rules of apprenticeship as required in ACA § 17-38-409.
- (e) The State Committee of Plumbing Examiners may consider applicants for Master Plumber examination who are professional engineers with special expertise in plumbing engineering.
- (f) Individuals applying for and obtaining a Journeyman Plumber licensing must hold that license for one (1) full year before becoming eligible for the Master Plumber examination, in cases of extreme hardship, the State Committee of Plumbing Examiners may waive the one (1) year requirement in whole or in part.
- (g) **Prohibiting Criminal Offenses**
 - 1) An individual is not eligible to receive or hold a license issued by the Board if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Ark. Code Ann. §17-3-102 et. seq. by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act -of 2013 § 16-90-1401 et. seq. or otherwise sealed pardoned or expunged under prior law.
 - 2) The Board may grant a waiver as authorized by Ark. Code Ann. § 17-3-102 in certain circumstances.
 - ~~3) The Board is not authorized to conduct criminal background checks but may inquire about criminal convictions upon application or renewal of a license. Any applicant -or- licensee which provides false information to the Board regarding a criminal conviction -may -be subject to suspension, revocation or denial of a license.~~

(h) Pre-Licensure Prohibiting Offense Determination

- 1) Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
- 2) The individual must obtain the pre-licensure criminal background check petition form from the Board.

- 3) The Board will respond with a decision in writing to a ~~completed~~ petition ~~within~~ a reasonable time.
- 4) The Board response will state the reason(s) for the decision.
- 5) All decisions of the Board in response to the petition will be determined by the information provided by the individual.
- 6) Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.
- 7) The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

SECTION ~~XIII~~XIV. CORRECTION OF VIOLATIONS

- (a) An applicant applying for any license, or reinstatement of license, under any condition, shall submit satisfactory evidence, when required, that said applicant has not violated any provisions of Act 200 of 1951 as amended. Where such violations have existed, the Department may require all back license fees and penalties to be paid and all violations corrected.

SECTION ~~XIV~~XV. INSPECTION FEES

- (a) The Department shall charge fees for inspections authorized under Act 200 of 1951 as amended. The inspection fees shall be as follows:
 - (1) Each inspection \$25.00
 - (2) Each additional inspection caused by the negligence of the ~~supervising~~ Supervisor license holder..... \$35.00
- (b) The Department shall not charge an inspection fee to investigate consumer complaints and/or to assist the local Administrative Authority having jurisdiction over an inspection unless the Department is acting in place of said Administrative Authority.

SECTION XVI. PLUMBING and ~~or~~ GAS CODE ~~FEES~~

- (a) The Department may prepare and cause to be printed such codes, bulletins, or other documents for those engaged in the business and to the public upon request. ~~The Department shall charge a fee for codes and rules as follows:~~
 - (1) ~~Plumbing Code (with binder)..... \$45.00~~

~~(2) Gas Code Only (with binder) \$30.00~~

~~(3) Gas Insert Only (without binder) \$25.00~~

- (b) The Department may ~~post online read only furnish one copy copies of the~~ Plumbing and Gas Code ~~to each local inspection program, gas utility company, or library free of charge~~. Any additional ~~hardcopies or electronic copies of the~~ codes and/or amended versions of existing codes ~~may be obtained from the publisher and may shall~~ require fees ~~as outlined above~~.

SECTION XVII. REVOCATION OF LICENSE

- (a) The Committee of ~~Examiners~~ ~~may~~ ~~on~~ ~~its~~ ~~own~~ ~~motion~~ ~~make~~ ~~investigation~~ ~~and~~ conduct hearing and may on its own motion or upon complaint in writing duly signed and verified by the complainant, suspend or revoke any license called for in this rule if it has reason to believe that the holder of such license has violated any provisions of these rules or order prescribed by the Board or has demonstrated incompetency to act as a license holder as called for in this rule.
- (b) The use of a Master, Journeyman or Restricted Plumber's License to do plumbing other than permitted by the license shall be grounds for automatic suspension and/or revocation ~~of~~ such license by the Committee of Examiners providing the licensee is duly notified within thirty (30) days of the violation and pending a full hearing under the Administrative Procedures Act.

SECTION XVIII. TEMPORARY PERMITS/ PROVISIONAL LICENSING

When requested, the Department shall immediately issue temporary revocable permits or revocable provisional licensing to all plumber applicants upon receipt of the application provided the Committee of Examiners has approved the eligibility of the applicant for ~~the~~ ~~Master and/or~~ plumber examination under the following conditions:

- (a) The temporary permits or provisional licensing shall be granted for ninety (90) days unless the Committee determines the candidate ~~for~~ licensing does not meet the criteria as noted in Section X (Reciprocity) of these rules in which case the temporary permit or provisional licensing shall be ~~revoked~~. The Committee may extend temporary permit or provisional licensing to exceed ninety (90) days if a hardship status is determined by the Committee for the applicant;
- (b) Candidates for temporary permits or provisional licensing shall be required to attend the scheduled examinations unless officially excused or forfeit temporary permit or provisional licensing;

- (c) At the end of the 90 days period, a plumber apprentice shall be required to follow the rules of apprenticeship as required in ACA § 17-38-409;
- (d) The candidate holds his or her occupational licensure in good standing;
- (e) The candidate has not had his or her occupational licensure revoked for an act of bad faith, a violation of law, rule, or ethics and is not holding a suspended or probationary from any state, territory, or district of the United States;
- (f) Is sufficiently competent in his or her field, and;
- (g) Pays the required license fee.

SECTION XVIIIIX. Uniform Service Members Licensure
~~**LICENSURE, CERTIFICATION, OR PERMITTING OF ACTIVE DUTY SERVICE**~~
~~**MEMBERS, RETURNING VETERANS, AND SPOUSES — ARK CODE 17-1-106**~~

1. Definitions

- (a) “Automatic licensure” means granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.
- (b) “Uniformed service member” means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.
- (c) “Uniformed service veteran” means a former member of the United States uniformed services discharged under conditions other than dishonorable.

2. Applicability

This Rule applies to a:

- (1) uniformed service member stationed in the State of Arkansas;
- (2) uniformed service veteran who resides in or establishes residency in the State of Arkansas;
- (3) The spouse of (1) or (2) including a:
 - (a) uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas;
 - (b) uniformed service member who is killed or succumb to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

3. Automatic Licensure

Automatic Licensure shall be granted to persons listed in section 2 if:

- (a) The person is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States and;
- (b) The person pays the applicable -licensure fee in SECTION V LICENSE FEES unless eligible for fee exemption through Act 725 of 2021.

4. Credit toward initial licensure

Relevant and applicable uniformed service education, training, or service-issued credential shall be accepted toward initial licensure for a uniformed service member or a uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.

5. Expiration Dates and Continuing Education

(a) A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(b) A uniformed service member or spouse shall be exempt from any applicable continuing education or recertification requirements for backflow testing and repair technicians and plumbing and gas inspectors for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(c) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of any applicable continuing education with in the one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

~~(a) As used in this subsection, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.~~

~~(b) As used in the subsection, "automatic licensure" means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under this title or by the rules of the occupational licensing entity;~~

~~(c) The State Committee of Plumbing Examiners shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction for plumber restricted plumbers, plumbing inspectors licensing, backflow technician & repair certificates and is:~~

- ~~1) An active duty military service member stationed in the State of Arkansas;~~
- ~~2) A returning military veteran applying for licensure within one (1) year of his or discharge from active duty; or~~
- ~~3) The spouse of a person under this section.~~

- ~~(d) — The State Committee of Plumbing Examiners shall grant such automatic licensure upon receipt of all of the below:~~
- ~~1) — Payment of the initial licensure fee;~~
 - ~~2) — Evidence that the individual holds a substantially equivalent license in another state; and~~
 - ~~3) — Evidence that the applicant is a qualified applicant under the required provisions of this section.~~

SECTION ~~XIX,XX~~ HEARINGS

In the case of each final order issued by the Department, any affected party may, within thirty (30) days of such order, submit a written request for hearing to the Director of the Department. **NOTICE:** All hearings will be scheduled within a reasonable time and held after reasonable notice has been provided to all known affected parties.

SECTION ~~XXI~~. SERVABILITY SEVERABILITY

If any provision of these rules, or the application thereof to any person is held invalid, such invalidity shall not affect other provisions or application of these rules which can give effect without the invalid provisions of applications, and to this end the provision hereto are declared to be severable.

SECTION ~~XXI~~. REPEAL

All rules and parts of rules in conflict herewith are hereby repealed.

SECTION ~~XXII~~. CERTIFICATION

This will certify that the foregoing Rules Pertaining to Plumbers License Fee, Expiration, Renewal, Journeyman Plumber, Master Plumber and Restricted Plumber Qualifications were adopted by the Arkansas Board of Health on the ~~1st day of August 2019~~.

Jose Romero, MD
Secretary of Health
Arkansas Department of Health

1 State of Arkansas As Engrossed: S1/19/21 S1/26/21
2 93rd General Assembly **A Bill**
3 Regular Session, 2021

SENATE BILL 78

4
5 By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo
6 By: Representatives Lynch, Cozart, Brown, Evans

7
8 **For An Act To Be Entitled**

9 AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL
10 LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND
11 SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC
12 OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED
13 SERVICES MEMBERS, RETURNING UNIFORMED SERVICES
14 VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;
15 AND FOR OTHER PURPOSES.

16
17
18 **Subtitle**

19 TO ESTABLISH ARKANSAS OCCUPATIONAL
20 LICENSING OF UNIFORMED SERVICE MEMBERS,
21 VETERANS, AND SPOUSES ACT OF 2021; AND TO
22 DECLARE AN EMERGENCY.

23
24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. Arkansas Code § 17-1-106 is repealed.

28 ~~17-1-106. Automatic licensure for active duty service members,~~
29 ~~returning military veterans, and spouses—Definitions.~~

30 ~~(a) As used in this section:~~

31 ~~(1) “Automatic licensure” means the granting of occupational~~
32 ~~licensure without an individual’s having met occupational licensure~~
33 ~~requirements provided under this title or by the rules of the occupational~~
34 ~~licensing entity;~~

35 ~~(2) “Occupational licensing entity” means an office, board,~~
36 ~~commission, department, council, bureau, or other agency of state government~~



1 ~~having authority to license, certify, register, permit, or otherwise~~
2 ~~authorize an individual to engage in a particular occupation or profession;~~

3 ~~(3) "Occupational licensure" means a license, certificate,~~
4 ~~registration, permit, or other form of authorization required by law or rule~~
5 ~~that is required for an individual to engage in a particular occupation or~~
6 ~~profession; and~~

7 ~~(4) "Returning military veteran" means a former member of the~~
8 ~~United States Armed Forces who was discharged from active duty under~~
9 ~~circumstances other than dishonorable.~~

10 ~~(b)(1) An occupational licensing entity shall grant automatic~~
11 ~~licensure to engage in an occupation or profession to an individual who is~~
12 ~~the holder in good standing of a substantially equivalent occupational~~
13 ~~license issued by another state, territory, or district of the United States~~
14 ~~and is:~~

15 ~~(A) An active duty military service member stationed in~~
16 ~~the State of Arkansas;~~

17 ~~(B) A returning military veteran applying for licensure~~
18 ~~within one (1) year of his or her discharge from active duty; or~~

19 ~~(C) The spouse of a person under subdivisions (b)(1)(A)~~
20 ~~and (b)(1)(B) of this section.~~

21 ~~(2) However, an occupational licensing entity shall be required~~
22 ~~to provide automatic licensure if the proposed rules are not approved as~~
23 ~~required under subdivision (d)(2) of this section.~~

24 ~~(c) An occupational licensing entity may submit proposed rules~~
25 ~~recommending an expedited process and procedure for occupational licensure~~
26 ~~instead of automatic licensure as provided under subsection (b) of this~~
27 ~~section to the Administrative Rules Subcommittee of the Legislative Council.~~

28 ~~(d) The Administrative Rules Subcommittee of the Legislative Council~~
29 ~~shall:~~

30 ~~(1) Review the proposed rules of an occupational licensing~~
31 ~~entity as submitted for public comment and at least thirty (30) days before~~
32 ~~the public comment period ends under the Arkansas Administrative Procedure~~
33 ~~Act, § 25-15-201 et seq.; and~~

34 ~~(2) Approve the proposed rules submitted under subsection (c) of~~
35 ~~this section based on:~~

36 ~~(A) A determination of whether the expedited process and~~

1 ~~procedure provide the least restrictive means of accomplishing occupational~~
 2 ~~licensure; and~~

3 ~~(B) Any other criteria the Administrative Rules~~
 4 ~~Subcommittee of the Legislative Council determines necessary to achieve the~~
 5 ~~objectives of this section.~~

6 ~~(e) The Administrative Rules Subcommittee of the Legislative Council~~
 7 ~~may:~~

8 ~~(1) Establish a subcommittee to assist in the duties assigned~~
 9 ~~under this section;~~

10 ~~(2) Assign information filed with the Administrative Rules~~
 11 ~~Subcommittee of the Legislative Council under this section to one (1) or more~~
 12 ~~subcommittees of the Legislative Council, including without limitation a~~
 13 ~~subcommittee created under subdivision (e)(1) of this section; or~~

14 ~~(3) Delegate its duties under this section to one (1) or more~~
 15 ~~subcommittees of the Legislative Council, subject to final review and~~
 16 ~~approval of the Administrative Rules Subcommittee of the Legislative Council.~~

17 ~~(f) An occupational licensing entity shall:~~

18 ~~(1) Submit proposed rules authorized under subsection (e) of~~
 19 ~~this section to the Administrative Rules Subcommittee of the Legislative~~
 20 ~~Council for review and approval before the proposed rules are promulgated~~
 21 ~~under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and~~

22 ~~(2) Provide to the House Committee on Aging, Children and Youth,~~
 23 ~~Legislative and Military Affairs an annual report stating the number of~~
 24 ~~automatic licenses and expedited occupational licenses granted under this~~
 25 ~~section to:~~

26 ~~(A) Active duty military service members stationed in the~~
 27 ~~State of Arkansas;~~

28 ~~(B) Returning military veterans applying within one (1)~~
 29 ~~year of their discharge from active duty; or~~

30 ~~(C) The spouse of a person under subdivisions (f)(2)(A)~~
 31 ~~and (f)(2)(B) of this section.~~

32
 33 SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an
 34 additional chapter to read as follows:

35 Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members,
 36 Veterans, and Spouses Act of 2021

1
2 17-4-101. Title.

3 This chapter shall be known and may be cited as the "Arkansas
4 Occupational Licensing of Uniformed Service Members, Veterans, and Spouses
5 Act of 2021".

6
7 17-4-102. Legislative findings and intent.

8 (a) The General Assembly finds that:

9 (1) Arkansas sets the bar as a national leader in addressing
10 employment barriers faced by uniformed service members, uniformed service
11 veterans, and their spouses in attaining occupational licensure;

12 (2) Arkansas is one (1) of only four (4) states to successfully
13 address eight (8) or more of the ten (10) issues affecting uniformed service
14 families identified by the United States Department of Defense;

15 (3) Of the United States Department of Defense's ten (10) issues
16 in fiscal year 2020, four (4) of the issues concern occupational licensure of
17 spouses of uniformed service members;

18 (4) Annually, fourteen and a half percent (14.5%) of spouses of
19 uniformed service members move across state lines as opposed to one and one-
20 tenth percent (1.1%) of civilians;

21 (5) States can continue to improve the attainment of
22 occupational licensure and to eliminate barriers impeding employment of
23 spouses of uniformed service members following a move across state lines;

24 (6) Acts 2019, No. 820, established provisions for the granting
25 of automatic occupational licensure or expedited occupational licensure to
26 active-duty service members, recently separated veterans, and their spouses
27 who hold occupational licensure in good standing in another jurisdiction; and

28 (7) Additional steps need to be taken to clarify, simplify, and
29 elevate the occupational licensure process for uniformed service members,
30 uniformed service veterans, and their spouses.

31 (b) It is the intent of the General Assembly to address occupational
32 licensure barriers that impede the launch and sustainability of civilian
33 occupational careers and employment faced by uniformed service members,
34 uniformed service veterans, and their spouses due to frequent uniformed
35 service assignment by:

36 (1) Providing:

1 (A) Automatic occupational licensure or expedited
2 occupational licensure to current license holders to expedite their entry
3 into the workforce of this state;

4 (B) Temporary or provisional licensure to initial
5 licensure candidates while expediting full licensure;

6 (C) Legislative oversight of rulemaking by occupational
7 licensing entities to ensure removal of occupational licensure barriers faced
8 by uniformed service members, uniformed service veterans, and their spouses;
9 and

10 (D) Guidance to assure effective rulemaking and clear
11 license application instructions to uniformed service members, uniformed
12 service veterans, and their spouses;

13 (2) Recognizing uniformed service education, training,
14 experience, and credentials of uniformed service members and uniformed
15 service veterans applying for initial occupational licensure; and

16 (3) Extending licensure expiration and any continuing education
17 required for occupational licensure renewal when a uniformed service member
18 is deployed.

19
20 17-4-103. Definitions.

21 As used in this chapter:

22 (1) "Automatic occupational licensure" means the granting of
23 occupational licensure without an individual's having met occupational
24 licensure requirements provided under this title or by the rules of the
25 relevant occupational licensing entity;

26 (2) "Occupational licensing entity" means an office, board,
27 commission, department, council, bureau, or other agency of state government
28 having authority to license, certify, register, permit, or otherwise
29 authorize an individual to engage in a particular occupation or profession,
30 not including occupations or professions within the judicial branch of
31 government or occupations or professions subject to the superintending
32 control of the Supreme Court;

33 (3) "Occupational licensure" means a license, certificate,
34 registration, permit, or other form of authorization required by law or rule
35 that is required for an individual to engage in a particular occupation or
36 profession;

1 (4) "Uniformed service member" means:

2 (A) An active or reserve component member of the United
3 States Air Force, United States Army, United States Coast Guard, United
4 States Marine Corps, United States Navy, United States Space Force, or
5 National Guard;

6 (B) An active component member of the National Oceanic and
7 Atmospheric Administration Commissioned Officer Corps; or

8 (C) An active or reserve component member of the United
9 States Commissioned Corps of the Public Health Service; and

10 (5) "Uniformed service veteran" means a former member of the
11 United States uniformed services discharged under conditions other than
12 dishonorable.

13
14 17-4-104. Applicability.

15 Unless otherwise stated in this chapter, this chapter applies to:

16 (1) A uniformed service member stationed in the State of
17 Arkansas;

18 (2) A uniformed service veteran who resides in or establishes
19 residency in the State of Arkansas; and

20 (3) The spouse of:

21 (A) A person listed in subdivision (1) or (2) of this
22 section;

23 (B) A uniformed service member who is assigned a tour of
24 duty that excludes the uniformed service member's spouse from accompanying
25 the uniformed service member and the spouse relocates to this state; and

26 (C) A uniformed service member who is killed or succumbs
27 to his or her injuries or illness in the line of duty if the spouse
28 establishes residency in the state.

29
30 17-4-105. Automatic occupational licensure.

31 An occupational licensing entity shall grant automatic occupational
32 licensure to engage in an occupation or profession to an individual who is:

33 (1) Listed in § 17-4-104; and

34 (2) The holder in good standing of occupational licensure with
35 similar scope of practice issued by another state, territory, or district of
36 the United States.

1
2 17-4-106. Expedited occupational licensure.

3 (a)(1) An occupational licensing entity may submit proposed rules
4 recommending an expedited process for the attainment of occupational
5 licensure instead of automatic occupational licensure as provided under § 17-
6 4-105 to the Administrative Rules Subcommittee of the Legislative Council.

7 (2) The proposed rules described in subdivision (a)(1) of this
8 section shall include temporary or provisional occupational licensure
9 provisions with a term of ninety (90) days or more.

10 (3) The occupational licensing entity shall provide automatic
11 occupational licensure if the proposed expedited occupational licensure rules
12 are not approved as required by § 17-4-109.

13 (b)(1) An occupational licensing entity shall expedite the process for
14 initial occupational licensure for an individual who is listed in § 17-4-104.

15 (2) An occupational licensing entity shall provide the applicant
16 under subdivision (b)(1) of this section with a temporary or provisional
17 license upon receipt of required documentation or the successful completion
18 of any examination required by the relevant occupational licensing entity to
19 enable the applicant to secure employment in his or her occupation or
20 profession.

21
22 17-4-107. Acceptance of uniformed service education, training,
23 experience, or service-issued credential.

24 An occupational licensing entity shall accept relevant and applicable
25 uniformed service education, training, or service-issued credential toward
26 occupational licensure qualifications or requirements when considering an
27 application for initial licensure of an individual who is:

28 (1) A uniformed service member; or

29 (2) A uniformed service veteran who makes an application within
30 one (1) year of his or her discharge from uniformed service.

31
32 17-4-108. Extension of license expiration and continuing education
33 requirements.

34 (a) An occupational licensing entity shall extend the expiration date
35 of an occupational licensure for a deployed uniformed service member or his
36 or her spouse for one hundred eighty (180) days following the date of the

1 uniformed service member's return from deployment.

2 (b)(1) An occupational licensing entity shall allow a full or partial
3 exemption from a continuing education requirement that is required as a
4 component of occupational licensure for an individual who is listed in
5 subsection (a) of this section until one hundred eighty (180) days following
6 the date of the uniformed service member's return from deployment.

7 (2) An occupational licensing entity that allows full or partial
8 exemption from continuing education requirements may require evidence of
9 completion of continuing education before granting a subsequent occupational
10 licensure or authorizing the renewal of an occupational licensure.

11
12 17-4-109. Legislative oversight of rules.

13 (a) The Administrative Rules Subcommittee of the Legislative Council
14 shall:

15 (1) Review the proposed rules of an occupational licensing
16 entity as submitted for public comment at least thirty (30) days before the
17 public comment period ends under the Arkansas Administrative Procedure Act, §
18 25-15-201 et seq.; and

19 (2) Approve the proposed rules submitted under § 17-4-106 based
20 on:

21 (A) A determination of whether the expedited process
22 provides the least restrictive means of attaining occupational licensure; and

23 (B) Any other criteria the Administrative Rules
24 Subcommittee of the Legislative Council determines necessary to achieve the
25 objectives of this section.

26 (b) The Administrative Rules Subcommittee of the Legislative Council
27 may:

28 (1) Establish a further subcommittee to assist in the duties
29 assigned to the Administrative Rules Subcommittee of the Legislative Council
30 under this section;

31 (2) Assign information filed with the Administrative Rules
32 Subcommittee of the Legislative Council under this section to one (1) or more
33 subcommittees of the Legislative Council, including without limitation a
34 subcommittee created under subdivision (b)(1) of this section; or

35 (3) Delegate the duties of the Administrative Rules Subcommittee
36 of the Legislative Council under this section to one (1) or more

1 subcommittees of the Legislative Council, which shall be subject to the final
2 review and approval of the Administrative Rules Subcommittee of the
3 Legislative Council.

4
5 17-4-110. Responsibilities of occupational licensing entities.

6 An occupational licensing entity shall:

7 (1) Submit proposed rules authorized under § 17-4-106 to the
8 Administrative Rules Subcommittee of the Legislative Council for review and
9 approval before the proposed rules are promulgated under the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq.;

11 (2) If the proposed rules are not approved as required under §
12 17-4-109, provide automatic occupational licensure to an individual listed in
13 § 17-4-104;

14 (3) Post prominently on the occupational licensing entity's
15 website a link entitled "Military Member Licensure" that directly leads to
16 information applicable to an individual listed in § 17-4-104; and

17 (4) Provide to the House Committee on Aging, Children and Youth,
18 Legislative and Military Affairs an annual report stating the number of
19 individuals granted automatic occupational licensure and expedited
20 occupational licensure under this chapter.

21
22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that current laws and
24 administrative rules regarding the issuance of occupational licenses,
25 certificates, and permits are barriers and create a hardship for uniformed
26 service members, uniformed service veterans, and their spouses; that
27 additional expedited processes, automatic licensure, and extended expiration
28 dates of occupational licenses, certificates, and permits is needed to ensure
29 that uniformed service members, uniformed service veterans, and their spouses
30 may practice their chosen occupation or profession in the State of Arkansas;
31 and that this act is immediately necessary to remove barriers and hardships
32 in obtaining occupational licenses, certificates, and permits for uniformed
33 service members, uniformed service veterans, and their spouses. Therefore, an
34 emergency is declared to exist, and this act being immediately necessary for
35 the preservation of the public peace, health, and safety shall become
36 effective on:

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(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Hill

APPROVED: 2/23/21

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S3/10/21

A Bill

SENATE BILL 153

5 By: Senators Gilmore, *B. Ballinger, Beckham, Bledsoe, B. Davis, Flippo, T. Garner, K. Hammer, Hester,*
6 *B. Johnson, D. Sullivan, C. Tucker, D. Wallace*
7 By: Representatives Ray, *Beaty Jr., M. Berry, Boyd, Brooks, Brown, Furman, Haak, McCollum,*
8 *Underwood, Wardlaw*

For An Act To Be Entitled

11 AN ACT TO CREATE THE WORKFORCE EXPANSION ACT OF 2021;
12 AND FOR OTHER PURPOSES.

Subtitle

16 TO CREATE THE WORKFORCE EXPANSION ACT OF
17 2021.

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

22 SECTION 1. Arkansas Code Title 4, Chapter 25, Subchapter 1, is amended
23 to add an additional section to read as follows:

24 4-25-110. Fee waiver for certain individuals.

25 (a) Notwithstanding any law to the contrary, the initial filing fees,
26 permit fees, and licensing fees associated with the formation of a business
27 in this state shall be waived for applicants who meet the requirements in the
28 Workforce Expansion Act of 2021, § 17-4-101 et seq.

29 (b) Appropriate state entities shall:

30 (1) Publish notice of the fee waiver on:

31 (A) The website maintained by the appropriate state
32 entity; and

33 (B) Any relevant forms that an applicant is required to
34 complete; and

35 (2) Promulgate any necessary rules to implement this section.
36



1 SECTION 2. Arkansas Code Title 17, is amended to add an additional
2 chapter to read as follows:

3 Chapter 4 – Workforce Expansion Act of 2021

4
5 17-4-101. Title.

6 This chapter shall be known and may be cited as the "Workforce
7 Expansion Act of 2021".

8
9 17-4-102. Legislative findings – Purpose.

10 (a) The General Assembly finds that:

11 (1) Entrepreneurs and workers must pay various fees in order to
12 work in a government-regulated profession or occupation or to start a small
13 business in Arkansas;

14 (2) Families trying to break the cycle of government dependency
15 should not have to pay the state to earn a living; and

16 (3) Arkansas should waive initial fees associated with
17 occupational and professional regulations and the formation of a business for
18 low-income individuals.

19 (b) It is the purpose of this chapter to increase access to
20 professional and occupational licenses that would otherwise be cost
21 prohibitive for certain individuals.

22
23 17-4-103. Definitions.

24 As used in this chapter:

25 (1) "License" means a license, certificate, registration,
26 permit, or other form of authorization required by law or rule that is
27 required for an individual to engage in a particular occupation or
28 profession; and

29 (2)(A) "Licensing entity" means an office, board, commission,
30 department, council, bureau, or other agency of state government having
31 authority to license, certify, register, permit, or otherwise authorize an
32 individual to engage in a particular occupation or profession.

33 (B) "Licensing entity" does not include a political
34 subdivision of the state or any other local or regional governmental entity,
35 including without limitation a city of the first class, a city of the second
36 class, an incorporated town, or a county.

1 17-4-104. Fee waiver.

2 (a) Notwithstanding any law to the contrary, a licensing entity shall
3 not require an initial fee for individuals who are seeking to receive a
4 license in this state if the applicant:

5 (1) Is receiving assistance through the Arkansas Medicaid
6 Program, the Supplemental Nutrition Assistance Program, the Special
7 Supplemental Nutrition Program for Women, Infants, and Children, the
8 Temporary Assistance for Needy Families Program, or the Lifeline Assistance
9 Program;

10 (2) Was approved for unemployment within the last twelve (12)
11 months; or

12 (3) Has an income that does not exceed two hundred percent
13 (200%) of the federal poverty income guidelines.

14 (b) The waiver of the initial fee does not include fees for:

15 (1) A criminal background check;

16 (2) An examination or a test; or

17 (3) A medical or drug test.

18 (c) The Department of Human Services and the Division of Workforce
19 Services shall collaborate with a licensing entity concerning verification of
20 eligibility for public benefits for applicants, which may include obtaining a
21 signed consent form from the applicant.

22
23 17-4-105. Licensing entity duties.

24 A licensing entity shall:

25 (1) Publish notice of the fee waiver on:

26 (A) The website maintained by the licensing entity; and

27 (B) Any relevant forms that an applicant is required to
28 complete; and

29 (2) Promulgate any necessary rules to implement this chapter.

30
31 SECTION 3. EFFECTIVE DATE.

32 SECTIONS 1 and 2 of this act shall be effective on and after January 1,
33 2022.

34
35 /s/Gilmore

36 APPROVED: 4/15/21